Utah Code

Compiled Research Volume

Alcoholic Beverage Control | Motor Vehicles | Criminal Code & Procedure

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Title 32B. Alcoholic Beverage Control Act

Chapter 1
Alcoholic Beverage Control General Provisions

Part 1
General Provisions

32B-1-101 Title.
(1) This title is known as the "Alcoholic Beverage Control Act."
(2) This chapter is known as "Alcoholic Beverage Control General Provisions."

Enacted by Chapter 276, 2010 General Session

32B-1-102 Definitions.
As used in this title:
(1) "Airport lounge" means a business location:
(a) at which an alcoholic product is sold at retail for consumption on the premises; and
(b) that is located at an international airport or domestic airport.
(2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
(3) "Alcoholic beverage" means the following:
(a) beer; or
(b) liquor.
(4)
(a) "Alcoholic product" means a product that:
(i) contains at least .5% of alcohol by volume; and
(ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than .5% of alcohol by volume.
(b) "Alcoholic product" includes an alcoholic beverage.
(c) "Alcoholic product" does not include any of the following common items that otherwise come within the definition of an alcoholic product:
(i) except as provided in Subsection (4)(d), an extract;
(ii) vinegar;
(iii) preserved nonintoxicating cider;
(iv) essence;
(v) tincture;
(vi) food preparation; or
(vii) an over-the-counter medicine.
(d) "Alcoholic product" includes an extract containing alcohol obtained by distillation when it is used as a flavoring in the manufacturing of an alcoholic product.
(5) "Alcohol training and education seminar" means a seminar that is:
(a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
(b) described in Section 26B-5-205.
(6)
(a) "Amphitheater" means an outdoor, multi-use performance venue that:

(i) is primarily used to present live entertainment, including music, dance, comedy, and theater;
(ii) has the capacity to hold over 10,000 patrons; and
(iii) is located in a county of the first class.
(b) "Amphitheater" does not include a space that is used to present sporting events or sporting competitions.
(7) "Arena" means an enclosed building:
(a) that is managed by:
(i) the same person who owns the enclosed building;
(ii) a person who has a majority interest in each person who owns or manages a space in the enclosed building; or
(iii) a person who has authority to direct or exercise control over the management or policy of each person who owns or manages a space in the enclosed building;
(b) that operates as a venue; and
(c) that has an occupancy capacity of at least 12,500.
(8) "Arena license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8c, Arena License Act.
(9) "Banquet" means an event:
(a) that is a private event or a privately sponsored event;
(b) that is held at one or more designated locations approved by the commission in or on the premises of:
(i) a hotel;
(ii) a resort facility;
(iii) a sports center;
(iv) a convention center;
(v) a performing arts facility;
(vi) an arena;
(vii) a restaurant venue; or
(viii) an amphitheater;
(c) for which there is a contract:
(i) between a person operating a facility listed in Subsection (9)(b) and another person that has common ownership of less than 20% with the person operating the facility; and
(ii) under which the person operating a facility listed in Subsection (9)(b) is required to provide an alcoholic product at the event; and
(d) at which food and alcoholic products may be sold, offered for sale, or furnished.
(10)
(a) "Bar establishment license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
(b) "Bar establishment license" includes:
(i) a dining club license;
(ii) an equity license;
(iii) a fraternal license; or
(iv) a bar license.
(11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
(12)
(a) "Beer" means a product that:
(i) contains:
(A) at least .5% of alcohol by volume; and

(B) no more than 5% of alcohol by volume or 4% by weight;
(ii) is obtained by fermentation, infusion, or decoction of:
(A) malt; or
(B) a malt substitute; and
(iii) is clearly marketed, labeled, and identified as:
(A) beer;
(B) ale;
(C) porter;
(D) stout;
(E) lager;
(F) a malt;
(G) a malted beverage; or
(H) seltzer.
(b) "Beer" may contain:
(i) hops extract;
(ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
(iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
(A) is used in the production of beer;
(B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
(C) does not contribute more than 10% of the overall alcohol content of the beer.
(c) "Beer" does not include:
(i) a flavored malt beverage;
(ii) a product that contains alcohol derived from:
(A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
(B) wine; or
(iii) a product that contains an additive masking or altering a physiological effect of alcohol, including kratom, kava, cannabidiol, or natural or synthetic tetrahydrocannabinol.
(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 bus company to a group of persons pursuant to a common purpose:
(a) under a single contract;
(b) at a fixed charge in accordance with the bus company's tariff; and
(c) to give the group of persons the exclusive use of the passenger bus, coach, or other motor vehicle, and a driver to travel together to one or more specified destinations.
(21) "Church" means a building:
(a) set apart for worship;
(b) in which religious services are held;
(c) with which clergy is associated; and
(d) that is tax exempt under the laws of this state.
(22) "Commission" means the Alcoholic Beverage Services Commission created in Section 32B-2-201.
(23) "Commissioner" means a member of the commission.
(24) "Community location" means:
(a) a public or private school as defined in Subsection (116);
(b) a church;
(c) a public library;
(d) a public playground; or
(e) a public park.
(25) "Community location governing authority" means:
(a) the governing body of the community location; or
(b) if the commission does not know who is the governing body of a community location, a person who appears to the commission to have been given on behalf of the community location the authority to prohibit an activity at the community location.
(26) "Container" means a receptacle that contains an alcoholic product, including:
(a) a bottle;
(b) a vessel; or
(c) a similar item.
(27) "Controlled group of manufacturers" means as the commission defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(28) "Convention center" means a facility that is:
(a) in total at least 30,000 square feet; and
(b) otherwise defined as a "convention center" by the commission by rule.
(29)
(a) "Counter" means a surface or structure in a dining area of a licensed premises where seating is provided to a patron for service of food.
(b) "Counter" does not include a dispensing structure.

(30) "Crime involving moral turpitude" is as defined by the commission by rule.
(31) "Department" means the Department of Alcoholic Beverage Services created in Section 32B-2-203.
(32) "Department compliance officer" means an individual who is:
(a) an auditor or inspector; and
(b) employed by the department.
(33) "Department sample" means liquor that is placed in the possession of the department for testing, analysis, and sampling.
(34) "Dining club license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as a dining club license.
(35) "Director," unless the context requires otherwise, means the director of the department.
(36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
(a) against a person subject to administrative action; and
(b) that is brought on the basis of a violation of this title.
(37)
(a) Subject to Subsection (37)(b), "dispense" means:
(i) drawing an alcoholic product; and
(ii) using the alcoholic product at the location from which it was drawn to mix or prepare an alcoholic product to be furnished to a patron of the retail licensee.
(b) The definition of "dispense" in this Subsection (37) applies only to:
(i) a full-service restaurant license;
(ii) a limited-service restaurant license;
(iii) a reception center license;
(iv) a beer-only restaurant license;
(v) a bar license;
(vi) an on-premise beer retailer;
(vii) an airport lounge license;
(viii) an on-premise banquet license; and
(ix) a hospitality amenity license.
(38) "Dispensing structure" means a surface or structure on a licensed premises:
(a) where an alcoholic product is dispensed; or
(b) from which an alcoholic product is served.
(39) "Distillery manufacturing license" means a license issued in accordance with Chapter 11, Part 4, Distillery Manufacturing License.
(40) "Distressed merchandise" means an alcoholic product in the possession of the department that is saleable, but for some reason is unappealing to the public.
(41) "Domestic airport" means an airport that:
(a) has at least 15,000 commercial airline passenger boardings in any five-year period;
(b) receives scheduled commercial passenger aircraft service; and
(c) is not an international airport.
(42) "Equity license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the commission as an equity license.
(43) "Event permit" means:
(a) a single event permit; or
(b) a temporary beer event permit.

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

(45)

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

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

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

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

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

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

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

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

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

(48)

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

(b) "Furnish" includes to:

(i) serve;

(ii) deliver; or

(iii) otherwise make available.

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

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

(51) "Health care practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

(52)

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

(i)

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

(B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and a propolyne glycol-, ethyl alcohol-, or ethanol-based flavoring agent that contributes more than 10% of the overall alcohol content of the product; or

(C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight, and has a label or packaging that is rejected under Subsection 32B-1-606(3)(b); and

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

(A) malt; or

(B) a malt substitute.

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

(c) "Heavy beer" does not include:

(i) a flavored malt beverage;

(ii) a product that contains alcohol derived from:

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

(B) wine; or

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

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

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

(54)

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

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

(ii) is capable of hosting conventions, conferences, and food and beverage functions under a banquet contract; and

(iii)

(A) has adequate kitchen or culinary facilities on the premises to provide complete meals;

(B) has at least 1,000 square feet of function space consisting of meeting or dining rooms that can be reserved for a banquet and can accommodate at least 75 individuals; or

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

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

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

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

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

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

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

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

(59)

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

(i) law; or

(ii) court order.

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

(60) "International airport" means an airport:

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

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

(61) "Intoxicated" or "intoxication" means that

an individual exhibits plain and easily observable outward manifestations of behavior or physical signs produced by or as a result of the use of:

(a) an alcoholic product;

(b) a controlled substance;

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

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

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

(a) a department compliance officer; or

(b) a nondepartment enforcement officer.

(63) "License" means:

(a) a retail license;

(b) a sublicense;

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

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

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

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

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

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

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

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

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

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

(c) to give the one or more individuals the exclusive use of the limousine and a driver to travel to one or more specified destinations.

(67)

(a)
(i) "Liquor" means a liquid that:
(A) is:
(I) alcohol;
(II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
(III) a combination of liquids a part of which is spirituous, vinous, or fermented; or
(IV) other drink or drinkable liquid; and
(B)
(I) contains at least .5% alcohol by volume; and
(II) is suitable to use for beverage purposes.
(ii) "Liquor" includes:
(A) heavy beer;
(B) wine; and
(C) a flavored malt beverage.
(b) "Liquor" does not include beer.
(68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
(69) "Liquor transport license" means a license issued in accordance with Chapter 17, Liquor Transport License Act.
(70) "Liquor warehousing license" means a license that is issued:
(a) in accordance with Chapter 12, Liquor Warehousing License Act; and
(b) to a person, other than a licensed manufacturer, who engages in the importation for storage, sale, or distribution of liquor regardless of amount.
(71) "Local authority" means:
(a) for premises that are located in an unincorporated area of a county, the governing body of a county;
(b) for premises that are located in an incorporated city or town, the governing body of the city or town; or
(c) for premises that are located in a project area as defined in Section 63H-1-102 and in a project area plan adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act, the Military Installation Development Authority.
(72) "Lounge or bar area" is as defined by rule made by the commission.
(73) "Malt substitute" means:
(a) rice;
(b) grain;
(c) bran;
(d) glucose;
(e) sugar; or
(f) molasses.
(74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.
(75) "Member" means an individual who, after paying regular dues, has full privileges in an equity licensee or fraternal licensee.
(76)
(a) "Military installation" means a base, air field, camp, post, station, yard, center, or homeport facility for a ship:
(i)
(A) under the control of the United States Department of Defense; or

(B) of the National Guard;
(ii) that is located within the state; and
(iii) including a leased facility.
(b) "Military installation" does not include a facility used primarily for:
(i) civil works;
(ii) a rivers and harbors project; or
(iii) a flood control project.
(77) "Minibar" means an area of a hotel guest room where one or more alcoholic products are kept and offered for self-service sale or consumption.
(78) "Minor" means an individual under 21 years old.
(79) "Nondepartment enforcement agency" means an agency that:
(a)
(i) is a state agency other than the department; or
(ii) is an agency of a county, city, or town; and
(b) has a responsibility to enforce one or more provisions of this title.
(80) "Nondepartment enforcement officer" means an individual who is:
(a) a peace officer, examiner, or investigator; and
(b) employed by a nondepartment enforcement agency.
(81)
(a) "Off-premise beer retailer" means a beer retailer who is:
(i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
(ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's premises.
(b) "Off-premise beer retailer" does not include an on-premise beer retailer.
(82) "Off-premise beer retailer state license" means a state license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State License.
(83) "On-premise banquet license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
(84) "On-premise beer retailer" means a beer retailer who is:
(a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and
(b) engaged in the sale of beer to a patron for consumption on the beer retailer's premises:
(i) regardless of whether the beer retailer sells beer for consumption off the licensed premises; and
(ii) on and after March 1, 2012, operating:
(A) as a tavern; or
(B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
(85) "Opaque" means impenetrable to sight.
(86) "Package agency" means a retail liquor location operated:
(a) under an agreement with the department; and
(b) by a person:
(i) other than the state; and
(ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package Agency, to sell packaged liquor for consumption off the premises of the package agency.
(87) "Package agent" means a person who holds a package agency.
(88) "Patron" means an individual to whom food, beverages, or services are sold, offered for sale, or furnished, or who consumes an alcoholic product including:
(a) a customer;

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

(89)
(a) "Performing arts facility" means a multi-use performance space that:
(i) is primarily used to present various types of performing arts, including dance, music, and theater;
(ii) contains over 2,500 seats;
(iii) is owned and operated by a governmental entity; and
(iv) is located in a city of the first class.
(b) "Performing arts facility" does not include a space that is used to present sporting events or sporting competitions.

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

(91) "Person subject to administrative action" means:
(a) a licensee;
(b) a permittee;
(c) a manufacturer;
(d) a supplier;
(e) an importer;
(f) one of the following holding a certificate of approval:
(i) an out-of-state brewer;
(ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
(iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
(g) staff of:
(i) a person listed in Subsections (91)(a) through (f); or
(ii) a package agent.

(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.

(93) "Prescription" means an order issued by a health care practitioner when:
(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;
(b) the order is made in the course of that health care practitioner's professional practice; and
(c) the order is made for obtaining an alcoholic product for medicinal purposes only.

(94)
(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
(b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.

(95) "Principal license" means:
(a) a resort license;
(b) a hotel license; or
(c) an arena license.

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

(i) for which an entire room, area, or hall is leased or rented in advance by an identified group; and
(ii) that is limited in attendance to people who are specifically designated and their guests.
(b) "Private event" does not include an event to which the general public is invited, whether for an admission fee or not.
(97) "Privately sponsored event" means a specific social, business, or recreational event:
(a) that is held in or on the premises of an on-premise banquet licensee; and
(b) to which entry is restricted by an admission fee.
(98)
(a) "Proof of age" means:
(i) an identification card;
(ii) an identification that:
(A) is substantially similar to an identification card;
(B) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
(C) includes date of birth; and
(D) has a picture affixed;
(iii) a valid driver license certificate that:
(A) includes date of birth;
(B) has a picture affixed; and
(C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in accordance with the laws of the state in which it is issued, or in accordance with federal law by the United States Department of State;
(iv) a military identification card that:
(A) includes date of birth; and
(B) has a picture affixed; or
(v) a valid passport.
(b) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
(99) "Provisions applicable to a sublicense" means:
(a) for a full-service restaurant sublicense, the provisions applicable to a full-service restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
(b) for a limited-service restaurant sublicense, the provisions applicable to a limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant License;
(c) for a bar establishment sublicense, the provisions applicable to a bar establishment license under Chapter 6, Part 4, Bar Establishment License;
(d) for an on-premise banquet sublicense, the provisions applicable to an on-premise banquet license under Chapter 6, Part 6, On-Premise Banquet License;
(e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;
(f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
(g) for a hospitality amenity license, the provisions applicable to a hospitality amenity license under Chapter 6, Part 10, Hospitality Amenity License; and
(h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d, Part 2, Resort Spa Sublicense.
(100)
(a) "Public building" means a building or permanent structure that is:

(i) owned or leased by:
(A) the state; or
(B) a local government entity; and
(ii) used for:
(A) public education;
(B) transacting public business; or
(C) regularly conducting government activities.
(b) "Public building" does not include a building owned by the state or a local government entity when the building is used by a person, in whole or in part, for a proprietary function.
(101) "Public conveyance" means a conveyance that the public or a portion of the public has access to and a right to use for transportation, including an airline, railroad, bus, boat, or other public conveyance.
(102) "Reception center" means a business that:
(a) operates facilities that are at least 5,000 square feet; and
(b) has as its primary purpose the leasing of the facilities described in Subsection (102)(a) to a third party for the third party's event.
(103) "Reception center license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 8, Reception Center License.
(104)
(a) "Record" means information that is:
(i) inscribed on a tangible medium; or
(ii) stored in an electronic or other medium and is retrievable in a perceivable form.
(b) "Record" includes:
(i) a book;
(ii) a book of account;
(iii) a paper;
(iv) a contract;
(v) an agreement;
(vi) a document; or
(vii) a recording in any medium.
(105) "Residence" means a person's principal place of abode within Utah.
(106) "Resident," in relation to a resort, means the same as that term is defined in Section 32B-8-102.
(107) "Resort" means the same as that term is defined in Section 32B-8-102.
(108) "Resort facility" is as defined by the commission by rule.
(109) "Resort license" means a license issued in accordance with Chapter 5, Retail License Act, and Chapter 8, Resort License Act.
(110) "Responsible alcohol service plan" means a written set of policies and procedures that outlines measures to prevent employees from:
(a) over-serving alcoholic beverages to customers;
(b) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and
(c) serving alcoholic beverages to minors.
(111) "Restaurant" means a business location:
(a) at which a variety of foods are prepared;
(b) at which complete meals are served; and
(c) that is engaged primarily in serving meals.
(112) "Restaurant license" means one of the following licenses issued under this title:

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

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

(114) "Retail license" means one of the following licenses issued under this title:
(a) a full-service restaurant license;
(b) a master full-service restaurant license;
(c) a limited-service restaurant license;
(d) a master limited-service restaurant license;
(e) a bar establishment license;
(f) an airport lounge license;
(g) an on-premise banquet license;
(h) an on-premise beer license;
(i) a reception center license;
(j) a beer-only restaurant license;
(k) a hospitality amenity license;
(l) a resort license;
(m) a hotel license; or
(n) an arena license.

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

(116)
(a) "School" means a building in which any part is used for more than three hours each weekday during a school year as a public or private:
(i) elementary school;
(ii) secondary school; or
(iii) kindergarten.
(b) "School" does not include:
(i) a nursery school;
(ii) a day care center;
(iii) a trade and technical school;
(iv) a preschool;
(v) a home school;
(vi) a home-based microschool as defined in Section 53G-6-201; or
(vii) a micro-education entity as defined in Section 53G-6-201.

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

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

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

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

(a) for the entertainment of one or more patrons;

(b) on the premises of:

(i) a bar licensee; or

(ii) a tavern;

(c) on behalf of or at the request of the licensee described in Subsection (120)(b);

(d) on a contractual or voluntary basis; and

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

(i) an employee;

(ii) an independent contractor;

(iii) an agent of the licensee; or

(iv) a different type of classification.

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

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

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

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

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

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

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

(124) "Small or unincorporated locality" means:

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

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

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

(125) "Spa sublicense" means a sublicense:

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

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

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

(127)

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

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

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

(129)

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

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

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

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

(b) "Staff" includes:

(i) an officer;

(ii) a director;

(iii) an employee;

(iv) personnel management;

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

(vi) an operator; or

(vii) a representative.

(130) "State of nudity" means:

(a) the appearance of:

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

(ii) a human genital;

(iii) a human pubic area; or

(iv) a human anus; or

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

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

(ii) a human genital;

(iii) a human pubic area; or

(iv) a human anus.

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

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

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

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

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

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

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

(132)

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

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

(ii) operated by a state employee.

(b) "State store" does not include:

(i) a package agency;

(ii) a licensee; or

(iii) a permittee.

(133)

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

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

(134) "Sublicense" means:

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

(i) a full-service restaurant license;

(ii) a limited-service restaurant license;

(iii) a bar establishment license;

(iv) an on-premise banquet license;

(v) an on-premise beer retailer license;

(vi) a beer-only restaurant license; or

(vii) a hospitality amenity license; or

(b) a spa sublicense.

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

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

(a) issued a license by the commission in accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer License; and

(b) designated by the commission as a tavern in accordance with Chapter 6, Part 7, On-Premise Beer Retailer License.

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

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

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

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

(a) is unsaleable because the container is:

(i) unlabeled;

(ii) leaky;

(iii) damaged;

(iv) difficult to open; or

(v) partly filled;

(b)

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

(ii) has contents that are:

(A) cloudy;

(B) spoiled; or

(C) chemically determined to be impure; or

(iii) contains:

(A) sediment; or

(B) a foreign substance; or

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

(141)

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

(b) "Wine" includes:

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

(ii) hard cider.
(c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in this title.
(142) "Winery manufacturing license" means a license issued in accordance with Chapter 11, Part 3, Winery Manufacturing License.

Amended by Chapter 16, 2025 Special Session 1

32B-1-103 Policy.

The policies of the state are as follows:
(1) This title shall be administered in a manner that is nonpartisan and free of partisan political influence.
(2) Alcoholic product control shall be operated as a public business using sound management principles and practices. This public business shall:
(a) be governed by a commission;
(b) be operated by a department; and
(c) function with the intent of servicing the public demand for alcoholic products.
(3) The commission and department may not promote or encourage the sale or consumption of alcoholic products.
(4) The commission shall conduct, license, and regulate the sale of alcoholic products in a manner and at prices that:
(a) reasonably satisfy the public demand and protect the public interest, including the rights of citizens who do not wish to be involved with alcoholic products; and
(b) will promote the reduction of the harmful effects of:
(i) overconsumption of alcoholic products by adults; and
(ii) consumption of alcoholic products by minors.

Enacted by Chapter 276, 2010 General Session

32B-1-104 Exercise of police powers -- Severability.

(1)
(a) This title is an exercise of the police powers of the state for the protection of the public health, peace, safety, welfare, and morals, and regulates the storage, sale, offer for sale, furnishing, consumption, manufacture, and distribution of an alcoholic product.
(b) This title governs alcoholic product control unless otherwise provided in this title.
(2)
(a) A licensee or permittee has the rights and privileges described in this title that are applicable to the licensee's or permittee's license or permit.
(b) A licensee or permittee may engage in an activity related to the storage, sale, offer for sale, furnishing, consumption, manufacture, or distribution of an alcoholic product only if the activity is expressly permitted under this title or a rule authorized under this title and made by the commission.
(3) The department and the commission:
(a) shall implement and enforce the provisions of this title in accordance with the express language of the provisions of this title and in a manner consistent with the policy described in Section 32B-1-103; and
(b) may not waive any provision of this title.

(4) If a provision of this title or the application of a provision to a person or circumstance is held invalid, the remainder of this title shall be given effect without the invalid provision or application. The provisions of this title are severable.

Amended by Chapter 455, 2017 General Session

Part 2
Miscellaneous Provisions

32B-1-201 Restrictions on number of retail licenses that may be issued -- Determining population -- Exempt licenses.

(1) As used in this section:

(a) "Alcohol-related law enforcement officer" means a law enforcement officer employed by the Department of Public Safety that has as a primary responsibility:

(i) the enforcement of this title; or

(ii) the enforcement of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(b) "Enforcement ratio" is the number calculated as follows:

(i) determine the quotient equal to the sum of the total number of quota retail licenses available and the total number of licensed premises operating under a master full-service restaurant license or under a master limited-service restaurant license divided by the total number of alcohol-related law enforcement officers; and

(ii) round the number determined in accordance with Subsection (1)(b)(i) up to the nearest whole number.

(c) "Quota retail license" means:

(i) a full-service restaurant license;

(ii) a limited-service restaurant license;

(iii) a bar establishment license;

(iv) an on-premise banquet license;

(v) an on-premise beer retailer operating as a tavern; and

(vi) a reception center license.

(d) "Total number of alcohol-related law enforcement officers" means the total number of positions designated as alcohol-related law enforcement officers that are funded as of a specified date as certified by the Department of Public Safety to the department.

(e) "Total number of quota retail licenses available" means the number calculated by:

(i) determining as of a specified date for each quota retail license the number of licenses that the commission may not exceed calculated by dividing the population of the state by the number specified in the relevant provision for the quota retail license; and

(ii) adding together the numbers determined under Subsection (1)(e)(i).

(2)

(a) Beginning on July 1, 2012, the department shall annually determine the enforcement ratio as of July 1 of that year.

(b) If, beginning on July 1, 2012, the enforcement ratio is greater than 52, the commission may not issue a quota retail license for the 12-month period beginning on the July 1 for which the enforcement ratio is greater than 52.

(c) Notwithstanding Subsection (2)(b), the commission may issue a quota retail license during the 12-month period described in Subsection (2)(b) beginning on the day on which a sufficient number of alcohol-related law enforcement officers are employed so that if the enforcement ratio is calculated, the enforcement ratio would be equal to or less than 52.
(d) Once the Department of Public Safety certifies under Subsection (1)(d) the total number of positions designated as alcohol-related law enforcement officers that are funded as of July 1, the Department of Public Safety may not use the funding for the designated alcohol-related law enforcement officers for a purpose other than funding those positions.
(3) For purposes of determining the number of state stores that the commission may establish or the number of package agencies or retail licenses that the commission may issue, the commission shall determine population by:
(a) the most recent United States decennial or special census; or
(b) another population determination made by the United States or state governments.
(4) The commission may not consider a retail license that meets the following conditions in determining the total number of licenses available for that type of retail license that the commission may issue at any time:
(a) the retail license was issued to a club licensee designated as a dining club as of July 1, 2011; and
(b) the dining club license is converted to another type of retail license in accordance with Section 32B-6-409.

Amended by Chapter 455, 2017 General Session

32B-1-202 Proximity to community location.
(1) As used in this section:
(a) "Designated project area zone" means the area that is:
(i) bounded by:
(A) South Temple Street;
(B) 100 South Street;
(C) West Temple Street; and
(D) 400 West Street; and
(ii) within a project area as defined in Section 63N-3-1401.
(b)
(i) "Outlet" means:
(A) a state store;
(B) a package agency; or
(C) a retail licensee.
(ii) "Outlet" does not include:
(A) an airport lounge licensee; or
(B) a restaurant.
(c) "Restaurant" means:
(i) a full-service restaurant licensee;
(ii) a limited-service restaurant licensee;
(iii) a beer-only restaurant licensee; or
(iv) a restaurant venue on-premise banquet licensee.
(2)

(a) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for an outlet if, on the date the commission takes final action to approve or deny the application, there is a community location:

(i) within 600 feet of the proposed outlet, as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or

(ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.

(b) Except as otherwise provided in this section or Section 32B-1-202.1, the commission may not issue a license for a restaurant if, on the date the commission takes final action to approve or deny the application, there is a community location:

(i) within 300 feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or

(ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.

(3)

(a) For an outlet or a restaurant that holds a license on May 9, 2017, and operates under a previously approved variance to one or more proximity requirements in effect before May 9, 2017, subject to the other provisions of this title, that outlet or restaurant, or another outlet or restaurant with the same type of license as that outlet or restaurant, may operate under the previously approved variance regardless of whether:

(i) the outlet or restaurant changes ownership;

(ii) the property on which the outlet or restaurant is located changes ownership; or

(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse, the property is used for a different purpose.

(b) An outlet or a restaurant that has continuously operated at a location since before January 1, 2007, is considered to have a previously approved variance.

(4) An outlet or restaurant that holds a license on May 12, 2020, and operates in accordance with the proximity requirements in effect at the time the commission issued the license or operates under a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant or an outlet or a restaurant with the same type of license as that outlet or restaurant may operate at the premises regardless of whether:

(a) the outlet or restaurant changes ownership;

(b) the property on which the outlet or restaurant is located changes ownership; or

(c) there is a lapse of one year or less in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

(5)

(a) If, after an outlet or a restaurant obtains a license under this title, a person establishes a community location on a property that puts the outlet or restaurant in violation of the proximity requirements in effect at the time the license is issued or a previously approved variance described in Subsection (3), subject to the other provisions of this title, that outlet or restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant, may operate at the premises regardless of whether:

(i) the outlet or restaurant changes ownership;

(ii) the property on which the outlet or restaurant is located changes ownership; or

(iii) there is a lapse in the use of the property as an outlet or a restaurant with the same type of license, unless during the lapse the property is used for a different purpose.

(b) The provisions of this Subsection (5) apply regardless of when the outlet's or restaurant's license is issued.

(6) The proximity requirements described in Subsection (2) do not apply:

(a) if the proposed outlet or proposed restaurant and the community location are located within the boundaries of a designated project area zone; or

(b) if a local authority includes in the written consent of the local authority an acknowledgment and authorization of the outlet's or the restaurant's proximity to a public park, including any connected trail system, if the public park and connected trail system are:

(i) at least 12 acres in size;

(ii) on land the state owns; and

(iii) managed by the Point of the Mountain State Land Authority created in Section 11-59-201.

(7) Nothing in this section prevents the commission from considering the proximity of an educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location of an outlet.

Amended by Chapter 162, 2025 General Session

32B-1-202.1 Proximity for certain hotel and arena licensees.

(1) As used in this section, "hotel" means the same as that term is defined in Section 32B-8b-102.

(2) The commission may issue a hotel license for a proposed location that does not meet the proximity requirements under Section 32B-1-202, if:

(a) the proposed hotel is:

(i) located in a city classified as a city of the first class under Section 10-2-301;

(ii) within 650 feet of two community locations, as measured from the nearest patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to the property boundary of each community location;

(iii) not within 300 feet of a community location, as measured from the nearest patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; and

(iv) not within 200 feet of a community location, as measured in a straight line from the nearest patron entrance of the proposed hotel to the nearest property boundary of the community location;

(b) the proposed sublicensed premises of a bar establishment sublicense under the hotel license:

(i) is on the second or higher floor of a hotel;

(ii) is not accessible at street level; and

(iii) is only accessible to an individual who passes through another area of the hotel in which the bar establishment sublicense is located; and

(c) the applicant meets all other criteria under this title for the hotel license.

(3) The commission may issue authority to operate as a package agency to a hotel licensee who meets the requirements described in Subsection (2).

(4)

(a) The commission may issue an arena license for a proposed location that does not meet the proximity requirements described in Section 32B-1-202, if, on the day before the day on which the commission issues the license, each proposed sublicense of the arena license:

(i) operates as an outlet or restaurant; and

(ii)

(A) operates on the proposed sublicense premises under a variance to one or more proximity requirements in accordance with Section 32B-1-202; or
(B) has been in operation on the proposed sublicense premises for at least 10 years.
(b) After the commission issues an arena license in accordance with Subsection (4)(a), the commission may not issue the arena licensee an additional sublicense.

Amended by Chapter 371, 2023 General Session

32B-1-203 Licensee compliance with other laws.
(1) A licensee and a person applying for a license shall comply with the applicable federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds to which the licensee or person may be subject.
(2) The commission:
(a) may not issue a license to a person who violates this section; and
(b) may suspend, revoke, or not renew the license of a licensee who violates this section.

Amended by Chapter 307, 2011 General Session

32B-1-204 Powers of local authority.
(1) If this title expressly addresses an issue related to alcoholic product control in this state, a local authority may not regulate in relation to that issue except when a local authority is expressly granted regulatory authority to regulate the issue by this title.
(2) If this title does not expressly address an issue related to alcoholic product control, a local authority may regulate that issue if the regulation:
(a) is of the sale, offer for sale, furnishing, or consumption of an alcoholic product; and
(b) does not conflict with this title.

Enacted by Chapter 276, 2010 General Session

32B-1-205 Falsifying or taking other actions with records prohibited.
(1) A person required to make or maintain a record under this title or rules of the commission, or a person acting for that person, may not knowingly forge, falsify, alter, cancel, destroy, conceal, or remove the record for the purpose of deceiving the commission, a commissioner, the director, the department, a department employee, or a law enforcement officer.
(2) A violation of this section may result in:
(a) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, if the person who violates this section is a person subject to administrative action; or
(b) criminal prosecution if the violation is a criminal offense under Chapter 4, Criminal Offenses and Procedure Act.

Enacted by Chapter 276, 2010 General Session

32B-1-206 Advertising prohibited -- Exceptions.
(1)
(a) The department may not advertise liquor, except:
(i) the department may provide for an appropriate sign in the window or on the front of a state store or package agency denoting that it is a state authorized liquor retail facility;
(ii) the department or a package agency may provide a printed price list to the public;

(iii) the department may authorize the use of price posting and floor stacking of liquor within a state store;
(iv) subject to Subsection (1)(b), the department may provide a listing of the address and telephone number of a state store in one or more printed or electronic directories available to the general public; and
(v) subject to Subsection (1)(b), a package agency may provide a listing of its address and telephone number in one or more printed or electronic directories available to the general public.
(b) A listing under Subsection (1)(a)(iv) or (v) in the business or yellow pages of a telephone directory may not be displayed in an advertisement or other promotional format.
(2)
(a) The department may not advertise an alcoholic product on a billboard.
(b) A package agency may not advertise an alcoholic product on a billboard, except to the extent allowed by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3)
(a) The department may not display liquor or a price list in a window or showcase visible to passersby.
(b) A package agency may not display liquor or a price list in a window or showcase visible to passersby, except to the extent allowed by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(4) A public transit district, as defined in Section 17B-2a-802, may not allow advertising on a transit vehicle, as defined in Section 17B-2a-802, that promotes an alcoholic product.
(5) Advertising of an alcoholic product may not:
(a) promote the intoxicating effects of alcohol; or
(b) emphasize the high alcohol content of the alcoholic product.
(6) Except to the extent prohibited by this title, the advertising of an alcoholic product is allowed under guidelines established by the commission by rule.
(7) The advertising or use of any means or media to offer an alcoholic product to the general public without charge is prohibited.

Amended by Chapter 371, 2023 General Session

32B-1-207 Calculation of ratio of gross receipts of food to alcoholic product.

In calculating the annual gross receipts of a retail license or sublicense for purposes of determining the percentage of gross receipts from the sale, offer for sale, or furnishing of food or an alcoholic product, a retail licensee may not include in the calculation the money from the sale of:
(1) a bottle of wine by the retail licensee or under a sublicense that is in excess of $175;
(2) an individual portion of wine, as described in Subsection 32B-5-304(2)(a), by the retail licensee or under a sublicense that is in excess of $30; or
(3) an individual portion of spirituous liquor, as described in Subsection 32B-5-304(1), by the retail licensee or under a sublicense that is in excess of $30.

Amended by Chapter 291, 2021 General Session

32B-1-208 Percentage lease agreements.
(1) As used in this section:
(a) "Percentage lease agreement" means a lease agreement in which the lessee:

(i) is a retail licensee; and
(ii) pays the lessor:
(A) a base rent; and
(B) percentage rent.
(b) "Percentage rent" means a percentage:
(i) agreed upon between a lessor and lessee; and
(ii) of the total sales revenue that:
(A) exceed a fixed dollar amount of sales revenue; and
(B) the lessee earns while doing business on the rental premises.
(2)
(a) The parties to a percentage lease agreement shall submit a copy of the percentage lease agreement to the department.
(b) If there is a material change to the percentage lease agreement submitted to the department under Subsection (2)(a), the parties to the percentage lease agreement shall promptly submit a copy of the changed percentage lease agreement to the department.
(3) If a percentage lease agreement requires a retail licensee to pay the lessor a percentage rent of 6% or less, the department may not conduct any further investigation into the percentage lease agreement.
(4) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
(a) the maximum percentage of revenue from alcohol sales a percentage lease agreement may require; and
(b) the procedure for submitting a percentage lease agreement under Subsection (2).
(5)
(a) The provisions of this section do not apply to a percentage lease agreement in which the lessee is an airport lounge licensee.
(b) Nothing in this title prohibits an airport lounge licensee from entering into a percentage lease agreement, regardless of the percentage rent specified in the percentage lease agreement.

Amended by Chapter 3, 2020 Special Session 5

Part 3
Qualifications and Background

32B-1-301 Title.
This part is known as "Qualifications and Background."

Enacted by Chapter 276, 2010 General Session

32B-1-302 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

32B-1-303 Qualifications related to employment with the department.
(1) The department may not employ a person if that person has been convicted of:

(a) within seven years before the day on which the department employs the person, a felony under a federal law or state law;
(b) within four years before the day on which the department employs the person:
(i) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product; or
(ii) a crime involving moral turpitude; or
(c) on two or more occasions within the five years before the day on which the department employs the person, driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs.
(2) The director may terminate a department employee or take other disciplinary action consistent with Title 63A, Chapter 17, Utah State Personnel Management Act, if:
(a) after the day on which the department employs the department employee, the department employee is found to have been convicted of an offense described in Subsection (1) before being employed by the department; or
(b) on or after the day on which the department employs the department employee, the department employee:
(i) is convicted of an offense described in Subsection (1)(a) or (b); or
(ii)
(A) is convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and
(B) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A).
(3) The director may immediately suspend a department employee for the period during which a criminal matter is being adjudicated if the department employee:
(a) is arrested on a charge for an offense described in Subsection (1)(a) or (b); or
(b)
(i) is arrested on a charge for the offense of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and
(ii) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is arrested on a charge described in Subsection (3)(b)(i).

Amended by Chapter 345, 2021 General Session

32B-1-304 Qualifications for a package agency, license, or permit -- Minors.
(1)
(a) Except as provided in Subsection (7), the commission may not issue a package agency, license, or permit to a person who has been convicted of:
(i) within seven years before the day on which the commission issues the package agency, license, or permit, a felony under a federal law or state law;
(ii) within four years before the day on which the commission issues the package agency, license, or permit:
(A) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product; or
(B) a crime involving moral turpitude; or

(iii) on two or more occasions within the five years before the day on which the package agency, license, or permit is issued, driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs.

(b) If the person is a partnership, corporation, or limited liability company, the proscription under Subsection (1)(a) applies if any of the following has been convicted of an offense described in Subsection (1)(a):

(i) a partner;

(ii) a managing agent;

(iii) a manager;

(iv) an officer;

(v) a director;

(vi) a stockholder who holds at least 20% of the total issued and outstanding stock of the corporation; or

(vii) a member who owns at least 20% of the limited liability company.

(c) Except as provided in Subsection (7), the proscription under Subsection (1)(a) applies if a person who is employed to act in a supervisory or managerial capacity for a package agency, licensee, or permittee has been convicted of an offense described in Subsection (1)(a).

(2) Except as described in Section 32B-8-501, the commission may immediately suspend or revoke a package agency, license, or permit, and terminate a package agency agreement, if a person described in Subsection (1):

(a) after the day on which the package agency, license, or permit is issued, is found to have been convicted of an offense described in Subsection (1)(a) before the package agency, license, or permit is issued; or

(b) on or after the day on which the package agency, license, or permit is issued:

(i) is convicted of an offense described in Subsection (1)(a)(i) or (ii); or

(ii)

(A) is convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and

(B) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A).

(3) Except as described in Section 32B-8-501, the director may take emergency action by immediately suspending the operation of the package agency, licensee, or permittee for the period during which a criminal matter is being adjudicated if a person described in Subsection (1):

(a) is arrested on a charge for an offense described in Subsection (1)(a)(i) or (ii); or

(b)

(i) is arrested on a charge for the offense of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; and

(ii) was convicted of driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs within five years before the day on which the person is arrested on a charge described in Subsection (3)(b)(i).

(4)

(a)

(i) The commission may not issue a package agency, license, or permit to a person who has had any type of agency, license, or permit issued under this title revoked within the last three years.

(ii) The commission may not issue a package agency, license, or permit to a partnership, corporation, or limited liability company if a partner, managing agent, manager, officer, director, stockholder who holds at least 20% of the total issued and outstanding stock of the corporation, or member who owns at least 20% of the limited liability company is or was:

(A) a partner or managing agent of a partnership that had any type of agency, license, or permit issued under this title revoked within the last three years;

(B) a managing agent, officer, director, or stockholder who holds or held at least 20% of the total issued and outstanding stock of any corporation that had any type of agency, license, or permit issued under this title revoked within the last three years; or

(C) a manager or member who owns or owned at least 20% of a limited liability company that had any type of agency, license, or permit issued under this title revoked within the last three years.

(b) The commission may not issue a package agency, license, or permit to a partnership, corporation, or limited liability company if any of the following had any type of agency, license, or permit issued under this title revoked while acting in that person's individual capacity within the last three years:

(i) a partner or managing agent of a partnership;

(ii) a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of a corporation; or

(iii) a manager or member who owns at least 20% of a limited liability company.

(c) The commission may not issue a package agency, license, or permit to a person acting in an individual capacity if that person was:

(i) a partner or managing agent of a partnership that had any type of agency, license, or permit issued under this title revoked within the last three years;

(ii) a managing agent, officer, director, or stockholder who held at least 20% of the total issued and outstanding stock of a corporation that had any type of agency, license, or permit issued under this title revoked within the last three years; or

(iii) a manager or member who owned at least 20% of the limited liability company that had any type of agency, license, or permit issued under this title revoked within the last three years.

(5)

(a) The commission may not issue a package agency, license, or permit to a minor.

(b) The commission may not issue a package agency, license, or permit to a partnership, corporation, or limited liability company if any of the following is a minor:

(i) a partner or managing agent of the partnership;

(ii) a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the corporation; or

(iii) a manager or member who owns at least 20% of the limited liability company.

(c) For purposes of Subsection (5)(b), the commission may not consider a minor's position with or ownership interest in an entity that has an ownership interest in the entity that is applying for the package agency, license, or permit unless the minor would exercise direct decision-making control over the package agency, license, or permit.

(6) Except as described in Section 32B-8-501, if a package agent, licensee, or permittee no longer possesses the qualifications required by this title for obtaining a package agency, license, or permit, the commission may terminate the package agency agreement, or revoke the license or permit.

(7)

(a) If the licensee is a resort licensee:

(i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in the management of the resort, as the commission defines in rule; and
(ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or managerial capacity for the resort licensee or in relation to a sublicense of the resort license.
(b) If the permittee is a public service permittee under Chapter 10, Special Use Permit Act:
(i) Subsection (1)(a) only applies if an individual listed in Subsection (1)(b) engages in the management of the public service permittee, as the commission defines in rule; and
(ii) Subsection (1)(c) only applies to an individual employed to act in a supervisory or managerial capacity for the public service permittee.

Amended by Chapter 94, 2024 General Session

32B-1-305 Requirement for a background check.

(1) The department shall require an individual listed in Subsection (2), in accordance with this part, to:
(a) provide a signed waiver from the individual whose fingerprints may be registered in the Federal Bureau of Investigation Rap Back system that notifies the signee:
(i) that a criminal history background check will be conducted;
(ii) who will see the information; and
(iii) how the information will be used;
(b) submit to a background check in a form acceptable to the department; and
(c) consent to a background check by:
(i) the Utah Bureau of Criminal Identification; and
(ii) the Federal Bureau of Investigation.
(2) The following shall comply with Subsection (1):
(a) an individual applying for employment with the department if:
(i) the department makes the decision to offer the individual employment with the department; and
(ii) once employed, the individual will receive benefits;
(b) an individual applying to the commission to operate a package agency;
(c) an individual applying to the commission for a license, unless the license is an off-premise beer retailer state license;
(d) an individual who with regard to an entity that is applying to the commission to operate a package agency or for a license is:
(i) a partner;
(ii) a managing agent;
(iii) a manager;
(iv) an officer;
(v) a director;
(vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a corporation;
(vii) a member who owns at least 20% of a limited liability company; or
(viii) an individual employed to act in a supervisory or managerial capacity; or
(e) an individual who becomes involved with an entity that operates a package agency or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day on which the entity:
(i) is approved to operate a package agency; or
(ii) is licensed by the commission.

(3)
(a) Except as provided in Subsection (3)(b), the commission may not require an individual to comply with Subsection (1) based on the individual's position with or ownership interest in an entity that has an ownership interest in the entity that is applying for the package agency or license.
(b) The commission may require an individual described in Subsection (3)(a) to comply with Subsection (1) if the individual exercises direct decision making control over the day-to-day operations of the package agency or licensee.
(4) The department shall require compliance with Subsection (2)(e) as a condition of an entity's:
(a) continued operation of a package agency; or
(b) renewal of a license.
(5) The department may require as a condition of continued employment that a department employee:
(a) submit to a background check in a form acceptable to the department; and
(b) consent to a fingerprint criminal background check by:
(i) the Utah Bureau of Criminal Identification; and
(ii) the Federal Bureau of Investigation.

Amended by Chapter 219, 2020 General Session

32B-1-306 Use of information from a criminal background check.

The commission or department may use information obtained pursuant to Section 32B-1-305 only for one or more of the following purposes:
(1) enforcing this title;
(2) determining whether an individual is convicted of any of the following offenses that disqualify the individual under this title from acting in a capacity described in Subsection 32B-1-305(2):
(a) within the previous seven years, a felony under federal law or state law;
(b) within the previous four years:
(i) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product; or
(ii) a crime involving moral turpitude; or
(c) on two or more occasions within the previous five years, driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs;
(3) determining whether an individual fails to accurately disclose the individual's criminal history on an application or document filed with the department or commission;
(4) approving or denying an application for employment with the department;
(5) taking disciplinary action against a department employee, including possible termination of employment;
(6) issuing or denying an application to operate a package agency;
(7) issuing or denying an application for a license;
(8) issuing or denying the renewal of a package agency agreement;
(9) issuing or denying the renewal of a license;
(10) suspending the operation of a package agency;
(11) terminating a package agency contract; or
(12) suspending or revoking a license.

Amended by Chapter 145, 2019 General Session

32B-1-307 Background check procedure.

(1)

(a) An individual described in Subsections 32B-1-305(2)(b) through (e) shall submit to a background check in a form acceptable to the department, including submitting fingerprints, at the expense of the individual.

(b) The department shall pay the expense of obtaining a background check, including obtaining fingerprints, required of:

(i) an individual applying for employment with the department; or

(ii) a department employee.

(2)

(a) The department shall establish a procedure for obtaining and evaluating relevant information from a criminal history record maintained by the Utah Bureau of Criminal Identification pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for a purpose outlined in Section 32B-1-306.

(b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the department the expense of obtaining the criminal history record described in Subsection (2)(a).

(c) The department shall pay the expense of obtaining the criminal history record required for:

(i) an individual applying for employment with the department; or

(ii) a department employee.

(3)

(a) The department shall submit fingerprints obtained under Subsection (1) of an individual to the Utah Bureau of Criminal Identification to be forwarded to the Federal Bureau of Investigation for a nationwide criminal history record check.

(b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the department the expense of obtaining the criminal history record described in Subsection (3)(a).

(c) The department shall pay the expense of obtaining the criminal history record required for:

(i) an individual applying for employment with the department; or

(ii) a department employee.

(4)

(a) The Utah Bureau of Criminal Identification:

(i) shall check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases and submit the fingerprints to national criminal records databases;

(ii) shall maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the state and regional records databases, including latent prints, and notify the department when a new entry is made against a person whose fingerprints are held in the separate file;

(iii) shall release to the department all information received in response to the department's request; and

(iv) may request that the fingerprints be retained in the Federal Bureau of Investigation Rap Back system for search by future submissions to national criminal records databases, including latent prints.

(b) The department shall establish a privacy risk mitigation strategy to ensure that the department only receives notifications for individuals with whom the department maintains a regulatory or employment relationship.

(5) The department shall pay the Utah Bureau of Criminal Identification the costs incurred in providing the department criminal background information.
(6)
(a) The following may not disseminate a criminal history record obtained under this part to any person except for a purpose described in Section 32B-1-306:
(i) the commission;
(ii) a commissioner;
(iii) the director;
(iv) the department; or
(v) a department employee.
(b)
(i) Notwithstanding Subsection (6)(a), a criminal history record obtained under this part may be provided by the department to the individual who is the subject of the criminal history record.
(ii) The department shall provide an individual who is the subject of a criminal history record and who requests the criminal history record an opportunity to:
(A) review the criminal history record; and
(B) respond to information in the criminal history record.
(7) If an individual described in Subsection 32B-1-305(2) is determined to be disqualified under Subsection 32B-1-306(2), the department shall provide the individual with:
(a) notice of the reason for the disqualification; and
(b) an opportunity to respond to the disqualification.

Amended by Chapter 145, 2019 General Session

Part 4
Proof of Age Act

32B-1-401 Title.

This part is known as the "Proof of Age Act."

Enacted by Chapter 276, 2010 General Session

32B-1-402 Definitions.

As used in this part:
(1) "Authorized person" means a person authorized by law to sell or otherwise handle an alcoholic product.
(2) "Restricted area" means a place where an alcoholic product is sold or consumed, but where under this title a minor is not permitted.
(3) "Statement of age" means a statement signed under Section 32B-1-405 verifying the age of the person signing the statement.

Amended by Chapter 334, 2011 General Session

32B-1-403 Unlawful transfer or use of proof of age -- False information.
(1)

(a) It is unlawful for a person to transfer that person's proof of age to another person to aid that person:
(i) in procuring an alcoholic product;
(ii) in gaining admittance to a restricted area; or
(iii) in obtaining employment that under this title may not be obtained by a minor.
(b) A person who permits that person's proof of age to be used by another for a purpose stated in Subsection (1)(a) is guilty of a class B misdemeanor.
(2)
(a) It is unlawful for a person to use a proof of age containing false information with the intent to:
(i) procure an alcoholic product;
(ii) gain admittance to a restricted area; or
(iii) obtain employment that under this title may not be obtained by a minor.
(b) Except as provided in Section 32B-4-411, a person who violates this Subsection (2) is guilty of a class A misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-1-404 Presentation of proof of age upon request.

(1) To obtain one or more of the following, an individual shall present proof of age at the request of a person listed in Subsection (2):
(a) an alcoholic product;
(b) admittance to a restricted area; or
(c) employment that under this title may not be obtained by a minor.
(2) To determine whether the individual described in Subsection (1) is 21 years of age, the following may request a person described in Subsection (1) to present proof of age:
(a) an authorized person;
(b) a peace officer;
(c) a representative of the State Bureau of Investigation of the Department of Public Safety, established in Section 53-10-301; or
(d) an authorized department employee.

Enacted by Chapter 276, 2010 General Session

32B-1-405 Additional requirements when age is in question.

(1)
(a) In addition to requesting the presentation of proof of age under Section 32B-1-404, an authorized person shall require an individual whose age is in question to sign a statement of age on the form provided under Subsection (1)(b) that includes:
(i) the date the statement of age is signed; and
(ii) the number assigned to the individual's proof of age by the issuing authority.
(b) At the request of a retail licensee, the commissioner of public safety shall provide to a retail licensee the form for the statement of age described in this Subsection (1).
(2)
(a) An authorized person shall:
(i) file in alphabetical order a statement of age obtained under Subsection (1) by no later than the close of business on the day on which the statement of age is executed; and
(ii) maintain a statement of age on file for three years.
(b) A statement of age is subject to examination by:

(i) a peace officer;
(ii) a representative of the State Bureau of Investigation of the Department of Public Safety, established in Section 53-10-301; or
(iii) an authorized department employee.

Enacted by Chapter 276, 2010 General Session

32B-1-406 Acceptance of identification.

(1) An authorized person may accept as evidence of the legal age of the individual presenting the following:
(a) proof of age; or
(b) if a statement of age is required under Section 32B-1-405:
(i) proof of age; and
(ii) a statement of age.
(2) A statement of age, if properly completed, signed, and filed in accordance with Section 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:
(a) selling, offering for sale, or furnishing an alcoholic product to the individual who signed the statement of age;
(b) admitting the individual who signed the statement of age into a restricted area; or
(c) allowing the individual who signed the statement of age to be employed in employment that under this title may not be obtained by a minor.
(3) An authorized person may not accept a driving privilege card issued in accordance with Section 53-3-207 as evidence of the legal age of an individual.

Enacted by Chapter 276, 2010 General Session

32B-1-407 Verification of proof of age by applicable licensees.

(1) As used in this section, "applicable licensee" means:
(a) a dining club;
(b) a bar;
(c) a tavern;
(d) a full-service restaurant;
(e) a limited-service restaurant;
(f) a beer-only restaurant; or
(g) an off-premise beer retailer selling, offering for sale, or furnishing beer as described in Subsection 32B-7-202(8).
(2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.
(3) An authorized person is required to verify proof of age under this section before an individual:
(a) gains admittance to the premises of a bar licensee or tavern;
(b) procures an alcoholic product on the premises of a dining club licensee; or
(c) procures an alcoholic product in a dispensing area in the premises of a full-service restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant licensee.
(4) To comply with Subsection (3), an authorized person shall:
(a) request the individual present proof of age; and
(b)
(i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or

(ii) if the proof of age cannot be electronically verified as provided in Subsection (4)(b)(i), request that the individual comply with a process established by the commission by rule.

(5)

(a) The commission shall establish by rule an electronic verification program that includes the following:

(i) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:

(A) the name;

(B) the age;

(C) the number assigned to the individual's proof of age by the issuing authority;

(D) the birth date;

(E) the gender; and

(F) the status and expiration date of the individual's proof of age; and

(ii) the security measures that shall be used by an applicable licensee to ensure that information obtained under this section is:

(A) used by the applicable licensee only for purposes of verifying proof of age in accordance with this section; and

(B) retained by the applicable licensee for seven days after the day on which the applicable licensee obtains the information.

(b) The commission shall ensure that the electronic verification program described in Subsection (5)(a) includes technology that recognizes every state's unique hidden security features located on state issued identification cards to determine the validity of that particular card.

(6)

(a) An applicable licensee may not disclose information obtained under this section except as provided under this title.

(b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part 3, Retail Licensee Operational Requirements.

Amended by Chapter 471, 2025 General Session

32B-1-408 Penalty.

(1) Unless otherwise provided in this title, including Section 32B-4-411, a person who violates this part is guilty of a class B misdemeanor.

(2) A person is not subject to a penalty for a violation of this part if it is proved to the commission or the court hearing the matter that the person charged with the violation acted in good faith.

Enacted by Chapter 276, 2010 General Session

Part 5
Attire, Conduct, and Entertainment Act

32B-1-501 Title.

This part is known as the "Attire, Conduct, and Entertainment Act."

Enacted by Chapter 276, 2010 General Session

32B-1-502 Purpose -- Application to other laws.

(1) This part establishes reasonable and uniform time, place, and manner of operation requirements relating to attire, conduct, and sexually oriented entertainers on premises or at an event at which an alcoholic product is sold, offered for sale, furnished, or allowed to be consumed under a retail license or permit issued by the commission so as to:
  (a) reduce the adverse secondary effects that the attire, conduct, and sexually oriented entertainers may have upon communities of this state; and
  (b) protect the health, peace, safety, welfare, and morals of the residents of communities of this state.
(2) Nothing in this part allows the showing or display of any matter that is contrary to:
  (a) applicable federal or state statutes prohibiting obscenity; or
  (b) state statutes relating to lewdness or indecent public displays.
(3) A local authority may be more restrictive of attire, conduct, or sexually oriented entertainers of the type prohibited in this part.

Enacted by Chapter 276, 2010 General Session

32B-1-503 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-1-504 General requirements on attire and conduct.

(1) As used in this section, "obscene" means that:
  (a) the average individual, applying contemporary community standards, would find the conduct or material, taken as a whole, appeals to the prurient interest;
  (b) the conduct or material depicts or describes sexual conduct in a patently offensive way; and
  (c) the conduct or material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
(2) The following attire and conduct on premises or at an event regulated by the commission under this title are considered contrary to the public health, peace, safety, welfare, and morals, and are prohibited:
  (a) employing or using a person in the sale, offer for sale, or furnishing of an alcoholic product while the person is in:
    (i) a state of nudity;
    (ii) a state of seminudity; or
    (iii) performance attire or clothing that exposes to view any portion of:
      (A) the female breast below the top of the areola; or
      (B) the cleft of the buttocks;
  (b) employing or using the services of a person to mingle with patrons while the person is in:
    (i) a state of nudity;
    (ii) a state of seminudity; or
    (iii) performance attire or clothing that exposes to view any portion of:
      (A) the female breast below the top of the areola; or
      (B) the cleft of the buttocks;
  (c) encouraging or permitting a person to:
    (i) engage in or simulate an act of:

(A) sexual intercourse;
(B) masturbation;
(C) sodomy;
(D) bestiality;
(E) oral copulation;
(F) flagellation; or
(G) a sexual act that is prohibited by Utah law; or
(ii) caress or fondle the breast, anus, or genitals of any other person;
(d) permitting a person to wear or use a device or covering that:
(i) is exposed to view; and
(ii) simulates all or any portion of the human genitals, anus, pubic area, or female breast;
(e) permitting a person to use an artificial device or inanimate object to depict an act prohibited by this section;
(f) permitting a person to remain on premises or at an event who exposes to public view any portion of that person's:
(i) genitals, pubic area, or anus; or
(ii) in the case of a female, the areola and nipple of the breast; or
(g) showing a film, still picture, electronic reproduction, or other visual reproduction depicting conduct or material that is obscene or in violation of other state or federal law regarding pornography or obscenity.
(3) Subsection (2) does not apply to artistic expression that:
(a) when taken as a whole, has serious literary, artistic, political, or scientific value;
(b) is not in violation of state or federal law regarding pornography or obscenity; and
(c) occurs on premises or at an event regulated by the commission under this title that is not predominantly used for performances by sexually oriented entertainers.

Amended by Chapter 313, 2018 General Session

32B-1-505 Sexually oriented entertainer.
(1) Subject to the requirements of this part, live entertainment is permitted on premises or at an event regulated by the commission.
(2) Notwithstanding Subsection (1), a retail licensee or permittee may not permit a person to:
(a) appear or perform in a state of nudity;
(b) perform or simulate an act of:
(i) sexual intercourse;
(ii) masturbation;
(iii) sodomy;
(iv) bestiality;
(v) oral copulation;
(vi) flagellation; or
(vii) a sexual act that is prohibited by Utah law; or
(c) touch, caress, or fondle the breast, buttocks, anus, or genitals.
(3) A sexually oriented entertainer may perform in a state of seminudity:
(a) only in:
(i) a tavern; or
(ii) a bar license premises; and
(b) only if:

(i) the windows, doors, and other apertures to the premises are darkened or otherwise constructed to prevent anyone outside the premises from seeing the performance; and
(ii) the outside entrance doors of the premises remain unlocked.
(4) A sexually oriented entertainer may perform only upon a stage or in a designated performance area that is:
(a) approved by the commission in accordance with rules made by the commission;
(b) configured so as to preclude a patron from:
(i) touching the sexually oriented entertainer; or
(ii) placing any money or object on or within the performance attire or the person of the sexually oriented entertainer; and
(c) configured so as to preclude the sexually oriented entertainer from touching a patron.
(5) A sexually oriented entertainer may not touch a patron:
(a) during the sexually oriented entertainer's performance; or
(b) while the sexually oriented entertainer is dressed in performance attire.
(6) A sexually oriented entertainer, while in the portion of the premises used by patrons, shall be dressed in opaque clothing which covers and conceals the sexually oriented entertainer's performance attire from the top of the breast to the knee.
(7) A patron may not be on the stage or in the performance area while a sexually oriented entertainer is appearing or performing on the stage or in the performance area.
(8) A patron may not:
(a) touch a sexually oriented entertainer:
(i) during the sexually oriented entertainer's performance; or
(ii) while the sexually oriented entertainer is dressed in performance attire; or
(b) place money or any other object on or within the performance attire or the person of the sexually oriented entertainer.
(9) A minor may not be on premises described in Subsection (3).
(10) A person who appears or performs for the entertainment of patrons on premises or at an event regulated by the commission that is not a tavern or bar licensee:
(a) may not appear or perform in a state of nudity or a state of seminudity; and
(b) may appear or perform in opaque clothing that completely covers the person's genitals, pubic area, and anus if the covering:
(i) is not less than the following at its widest point:
(A) four inches coverage width in the front of the human body; and
(B) five inches coverage width in the back of the human body;
(ii) does not taper to less than one inch wide at the narrowest point; and
(iii) if covering a female, completely covers the breast below the top of the areola.

Amended by Chapter 455, 2017 General Session

32B-1-506 Compliance -- Administrative enforcement.
(1) A retail licensee, a permittee, and staff of a licensee or permittee shall comply with this part.
(2) Failure to comply with this part may result in a disciplinary proceeding pursuant to Chapter 3, Disciplinary Actions and Enforcement Act, against:
(a) a licensee or permittee;
(b) staff of the licensee or permittee;
(c) both a licensee and staff of the licensee; or
(d) both a permittee and staff of the permittee.

Enacted by Chapter 276, 2010 General Session

Part 6
Malted Beverage Act

32B-1-601 Title.

This part is known as the "Malted Beverage Act."

Enacted by Chapter 276, 2010 General Session

32B-1-602 Definitions.

As used in this part:

(1) "Malted beverage" means:
- (a) beer;
- (b) a flavored malt beverage; and
- (c) heavy beer.

(2) "Packaging" means the outer packaging that is visible to a consumer such as a carton, case, or other wrapper of a container.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-1-603 Power of the commission and department to classify flavored malt beverages.

(1) The commission and department shall regulate a flavored malt beverage as liquor.

(2)
- (a) The department shall make available to the public on the Internet a list of the flavored malt beverages authorized to be sold in this state as liquor.
- (b) The list described in Subsection (2)(a) shall be updated at least quarterly.

(3)
- (a) A manufacturer shall file, under penalty of perjury, a report with the department listing each flavored malt beverage manufactured by the manufacturer that the manufacturer wants to distribute in this state subject to the manufacturer holding:
  - (i) a brewery manufacturing license issued in accordance with Chapter 11, Part 5, Brewery Manufacturing License; or
  - (ii) a certificate of approval.
- (b) A manufacturer may not distribute or sell in this state a flavored malt beverage if the manufacturer does not list the flavored malt beverage in a filing with the department in accordance with this Subsection (3) before distributing or selling the flavored malt beverage.

(4) The department may require a manufacturer of a flavored malt beverage to provide the department with a copy of the following filed with the federal Alcohol and Tobacco Tax and Trade Bureau, pursuant to 27 C.F.R. Sec. 25.55:
- (a) a statement of process; or
- (b) a formula.

(5)
- (a) A manufacturer of an alcoholic product that the department is classifying or proposes to classify as a flavored malt beverage may submit evidence to the department that the

manufacturer's alcoholic product should not be treated as a flavored malt beverage under this section because the alcoholic product is beer or heavy beer.

(b) The department shall review the evidence submitted by the manufacturer under this Subsection (5).

(c) The department shall make available to the public on the Internet a list of the alcoholic products authorized under this Subsection (5) to be sold as beer in this state.

(d) A decision of the department under this Subsection (5) may be appealed to the commission.

Amended by Chapter 371, 2023 General Session

32B-1-603.5 Requirements for beer flavorings -- Procedure for approval -- Department review.

(1) A manufacturer of a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection 32B-1-102(12)(b)(iii) may not sell or distribute the beer in the state unless the manufacturer obtains:

(a) the department's approval to sell or distribute the beer under this section; and

(b) the department's approval of the label and packaging of the beer under Sections 32B-1-604 through 32B-1-606.

(2)

(a) To obtain approval to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent as described in Subsection 32B-1-102(12)(b)(iii), the manufacturer of the beer shall submit an application to the department for approval.

(b) The application shall require:

(i) a copy of:

(A) the statement of process and formula filed with the federal Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 for the beer; and

(B) the formula approval from the federal Alcohol and Tobacco Tax and Trade Bureau for the beer;

(ii) a complete list of each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent in the beer;

(iii) a description of the total amount of alcohol each propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent contributes to the beer; and

(iv) other information required by the department to determine whether the beer complies with Subsection 32B-1-102(12)(b)(iii).

(3) The department may:

(a) assess a fee established under Section 63J-1-504 for reviewing an application for approval under this section; and

(b) approve a manufacturer's application to sell or distribute a beer that contains a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent after determining that the beer complies with Subsection 32B-1-102(12)(b)(iii).

(4) If a manufacturer of a beer revises the formula for the beer that the department approved for sale or distribution, the manufacturer shall obtain the department's approval for the revised formula before selling or distributing the beer.

(5)

(a) The department may revoke a previous approval under this section upon determining that the beer is not in compliance with this title or the rules of the commission.

(b) The department shall notify the manufacturer that applied for an approval under this section at least 30 business days before the day on which the approval is revoked.

(c) Within 20 business days after the day on which a manufacturer receives the notice under Subsection (5)(b), the manufacturer may present a written argument or evidence to the department regarding why the revocation should not occur.

(6)

(a) A manufacturer that applies for approval under this section may appeal a denial or revocation of the approval to the commission.

(b) During the period in which a manufacturer appeals a denial or revocation to the commission under Subsection (6)(a), the denial or revocation remains in force.

Amended by Chapter 162, 2025 General Session

32B-1-604 Requirements for labeling and packaging -- Authority of the commission and department.

(1) A manufacturer may not distribute or sell a malted beverage:

(a) unless the label and packaging of the malted beverage:

(i) complies with the federal label requirements of 27 C.F.R. Parts 7, 13, and 16; and

(ii) clearly gives notice to the public that the malted beverage is an alcoholic product; and

(b) until the day on which the department in accordance with this title and rules of the commission approves the label and packaging of the malted beverage.

(2) The department shall review the label and packaging of a malted beverage to ensure that the label and packaging meet the requirements of Subsection (1)(a).

(3) Except as otherwise required under Section 32B-1-606, a manufacturer may comply with the requirement of Subsection (1)(a)(ii) by including on a label and packaging for a malted beverage any of the following terms in obvious and clearly visible contrast to the background of the text:

(a) beer;

(b) ale;

(c) porter;

(d) stout;

(e) lager;

(f) lager beer;

(g) hard seltzer;

(h) spiked seltzer; or

(i) another class or type designation commonly applied to a malted beverage that conveys by a recognized term that the product contains alcohol.

Amended by Chapter 447, 2022 General Session

32B-1-605 General procedure for approval.

(1) To obtain approval of the label and packaging of a malted beverage, the manufacturer of the malted beverage shall submit an application to the department for approval.

(2) The application described in Subsection (1) shall be on a form approved by the department and include the following for each brand and label for which the manufacturer seeks approval:

(a)

(i) a copy of a federal certificate of label approval from the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau; or

(ii) if the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau does not require label approval, a copy of formula approval from the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau;

(b) a complete set of original labels for each size of container of the malted beverage;

(c) a description of the size of the container on which a label will be placed;

(d) a description of each type of container of the malted beverage; and

(e) a description of any packaging for the malted beverage.

(3) The department may assess a reasonable fee for reviewing a label and packaging for approval.

(4)

(a) The department shall notify a manufacturer within 30 days after the day on which the manufacturer submits a complete application whether the label and packaging is approved or denied.

(b) If the department determines that an unusual circumstance requires additional time, the department may extend the time period described in Subsection (4)(a).

(5) A manufacturer shall obtain the approval of the department of a revision of a previously approved label and packaging before a malted beverage using the revised label and packaging may be distributed or sold in this state.

(6)

(a) The department may revoke a label and packaging previously approved upon a finding that the label and packaging is not in compliance with this title or rules of the commission.

(b) The department shall notify the manufacturer who applied for an approved label and packaging at least 30 business days before the day on which the label and packaging approval is considered revoked.

(c) Within 20 business days after the day on which a manufacturer receives the notice under Subsection (6)(b), the manufacturer may present written argument or evidence to the department on why the revocation should not occur.

(7)

(a) A manufacturer that applies for approval of a label and packaging may appeal a denial or revocation of a label and packaging approval to the commission.

(b) During the period in which a manufacturer appeals a denial or revocation of a label and packaging approval to the commission, as permitted under Subsection (7)(a), the denial or revocation shall remain in force.

Amended by Chapter 447, 2022 General Session

32B-1-606 Special procedure for approval of labeling and packaging for certain malted beverages.

(1) A manufacturer of a malted beverage may not distribute or sell the malted beverage in the state until the day on which the manufacturer receives approval of the labeling and packaging of the malted beverage from the department in accordance with:

(a) Sections 32B-1-604 and 32B-1-605; and

(b) this section, if the malted beverage is labeled or packaged in a manner that is:

(i) similar to a label or packaging used for a nonalcoholic beverage; or

(ii) likely to confuse or mislead a patron to believe the malted beverage is a nonalcoholic beverage.

(2) The department may not approve the labeling and packaging of a malted beverage described in Subsection (1) unless, in addition to the requirements of Section 32B-1-604, the labeling and packaging complies with the following:

(a) the front of the label on the malted beverage bears a prominently displayed label or a firmly affixed sticker that provides the following information in a font that measures at least three millimeters high and is in obvious and clearly visible contrast to the background of the text:
(i) the statement:
(A) "alcoholic beverage"; or
(B) "contains alcohol"; and
(ii) the alcohol content of the malted beverage, if the alcohol content is not otherwise provided:
(A) in a serving facts statement on the container; and
(B) in a format allowed by the Federal Alcohol and Tobacco Tax Trade Bureau;
(b) the packaging of the malted beverage prominently includes, either imprinted on the packaging or imprinted on a sticker firmly affixed to the packaging in a font that measures at least three millimeters high and is in obvious and clearly visible contrast to the background of the text, the statement:
(i) "alcoholic beverage"; or
(ii) "contains alcohol";
(c) a statement required under Subsection (2)(a) or (b) appears in a format required under rule made by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(d) a statement of alcohol content required under Subsection (2)(a)(ii):
(i) states the alcohol content as a percentage of alcohol by volume or by weight; and
(ii) is in a format required under rule made by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) The department:
(a) may reject a label or packaging for a malted beverage that appears designed to obscure the information required under Subsection (2); and
(b) shall reject a label or packaging for a malted beverage to be sold by an off-premise beer retailer if the label or packaging for the malted beverage complies with Subsection (2) but remains so similar to a label or packaging used on a well-known or widely available nonalcoholic beverage that the label or packaging for the malted beverage is likely to confuse or mislead a patron to believe the malted beverage is a nonalcoholic beverage.

(4) To determine whether a malted beverage is described in Subsection (1) and subject to this section, the department may consider in addition to other factors one or more of the following factors:
(a) whether the coloring, carbonation, and packaging of the malted beverage:
(i) is similar to those of a nonalcoholic beverage or product; or
(ii) can be confused with a nonalcoholic beverage;
(b) whether the malted beverage possesses a character and flavor distinctive from a traditional malted beverage;
(c) whether the malted beverage:
(i) is prepackaged;
(ii) contains high levels of caffeine and other additives; and
(iii) is marketed as a beverage that is specifically designed to provide energy;
(d) whether the malted beverage contains added sweetener or sugar substitutes; or
(e) whether the malted beverage contains an added fruit flavor or other flavor that masks the taste of a traditional malted beverage.

Amended by Chapter 371, 2023 General Session

32B-1-607 Rulemaking authority.

(1) The commission may adopt rules necessary to implement this part.

(2) Notwithstanding Subsections 32B-1-102(13) and (52), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules that allow for a tolerance in the alcohol content of beer or heavy beer as follows:

(a) up to 0.18% above or below when measured by volume; or

(b) up to 0.15% above or below when measured by weight.

Amended by Chapter 162, 2025 General Session

32B-1-608 Disciplinary proceeding for violation.

A person who violates this part:

(1) is subject to a disciplinary proceeding under Chapter 3, Disciplinary Actions and Enforcement Act; and

(2) may be subject to penalties under Chapter 4, Criminal Offenses and Procedure Act.

Amended by Chapter 371, 2023 General Session

Part 7
Alcohol Training and Education Act

32B-1-701 Definitions.

As used in this part:

(1) "Off-premise retail manager" means an individual who manages operations at a premises that is licensed under Chapter 7, Off-Premise Beer Retailer Act.

(2)

(a) "Off-premise retail staff" means an individual who sells beer at a premises that is licensed under Chapter 7, Off-Premise Beer Retailer Act.

(b) "Off-premise retail staff" does not include an off-premise retail manager.

(3) "Retail manager" means an individual who:

(a) manages operations at a premises that is licensed under Chapter 5, Retail License Act; or

(b) supervises the furnishing of an alcoholic product at a premises that is licensed under Chapter 5, Retail License Act.

(4)

(a) "Retail staff" means an individual who serves an alcoholic product at a premises licensed under Chapter 5, Retail License Act.

(b) "Retail staff" does not include a retail manager.

Amended by Chapter 447, 2022 General Session

32B-1-702 Alcohol training and education -- Revocation, suspension, or nonrenewal of retail license.

(1) The commission may suspend, revoke, or not renew a license of a retail licensee if any of the following individuals fail to complete an alcohol training and education seminar:

(a) a retail manager; or

(b) retail staff.

(2) A city, town, or county in which a retail licensee conducts business may suspend, revoke, or not renew the business license of the retail licensee if a retail manager or retail staff fails to complete an alcohol training and education seminar.
(3) A local authority that issues an off-premise beer retailer license to a business that is engaged in the retail sale of beer for consumption off the beer retailer's premises may immediately suspend the off-premise beer retailer license if any of the following individuals fails to complete an alcohol training and education seminar:
(a) an off-premise retail manager; or
(b) off-premise retail staff.

Amended by Chapter 438, 2024 General Session

32B-1-703 Alcohol training and education for off-premise consumption.
(1)
(a) A local authority that issues an off-premise beer retailer license to a business to sell beer at retail for off-premise consumption shall require the following to have a valid record that the individual completed an alcohol training and education seminar in the time periods required by Subsection (1)(b):
(i) an off-premise retail manager; or
(ii) off-premise retail staff.
(b) If an individual on the date the individual becomes staff to an off-premise beer retailer does not have a valid record that the individual has completed an alcohol training and education seminar for purposes of this part, the individual shall complete an alcohol training and education seminar in accordance with Section 26B-5-205 before the day on which the individual begins work as staff of an off-premise beer retailer.
(c) An off-premise beer retailer may not permit an individual who is not in compliance with Subsection (1)(b) to:
(i) directly supervise the sale of beer to a customer for consumption off the premises of the off-premise beer retailer; or
(ii) sell beer to a customer for consumption off the premises of the off-premise beer retailer.
(2) A licensee that violates this section is subject to Section 32B-1-702.

Amended by Chapter 328, 2023 General Session
Amended by Chapter 371, 2023 General Session

32B-1-704 Department training programs.
(1) The department shall develop the following training programs that are provided either in-person or online:
(a) a training program for retail managers that addresses:
(i) the statutes and rules that govern alcohol sales and consumption in the state;
(ii) the requirements for operating as a retail licensee;
(iii) using compliance assistance from the department; and
(iv) any other topic the department determines beneficial to a retail manager; and
(b) a training program for an individual employed by a retail licensee or an off-premise beer retailer who violates a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor, that addresses:
(i) the statutes and rules that govern the most common types of violations under this title;
(ii) how to avoid common violations; and

(iii) any other topic the department determines beneficial to the training program.

(2) The department shall develop a training program for off-premise retail managers that is provided either in-person or online and addresses:

(a) the statutes and rules that govern sales at an off-premise beer retailer;

(b) the requirements for operating an off-premise beer retailer;

(c) using compliance assistance from the department; and

(d) any other topic the department determines beneficial to an off-premise retail manager.

(3) The department shall develop a training program for an authorized person, as that term is defined in Section 32B-1-402, to properly verify whether an individual is an interdicted person.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this section, the department shall make rules to develop and implement the training programs described in this section, including rules that establish:

(a) the requirements for each training program described in this section;

(b) measures that accurately identify each individual who takes and completes a training program;

(c) measures that ensure an individual taking a training program is focused and actively engaged in the training material throughout the training program;

(d) a record that certifies that an individual has completed a training program; and

(e) a fee for participation in a training program to cover the department's cost of providing the training program.

(5)

(a) Each retail manager shall complete the training described in Subsection (1)(a) no later than the later of:

(i) 30 days after the day on which the retail manager is hired; or

(ii) the day on which the retail licensee obtains a retail license.

(b) Each off-premise retail manager shall complete the training described in Subsection (2) no later than the later of:

(i) 30 days after the day on which the off-premise retail manager is hired; or

(ii) 30 days after the day on which the off-premise beer retailer obtains an off-premise beer retailer state license.

(c)

(i) If the commission finds that a retail licensee violated a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a second time within 36 consecutive months after the day on which the first violation was adjudicated, the violator, all retail staff, and each retail manager shall complete the training program described in Subsection (1)(b).

(ii) If the commission finds that an off-premise beer retailer violated a provision of this title related to the sale, service, or furnishing of an alcoholic beverage to an intoxicated individual or a minor for a second time within 36 consecutive months after the day on which the first violation was adjudicated, the violator and each off-premise retail manager shall complete the training program described in Subsection (1)(b).

(6) If an individual fails to complete a required training program under this section:

(a) the commission may suspend, revoke, or not renew the retail license or off-premise beer retailer state license;

(b) a city, town, or county in which the retail licensee or off-premise beer retailer is located may suspend, revoke, or not renew the retail licensee's or off-premise beer retailer's business license; or

(c) a local authority may suspend, revoke, or not renew the off-premise beer retailer's license.

Amended by Chapter 471, 2025 General Session

32B-1-705 Tracking certain enforcement actions.

(1) For each violation of a provision of this title involving the sale of an alcoholic product to a minor that staff of a retail licensee or off-premise beer retailer commits, the commission shall:
  (a) maintain a record of the violation until the record is expunged in accordance with Subsection (3);
  (b) include in the record described in Subsection (1)(a):
    (i) the name of the individual who committed the violation;
    (ii) the name of the retail licensee or off-premise beer retailer; and
    (iii) the date of the adjudication of the violation; and
  (c) provide the information described in Subsection (1)(b) to the Department of Public Safety within 30 days after the day on which the violation is adjudicated.

(2)
  (a) The Department of Public Safety shall develop and operate a system to collect, analyze, maintain, track, and disseminate the information that the Department of Public Safety receives in accordance with Subsection (1).
  (b) The Department of Public Safety shall make the system described in Subsection (2)(a) available to:
    (i) assist the commission in assessing penalties under this title; and
    (ii) inform a retail licensee or off-premise beer retailer of an individual who has a violation history in the system.

(3) The commission and the Department of Public Safety shall expunge each record in the system described in Subsection (2) that relates to an individual if the individual does not violate a provision of this title related to the sale of an alcoholic product to a minor for a period of 36 consecutive months from the day on which the individual's last violation related to the sale of an alcoholic product to a minor was adjudicated.

Amended by Chapter 371, 2023 General Session

Chapter 2
Alcoholic Beverage Services Administration Act

Part 1
General Provisions

32B-2-101 Title.

This chapter is known as the "Alcoholic Beverage Services Administration Act."

Amended by Chapter 447, 2022 General Session

32B-2-102 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

Part 2
Organization and Operations of Commission and Department

32B-2-201 Alcoholic Beverage Services Commission created.

(1)
(a) There is created the "Alcoholic Beverage Services Commission."
(b) The commission is the governing board over the department.

(2) The commission is composed of seven part-time commissioners appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(3)
(a) Except as required by Subsection (3)(b), as terms of commissioners expire, the governor shall appoint each new commissioner or reappointed commissioner to a four-year term.
(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of no more than three commissioners expire in a fiscal year.

(4)
(a) When a vacancy occurs on the commission for any reason, the governor shall appoint a replacement for the unexpired term with the advice and consent of the Senate.
(b) Unless removed in accordance with Subsection (6), a commissioner shall remain on the commission after the expiration of a term until a successor is appointed by the governor, with the advice and consent of the Senate.

(5) A commissioner shall take the oath of office.

(6)
(a) The governor may remove a commissioner from the commission for cause, neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:
(i) the governor; or
(ii) an impartial hearing examiner appointed by the governor to conduct the hearing.
(b) At least 10 days before the hearing described in Subsection (6)(a), the governor shall provide the commissioner notice of:
(i) the date, time, and place of the hearing; and
(ii) the alleged grounds for the removal.
(c) The commissioner shall have an opportunity to:
(i) attend the hearing;
(ii) present witnesses and other evidence; and
(iii) confront and cross examine witnesses.
(d) After a hearing under this Subsection (6):
(i) the person conducting the hearing shall prepare written findings of fact and conclusions of law; and
(ii) the governor shall serve a copy of the prepared findings and conclusions upon the commissioner.
(e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing examiner shall issue a written recommendation to the governor in addition to complying with Subsection (6)(d).

(f) A commissioner has five days from the day on which the commissioner receives the findings and conclusions described in Subsection (6)(d) to file written objections to the recommendation before the governor issues a final order.
(g) The governor shall:
(i) issue the final order under this Subsection (6) in writing; and
(ii) serve the final order upon the commissioner.
(7) A commissioner may not receive compensation or benefits for the commissioner's service, but may receive per diem and travel expenses in accordance with:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(8)
(a)
(i) The governor shall annually appoint the chair of the commission.
(ii) A commissioner serves as chair to the commission at the pleasure of the governor.
(iii) If removed as chair, the commissioner continues to serve as a commissioner unless removed as a commissioner under Subsection (6).
(b) The commission shall elect:
(i) another commissioner to serve as vice chair; and
(ii) other commission officers as the commission considers advisable.
(c) A commissioner elected under Subsection (8)(b) shall serve in the office to which the commissioner is elected at the pleasure of the commission.
(9)
(a) Each commissioner has equal voting rights on a commission matter when in attendance at a commission meeting.
(b) Four commissioners is a quorum for conducting commission business.
(c) A majority vote of the quorum present at a meeting is required for the commission to act.
(d) A commissioner shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
(10)
(a) The commission shall meet at least monthly, but may hold other meetings at times and places as scheduled by:
(i) the commission;
(ii) the chair; or
(iii) three commissioners upon filing a written request for a meeting with the chair.
(b)
(i) Notice of the time and place of a commission meeting shall be given to each commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
(ii) A commission meeting is open to the public, except for a commission meeting or portion of a commission meeting that is closed by the commission as authorized by Sections 52-4-204 and 52-4-205.

Amended by Chapter 57, 2025 General Session

32B-2-201.5 Commission subcommittee -- Chair's oversight responsibilities.
(1) There is created within the commission two subcommittees consisting of members of the commission and known as the:
(a) "Compliance, Licensing, and Enforcement Subcommittee"; and

(b) "Operations and Procurement Subcommittee."
(2) A subcommittee shall have four members, including the chair of the commission. The chair of the commission shall appoint the members to a subcommittee.
(3) The director shall consult with the chair of the commission over:
(a) the internal affairs of the department; and
(b) subject to Section 32B-2-207, hiring and firing of upper management of the department.
(4) The commission by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall establish the duties of the subcommittees created under this section.

Enacted by Chapter 365, 2012 General Session

32B-2-202 Powers and duties of the commission.
(1) The commission shall:
(a) consistent with the policy established by the Legislature by statute, act as a general policymaking body on the subject of alcoholic product control;
(b) adopt and issue policies, rules, and procedures;
(c) set policy by written rules that establish criteria and procedures for:
(i) issuing, denying, not renewing, suspending, or revoking a package agency, license, permit, or certificate of approval; and
(ii) determining the location of a state store, package agency, or retail licensee;
(d) decide within the limits, and under the conditions imposed by this title, the number and location of state stores, package agencies, and retail licensees in the state;
(e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses, sublicenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale, furnishing, consumption, manufacture, and distribution of an alcoholic product:
(i) a package agency;
(ii) a full-service restaurant license;
(iii) a master full-service restaurant license;
(iv) a limited-service restaurant license;
(v) a master limited-service restaurant license;
(vi) a bar establishment license;
(vii) an airport lounge license;
(viii) an on-premise banquet license;
(ix) a resort license, which includes four or more sublicenses;
(x) an on-premise beer retailer license;
(xi) a reception center license;
(xii) a beer-only restaurant license;
(xiii) a hotel license, which includes three or more sublicenses;
(xiv) an arena license, which includes three or more sublicenses;
(xv) a hospitality amenity license;
(xvi) subject to Subsection (5), a single event permit;
(xvii) subject to Subsection (5), a temporary beer event permit;
(xviii) a special use permit;
(xix) a manufacturing license;
(xx) a liquor warehousing license;
(xxi) a beer wholesaling license;
(xxii) a liquor transport license;
(xxiii) an off-premise beer retailer state license;

(xxiv) a master off-premise beer retailer state license;
(xxv) one of the following that holds a certificate of approval:
(A) an out-of-state brewer;
(B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
(C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; and
(xxvi) a spa sublicense;
(f) issue, deny, suspend, or revoke the following conditional licenses:
(i) a conditional retail license as defined in Section 32B-5-205; and
(ii) a conditional off-premise beer retailer state license as defined in Section 32B-7-406;
(g) prescribe the duties of the department in assisting the commission in issuing a package agency, license, permit, or certificate of approval under this title;
(h) to the extent a fee is not specified in this title, establish a fee allowed under this title in accordance with Section 63J-1-504;
(i) fix prices at which liquor is sold that are the same at all state stores, package agencies, and retail licensees;
(j) issue and distribute price lists showing the price to be paid by a purchaser for each class, variety, or brand of liquor kept for sale by the department;
(k)
(i) require the director to follow sound management principles; and
(ii) require periodic reporting from the director to ensure that:
(A) sound management principles are being followed; and
(B) policies established by the commission are being observed;
(l)
(i) receive, consider, and act in a timely manner upon the reports, recommendations, and matters submitted by the director to the commission; and
(ii) do the things necessary to support the department in properly performing the department's duties;
(m) obtain temporarily and for special purposes the services of an expert or person engaged in the practice of a profession, or a person who possesses a needed skill if:
(i) considered expedient; and
(ii) approved by the governor;
(n) prescribe by rule the conduct, management, and equipment of premises upon which an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
(o) make rules governing the credit terms of beer sales within the state to retail licensees; and
(p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take disciplinary action against a person subject to administrative action.
(2) Consistent with the policy established by the Legislature by statute, the power of the commission to do the following is plenary, except as otherwise provided by this title, and not subject to review:
(a) establish a state store;
(b) issue authority to act as a package agent or operate a package agency; and
(c) issue, deny, or deem forfeit a license, permit, or certificate of approval.
(3)
(a) Subject to Subsections (3)(b) and (c), the commission may make rules permitting and establishing the parameters of a late license renewal.
(b) The commission may not allow for the late renewal of a license after the later of:
(i) the tenth day of the month after the month in which the license type is required to be renewed; or

(ii) if the tenth day of the month after the month in which the license type is required to be renewed falls on a Saturday, Sunday, or state or federal holiday, the first business day after the Saturday, Sunday, or holiday.

(c) The fee for a late license renewal is $300.

(4) If the commission is authorized or required to make a rule under this title, the commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) Notwithstanding Subsections (1)(e)(xvi) and (xvii), the director or deputy director may issue an event permit in accordance with Chapter 9, Event Permit Act.

Amended by Chapter 371, 2023 General Session

32B-2-203 Department of Alcoholic Beverage Services created.

(1) There is created the Department of Alcoholic Beverage Services. The department is governed by the commission.

(2) The director of alcoholic beverage services appointed under Section 32B-2-205 shall administer the department.

(3) The director shall allocate the duties within the department into the divisions, bureaus, sections, offices, and committees as the director considers necessary for the administration of this title.

(4) The department shall cooperate with any other recognized agency in the administration of this title and in the enforcement of a policy or rule of the commission or policy of the director.

Amended by Chapter 447, 2022 General Session

32B-2-204 Powers and duties of the department -- Immunity.

(1) The department shall control liquor merchandise inventory including:

(a) listing and delisting a product;

(b) the procedures for testing a new product;

(c) purchasing policy;

(d) turnover requirements for a regularly coded product to be continued; and

(e) the disposition of discontinued, distressed, or unsaleable merchandise.

(2)

(a) The department shall report to the governor on the administration of this title:

(i) as the governor may require; and

(ii) annually by no later than November 30, for the fiscal year ending June 30 of the year in which the report is made.

(b) A report under this Subsection (2) shall contain:

(i) a statement of the nature and amount of the business transacted by the department during the year;

(ii) a statement of the department's assets and liabilities including a profit and loss account, and other accounts and matters necessary to show the results of operations of the department for the year;

(iii) general information on the application of this title in the state; and

(iv) any other information requested by the governor.

(c) The department shall submit a copy of a report described in this Subsection (2) to the Legislature.

(3) The department shall maintain insurance against loss on each motor vehicle operated by it on any public highway. A motor vehicle shall be covered for:

(a) liability imposed by law upon the department for damages from bodily injuries suffered by one or more persons by reason of the ownership, maintenance, or use of the motor vehicle; and
(b) liability or loss from damage to or destruction of property of any description, including liability of the department for the resultant loss of use of the property, which results from accident due to the ownership, maintenance, or use of the motor vehicle.

(4)
(a) The department may sue, be sued, and defend in a proceeding, in a court of law or otherwise, in the name of the department.
(b) An action may not be taken:
(i) against the commission; or
(ii) in the name of a commissioner.

(5) The department is liable to respond in damages in a case if a private corporation under the same circumstances would be liable.

(6)
(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies in an action commenced against the department for damages sustained as a result of department ownership, maintenance, or use of a motor vehicle under Subsections (4) and (5).
(b) In an action described in Subsection (6)(a), the commission and each commissioner are immune from suit.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to measuring the alcohol content of beer.

Amended by Chapter 403, 2019 General Session

32B-2-205 Director of alcoholic beverage services.

(1)
(a) In accordance with Subsection (1)(b), the governor, with the advice and consent of the Senate, shall appoint a director of alcoholic beverage services to a four-year term. The director may be appointed to more than one four-year term. The director is the administrative head of the department.
(b)
(i) The governor shall appoint the director from nominations made by the commission.
(ii) The commission shall submit the nomination of three individuals to the governor for appointment of the director.
(iii) By no later than 30 calendar days from the day on which the governor receives the three nominations submitted by the commission, the governor may:
(A) appoint the director; or
(B) reject the three nominations.
(iv) If the governor rejects the nominations or fails to take action within the 30-day period, the commission shall nominate three different individuals from which the governor may appoint the director or reject the nominations until such time as the governor appoints the director.
(v) The governor may reappoint the director without seeking nominations from the commission.
(vi) The governor's reappointment of the director under Subsection (1)(b)(v) shall be made with the advice and consent of the Senate.
(c)
(i) If there is a vacancy in the position of director, during the nomination process described in Subsection (1)(b), the governor may unilaterally appoint an interim director for a period of up to 30 calendar days.

(ii) If a director is not appointed within the 30-day period, the interim director may continue to serve beyond the 30-day period, subject to the advice and consent of the Senate at the next scheduled time for the Senate giving consent to appointments of the governor.
(iii) Except that if the Senate does not act on the consent to the appointment of the interim director within 60 days of the end of the initial 30-day period, the interim director may continue as the interim director.
(d) The director may be terminated by:
(i) the commission by a vote of four commissioners; or
(ii) the governor after consultation with the commission.
(e) The director may not be a commissioner.
(f) The director shall:
(i) be qualified in administration;
(ii) be knowledgeable by experience and training in the field of business management; and
(iii) possess any other qualification prescribed by the commission.
(2) The governor shall establish the director's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
(3) The director shall:
(a) carry out the policies of the commission;
(b) carry out the policies of the department;
(c) fully inform the commission of the operations and administrative activities of the department; and
(d) assist the commission in the proper discharge of the commission's duties.
(4)
(a) The director shall form a workgoup that includes representatives from the following:
(i) the department;
(ii) the Division of Integrated Healthcare created in Section 26B-3-102;
(iii) the Department of Public Safety created in Section 53-1-103;
(iv) the retail alcohol industry;
(v) the bar or restaurant industry;
(vi) organizations related to alcohol and drug abuse prevention, alcohol or drug related enforcement, or alcohol or drug related education; and
(vii) any other organization or industry the director determines beneficial.
(b)
(i) The workgroup shall study and make recommendations to:
(A) improve the efficacy of the alcohol training and education described in Section 26B-5-205, including recommendations related to the curriculum, development, provider, and delivery; and
(B) maintain appropriate records of cash sale transactions in bar establishments.
(ii) The workgoup shall ensure that the workgroup's recommendations under Subsection (4)(b)(i)(A) include a focus on improving training with respect to laws governing the responsible sale and service of alcohol.
(c) No later than September 1, 2024, the workgroup shall provide written recommendations as provided in this Subsection (4) to the Business and Labor Interim Committee.

Amended by Chapter 94, 2024 General Session
Amended by Chapter 529, 2024 General Session

32B-2-206 Powers and duties of the director.

Subject to the powers and responsibilities of the commission under this title, the director:

(1)
(a) shall prepare and propose to the commission general policies, rules, and procedures governing the administrative activities of the department; and
(b) may submit other recommendations to the commission as the director considers in the interest of the commission's or the department's business;

(2) within the general policies, rules, and procedures of the commission, shall:
(a) provide day-to-day direction, coordination, and delegation of responsibilities in the administrative activities of the department's business; and
(b) make internal department policies and procedures relating to:
(i) department personnel matters; and
(ii) the day-to-day operation of the department;

(3) subject to Section 32B-2-207, shall appoint or employ personnel as considered necessary in the administration of this title, and with regard to the personnel shall:
(a) prescribe the conditions of employment;
(b) define the respective duties and powers; and
(c) fix the remuneration in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act;

(4) shall establish and secure adherence to a system of reports, controls, and performance in matters relating to personnel, security, department property management, and operation of:
(a) a department office;
(b) a warehouse;
(c) a state store; and
(d) a package agency;

(5) within the policies, rules, and procedures approved by the commission and provisions of law, shall purchase, store, keep for sale, sell, import, and control the storage, sale, furnishing, transportation, or delivery of an alcoholic product;

(6) shall prepare for commission approval:
(a) recommendations regarding the location, establishment, relocation, and closure of a state store or package agency;
(b) recommendations regarding the issuance, denial, nonrenewal, suspension, or revocation of a license, permit, or certificate of approval;
(c) an annual budget, proposed legislation, and reports as required by law and sound business principles;
(d) plans for reorganizing divisions of the department and the functions of the divisions;
(e) manuals containing commission and department policies, rules, and procedures;
(f) an inventory control system;
(g) any other report or recommendation requested by the commission;
(h) rules described in Subsection 32B-2-202(1)(o) governing the credit terms of the sale of beer;
(i) rules governing the calibration, maintenance, and regulation of a calibrated metered dispensing system;
(j) rules governing the display of a list of types and brand names of liquor furnished through a calibrated metered dispensing system;
(k) price lists issued and distributed showing the price to be paid for each class, variety, or brand of liquor kept for sale at a state store, package agency, or retail licensee;
(l) policies or rules prescribing the books of account maintained by the department and by a state store, package agency, or retail licensee; and

(m) a policy prescribing the manner of giving and serving a notice required by this title or rules made under this title;
(7) shall make available through the department to any person, upon request, a copy of a policy made by the director;
(8) shall make and maintain a current copy of a manual that contains the rules and policies of the commission and department available for public inspection;
(9)
(a) after consultation with the governor, shall determine whether an alcoholic product should not be sold, offered for sale, or otherwise furnished in an area of the state during a period of emergency that is proclaimed by the governor to exist in that area; and
(b) shall issue a necessary public announcement or policy with respect to the determination described in Subsection (9)(a);
(10) issue event permits in accordance with Chapter 9, Event Permit Act; and
(11) shall perform any other duty required by the commission or by law.

Amended by Chapter 345, 2021 General Session

32B-2-207 Department employees -- Requirements.
(1) "Upper management" means the director, a deputy director, or other Schedule AD, AR, or AS employee of the department, as defined in Section 63A-17-301, except for the director of internal audits and auditors hired by the director of internal audits under Section 32B-2-302.5.
(2)
(a) Subject to this title, including the requirements of Chapter 1, Part 3, Qualifications and Background, the director may prescribe the qualifications of a department employee.
(b) The director may hire an employee who is upper management only with the approval of four commissioners voting in an open meeting.
(c) Except as provided in Section 32B-1-303, the executive director may dismiss an employee who is upper management after consultation with the chair of the commission.
(3)
(a) A person who seeks employment with the department shall file with the department an application under oath or affirmation in a form prescribed by the commission.
(b) Upon receiving an application, the department shall determine whether the individual is:
(i) of good moral character; and
(ii) qualified for the position sought.
(c) The department shall select an individual for employment or advancement with the department in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act.
(4) The following are not considered a department employee:
(a) a package agent;
(b) a licensee;
(c) a staff member of a package agent; or
(d) staff of a licensee.
(5) The department may not employ a minor to:
(a) work in:
(i) a state store; or
(ii) a department warehouse; or
(b) engage in an activity involving the handling of an alcoholic product.
(6) The department shall ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,

Chapter 22, State Training and Certification Requirements, if the training or certification is required:
(a) under this title;
(b) by the department; or
(c) by an agency or division within the department.

Amended by Chapter 345, 2021 General Session

32B-2-208 Services of State Health Laboratory.

The State Health Laboratory shall make its services available to the department when necessary. The department shall pay for the services from the Liquor Control Fund to the Department of Health and Human Services.

Amended by Chapter 328, 2023 General Session

32B-2-209 Prohibited interests, relationships, and actions.

(1) As used in this section:
(a) "Applicable department employee" means a department employee who is:
(i) designated as a deputy or assistant director;
(ii) a chief administrative officer of a division within the department;
(iii) a department compliance officer; or
(iv) an employee directly performing purchasing, licensing, or compliance functions of the department.
(b) "Immediate family" means an individual's:
(i) spouse; or
(ii) child who is younger than 18 years of age.
(c) "Permit" does not include:
(i) an industrial or manufacturing use permit;
(ii) a scientific or educational use permit; or
(iii) a religious wine use permit.
(2) In addition to being subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, an individual who is a commissioner, the director, or an applicable department employee may not:
(a) have a pecuniary interest, whether as the holder of stock or other securities other than a mutual fund, in a person who applies for or holds a package agency, license, or permit under this title;
(b) otherwise have a conflict of interest with a person who applies for or holds a package agency, license, or permit under this title;
(c) have an office, position, or relationship, or be engaged in a business or avocation that interferes or is incompatible with the effective and objective fulfillment of the duties of office or employment;
(d) have a direct business relationship with a person subject to administrative action under this title;
(e) accept a gift, gratuity, emolument, or employment from:
(i) a person who applies for or holds a package agency, license, or permit under this title; or
(ii) an officer, agent, or employee of a person who applies for or holds a package agency, license, or permit under this title, except that a commissioner, the director, or an applicable

department employee may accept a gift from an officer, agent, or employee if the gift is equal to or less than $50; or

(f) solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person to any office or employment with a person who applies for or holds a package agency, license, or permit under this title.

(3) An immediate family member of a commissioner, the director, or an applicable department employee may not:

(a) have a pecuniary interest, whether as the holder of stock or other securities other than a mutual fund, in a person who applies for or holds a package agency, license, or permit under this title;

(b) otherwise have a conflict of interest with a person who applies for or holds a package agency, license, or permit under this title;

(c) have an office, position, or relationship, or be engaged in a business or avocation that interferes or is incompatible with the effective and objective fulfillment of the duties of office or employment of the commissioner, director, or applicable department employee for whom the person is immediate family;

(d) accept a gift, gratuity, emolument, or employment from:

(i) a person who applies for or holds a package agency, license, or permit under this title; or

(ii) an officer, agent, or employee of a person who applies for or holds a package agency, license, or permit under this title, except that an immediate family member may accept a gift from an officer, agent, or employee if the gift is equal to or less than $50; or

(e) solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person to any office or employment with a person who applies for or holds a package agency, license, or permit under this title.

(4) An officer, agent, attorney, or employee of a person who applies for or holds a package agency, license, or permit under this title may not directly or indirectly solicit, request, or recommend to the governor, any state senator, the commission, or the department the appointment of any person:

(a) as a commissioner;

(b) as director of the department; or

(c) to a department staff position.

(5)

(a) A commissioner shall disclose during a meeting of the commission a potential violation of this section, including the existence and nature of a professional, financial, business, or personal interest with a person who holds, or an applicant for, a package agency, license, or permit issued under this title that may result in a violation of this section.

(b) After a commissioner makes a disclosure under Subsection (5)(a):

(i) the commission may, by motion, determine whether there is a potential violation of this section;

(ii) if the commission determines that there is a potential violation of this section:

(A) the commission shall notify the governor; and

(B) the commissioner may not vote on any matter that would result in the potential violation of this section; and

(iii) if the commission determines that there is not a potential violation of this section, a commissioner may elect whether to vote on the issue that gives rise to the disclosure under Subsection (5)(a).

(c) The commission shall record any declaration of a potential violation of this section in the minutes of the meeting.

Amended by Chapter 365, 2012 General Session

32B-2-211 Review and audit of commission rules.

(1)

(a) In 2019 and every third year thereafter, the Legislature's general counsel shall review each current rule made by the commission for compliance with current statute.

(b) On or before December 15 of each year in which the Legislature's general counsel completes a compliance review described in Subsection (1)(a), the Legislature's general counsel shall prepare and submit a report to the president of the Senate and the speaker of the House of Representatives that describes the Legislature's general counsel's findings.

(2)

(a) Subject to the prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General may review one or more current practices of the commission or the department for compliance with current statute or rule.

(b) Following a review described in Subsection (2)(a), the Office of the Legislative Auditor General shall prepare and submit a report to the Audit Subcommittee that describes the Office of the Legislative Auditor General's findings and recommendations.

Enacted by Chapter 455, 2017 General Session

32B-2-212 Division of Consumer Purchasing.

There is created with the department the Division of Consumer Purchasing to establish and administer:

(1) the wine subscription program described in Part 7, Wine Subscription Program; and

(2) the consumer purchasing system described in Part 8, Consumer Purchasing System.

Enacted by Chapter 412, 2022 General Session

32B-2-213 Round up program.

(1) The department may establish a round up program under which an individual who makes a purchase at a state store may elect to round the purchase price up to the nearest dollar.

(2) The department shall deposit money the department collects under Subsection (1) into the Pamela Atkinson Homeless Account created in Section 35A-16-301.

Enacted by Chapter 94, 2024 General Session

Part 3
Fiscal Matters

32B-2-301 State property -- Liquor Control Fund -- Money to be retained by department -- Department building process.

(1) As used in this section, "base budget" means the same as that term is defined in legislative rule.

(2) The following are property of the state:

(a) the money received in the administration of this title, except as otherwise provided; and

(b) property acquired, administered, possessed, or received by the department.

(3)

(a) There is created an enterprise fund known as the "Liquor Control Fund."

(b) Except as provided in Sections 32B-2-304, 32B-2-305, and 32B-2-306, the department shall deposit the following into the Liquor Control Fund:

(i) money received in the administration of this title; and

(ii) money received from the markup described in Section 32B-2-304.

(c) The department may draw from the Liquor Control Fund only to the extent appropriated by the Legislature or provided by statute.

(d) The net position of the Liquor Control Fund may not fall below zero.

(4)

(a) Notwithstanding Subsection (3)(c), the department may draw by warrant from the Liquor Control Fund without an appropriation for an expenditure that is directly incurred by the department:

(i) to purchase an alcoholic product;

(ii) to transport an alcoholic product from the supplier to a warehouse of the department; or

(iii) for variances related to an alcoholic product, including breakage or theft.

(b) If the balance of the Liquor Control Fund is not adequate to cover a warrant that the department draws against the Liquor Control Fund, to the extent necessary to cover the warrant, the cash resources of the General Fund may be used.

(5) The department's base budget shall include as an appropriation from the Liquor Control Fund:

(a) credit card related fees paid by the department;

(b) package agency compensation;

(c) the department's costs of shipping and warehousing alcoholic products; and

(d) the amount needed, as the Division of Human Resource Management determines, to make the median department salary in the previous fiscal year equal the median market salary in the previous fiscal year for the following positions:

(i) state store manager or equivalent;

(ii) state store assistant manager or equivalent;

(iii) full-time sales clerk at a state store or equivalent;

(iv) part-time sales clerk at a state store or equivalent;

(v) department warehouse manager or equivalent;

(vi) department warehouse assistant manager or equivalent;

(vii) full-time department warehouse worker or equivalent; and

(viii) part-time department warehouse worker or equivalent.

(6)

(a) The Division of Finance shall transfer annually from the Liquor Control Fund to the General Fund a sum equal to the amount of net profit earned from the sale of liquor since the preceding transfer of money under this Subsection (6), adjusted for amounts needed for cash operations.

(b) After each fiscal year, the Division of Finance shall transfer the amount calculated under Subsection (6)(a) on or before September 30.

(c) The Division of Finance may make year-end closing entries in the Liquor Control Fund to comply with Subsection 51-5-6(2).

(7)

(a) By the end of each day, the department shall:

(i) make a deposit to a qualified depository, as defined in Section 51-7-3; and

(ii) report the deposit to the state treasurer.

(b) A commissioner or department employee is not personally liable for a loss caused by the default or failure of a qualified depository.
(c) Money deposited in a qualified depository is entitled to the same priority of payment as other public funds of the state.
(8) Before the Division of Finance makes the transfer described in Subsection (6), the department may retain each fiscal year from the Liquor Control Fund $1,000,000 that the department may use for:
(a) capital equipment purchases;
(b) salary increases for department employees;
(c) performance awards for department employees; or
(d) information technology enhancements because of changes or trends in technology.

Amended by Chapter 167, 2025 General Session

32B-2-302 Exempt from Division of Finance -- Application of procurement -- External audits.
(1)
(a) The laws that govern the Division of Finance are not applicable to the department in the purchase and sale of an alcoholic product.
(b) The department is exempt from Title 63G, Chapter 6a, Utah Procurement Code, for the purchase of an alcoholic product. The department is subject to Title 63G, Chapter 6a, Utah Procurement Code, for any purchase other than for an alcoholic product.
(2) The state auditor shall:
(a) annually perform a financial audit of the department's accounts; and
(b) determine the scope and focus of the financial audit in an open meeting of the commission before the audit commences.
(3) Every two years, beginning for fiscal year 2013-14, the state auditor shall conduct an audit of the department's:
(a) management operations, best practices, and efficiency; and
(b) ethics and statutory compliance.
(4) In addition to complying with Subsections (2) and (3), the state auditor may engage in an activity related to the department or commission allowed under Utah Constitution, Article VII, Section 15 or Title 67, Chapter 3, Auditor.
(5) The state auditor shall forward an audit report issued under Subsection (2) or (3) to the following by no later than 30 days after the day on which the audit report is made:
(a) the governor;
(b) the Legislative Management Committee;
(c) the director; and
(d) the legislative auditor general.

Amended by Chapter 349, 2013 General Session

32B-2-302.5 Internal audits.
(1) In accordance with Title 63I, Chapter 5, Utah Internal Audit Act, the department shall conduct various types of auditing procedures determined by the commission through an internal audit division.
(2)
(a) The commission shall appoint an internal audit director who shall serve at the pleasure of the commission.

(b) The internal audit director shall hire auditors in the division with the approval of the commission.
(c) The internal audit director may dismiss an auditor with the approval of the commission.
(3) Notwithstanding Section 63I-5-301, the commission shall serve as the audit committee.
(4) Subject to the other provisions of this section, the internal audit director shall have the powers and duties described in Section 63I-5-401 or any other duty prescribed by the chair of the commission. The internal audit director shall oversee and materially participate in internal audits conducted under this section.
(5)
(a) Once an internal audit is completed, the internal audit director shall provide an internal audit report to the director, the chair of the commission, and the other commissioners.
(b) Within five business days of receipt of the internal audit, the director shall prepare a written response and deliver it to the chair of the commission and the other commissioners.
(c) Within five business days of receipt of the director's written response under Subsection (5)(b), the chair of the commission may prepare a separate response.
(d) Within 12 business days of the internal audit being given to the director, chair of the commission, and the other commissioners under Subsection (5)(a), the chair of the commission shall forward the audit and any response to:
(i) the governor;
(ii) the legislative auditor general; and
(iii) the Legislative Management Committee.
(e) Within 120 calendar days of an internal audit being completed, the commission shall prepare a report to the governor describing steps taken to implement the recommendations of the audit or a detailed explanation of why recommendations have not been implemented. The chair of the commission shall forward the report to:
(i) the legislative auditor general; and
(ii) the Legislative Management Committee.
(f) The chair of the commission shall make such other reports as the governor requests.

Enacted by Chapter 365, 2012 General Session

32B-2-303 Purchase of liquor.
(1) The department may only:
(a) purchase or stock spirituous liquor in a container smaller than 200 milliliters for the purpose of furnishing the spirituous liquor to a public service permittee issued a permit under Chapter 10, Part 3, Public Service Permit; and
(b) furnish spirituous liquor in a container smaller than 200 milliliters to a public service permittee issued a permit under Chapter 10, Part 3, Public Service Permit.
(2)
(a) An order by the department for the purchase of liquor, or a cancellation by the department of an order of liquor:
(i) shall be executed in writing by the department; and
(ii) is not valid or binding unless executed in writing.
(b) The department shall maintain a copy of an order or cancellation on file for at least three years.
(c) An electronic record satisfies Subsections (2)(a) and (b) pursuant to Title 46, Chapter 4, Uniform Electronic Transactions Act.

Amended by Chapter 371, 2023 General Session

32B-2-304 Liquor price -- Remittance of markup -- School lunch program -- Remittance of markup.

(1) For purposes of this section:

(a)

(i) "Landed case cost" means the sum of:

(A) the cost of the product;

(B) inbound shipping costs the department incurs; and

(C) case handling costs the department incurs.

(ii) "Landed case cost" does not include the outbound shipping cost from a warehouse of the department to a state store.

(b) "Proof gallon" means the same as that term is defined in 26 U.S.C. Sec. 5002.

(2) Except as provided in Subsections (3) and (4):

(a) spirituous liquor sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department;

(b) wine sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department;

(c) heavy beer sold by the department within the state shall be marked up in an amount not less than 66.5% above the landed case cost to the department; and

(d) a flavored malt beverage sold by the department within the state shall be marked up in an amount not less than 88.5% above the landed case cost to the department.

(3)

(a) Liquor sold by the department to a military installation in Utah shall be marked up in an amount not less than 17% above the landed case cost to the department.

(b) Except for spirituous liquor sold by the department to a military installation in Utah, spirituous liquor that is sold by the department within the state shall be marked up 49% above the landed case cost to the department if:

(i) the spirituous liquor is manufactured by a manufacturer producing less than 30,000 proof gallons of spirituous liquor in a calendar year; and

(ii) the manufacturer applies to the department for a reduced markup.

(c) Except for wine sold by the department to a military installation in Utah, wine that is sold by the department within the state shall be marked up 49% above the landed case cost to the department if:

(i)

(A) except as provided in Subsection (3)(c)(i)(B), the wine is manufactured by a manufacturer producing less than 20,000 gallons of wine in a calendar year; or

(B) for hard cider, the hard cider is manufactured by a manufacturer producing less than 620,000 gallons of hard cider in a calendar year; and

(ii) the manufacturer applies to the department for a reduced markup.

(d) Except for heavy beer sold by the department to a military installation in Utah, heavy beer that is sold by the department within the state shall be marked up 32% above the landed case cost to the department if:

(i) a small brewer manufactures the heavy beer; and

(ii) the small brewer applies to the department for a reduced markup.

(e) The department shall:

(i) for purposes of Subsections (3)(b) and (c), calculate the production amount of a manufacturer:

(A) by, if the manufacturer is part of a controlled group of manufacturers, including the combined volume totals of spirituous liquor, wine, or cider, as applicable, for all manufacturers that constitute the controlled group of manufacturers; and
(B) without considering the manufacturer's production of any other type of alcoholic product; and
(ii) verify that a manufacturer meets a production amount described in Subsection (3)(b) or (c) and the production amount of a small brewer under a federal or other verifiable production report.
(f) A manufacturer seeking to obtain a reduced markup under Subsection (3)(b), (c), or (d), shall provide to the department any documentation or information the department determines necessary to determine if the manufacturer is part of a controlled group of manufacturers.
(g) The department may, at any time, revoke a reduced markup granted to a manufacturer under Subsection (3)(b), (c), or (d), if the department determines the manufacturer no longer qualifies for the reduced markup.
(4) Wine the department purchases on behalf of a subscriber through the wine subscription program established in Section 32B-2-702 shall be marked up not less than 88.5% above the cost of the subscription for the interval in which the wine is purchased.
(5) The department shall deposit 10% of the total gross revenue from sales of liquor with the state treasurer to be credited to the Uniform School Fund and used to support the school meals program administered by the State Board of Education under Section 53E-3-510.
(6)
(a) Each month, the department shall collect from each package agency located at a manufacturing facility owned or operated by a person licensed under Chapter 11, Manufacturing and Related Licenses Act, 12.295% of the package agency's reported monthly revenue and deposit the money as follows:
(i) 1.695% of the reported monthly revenue into the Alcoholic Beverage Control Act Enforcement Fund;
(ii) 10% of the reported monthly revenue into the Uniform School Fund and used to support the school meals program administered by the State Board of Education under Section 53E-3-510; and
(iii) 0.60% of the reported monthly revenue into the Underage Drinking Prevention Media and Education Campaign Restricted Account.
(b) The department may collect a fee established in accordance with Section 63J-1-504 from a package agency described in this subsection to cover the costs of regulation.
(7) This section does not prohibit the department from selling discontinued items at a discount.
(8) The Legislature shall annually appropriate to support substance use disorder treatment services, an amount equal to the revenue generated from a 0.5% markup above the landed case cost to the department on spirituous liquor.

Amended by Chapter 94, 2024 General Session

32B-2-305 Alcoholic Beverage Control Act Enforcement Fund.
(1) As used in this section:
(a) "Alcohol-related law enforcement officer" means the same as that term is defined in Section 32B-1-201.
(b) "Drug-related law enforcement officer" means a law enforcement officer employed by the Department of Public Safety who has enforcement of drug-related offenses as a primary responsibility.

(c) "Enforcement ratio" means the same as that term is defined in Section 32B-1-201.
(d) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in this section.
(e) "SBI drug-related law enforcement officer" means a law enforcement officer employed by the State Bureau of Investigation within the Department of Public Safety who has investigation of drug-related offenses as a primary responsibility.
(f) "Social worker" means an individual licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, and employed by the Department of Public Safety who has provision of caseworker services to individuals under 21 years old as a primary responsibility.
(2) There is created an expendable special revenue fund known as the "Alcoholic Beverage Control Act Enforcement Fund."
(3)
(a) The fund consists of:
(i) deposits made under Subsection (4);
(ii) deposits made under Section 59-15-109; and
(iii) interest earned on the fund.
(b)
(i) The fund shall earn interest.
(ii) Interest on the fund shall be deposited into the fund.
(4) After the deposit made under Section 32B-2-304 for the school lunch program, the department shall deposit 1.695% of the total gross revenue from the sale of liquor with the state treasurer to be credited to the fund.
(5) The deposits made under Subsection (4) and Section 59-15-109 shall be:
(a) used by the Department of Public Safety as provided in Subsection (6); and
(b) reallocated to the General Fund as described in Subsection (7).
(6)
(a) The Department of Public Safety shall expend money from the fund to:
(i) supplement appropriations by the Legislature so that the Department of Public Safety maintains a sufficient number of alcohol-related law enforcement officers such that each year the enforcement ratio as of July 1 is equal to or less than the number specified in Section 32B-1-201; and
(ii) maintain at least:
(A) 10 drug-related law enforcement officers;
(B) eight SBI drug-related law enforcement officers;
(C) two social workers; and
(D) three additional alcohol-related law enforcement officers who are dedicated to compliance or enforcement of this title.
(b) Four of the alcohol-related law enforcement officers described in Subsection (6)(a)(i) shall have as a primary focus the enforcement of this title in relationship to restaurants.
(7) For fiscal year 2023, the Division of Finance shall deposit into the General Fund $3 million of unspent money in the fund.

Amended by Chapter 94, 2024 General Session

32B-2-306 Underage drinking prevention media and education campaign.
(1) As used in this section:
(a) "Advisory committee" means the Utah Substance Use and Mental Health Advisory Committee created in Section 26B-5-801.

(b) "Restricted account" means the Underage Drinking Prevention Media and Education Campaign Restricted Account created in this section.

(2)

(a) There is created a restricted account within the General Fund known as the "Underage Drinking Prevention Media and Education Campaign Restricted Account."

(b) The restricted account consists of:

(i) deposits made under Subsection (3); and

(ii) interest earned on the restricted account.

(3) The department shall deposit 0.6% of the total gross revenue from sales of liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to the restricted account and to be used by the department as provided in Subsection (5).

(4)

(a) Before January 1, 2033, the advisory committee shall:

(i) provide ongoing oversight of a media and education campaign funded under this section;

(ii) create an underage drinking prevention workgroup consistent with guidelines proposed by the advisory committee related to the membership and duties of the underage drinking prevention workgroup;

(iii) create guidelines for how money appropriated for a media and education campaign can be used;

(iv) include in the guidelines established pursuant to this Subsection (4) that a media and education campaign funded under this section is carefully researched and developed, and appropriate for target groups; and

(v) approve plans submitted by the department in accordance with Subsection (5).

(b) On or after January 1, 2033, the department shall:

(i) provide ongoing oversight of a media and education campaign funded under this section;

(ii) create guidelines for how money appropriated for a media and education campaign can be used; and

(iii) include in the guidelines established pursuant to this Subsection (4) that a media and education campaign funded under this section is carefully researched and developed, and appropriate for target groups.

(5)

(a) Subject to appropriation from the Legislature, the department shall expend money from the restricted account to direct and fund one or more media and education campaigns designed to reduce underage drinking in cooperation with the advisory committee, subject to the advisory committee being in effect under Section 63I-1-232.

(b)

(i) Before January 1, 2033, the department shall:

(A) in cooperation with the underage drinking prevention workgroup created under Subsection (4), prepare and submit a plan to the advisory committee detailing the intended use of the money appropriated under this section;

(B) upon approval of the plan by the advisory committee, conduct the media and education campaign in accordance with the guidelines made by the advisory committee; and

(C) submit to the advisory committee annually by no later than October 1, a written report detailing the use of the money for the media and education campaigns conducted under this Subsection (5) and the impact and results of the use of the money during the prior fiscal year ending June 30.

(ii) On or after January 1, 2033, the department shall:

(A) prepare a plan detailing the intended use of the money appropriated under this section; and
(B) conduct the media and education campaign in accordance with the guidelines created by the department under Subsection (4)(b).

Amended by Chapter 245, 2024 General Session
Amended by Chapter 385, 2024 General Session

32B-2-307 State Store Land Acquisition and Building Construction Fund.

(1) As used in this section, "fund" means the State Store Land Acquisition and Building Construction Fund created in this section.
(2) There is created an enterprise fund known as the State Store Land Acquisition and Building Construction Fund.
(3) The fund is funded from the following sources:
(a) appropriations made to the fund by the Legislature;
(b) in accordance with Subsection (6)(a), proceeds from revenue bonds authorized by Title 63B, Bonds;
(c) subject to Subsection (7)(b), repayments to the fund; and
(d) the interest described in Subsection (4).
(4)
(a) The fund shall earn interest.
(b) Interest earned on the fund shall be deposited into the fund.
(5) Subject to Subsection (6), the department may use the money deposited into the fund:
(a) for construction of new state stores, including to purchase or lease property; and
(b) for maintenance or renovation of existing state stores or facilities.
(6)
(a) Before the department spends or commits money from the fund, the department shall:
(i) present to the Transportation and Infrastructure Appropriations Subcommittee a description of how the department will spend the money; and
(ii) if the department intends to spend or commit money from the fund for construction of a new state store:
(A) receive approval from the Division of Facilities Construction and Management, created in Section 63A-5b-301; and
(B) receive authorization in an appropriations act.
(b) Following a presentation described in Subsection (6)(a)(i), the Transportation and Infrastructure Appropriations Subcommittee shall recommend whether the department spend the money in accordance with the department's presentation.
(7)
(a) If the department uses money in the fund for a purpose described in Subsection (5), and subsequently issues a revenue bond for that purpose, the department shall repay the money with proceeds from the revenue bond.
(b) If the department uses money from the fund for a purpose described in Subsection (5), and subsequently uses, instead of issuing bonds, cash funding appropriated by the Legislature to fund that purpose, the department shall reimburse the fund:
(i) with proceeds from liquor revenue in the Liquor Control Fund, created in Section 32B-2-301, on a long-term payment schedule set by the state treasurer; and
(ii) before the transfer described in Subsection 32B-2-301(7).
(8)

(a) If the department uses money from the fund that the Legislature appropriated as a loan to be used for the purposes described in Subsection (5), the department shall repay the money with proceeds from liquor revenue in the Liquor Control Fund, created in Section 32B-2-301:
(i) with interest at prevailing municipal revenue bond rates for the state of Utah at the time of loan origination minus 50 basis points; and
(ii) on a term not to exceed 15 years.
(b) The department shall make each payment under Subsection (8)(a) before the transfer described in Subsection 32B-2-301(7).

Amended by Chapter 271, 2025 General Session

Part 4
Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act

32B-2-401 Title.

This part is known as the "Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act."

Amended by Chapter 119, 2014 General Session

32B-2-402 Definitions -- Calculations.

(1) As used in this part:
(a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account created in Section 32B-2-403.
(b) "Advisory committee" means the Utah Substance Use and Mental Health Advisory Committee created in Section 26B-5-801.
(c) "Alcohol-related offense" means:
(i) a violation of:
(A) Section 41-6a-502; or
(B) an ordinance that complies with the requirements of:
(I) Subsection 41-6a-510(1); or
(II) Section 76-5-207; or
(ii) an offense involving the illegal:
(A) sale of an alcoholic product;
(B) consumption of an alcoholic product;
(C) distribution of an alcoholic product;
(D) transportation of an alcoholic product; or
(E) possession of an alcoholic product.
(d) "Annual conviction time period" means the time period that:
(i) begins on July 1 and ends on June 30; and
(ii) immediately precedes the fiscal year for which an appropriation under this part is made.
(e) "Municipality" means a city or town.
(f)

(i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the Division of Integrated Healthcare within the Department of Health and Human Services.
(ii) In defining the term "prevention," the Division of Substance Abuse and Mental Health shall:
(A) include only evidence-based or evidence-informed programs; and
(B) provide for coordination with local substance abuse authorities designated to provide substance abuse services in accordance with Section 17-77-201.
(2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within the limits of a municipality or county:
(a) is the number determined by the department to be so located;
(b) includes the aggregate number of premises of the following:
(i) a state store;
(ii) a package agency; and
(iii) a retail licensee; and
(c) for a county, consists only of the number located within an unincorporated area of the county.
(3) The department shall determine:
(a) a population figure according to the most current population estimate prepared by the Utah Population Committee;
(b) a county's population for the 25% distribution to municipalities and counties under Subsection 32B-2-404(1)(b)(i) only with reference to the population in the unincorporated areas of the county; and
(c) a county's population for the 25% distribution to counties under Subsection 32B-2-404(1)(b)(iv) only with reference to the total population in the county, including that of a municipality.
(4)
(a) A conviction occurs in the municipality or county that actually prosecutes the offense to judgment.
(b) If a conviction is based upon a guilty plea, the conviction is considered to occur in the municipality or county that, except for the guilty plea, would have prosecuted the offense.

Amended by Chapter 16, 2025 Special Session 1

32B-2-403 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account created.

(1)
(a) There is created in the General Fund a restricted account known as the "Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account."
(b) The account is funded from:
(i) money deposited by the state treasurer in accordance with Section 59-15-109;
(ii) appropriations made to the account by the Legislature; and
(iii) interest described in Subsection (1)(c).
(c) Interest earned on the account shall be deposited into the account.
(2)
(a) Consistent with the policies provided in Subsection 32B-1-103(4)(b), money in the account shall be used for statewide public purposes, including promoting the reduction of the harmful effects of substance abuse, overconsumption of alcoholic products by an adult, and alcohol consumption by minors, by exclusively funding programs or projects related to prevention, treatment, detection, prosecution, and control of violations of this title and other offenses in

which alcohol or substance abuse is a contributing factor except as provided in Subsection (2)(b).

(b) The portion distributed under this part to a county may also be used for the confinement or treatment of persons arrested for or convicted of offenses in which alcohol or substance abuse is a contributing factor.

(c) A municipality or county entitled to receive money shall use the money exclusively as required by this Subsection (2).

(3) The appropriations provided for under Section 32B-2-404 are:

(a) intended to supplement the budget of the appropriate agencies of each municipality and county within the state to enable the municipalities and counties to more effectively fund the programs and projects described in Subsection (2); and

(b) not intended to replace money that would otherwise be allocated for the programs and projects in Subsection (2).

(4) It is the intent of the Legislature that the appropriations distributed under this part be used to fund a balanced approach to reducing the harmful effects of substance abuse, overconsumption of alcoholic products by adults, and alcohol consumption by minors. To this end, the Legislature encourages municipalities and counties receiving money under this part to use the most effective formula allocation to fund evidence-based and evidence-informed prevention programs.

Amended by Chapter 119, 2014 General Session

32B-2-404 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account distribution.

(1)

(a) The money deposited into the account under Section 32B-2-403 shall be distributed to municipalities and counties:

(i) to the extent appropriated by the Legislature, except that the Legislature shall appropriate each fiscal year an amount equal to at least the amount deposited in the account in accordance with Section 59-15-109; and

(ii) as provided in this Subsection (1).

(b) The amount appropriated from the account shall be distributed as follows:

(i) 25% to municipalities and counties on the basis of the percentage of the state population residing in each municipality and county;

(ii) 30% to municipalities and counties on the basis of each municipality's and county's percentage of the statewide convictions for all alcohol-related offenses;

(iii) 20% to municipalities and counties on the basis of the percentage of the following in the state that are located in each municipality and county:

(A) state stores;

(B) package agencies;

(C) retail licensees; and

(D) off-premise beer retailers; and

(iv) 25% to the counties for confinement and treatment purposes authorized by this part on the basis of the percentage of the state population located in each county.

(c)

(i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law enforcement agency:

(A) the municipality may not receive money under this part; and

(B) the State Tax Commission:

(I) may not distribute the money the municipality would receive but for the municipality not having a law enforcement agency to that municipality; and

(II) shall distribute the money that the municipality would have received but for it not having a law enforcement agency to the county in which the municipality is located for use by the county in accordance with this part.

(ii) If the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, finds that a municipality described in Subsection (1)(c)(i) demonstrates that the municipality can use the money that the municipality is otherwise eligible to receive in accordance with this part, the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, may direct the State Tax Commission to distribute the money to the municipality.

(2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax Commission shall annually:

(a) for an annual conviction time period:

(i) multiply by two the total number of convictions in the state obtained during the annual conviction time period for violation of:

(A) Section 41-6a-502; or

(B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or Section 76-5-207; and

(ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions obtained during the annual conviction time period for the alcohol-related offenses other than the alcohol-related offenses described in Subsection (2)(a)(i);

(b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum obtained in Subsection (2)(a); and

(c) multiply the amount calculated under Subsection (2)(b), by the number of convictions obtained in each municipality and county during the annual conviction time period for alcohol-related offenses.

(3) By not later than September 1 each year:

(a) the state court administrator shall certify to the State Tax Commission the number of convictions obtained for alcohol-related offenses in each municipality or county in the state during the annual conviction time period; and

(b) the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, shall notify the State Tax Commission of any municipality that does not have a law enforcement agency.

(4) By not later than December 1 of each year, the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, shall notify the State Tax Commission for the fiscal year of appropriation of:

(a) a municipality that may receive a distribution under Subsection (1)(c)(ii);

(b) a county that may receive a distribution allocated to a municipality described in Subsection (1)(c)(i);

(c) a municipality or county that may not receive a distribution because the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, has suspended the payment under Subsection 32B-2-405(2)(a); and

(d) a municipality or county that receives a distribution because the suspension of payment has been cancelled under Subsection 32B-2-405(2).

(5)

(a) By not later than January 1 of the fiscal year of appropriation, the State Tax Commission shall annually distribute to each municipality and county the portion of the appropriation that the municipality or county is eligible to receive under this part, except for any municipality or county that the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, notifies the State Tax Commission in accordance with Subsection (4) may not receive a distribution in that fiscal year.

(b)

(i) The advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, shall prepare forms for use by a municipality or county in applying for a distribution under this part.

(ii) A form described in this Subsection (5) may require the submission of information the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, considers necessary to enable the State Tax Commission to comply with this part.

Amended by Chapter 245, 2024 General Session
Amended by Chapter 385, 2024 General Session

32B-2-405 Reporting by municipalities and counties -- Grants.

(1) A municipality or county that receives money under this part during a fiscal year shall by no later than October 1 following the fiscal year:

(a) report to the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033:

(i) the programs or projects of the municipality or county that receive money under this part;

(ii) if the money for programs or projects were exclusively used as required by Subsection 32B-2-403(2);

(iii) indicators of whether the programs or projects that receive money under this part are effective; and

(iv) if money received under this part was not expended by the municipality or county; and

(b) provide the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, a statement signed by the chief executive officer of the county or municipality attesting that the money received under this part was used in addition to money appropriated or otherwise available for the county's or municipality's law enforcement and was not used to supplant that money.

(2) The advisory committee, before January 1, 2033, may, by a majority vote, or the department, on or after January 1, 2033, may:

(a) suspend future payments under Subsection 32B-2-404(4) to a municipality or county that:

(i) does not file a report that meets the requirements of Subsection (1); or

(ii) the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, finds does not use the money as required by Subsection 32B-2-403(2) on the basis of the report filed by the municipality or county under Subsection (1); and

(b) cancel a suspension under Subsection (2)(a).

(3) The State Tax Commission shall notify the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, of the balance of any undistributed money after the annual distribution under Subsection 32B-2-404(5).

(4)

(a) Subject to the requirements of this Subsection (4), the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, shall award the balance of undistributed money under Subsection (3):

(i) as prioritized by majority vote of the advisory committee, before January 1, 2033, or by the department, on or after January 1, 2033; and
(ii) as grants to:
(A) a county;
(B) a municipality;
(C) the department;
(D) the Department of Human Services;
(E) the Department of Public Safety; or
(F) the State Board of Education.
(b) By not later than May 30 of the fiscal year of the appropriation, the advisory committee, before January 1, 2033, or the department, on or after January 1, 2033, shall notify the State Tax Commission of grants awarded under this Subsection (4).
(c) The State Tax Commission shall make payments of a grant:
(i) upon receiving notice as provided under Subsection (4)(b); and
(ii) by not later than June 30 of the fiscal year of the appropriation.
(d) An entity that receives a grant under this Subsection (4) shall use the grant money exclusively for programs or projects described in Subsection 32B-2-403(2).

Amended by Chapter 245, 2024 General Session
Amended by Chapter 385, 2024 General Session

Part 5
State Store

32B-2-501 Commission's power to establish a state store.
(1) The commission may establish state stores in the numbers and at places, owned or leased by the department, that the commission considers proper for the sale of liquor by employees of the state, in accordance with this title and the rules made under this title.
(2) The commission may not establish a total number of state stores that at any time exceeds the number determined by dividing the population of the state by 48,000.
(3) The commission may not establish a state store at premises that do not meet the proximity requirements of Section 32B-1-202.
(4) An employee of a state store is considered a department employee and shall meet the qualification requirements for employment in Sections 32B-1-303 and 32B-2-207.
(5)
(a) The commission shall ensure that signage installed or replaced at or near a state store, on or after May 11, 2010, complies with Subsection (5)(b) if the signage is:
(i) attached to the exterior of the premises of a state store; or
(ii) not attached to the premises of a state store, but otherwise alerts or directs a person to the location of a state store.
(b) Signage described in Subsection (5)(a) shall contain the following words in the size of lettering required by Subsection (5)(c):
(i) "state"; or
(ii) "State of Utah."
(c) The text described in Subsection (5)(b) shall be in lettering that is equal to or larger than the size of any text on the same signage that refers to "liquor" or "wine."

Enacted by Chapter 276, 2010 General Session
Amended by Chapter 276, 2010 General Session, (Coordination Clause)

32B-2-502 Commission and department duties before establishing a state store.

(1)
(a) Before the commission may establish a state store, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission to assure appropriate service to the general population of the state.
(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.

(2) Before establishing a state store, the commission shall:
(a) determine that the local authority of the locality where the state store will be located is consulted;
(b) determine that the state store complies with the zoning ordinances of the locality where the state store will be located;
(c) consider the locality within which the proposed state store will be located including:
(i) economic factors, such as:
(A) bid price;
(B) lease terms;
(C) operating costs; and
(D) local taxes;
(ii) physical characteristics, such as:
(A) condition of the premises;
(B) space availability;
(C) parking;
(D) common areas;
(E) conformance to building and safety codes;
(F) delivery access; and
(G) expandability; and
(iii) operational factors, such as:
(A) tourist traffic;
(B) access to the public;
(C) demographics;
(D) population to be served;
(E) the nature of surrounding establishments;
(F) proximity to and density of other state stores, package agencies, and retail licensees;
(G) proximity to residential communities; and
(H) proximity to educational, religious, and recreational facilities; and
(d) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-2-503 Operational requirements for a state store.

(1)
(a) A state store shall display in a prominent place in the store a sign in large letters that consists of text in the following order:
(i) a header that reads: "WARNING";

(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
(iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
(iv) a header that reads: "WARNING"; and
(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
(b)
(i) The text described in Subsections (1)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (1)(a)(iv) and (v).
(ii) The warning statements in the sign described in Subsection (1)(a) shall be in the same font size.
(c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.
(2) A state store may not sell, offer for sale, or furnish liquor except at a price fixed by the commission.
(3) A state store may not sell, offer for sale, or furnish liquor to:
(a) a minor;
(b) a person actually, apparently, or obviously intoxicated;
(c) a known interdicted person; or
(d) a known habitual drunkard.
(4)
(a) A state store employee may not:
(i) consume an alcoholic product on the premises of a state store; or
(ii) allow any person to consume an alcoholic product on the premises of a state store.
(b) A violation of this Subsection (4) is a class B misdemeanor.
(5)
(a) Sale or delivery of liquor may not be made on or from the premises of a state store, and a state store may not be kept open for the sale of liquor:
(i) on Sunday; or
(ii) on a state or federal legal holiday.
(b) Sale or delivery of liquor may be made on or from the premises of a state store, and a state store may be open for the sale of liquor, only on a day and during hours that the commission directs by rule or order.
(6)
(a) A minor may not be admitted into, or be on the premises of, a state store unless accompanied by a person who is:
(i) 21 years of age or older; and
(ii) the minor's parent, legal guardian, or spouse.
(b) A state store employee that has reason to believe that a person who is on the premises of a state store is under the age of 21 and is not accompanied by a person described in Subsection (6)(a) may:
(i) ask the suspected minor for proof of age;
(ii) ask the person who accompanies the suspected minor for proof of age; and
(iii) ask the suspected minor or the person who accompanies the suspected minor for proof of parental, guardianship, or spousal relationship.

(c) A state store employee shall refuse to sell liquor to the suspected minor and to the person who accompanies the suspected minor into the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).
(d) A state store employee shall require a suspected minor and the person who accompanies the suspected minor into the state store to immediately leave the premises of the state store if the suspected minor or person fails to provide information specified in Subsection (6)(b).
(7)
(a) A state store may not sell, offer for sale, or furnish liquor except in a sealed container.
(b) A person may not open a sealed container on the premises of a state store.
(8) On or after October 1, 2011, a state store may not sell, offer for sale, or furnish heavy beer in a sealed container that exceeds two liters.
(9) A state store may not sell, offer for sale, or furnish:
(a) liquor that is intended to be frozen and consumed in a manner other than as a beverage, including liquor in the form of a freeze pop, popsicle, ice cream, or sorbet; or
(b) liquor that contains more than 80% alcohol by volume.

Amended by Chapter 94, 2024 General Session

32B-2-504 Delivery of liquor to state store.
(1) Liquor to be sold from a state store may be transported from a warehouse authorized by the department to the state store if transported by a person authorized by the department to transport the liquor to the state store, including a common carrier.
(2) A person, while in or about a vehicle in which liquor is being transported, may not open, break, or allow to be opened or broken, a container containing liquor.
(3) A person may not drink, use, or allow to be drunk or used, liquor while it is in transit under this section.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-2-505 Reporting requirements -- Building plan and market survey required -- Department performance measures.
(1) In 2018 and each year thereafter, the department shall present a five-year building plan to the Transportation and Infrastructure Appropriations Subcommittee that describes the department's anticipated property acquisition, building, and remodeling for the five years following the day on which the department presents the five-year building plan.
(2)
(a) In 2018 and every other year thereafter, the department shall complete a market survey to inform the department's five-year building plan described in Subsection (1).
(b) The department shall:
(i) provide a copy of each market survey to the Transportation and Infrastructure Appropriations Subcommittee and the Business and Labor Interim Committee; and
(ii) upon request, appear before the Transportation and Infrastructure Appropriations Subcommittee to present the results of the market survey.
(3) For fiscal year 2018-19 and each fiscal year thereafter, before the fiscal year begins, the Governor's Office of Planning and Budget, in consultation with the department and the Office of the Legislative Fiscal Analyst, shall establish performance measures and goals to evaluate the department's operations during the fiscal year.

(4)
(a) The department may not submit a request to the Division of Facilities Construction and Management for a capital development project unless the department first obtains approval from the Governor's Office of Planning and Budget.
(b) In determining whether to grant approval for a request described in Subsection (4)(a), the Governor's Office of Planning and Budget shall evaluate the extent to which the department met the performance measures and goals described in Subsection (3) during the previous fiscal year.

Amended by Chapter 271, 2025 General Session

Part 6
Package Agency

32B-2-601 Commission's power to issue package agency.
(1)
(a) The commission may, when the commission considers proper, issue authority to operate as a package agency by directing the department to enter into a package agency agreement with a person to sell, offer for sale, or furnish liquor in sealed containers from premises other than those owned or leased by the state.
(b) The commission shall authorize a person to operate a package agency by issuing a record that designates the person in charge of the package agency as a "package agent."
(2)
(a) Subject to this Subsection (2), the commission may not issue a total number of package agencies that at any time exceeds the number determined by dividing the population of the state by 18,000.
(b)
(i) The commission may issue a seasonal package agency in an area the commission considers proper.
(ii) A seasonal package agency shall be for a period of six consecutive months.
(iii) A seasonal package agency issued for operation during a summer time period is known as a "Seasonal A" package agency. The period of operation for a Seasonal A package agency shall:
(A) begin on May 1; and
(B) end on October 31.
(iv) A seasonal package agency issued for operation during a winter time period is known as a "Seasonal B" package agency. The period of operation for a Seasonal B package agency shall:
(A) begin on November 1; and
(B) end on April 30.
(v) In determining the number of package agencies that the commission may issue under this section:
(A) a seasonal package agency is counted as one-half of one package agency; and
(B) each Seasonal A package agency shall be paired with a Seasonal B package agency.
(c)

(i) If the location, design, and construction of a hotel may require more than one package agency sales location to serve the public convenience, the commission may authorize a single package agent to sell liquor at as many as three locations within the hotel under one package agency if:
(A) the hotel has a minimum of 150 guest rooms; and
(B) all locations under the package agency are:
(I) within the same hotel; and
(II) on premises that are managed or operated, and owned or leased, by the package agent.
(ii) A facility other than a hotel shall have a separate package agency for each location where liquor may be sold, offered for sale, or furnished.

(3)
(a) A package agent, under the direction of the department, is responsible for implementing and enforcing this title and the rules adopted under this title to the extent this title and the rules relate to the conduct of the package agency and a package agency's sale of liquor.
(b) A package agent may not be a state employee. A package agent may not be construed to be a state employee or otherwise entitled to any benefit of employment from the state.
(c) A package agent, when selling liquor from a package agency, is considered an agent of the state only to the extent specifically expressed in the package agency agreement.
(4) The commission may prescribe by rule one or more types of package agencies issued under this part that are consistent with this title.

Amended by Chapter 307, 2011 General Session

32B-2-602 Application and renewal requirements for a package agency.
(1) Before a person may store, sell, offer for sale, or furnish liquor in a sealed container on its premises under a package agency, the person shall first obtain a package agency issued by the commission in accordance with this part.
(2) To obtain a package agency, a person seeking to be the package agent under this part shall submit to the department:
(a) a written application in a form prescribed by the department;
(b) a nonrefundable application fee of $125;
(c) written consent of the local authority;
(d) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202;
(e) a bond as specified by Section 32B-2-604;
(f) a floor plan of the premises, including a description and highlighting of that part of the premises in which the person proposes that the package agency be located;
(g) evidence that the package agency is carrying public liability insurance in an amount and form satisfactory to the department;
(h) a signed consent form stating that the package agent permits any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises of the package agency;
(i) if the person applying is an entity, verification that a person who signs the package agency application is authorized to sign on behalf of the entity; and
(j) any other information the commission or department may require.
(3) The commission may not issue a package agency to a person who is disqualified under Section 32B-1-304.

(4) The commission may not issue a package agency for premises that do not meet the proximity requirements of Section 32B-1-202.
(5) For the renewal of a package agency agreement, the package agent shall submit to the department any information the commission or department may require.

Amended by Chapter 447, 2022 General Session

32B-2-603 Commission and department duties before issuing a package agency.
(1)
(a) Before the commission may issue a package agency, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission to assure appropriate service to the general population of the state.
(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
(2) Before issuing a package agency, the commission shall:
(a) determine that the person filed a complete application and is in compliance with Section 32B-2-602;
(b) determine that the person is not disqualified under Section 32B-1-304;
(c) determine that the package agency premises complies with the zoning ordinances of the locality where the package agency will be located;
(d) consider the locality within which the proposed package agency will be located, including:
(i) physical characteristics, such as:
(A) condition of the premises;
(B) square footage;
(C) parking; and
(D) delivery access; and
(ii) operational factors, such as:
(A) tourist traffic;
(B) access to the public;
(C) demographics;
(D) population to be served;
(E) the nature of surrounding establishments;
(F) proximity to and density of other state stores, package agencies, and retail licensees;
(G) proximity to residential communities; and
(H) the extent of and proximity to educational, religious, and recreational facilities;
(e) consider the person's ability to manage and operate a package agency, including:
(i) management experience;
(ii) past retail liquor experience;
(iii) the type of establishment or business in which the package agency may be located;
(iv) hours of operation; and
(v) ability to maintain inventory levels as set by the department; and
(f) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-2-604 Bond related to package agency.
(1)
(a) A package agent who has a consignment liquor inventory owned by the state shall post a:

(i) consignment surety bond:
(A) payable to the department; and
(B) in the amount of the consignment inventory; and
(ii) cash or surety bond:
(A) payable to the department; and
(B) in the penal amount of at least $1,000, as the department determines.
(b) A package agent who has a consignment liquor inventory shall ensure that a consignment surety bond is conditioned upon a package agent's return of the unsold consignment liquor inventory at the termination of a package agency agreement.
(2) A package agent that owns the package agency's liquor inventory shall post a cash bond or surety bond:
(a) in the penal amount of at least $1,000, as the department determines; and
(b) payable to the department.
(3) A package agent shall procure and maintain the bond required under this section for as long as the package agent continues to operate as a package agent.
(4) A bond required under this section shall be:
(a) in a form approved by the attorney general; and
(b) conditioned upon the package agent's faithful compliance with this title, the rules of the commission, and the package agency agreement.
(5)
(a) If a surety bond posted by a package agency under this section is canceled due to the package agent's or package agency's negligence, the department may assess a $300 reinstatement fee.
(b) No part of a bond posted by a package agent under this section may be withdrawn:
(i) during the period the package agency is in effect; or
(ii) while a revocation of the package agency is pending against the package agent.
(6)
(a) A bond posted under this section by a package agent may be forfeited if the package agency is revoked.
(b) Notwithstanding Subsection (6)(a), the department may make a claim against a bond posted by a package agent for money owed the department under this title without the commission first revoking the package agency.

Amended by Chapter 291, 2021 General Session

32B-2-605 Operational requirements for package agency.
(1)
(a) A person may not operate a package agency until a package agency agreement is entered into by the package agent and the department.
(b) A package agency agreement shall state the conditions of operation by which the package agent and the department are bound.
(c)
(i) If a package agent or staff of the package agent violates this title, rules under this title, or the package agency agreement, the department may take any action against the package agent that is allowed by the package agency agreement.
(ii) An action against a package agent is governed solely by its package agency agreement and may include suspension or revocation of the package agency.

(iii) A package agency agreement shall provide procedures to be followed if a package agent fails to pay money owed to the department including a procedure for replacing the package agent or operator of the package agency.

(iv) A package agency agreement shall provide that the package agency is subject to covert investigations for selling an alcoholic product to a minor.

(v) Notwithstanding that this part refers to "package agency" or "package agent," staff of the package agency or package agent is subject to the same requirement or prohibition.

(2)

(a) A package agency shall be operated by an individual who is either:

(i) the package agent; or

(ii) an individual designated by the package agent.

(b) An individual who is a designee under this Subsection (2) shall be:

(i) an employee of the package agent; and

(ii) responsible for the operation of the package agency.

(c) The conduct of the designee is attributable to the package agent.

(d) A package agent shall submit the name of the person operating the package agency to the department for the department's approval.

(e) A package agent shall state the name and title of a designee on the application for a package agency.

(f) A package agent shall:

(i) inform the department of a proposed change in the individual designated to operate a package agency; and

(ii) receive prior approval from the department before implementing the change described in this Subsection (2)(f).

(g) Failure to comply with the requirements of this Subsection (2) may result in the immediate termination of a package agency agreement.

(3)

(a) A package agent shall display in a prominent place in the package agency the record issued by the commission that designates the package agency.

(b) A package agent that displays or stores liquor at a location visible to the public shall display in a prominent place in the package agency a sign in large letters that consists of text in the following order:

(i) a header that reads: "WARNING";

(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";

(iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";

(iv) a header that reads: "WARNING"; and

(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

(c)

(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different font style than the text described in Subsections (3)(b)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (3)(b) shall be in the same font size.

(d) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

(4) A package agency may not display liquor or a price list in a window or showcase that is visible to passersby.
(5)
(a) A package agency may not purchase liquor from a person except from the department.
(b) At the discretion of the department, the department may provide liquor to a package agency for sale on consignment.
(6) A package agency may not store, sell, offer for sale, or furnish liquor in a place other than as designated in the package agent's application, unless the package agent first applies for and receives approval from the department for a change of location within the package agency premises.
(7)
(a) Except as provided in Subsection (7)(b), a package agency may not sell, offer for sale, or furnish liquor except at a price fixed by the commission.
(b) A package agency may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if:
(i) the package agency is the type of package agency that authorizes the package agency to sell, offer for sale, or furnish an alcoholic product as part of room service;
(ii) staff of the package agency provides the alcoholic product:
(A) in person; and
(B) only to an adult guest in the guest room;
(iii) staff of the package agency does not leave the alcoholic product outside a guest room for retrieval by a guest; and
(iv) the alcoholic product:
(A) is not a spirituous liquor; and
(B) is in an unopened container not to exceed 750 milliliters.
(8) A package agency may not sell, offer for sale, or furnish liquor to:
(a) a minor;
(b) a person actually, apparently, or obviously intoxicated;
(c) a known interdicted person; or
(d) a known habitual drunkard.
(9)
(a) A package agency may not employ a minor to handle liquor.
(b)
(i) Staff of a package agency may not:
(A) consume an alcoholic product on the premises of a package agency; or
(B) allow any person to consume an alcoholic product on the premises of a package agency.
(ii) Violation of this Subsection (9)(b) is a class B misdemeanor.
(10)
(a) A package agency may not close or cease operation for a period longer than 72 hours, unless:
(i) the package agency notifies the department in writing at least seven days before the day on which the package agency closes or ceases operation; and
(ii) the closure or cessation of operation is first approved by the department.
(b) Notwithstanding Subsection (10)(a), in the case of emergency closure, a package agency shall immediately notify the department by telephone.
(c)
(i) The department may authorize a closure or cessation of operation for a period not to exceed 60 days.

(ii) The department may extend the initial period described in Subsection (10)(c)(i) an additional 30 days upon written request of the package agency and upon a showing of good cause.

(iii) A closure or cessation of operation may not exceed a total of 90 days without commission approval.

(d) The notice required by Subsection (10)(a) shall include:

(i) the dates of closure or cessation of operation;

(ii) the reason for the closure or cessation of operation; and

(iii) the date on which the package agency will reopen or resume operation.

(e) Failure of a package agency to provide notice and to obtain department authorization before closure or cessation of operation results in an automatic termination of the package agency agreement effective immediately.

(f) Failure of a package agency to reopen or resume operation by the approved date results in an automatic termination of the package agency agreement effective on that date.

(11) A package agency may not transfer the package agency's operations from one location to another location without prior written approval of the commission.

(12)

(a) A person, having been issued a package agency, may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the package agency to another person, whether for monetary gain or not.

(b) A package agency has no monetary value for any type of disposition.

(13)

(a) Subject to the other provisions of this Subsection (13):

(i) sale or delivery of liquor may not be made on or from the premises of a package agency, and a package agency may not be kept open for the sale of liquor:

(A) on Sunday; or

(B) on a state or federal legal holiday; and

(ii) sale or delivery of liquor may be made on or from the premises of a package agency, and a package agency may be open for the sale of liquor, only on a day and during hours that the commission directs by rule or order.

(b) A package agency located at a manufacturing facility is not subject to Subsection (13)(a) if:

(i) the package agency is located at a manufacturing facility licensed in accordance with Chapter 11, Manufacturing and Related Licenses Act; and

(ii) the package agency only sells an alcoholic product produced at the manufacturing facility.

(c)

(i) Subsection (13)(a) does not apply to a package agency held by the following if the package agent that holds the package agency to sell liquor at a resort or hotel does not sell liquor in a manner similar to a state store:

(A) a resort licensee; or

(B) a hotel licensee.

(ii) The commission may by rule define what constitutes a package agency that sells liquor "in a manner similar to a state store."

(14)

(a) Except to the extent authorized by commission rule, a minor may not be admitted into, or be on the premises of, a package agency unless accompanied by a person who is:

(i) 21 years old or older; and

(ii) the minor's parent, legal guardian, or spouse.

(b) A package agent or staff of a package agency that has reason to believe that a person who is on the premises of a package agency is under 21 years old and is not accompanied by a person described in Subsection (14)(a) may:
(i) ask the suspected minor for proof of age;
(ii) ask the person who accompanies the suspected minor for proof of age; and
(iii) ask the suspected minor or the person who accompanies the suspected minor for proof of parental, guardianship, or spousal relationship.
(c) A package agent or staff of a package agency shall refuse to sell liquor to the suspected minor and to the person who accompanies the suspected minor into the package agency if the minor or person fails to provide any information specified in Subsection (14)(b).
(d) A package agent or staff of a package agency shall require the suspected minor and the person who accompanies the suspected minor into the package agency to immediately leave the premises of the package agency if the minor or person fails to provide information specified in Subsection (14)(b).

(15)
(a) A package agency shall sell, offer for sale, or furnish liquor in a sealed container.
(b) A person may not open a sealed container on the premises of a package agency.
(c) Notwithstanding Subsection (15)(a), a package agency may sell, offer for sale, or furnish liquor in other than a sealed container:
(i) if the package agency is the type of package agency that authorizes the package agency to sell, offer for sale, or furnish the liquor as part of room service;
(ii) if the liquor is sold, offered for sale, or furnished as part of room service; and
(iii) subject to:
(A) staff of the package agency providing the liquor in person only to an adult guest in the guest room or privately owned dwelling unit;
(B) staff of the package agency not leaving the liquor outside a guest room or privately owned dwelling unit for retrieval by a guest or resident; and
(C) the same limits on the portions in which an alcoholic product may be sold by a retail licensee under Section 32B-5-304.

(16) A package agency may not sell, offer for sale, or furnish:
(a) heavy beer in a sealed container that exceeds two liters; or
(b) liquor that contains more than 80% alcohol by volume.

(17) The department may pay or otherwise remunerate a package agent on any basis, including sales or volume of business done by the package agency.

(18) The commission may prescribe by policy or rule general operational requirements of a package agency that are consistent with this title and relate to:
(a) physical facilities;
(b) conditions of operation;
(c) hours of operation;
(d) inventory levels;
(e) payment schedules;
(f) methods of payment;
(g) premises security; and
(h) any other matter considered appropriate by the commission.

(19) A package agency may not maintain a minibar.

Amended by Chapter 94, 2024 General Session

32B-2-606 Delivery of liquor to package agency.

(1) Liquor to be sold from a package agency may be transported from a warehouse or state store authorized by the department to the package agency if transported by a person authorized by the department to transport the liquor to the package agency, including a common carrier.

(2) A person, while in or about a vehicle in which liquor is being transported, may not open, break, or allow to be opened or broken, a container containing liquor.

(3) A person may not drink, use, or allow to be drunk or used, any liquor while the liquor is in transit under this section.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-2-607 Return of inventory by package agent.

A package agent shall immediately return to the department liquor previously received from the department on consignment that remains unsold at the time the package agent's package agency agreement terminates or the liquor is subject to immediate seizure by the department.

Enacted by Chapter 276, 2010 General Session

Part 7
Wine Subscription Program

32B-2-701 Definitions.

As used in this part:

(1) "Division" means the Division of Consumer Purchasing created in Section 32B-2-212.

(2) "Subscriber" means an individual who subscribes to a wine subscription as described in Subsection 32B-2-702(2).

(3) "Subscription program" means the wine subscription program established in Section 32B-2-702.

(4) "Wine subscription" means an arrangement in which a customer pays a recurring price at regular intervals for a product that involves the shipment or transportation of wine.

(5) "Wine subscription business" means a person that:

(a) sells or offers for sale a wine subscription; and

(b) contracts with the department to participate in the subscription program.

Amended by Chapter 412, 2022 General Session

32B-2-702 Wine subscription program.

(1) The division shall establish and administer a wine subscription program as described in this part.

(2) The subscription program shall permit an individual to subscribe to a wine subscription that a wine subscription business sells or offers for sale by:

(a) enrolling in the wine subscription program in a manner the division prescribes;

(b) authorizing the division to purchase the wine subscription in the individual's name;

(c) paying the division, in a manner the division prescribes:

(i) the price of the wine subscription;

(ii) in addition to any tax, the markup described in Subsection 32B-2-304(4); and
(iii) a fee the division charges in accordance with Subsection 32B-2-703(1); and
(d) designating the state store or package agency at which the individual would prefer to collect the wine.
(3) The division shall:
(a) designate by contract with a wine subscription business the department warehouse to which the wine subscription business ships or transports wine under the subscription program;
(b) deliver wine purchased through the subscription program to the appropriate state store or package agency; and
(c) notify a subscriber when wine purchased through the subscription program is ready for the subscriber to collect from the state store or package agency described in Subsection (3)(b).

Amended by Chapter 412, 2022 General Session

32B-2-703 Fees -- Rulemaking.
(1) The division may charge a fee as part of the subscription program:
(a) in accordance with Section 63J-1-504; and
(b) to cover costs to the division for administering the subscription program.
(2) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the administration of this part, including rules designating which package agencies may receive from the division wines that are purchased through the subscription program.

Amended by Chapter 412, 2022 General Session

Part 8
Consumer Purchasing System

32B-2-801 Definitions.
As used in this part:
(1) "Consumer purchasing system" means the consumer purchasing system established in Section 32B-2-802.
(2) "Division" means the Division of Consumer Purchasing created in Section 32B-2-212.

Enacted by Chapter 412, 2022 General Session

32B-2-802 Consumer purchasing system.
(1) The division shall establish and administer a consumer purchasing system that:
(a) allows a person to:
(i) order an alcoholic product from an approved vendor through the division; and
(ii) pick up an alcoholic product ordered as described in Subsection (1)(a)(i) from a state store or package agency; and
(b) requires a person ordering an alcoholic product as described in Subsection (1)(a) to, at the time the order is made:
(i) designate a state store or package agency at which the person would prefer to collect the alcoholic product; and

(ii) pay the division for the alcoholic product order in full, including:
(A) the cost of the alcoholic product; and
(B) in addition to any tax, the markup described in Section 32B-2-304.
(2) The division shall:
(a) ensure that an alcoholic product ordered through the consumer purchasing system is shipped or transported to a department warehouse;
(b) deliver an alcoholic product ordered through the consumer purchasing system to the appropriate state store or package agency;
(c) notify the person who ordered an alcoholic product through the consumer purchasing system when the alcoholic product is ready for the person to collect; and
(d) administer the consumer purchasing system in a manner that:
(i) is efficient;
(ii) ensures timely delivery of alcoholic products; and
(iii) frequently updates a person who orders an alcoholic product through the consumer purchasing system on the status of the order.
(3) The division may not require that a person order a specific quantity of an alcoholic product that is:
(a) different than a quantity the vendor offers for sale; or
(b) larger than the smallest quantity the vendor offers for sale.

Enacted by Chapter 412, 2022 General Session

32B-2-803 Rulemaking.

The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this part.

Enacted by Chapter 412, 2022 General Session

Chapter 3
Disciplinary Actions and Enforcement Act

Part 1
General Provisions

32B-3-101 Title.

This chapter is known as the "Disciplinary Actions and Enforcement Act."

Enacted by Chapter 276, 2010 General Session

32B-3-102 Definitions.

As used in this chapter:
(1) "Aggravating circumstances" means:
(a) prior warnings about compliance problems;
(b) a prior violation history;
(c) a lack of written policies governing employee conduct;

(d) multiple violations during the course of an investigation;
(e) efforts to conceal a violation;
(f) an intentional violation;
(g) the violation involved more than one patron or employee; or
(h) a violation that results in injury or death.
(2) "Final adjudication" means an adjudication for which a final judgment or order is issued that:
(a) is not appealed, and the time to appeal the judgment has expired; or
(b) is appealed, and is affirmed, in whole or in part, on appeal.
(3) "Mitigating circumstances" means:
(a) no prior violation history for the licensee or permittee;
(b) no prior violation history for the individual who committed the violation;
(c) motive for the individual who engaged in or allowed the violation to retaliate against the licensee or permittee; or
(d) extraordinary cooperation with the investigation of the violation that demonstrates that the licensee or permittee and the individual who committed the violation accept responsibility for the violation.

Amended by Chapter 249, 2018 General Session
Amended by Chapter 281, 2018 General Session

Part 2
Disciplinary Proceedings

32B-3-201 Nature of adjudicative proceedings under title.
(1) An adjudicative proceeding under this title, including a disciplinary proceeding, is a civil action, notwithstanding whether at issue in the adjudicative proceeding is a violation of statute that can be prosecuted criminally.
(2) Unless specifically adopted in this title, a procedure or principle that is applicable to a criminal proceeding does not apply to an adjudicative proceeding permitted under this title including:
(a) Title 76, Chapter 1, General Provisions;
(b) Title 76, Chapter 2, Principles of Criminal Responsibility;
(c) Title 76, Chapter 3, Punishments; and
(d) Title 76, Chapter 4, Inchoate Offenses.
(3)
(a) The burden of proof in an adjudicative proceeding under this title is by a preponderance of the evidence.
(b) If the subject of an adjudicative proceeding under this title asserts an affirmative defense, the subject has the burden of proof to establish the affirmative defense by the preponderance of the evidence.
(4) In an adjudicative proceeding under this title, to find a violation of this title the commission:
(a) is required to determine whether the conduct that constitutes the violation occurred; and
(b) is not required to make a finding of knowledge or intent unless knowledge or intent is expressly made an element of the violation by statute.

Amended by Chapter 258, 2015 General Session

32B-3-202 Timing of reporting violations.

(1) The department or the commission may not take administrative action against a person subject to administrative action before:

(a) a nondepartment enforcement agency or enforcement officer or a department compliance officer submits to the department a report:

(i) containing facts that could support a finding that the person subject to administrative action violated this title or a commission rule; and

(ii) no more than eight business days after the day on which the nondepartment enforcement agency or officer or the compliance officer completes the investigation containing the facts described in Subsection (1)(a)(i); and

(b) subject to Subsection (5), the department notifies the person subject to administrative action, no more than eight business days after the day on which the department receives the report described in Subsection (1)(a), that the commission or department:

(i) received the report described in Subsection (1)(a); and

(ii) may initiate or maintain a disciplinary proceeding on the basis, in whole or in part, on the facts contained in the report described in Subsection (1)(a).

(2)

(a) The department may provide the notice required under this section orally, if after the oral notification the department provides written notification.

(b) The department may provide the written notification described in Subsection (2)(a) outside the time periods required under this section.

(3) The department shall maintain a record of a notification required under this section that includes:

(a) the name of the person notified;

(b) the date of the notification; and

(c) the type of notification given.

(4)

(a) The department may issue an order to show cause if the department receives a report described in Subsection (1)(a), containing facts that could support a finding that the person subject to administrative action violated:

(i) this title regarding necessary licensing requirements; or

(ii) a commission rule regarding necessary licensing requirements.

(b) A necessary licensing requirement described in Subsection (4)(a) includes:

(i) maintaining an approved, licensed premise;

(ii) maintaining insurance;

(iii) maintaining a bond;

(iv) following the requirements in Section 32B-1-304, regarding qualifications;

(v) maintaining required store hours;

(vi) failing to utilize the license issued; or

(vii) transferring a license in violation of Chapter 18, Change of Alcohol License or Location Act.

(c) The department's issuance of an order to show cause in accordance with this Subsection (4):

(i) does not initiate a disciplinary proceeding; and

(ii) is not subject to Title 63G, Chapter 4, Administrative Procedures Act.

(5) The department is not required to provide notice as described in Subsection (1)(b) if the person subject to administrative action is staff.

Amended by Chapter 447, 2022 General Session

32B-3-203 Initiating a disciplinary proceeding.

Subject to Section 32B-3-202:

(1) Subject to Subsection (3), the department shall initiate a disciplinary proceeding described in Subsection (2) if the department:

(a) receives a report from an investigator alleging that a person subject to administrative action violated this title or the rules of the commission;

(b) receives notice of criminal proceedings against a person subject to administrative action on the basis of an alleged violation of this title;

(c) receives notice of civil proceedings in accordance with Chapter 15, Alcoholic Product Liability Act, against a person subject to administrative action on the basis of an alleged violation of this title; or

(d) otherwise becomes aware that a person subject to administrative action on the basis of an alleged violation of this title may have violated this title or commission rule.

(2) Subject to Subsection (3), if a condition in Subsection (1) is met, the department shall:

(a) initiate a disciplinary proceeding to determine:

(i) whether a person subject to administrative action violated this title or rules of the commission; and

(ii) if a violation is found, the appropriate sanction to be imposed; and

(b) refer the matter to the State Bureau of Investigation, created in Section 53-10-301.

(3) The department is not required to initiate a disciplinary proceeding described in Subsection (2) if after reviewing the information described in Subsection (1), the department determines:

(a) that there is no basis for initiating a disciplinary proceeding; or

(b) in consultation with the prosecutor or plaintiff's counsel, as applicable, that initiating a disciplinary proceeding would pose a significant risk of interfering with a criminal or civil proceeding.

(4)

(a) Unless waived by the respondent, a disciplinary proceeding shall be held:

(i) if required by law;

(ii) before revoking or suspending a license, permit, or certificate of approval issued under this title; or

(iii) before imposing a fine against a person subject to administrative action.

(b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding hearing after receiving proper notice is an admission of the charged violation.

(c) The validity of a disciplinary proceeding is not affected by the failure of a person to attend or remain in attendance.

Amended by Chapter 94, 2024 General Session

32B-3-204 Disciplinary proceeding procedure.

(1)

(a) Subject to Section 32B-3-202, the following may conduct an adjudicative proceeding to inquire into a matter necessary and proper for the administration of this title and rules adopted under this title:

(i) the commission;

(ii) a hearing examiner appointed by the commission to conduct a suspension, non-renewal, or revocation hearing required by law;

(iii) the director; and

(iv) the department.

(b) Except as provided in this section or Section 32B-2-605, a person described in Subsection (1)(a) shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in an adjudicative proceeding.

(c) Except when otherwise provided by law, an adjudicative proceeding before the commission or a hearing examiner appointed by the commission shall be:

(i) video or audio recorded; and

(ii) subject to Subsection (3)(b), conducted in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(d) A person listed in Subsection (1)(a) shall conduct an adjudicative proceeding concerning departmental personnel in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act.

(e) A hearing that is informational, fact gathering, and nonadversarial in nature shall be conducted in accordance with rules, policies, and procedures made by the commission, director, or department.

(2)

(a) Subject to Section 32B-3-202, a disciplinary proceeding shall be conducted under the authority of the commission, which is responsible for rendering a final decision and order on a disciplinary matter.

(b)

(i) The commission may appoint a necessary officer, including a hearing examiner, from within or without the department, to administer the disciplinary proceeding process.

(ii) A hearing examiner appointed by the commission:

(A) may conduct a disciplinary proceeding hearing on behalf of the commission; and

(B) shall submit to the commission a report including:

(I) findings of fact determined on the basis of a preponderance of the evidence presented at the hearing;

(II) conclusions of law; and

(III) recommendations.

(iii) A report of a hearing examiner under this Subsection (2)(b) may not recommend a penalty more severe than that initially sought by the department in the notice of agency action.

(iv) A copy of a hearing examiner report under this Subsection (2)(b) shall be served upon the respective parties.

(v) Before final commission action, the commission shall give a respondent and the department reasonable opportunity to file a written objection to a hearing examiner report.

(3)

(a) The commission or an appointed hearing examiner shall preside over a disciplinary proceeding hearing.

(b) A disciplinary proceeding hearing may be closed only after the commission or hearing examiner makes a written finding that the public interest in an open hearing is clearly outweighed by factors enumerated in the closure order.

(c)

(i) The commission or an appointed hearing examiner as part of a disciplinary proceeding hearing may:

(A) administer an oath or affirmation;

(B) take evidence, including evidence provided in relation to an order to show cause the department issued in accordance with Section 32B-3-202;

(C) take a deposition within or without this state; and

(D) require by subpoena from a place within this state:

(I) the testimony of a person at a hearing; and
(II) the production of a record or other evidence considered relevant to the inquiry.
(ii) A person subpoenaed in accordance with this Subsection (3)(c) shall testify and produce a record or tangible thing as required in the subpoena.
(iii) A witness subpoenaed, called to testify, or called to produce evidence who claims a privilege against self-incrimination may not be compelled to testify, but the commission or the hearing examiner shall file a written report with the county attorney or district attorney in the jurisdiction where the privilege is claimed or where the witness resides setting forth the circumstance of the claimed privilege.
(iv)
(A) A person is not excused from obeying a subpoena without just cause.
(B) A district court within the judicial district in which a person alleged to be guilty of willful contempt of court or refusal to obey a subpoena is found or resides, upon application by the party issuing the subpoena, may issue an order requiring the person to:
(I) appear before the issuing party; and
(II)
(Aa) produce documentary evidence if so ordered; or
(Bb) give evidence regarding the matter in question.
(C) Failure to obey an order of the court may be punished by the court as contempt.
(d) In a case heard by the commission, the commission shall issue its final decision and order in accordance with Subsection (2).
(4)
(a) The commission shall:
(i) render a final decision and order on a disciplinary action; and
(ii) cause its final order to be prepared in writing, issued, and served on all parties.
(b) An order of the commission is final on the date the order is issued.
(c) The commission, after the commission renders its final decision and order, may require the director to prepare, issue, and cause to be served on the parties the final written order on behalf of the commission.
(5)
(a) If a respondent requests a disciplinary proceeding hearing, the hearing held by the commission or a hearing examiner appointed by the commission shall proceed formally in accordance with Sections 63G-4-204 through 63G-4-209 if:
(i) the alleged violation poses, or potentially poses, a grave risk to public safety, health, and welfare;
(ii) the alleged violation involves:
(A) selling or furnishing an alcoholic product to a minor;
(B) attire, conduct, or entertainment prohibited by Chapter 1, Part 5, Attire, Conduct, and Entertainment Act;
(C) fraud, deceit, willful concealment, or misrepresentation of the facts by or on behalf of the respondent;
(D) interfering or refusing to cooperate with:
(I) an authorized official of the department or the state in the discharge of the official's duties in relation to the enforcement of this title; or
(II) a peace officer in the discharge of the peace officer's duties in relation to the enforcement of this title;
(E) an unlawful trade practice under Chapter 4, Part 7, Trade Practices Act;
(F) unlawful importation of an alcoholic product; or

(G) unlawful supply of liquor by a liquor industry member, as defined in Section 32B-4-702, to a person other than the department or a military installation, except to the extent permitted by this title; or

(iii) the department determines to seek in a disciplinary proceeding hearing:

(A) an administrative fine exceeding $3,000;

(B) a suspension of a license, permit, or certificate of approval of more than 10 days; or

(C) a revocation of a license, permit, or certificate of approval.

(b) If a respondent does not request a disciplinary proceeding hearing, a hearing shall proceed informally unless it is designated as a formal proceeding pursuant to rules adopted by the commission in accordance with Subsection (5)(c).

(c) The commission shall make rules to provide a procedure to implement this Subsection (5).

(6)

(a) If the department recommends nonrenewal of a license, the department shall notify the licensee of the recommendation at least 15 days before the commission takes action on the nonrenewal.

(b) Notwithstanding Subsection (2), the commission shall appoint a hearing examiner to conduct an adjudicative hearing in accordance with this section if the licensee files a request for a hearing within 10 days of receipt of the notice under Subsection (6)(a).

Amended by Chapter 345, 2021 General Session

32B-3-205 Penalties.

(1) If the commission is satisfied that a person subject to administrative action violates this title or the commission's rules, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the commission may:

(a) suspend or revoke the person's license, permit, or certificate of approval;

(b) subject to Subsection (2), impose a fine against the person, including individual staff of a licensee, permittee, or certificate holder;

(c) assess the administrative costs of a disciplinary proceeding to the person if the person is a licensee, permittee, or certificate holder; or

(d) take a combination of actions described in this Subsection (1).

(2)

(a) A fine imposed may not exceed $25,000 in the aggregate for:

(i) a single notice of agency action; or

(ii) a single action against a package agency.

(b) The commission shall by rule establish a schedule setting forth a range of fines for each violation.

(c) When a presiding officer imposes a fine, the presiding officer shall consider any aggravating circumstances or mitigating circumstances in deciding where within the applicable range to set the fine.

(3) The department shall transfer the costs assessed under this section into the General Fund in accordance with Section 32B-2-301.

(4)

(a) If a license or permit is suspended under this section, the licensee or permittee shall prominently display a sign provided by the department:

(i) during the suspension; and

(ii) at the entrance of the premises of the licensee or permittee.

(b) The sign required by this Subsection (4) shall:

(i) read "The Utah Alcoholic Beverage Services Commission has suspended the alcoholic product license or permit of this establishment. An alcoholic product may not be sold, offered for sale, furnished, or consumed on these premises during the period of suspension."; and

(ii) include the dates of the suspension period.

(c) A licensee or permittee may not remove, alter, obscure, or destroy a sign required to be displayed under this Subsection (4) during the suspension period.

(5)

(a) If a license or permit is revoked, the commission may order the revocation of a bond posted by the licensee or permittee under this title.

(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a licensee or permittee for money owed the department under this title without the commission first revoking the license or permit.

(6) A licensee or permittee whose license or permit is revoked may not reapply for a license or permit under this title for three years from the date on which the license or permit is revoked.

(7) If a staff member of a licensee, permittee, or certificate holder is found to have violated this title, in addition to imposing another penalty authorized by this title, the commission may prohibit the staff member from handling, selling, furnishing, distributing, manufacturing, wholesaling, or warehousing an alcoholic product in the course of acting as staff with a licensee, permittee, or certificate holder under this title for a period determined by the commission.

(8)

(a) If the commission makes the finding described in Subsection (8)(b), in addition to other penalties prescribed by this title, the commission may order:

(i) the removal of an alcoholic product of the manufacturer's, supplier's, or importer's from the department's sales list; and

(ii) a suspension of the department's purchase of an alcoholic product described in Subsection (8)(a)(i) for a period determined by the commission.

(b) The commission may take the action described in Subsection (8)(a) if:

(i) a manufacturer, supplier, or importer of liquor or its staff or representative violates this title; and

(ii) the manufacturer, supplier, or importer:

(A) directly commits the violation; or

(B) solicits, requests, commands, encourages, or intentionally aids another to engage in the violation.

(9) If the commission makes a finding that the brewer holding a certificate of approval violates this title or rules of the commission, the commission may take an action against the brewer holding a certificate of approval that the commission could take against a licensee including:

(a) suspension or revocation of the certificate of approval; and

(b) imposition of a fine.

(10) Notwithstanding the other provisions of this title, the commission may not order a disciplinary action or fine in accordance with this section if the disciplinary action or fine is ordered on the basis of a violation:

(a) of a provision in this title related to intoxication or becoming intoxicated; and

(b) if the violation is first investigated by a law enforcement officer, as defined in Section 53-13-103, who has not received training regarding the requirements of this title related to responsible alcoholic product sale or service.

(11) The commission shall expunge each record that relates to an individual's violation of a provision of this title, if the individual does not violate a provision of this title for a period of 36 consecutive months from the day on which the individual's last violation was adjudicated.

Amended by Chapter 447, 2022 General Session

32B-3-206 Dishonored checks.

(1) If a check issued in payment of a fee or cost authorized or required by this title is returned to the department as dishonored:
  (a) the department may assess a service charge in an amount set by commission rule against the person on whose behalf the check was tendered;
  (b) if the check that is returned to the department is from a package agent, licensee, or permittee, the commission may:
    (i) suspend or revoke the license or permit; or
    (ii) suspend or terminate the operation of the package agency;
  (c) the department may require that the person who payed with the dishonored check only pay money owed to the department under this title with cash for the time period determined by the department; or
  (d) the department or commission may take a combination of actions as provided in this Subsection (1).

(2)
  (a) If a license or permit is revoked under this section, the commission may require the forfeiture of the bond of the licensee or permittee.
  (b) Notwithstanding Subsection (2)(a), the department may make a claim against a bond posted by a licensee or permittee for money owed the department under this title without the commission first revoking the license or permit.

(3)
  (a) If the operation of a package agency is terminated under this section and the department has posted a bond for the package agency, the commission may require the forfeiture of the bond.
  (b) Notwithstanding Subsection (3)(a), the department may make a claim against a bond posted for a package agency without the commission first terminating the operation of the package agency.

Enacted by Chapter 276, 2010 General Session

32B-3-207 Judicial review -- Enforcement.

(1) In a disciplinary proceeding, a respondent found in a final order of the commission to have violated this title or rules of the commission made under this title may seek judicial review in a court of competent jurisdiction pursuant to the judicial review provisions of Sections 63G-4-401 through 63G-4-405.

(2) Notwithstanding Subsection 63G-4-403(4)(g), an appellate court may not grant relief on the basis that a finding of fact by the commission in a formal disciplinary proceeding is not supported, if the commission's finding of fact is supported by any evidence of substance in the record of the formal disciplinary proceeding when viewed in light of the whole record before the court.

(3) In addition to another remedy provided by law, the commission may seek enforcement of a commission order in a disciplinary proceeding by seeking civil enforcement in a state district court in accordance with Section 63G-4-501.

Enacted by Chapter 276, 2010 General Session

Part 3
Nuisance Retail Licensee Act

32B-3-301 Title.

This part is known as the "Nuisance Retail Licensee Act."

Enacted by Chapter 276, 2010 General Session

32B-3-302 Definitions.

As used in this part:

(1) "Nuisance activity" means:
- (a) a judicial finding that a licensed establishment is a nuisance under Section 32B-4-208; or
- (b) an act described in Section 32B-3-303.

(2) "Objecting governmental entity" means:
- (a) a local government entity;
- (b) a prosecutor's office; or
- (c) a law enforcement agency.

Enacted by Chapter 276, 2010 General Session

32B-3-303 Acts making a person subject to this part.

(1) One or more of the following acts constitute a nuisance activity:
- (a) a single felony conviction within the last two years of:
  - (i) a retail licensee; or
  - (ii) supervisory or managerial level staff of the retail licensee;
- (b) a single conviction under Title 58, Chapter 37, Utah Controlled Substances Act:
  - (i)
    - (A) of a retail licensee; or
    - (B) staff of the retail licensee;
  - (ii) within the last two years; and
  - (iii) made on the basis of an act that occurs on the licensed premises;
- (c) three or more convictions of patrons of a retail licensee under Title 58, Chapter 37, Utah Controlled Substances Act, if:
  - (i) the convictions are made on the basis of an act that occurs on the licensed premises; and
  - (ii) there is evidence that the retail licensee knew or should have known of the illegal activity;
- (d) a single conviction within the last two years of a retail licensee or staff of the retail licensee that is made on the basis of:
  - (i) pornographic and harmful materials:
    - (A) that violate Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances; and
    - (B) if the violation occurs on the licensed premises;
  - (ii) prostitution;

(iii) engaging in or permitting gambling, as defined and proscribed in Title 76, Chapter 9, Part 14, Gambling, on the licensed premises;
(iv) having any fringe gaming device, video gaming device, or gambling device or record as defined in Section 76-9-1401 on the licensed premises;
(v) on the licensed premises engaging in or permitting a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value;
(vi) a disturbance of the peace that occurs on the licensed premises; or
(vii) disorderly conduct that occurs on the licensed premises; or
(e) three or more adjudicated violations of this title within the last two years by a retail licensee or by staff of the retail licensee that result in a criminal citation or an administrative referral to the department relating to:
(i) the sale, offer for sale, or furnishing of an alcoholic product to a minor;
(ii) the sale, offer for sale, or furnishing of an alcoholic product to a person actually, apparently, or obviously intoxicated;
(iii) the sale, offer for sale, or furnishing of an alcoholic product after the lawful hours for the sale or furnishing; or
(iv) acts or conduct on the licensed premises contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title.
(2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership, corporation, or limited liability company, a conviction under Subsection (1)(c) includes a conviction of any of the following for an offense described in Subsection (1)(c):
(a) a partner;
(b) a managing agent;
(c) a manager;
(d) an officer;
(e) a director;
(f) a stockholder who holds at least 20% of the total issued and outstanding stock of a corporate retail licensee; or
(g) a member who owns at least 20% of a limited liability company retail licensee.

Amended by Chapter 173, 2025 General Session

32B-3-304 Rulemaking.

In accordance with this chapter, the commission may make rules that govern the filing under this chapter of:
(1) a formal objection to the renewal of a retail license; and
(2) a request for hearing filed by a retail licensee.

Enacted by Chapter 276, 2010 General Session

32B-3-305 Commission to prohibit nuisance activity by licensee -- License not renewed.

(1) In accordance with Section 32B-1-104, the commission shall require a retail licensee as a condition of being licensed under this title to operate in a manner so as not to endanger the public health, peace, safety, welfare, or morals of the community.
(2)

(a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Sections 32B-3-306 and 32B-3-307, the commission may deny the renewal of a retail license if:
(i) a formal objection to the renewal is filed; and
(ii) the commission determines that the retail licensee has engaged in a nuisance activity to such an extent that the nuisance activity has adversely impacted the public health, peace, safety, welfare, or morals of the neighboring community of the licensed premises.
(b) In making a determination under this Subsection (2), the commission may consider:
(i) the type of nuisance activity in which a retail licensee engages;
(ii) the frequency or pattern of the nuisance activity; and
(iii) the retail licensee's notice of and failure to abate or correct the nuisance activity.

Enacted by Chapter 276, 2010 General Session

32B-3-306 Formal objections to renewal.

(1) The department shall notify governmental entities that in accordance with this part an objecting governmental entity may file with the commission an objection to the renewal of a retail licensee's license in the objecting governmental entity's community.
(2) The department or an objecting governmental entity may file with the commission a formal objection to a retail license being renewed by the commission if the formal objection:
(a) is filed on the basis of a nuisance activity;
(b) is filed no later than 60 days before the expiration date of the retail licensee's license; and
(c) states with particularity all relevant facts and circumstances relating to the nuisance activity that forms the basis for the formal objection.

Enacted by Chapter 276, 2010 General Session

32B-3-307 Hearing on formal objections to renewal.

(1) Upon receipt of a formal objection that meets the requirements of Section 32B-3-306, the department shall:
(a) issue a notice of agency action; and
(b) serve on the retail licensee no later than 30 days before the expiration of the retail licensee's license:
(i) the notice of agency action; and
(ii) a copy of the formal objection.
(2)
(a) A retail licensee against whom a notice of agency action is served under Subsection (1) may request a hearing.
(b) The request for hearing described in Subsection (2)(a) shall be:
(i) in writing; and
(ii) filed with the commission within 10 days of the day on which the notice of agency action is served on the retail licensee.
(c) If a retail licensee fails to file a request for hearing in accordance with this Subsection (2), the commission may not renew the license of the retail licensee.
(3)
(a) Upon receipt of a request for hearing meeting the requirements of Subsection (2), the department shall immediately schedule a hearing that shall be:
(i) held no later than 10 days before the expiration date of the retail licensee's license; and
(ii) electronically recorded by the department.

(b) The retail licensee or an objecting governmental entity, at its own expense, may have a reporter approved by the department prepare a transcript from the department's record of the hearing.

(c)

(i) The department shall present information at the hearing that supports a finding that a nuisance activity occurred.

(ii) The information described in Subsection (3)(c)(i) shall be made a part of the record of the hearing.

(d) A retail licensee shall:

(i) have the opportunity to challenge or explain whether any of the nuisance activity that forms the basis for the formal objection occurred; and

(ii) be permitted to:

(A) testify;

(B) present evidence; and

(C) comment on the issues at the hearing.

(4)

(a) A hearing held under this part shall be conducted under the authority of the commission.

(b) The commission is responsible for rendering a final order on whether a retail licensee's license shall be renewed.

(c) Notwithstanding Subsections (4)(a) and (b), the commission may appoint a necessary hearing examiner to administer the hearing process.

(d) The commission or the hearing examiner appointed by the commission shall serve as the presiding officer at a hearing held under this section.

(e) The presiding officer at a hearing held under this section:

(i) shall evaluate:

(A) the information presented at the hearing in support of the formal objection; and

(B) any explanation and evidence offered by the retail licensee; and

(ii) may consider such factors as:

(A) the length of time the retail licensee has operated the licensed premises;

(B) the condition of the licensed premises;

(C) whether the retail licensee knew or should have known of the nuisance activity in question;

(D) whether the retail licensee failed to:

(I) make a substantial effort to correct the nuisance activity; and

(II) work with law enforcement to curtail the nuisance activity;

(E) whether the nuisance activity has been ongoing or temporary;

(F) whether the retail licensee or the retail licensee's staff:

(I) initiated contact with the law enforcement agency on the nuisance activity; and

(II) cooperated with the law enforcement agency's investigation; and

(G) whether prior efforts to stop the nuisance activity by the community or the retail licensee have been unsuccessful.

(5) An order issued under this section shall:

(a) be based on the evidence presented at the hearing; and

(b) state whether:

(i) the continued operation of the licensed premises will endanger the public health, peace, safety, welfare, or morals of the community; and

(ii) the retail license should or should not be renewed.

(6)

(a) If the presiding officer is a hearing examiner appointed by the commission, the hearing officer shall issue a signed order in writing that:
(i) complies with Subsection (5);
(ii) recommends to the commission whether the retail license should or should not be renewed;
(iii) states the reasons for the hearing officer's decision; and
(iv) notifies the retail licensee and the objecting governmental entity that the hearing examiner's order will be considered by the commission at the next regularly scheduled meeting of the commission.
(b) The department shall promptly mail a copy of the hearing examiner's order to:
(i) the retail licensee; and
(ii) any objecting governmental entity.
(c) The commission at its next regularly scheduled meeting after receipt of a hearing examiner's order, shall decide whether to renew or not renew the retail license on the basis of:
(i) the record and evidence presented at the hearing; and
(ii) the hearing examiner's recommendation.

(7)
(a) As an alternative to ordering that a retail license not be renewed under this section, the commission may conditionally renew a retail license by requiring that:
(i) the retail licensee and the licensed premises be closely monitored during the licensing year by:
(A) the department;
(B) local government officials; and
(C) law enforcement; and
(ii) the matter be reviewed before the next renewal period.
(b) The commission may conditionally renew a retail license contingent on a person listed in Subsection (7)(b)(ii) divesting all interest in the retail licensed business if:
(i) the retail licensee is a partnership, corporation, or limited liability company; and
(ii) the formal objection filed under this section if filed solely on the basis of a felony conviction:
(A) of:
(I) a partner;
(II) a managing agent;
(III) a manager;
(IV) an officer;
(V) a director;
(VI) a stockholder who holds at least 20% of the total issued and outstanding stock of a corporate licensee; or
(VII) a member who owns at least 20% of a limited liability company licensee; and
(B) for illegal activity that occurred off of the licensed premises.

(8)
(a) In accordance with this section, the commission shall issue a written order setting forth the commission's decision and the reason for the commission's decision.
(b) The order described in Subsection (8)(a) is considered final on the date the order becomes effective.
(c) The department shall serve a copy of the order on the retail licensee.

(9) A retail licensee whose retail license is not renewed by order of the commission may seek judicial review under the procedures provided in Section 32B-3-207.

(10) A retail licensee whose retail license is not renewed may not reapply for a license under this title for three years from the date the retail license is not renewed.

Amended by Chapter 307, 2011 General Session

Chapter 4
Criminal Offenses and Procedure Act

Part 1
General Provisions

32B-4-101 Title.

This chapter is known as the "Criminal Offenses and Procedure Act."

Enacted by Chapter 276, 2010 General Session

32B-4-102 Definitions.

As used in this chapter, "capitol hill complex" means capitol hill, as defined in Section 63O-1-101.

Amended by Chapter 425, 2024 General Session

Part 2
Criminal Procedure

32B-4-201 Applicability of Utah Code of Criminal Procedure.

Except as otherwise provided in this title, the procedure in a criminal case arising under this title is governed by Title 77, Utah Code of Criminal Procedure, and any other rules adopted by the Utah Supreme Court.

Enacted by Chapter 276, 2010 General Session

32B-4-202 Duties to enforce this title.

It is the duty of the following to diligently enforce this title in their respective capacities:
(1) the governor;
(2) a commissioner;
(3) the director;
(4) an official, inspector, or department employee;
(5) a prosecuting official of the state or its political subdivisions;
(6) a county, city, or town;
(7) a peace officer, sheriff, deputy sheriff, constable, marshal, or law enforcement official;
(8) a state health official; and
(9) a clerk of the court.

Amended by Chapter 438, 2024 General Session

32B-4-203 Authority to inspect.

(1)
(a) This Subsection (1) applies to:
(i) a commissioner;
(ii) an authorized representative of the commission or department; or
(iii) a law enforcement or peace officer.
(b) An individual described in Subsection (1)(a):
(i) shall be given access, ingress, and egress to and from premises or a conveyance used in the storage, sale, furnishing, manufacture, or transportation of an alcoholic product;
(ii) may open a container containing, or supposed to contain, an article sold, or exposed for sale, held in possession, or manufactured with intent to sell in violation of this title or commission rules; and
(iii) may inspect the contents and take samples of the contents for analysis from a container described in this Subsection (1).

(2) The following shall assist, when requested by a person described in Subsection (1), in tracing, finding, or discovering the presence of an article prohibited by this title or commission rules to the extent assistance would not infringe upon the person's federal and state constitutional rights:
(a) a dealer;
(b) a clerk;
(c) a bookkeeper;
(d) an express agent;
(e) a railroad or airline official;
(f) a common or other carrier; and
(g) an employee of a person listed in this Subsection (2).

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-4-204 Arrests.

(1) Except as otherwise provided in this chapter, an arrest of a person for a violation of this title shall be made in accordance with:
(a) Title 77, Chapter 7, Arrest, by Whom, and How Made; and
(b) Rules 6 and 7, Utah Rules of Criminal Procedure.

(2) A summons in lieu of a warrant of arrest shall be in accordance with Rule 6, Utah Rules of Criminal Procedure.

Enacted by Chapter 276, 2010 General Session

32B-4-205 Prosecutions.

(1)
(a) A prosecution for a violation of this title shall be in the name of the state.
(b) A criminal action for violation of a county or municipal ordinance enacted in furtherance of this title shall be in the name of the governmental entity involved.

(2)
(a) A prosecution for violation of this title shall be brought by the county attorney of the county or district attorney of the prosecution district where the violation occurs. If a county attorney or district attorney fails to initiate or diligently pursue a prosecution authorized and warranted

under this title, the attorney general shall exercise supervisory authority over the county attorney or district attorney to ensure prosecution is initiated and diligently pursued.

(b) If a violation occurs within a city or town, prosecution may be brought by either the county, district, or city attorney, notwithstanding any provision of law limiting the powers of a city attorney.

(c) A city or town prosecutor has the responsibility of initiating and diligently pursuing prosecutions for a violation of a local ordinance enacted in furtherance of this title or commission rules.

(3) Notwithstanding Section 76-1-201, a prosecuting attorney shall commence a prosecution by the return of an indictment or the filing of an information in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, in the county in which the offense occurs or where the premises are located upon which an alcoholic product is seized, if the offense involves an alcoholic product.

(4)

(a) Unless otherwise provided by law, an information may not be filed charging the commission of a felony or class A misdemeanor under this title unless authorized by a prosecuting attorney.

(b) This Subsection (4) does not apply if the magistrate has reasonable cause to believe that the person to be charged may avoid apprehension or escape before approval can be obtained.

(5)

(a) In describing an offense respecting the sale, keeping for sale, or other disposal of an alcoholic product, or the possessing, keeping, purchasing, consumption, or giving of an alcoholic product in an information, indictment, summons, judgment, warrant, or proceeding under this title, it is sufficient to state the possessing, purchasing, keeping, sale, keeping for sale, giving, consumption, or disposal of the alcoholic product without stating:

(i) the name or kind of alcoholic product;

(ii) the price of the alcoholic product;

(iii) any person to whom the alcoholic product is sold or disposed of;

(iv) by whom the alcoholic product is taken or consumed; or

(v) from whom the alcoholic product is purchased or received.

(b) It is not necessary to state the quantity of alcoholic product possessed, purchased, kept, kept for sale, sold, given, consumed, or disposed of, except in the case of an offense when the quantity is essential, and then it is sufficient to allege the sale or disposal of more or less than the quantity.

(6) If an offense is committed under a local ordinance enacted to carry out this title, it is sufficient if the charging document refers to the chapter and section of the ordinance under which the offense is committed.

Amended by Chapter 158, 2024 General Session

32B-4-206 Disposition of fines and forfeitures.

Except when otherwise provided, a fine or forfeiture levied under this title shall be paid to the county treasurer of the county in which the prosecution occurred.

Amended by Chapter 394, 2013 General Session

32B-4-207 Right of appeal.

In a case arising under this title, the commission or the state has the right of appeal as to a question of law.

Enacted by Chapter 276, 2010 General Session

32B-4-208 Nuisances.

(1) As used in this section, "nuisance" means:

(a) a room, house, building, structure, place, aircraft, vehicle, vessel, or other conveyance where an alcoholic product is possessed, purchased, used, kept, stored, sold, offered for sale, furnished, given, received, warehoused, manufactured, distributed, shipped, carried, transported, or adulterated in violation of this title; or

(b) an alcoholic product, container, equipment, or other property kept or used in maintaining an item or property described in Subsection (1)(a).

(2) A person who maintains or assists in maintaining a nuisance is guilty of a class B misdemeanor.

(3) If a person has knowledge that, or has reason to believe that the person's room, house, building, structure, place, aircraft, vehicle, vessel, or other conveyance is occupied or used as a nuisance, or allows it to be occupied or used as a nuisance, the nuisance property is subject to a lien for and may be sold to pay the fines and costs assessed against the person guilty of the common nuisance. This lien may be enforced by action in a court having jurisdiction.

(4)

(a) The department shall bring an action to abate a nuisance in the name of the department in a court having jurisdiction.

(b) An action brought under this Subsection (4) is an action in equity.

(c) The department may not be required to post a bond to initiate an action under this Subsection (4).

(d) A court may issue:

(i) if it appears that a nuisance exists, a temporary writ of injunction restraining the defendant from conducting or permitting the continuance of the nuisance until the conclusion of the trial; and

(ii) an order restraining the defendant and any other person from removing or interfering with an alcoholic product, container, equipment, or other property kept or used in violation of this title or commission rules.

(e) In an action to abate or enjoin a nuisance, the court need not find that the property involved is being unlawfully used at the time of the hearing.

(f) On finding that a material allegation of a petition or complaint is true, the court shall order that an alcoholic product may not be possessed, purchased, used, kept, stored, sold, offered for sale, furnished, given, received, warehoused, manufactured, distributed, shipped, carried, transported, or adulterated, in any portion of the room, house, building, structure, place, aircraft, vehicle, vessel, or other conveyance.

(g) Upon judgment of a court ordering abatement of the nuisance, the court may order that the premises or conveyance in question may not be occupied or used for any purpose for one year, except under Subsection (4)(h).

(h) A court may permit premises or conveyance described in Subsection (4)(g) to be occupied or used:

(i) if its owner, lessee, tenant, or occupant gives bond in an appropriate amount with sufficient surety, approved by the court, payable to the state;

(ii) on the condition that an alcoholic product will not be present in or on the premises or the conveyance; and

(iii) on the condition that payment of the fines, costs, and damages assessed for violation of this title or commission rules will be made.

(5) If a tenant of the premises uses the premises or any part of the premises in maintaining a nuisance, or knowingly permits use by another, the lease is void and the right to possession reverts to the owner or lessor who is entitled to the remedy provided by law for forcible detention of the premises.

(6) A person is guilty of assisting in maintaining a nuisance as provided in Section 76-9-1305, if that person:

(a) knowingly permits a building or premises owned or leased by the person, or under the person's control, or any part of a building or premises, to be used in maintaining a nuisance; or

(b) after being notified in writing by a prosecutor or other citizen of the unlawful use, fails to take all proper measures to:

(i) abate the nuisance; or

(ii) remove the one or more persons from the premises.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-4-209 Lawful detention.

(1)

(a) To inform a peace officer of a suspected violation and subject to the requirements of Subsection (1)(c), a person described in Subsection (1)(b) may:

(i) detain a person; and

(ii) hold any form of identification presented by the person.

(b) The following may take an action described in Subsection (1)(a):

(i) a state store employee;

(ii) a package agent;

(iii) a licensee or permittee;

(iv) a beer retailer; or

(v) staff of a person described in Subsections (1)(b)(ii) through (iv).

(c) A person described in Subsection (1)(b) may take an action described in Subsection (1)(a) only:

(i) if that person has reason to believe that the person against whom the action is taken is:

(A) in a facility where liquor or beer is sold; and

(B) in violation of Section 32B-4-409, 32B-4-412, or 32B-4-413;

(ii) in a reasonable manner; and

(iii) for a reasonable length of time.

(2) Unless the detention is unreasonable under all circumstances, the detention or failure to detain does not create criminal or civil liability for:

(a) false arrest;

(b) false imprisonment;

(c) slander; or

(d) unlawful detention.

Enacted by Chapter 276, 2010 General Session

Part 3
Criminal Offenses in General

32B-4-301 Applicability of Utah Criminal Code.

Except as otherwise provided, Title 76, Chapter 1, General Provisions, Chapter 2, Principles of Criminal Responsibility, Chapter 3, Punishments, and Chapter 4, Inchoate Offenses, apply to the prosecution of a criminal offense defined in this chapter or expressly identified as a criminal offense in this title.

Enacted by Chapter 276, 2010 General Session

32B-4-302 Criminal responsibility for conduct of another.

In addition to Title 76, Chapter 2, Part 2, Criminal Responsibility for Conduct of Another, the following principles apply to a violation of this title:

(1)

(a) If a violation of this title is committed by a person in the employ of the occupant of premises in which the offense is committed, or by a person who is required by the occupant to be or remain in or upon the premises, or to act in any way for the occupant, notwithstanding the fact that the offense is committed by a person who is not proved to have committed it under or by the direction of the occupant, the occupant is:

(i) prima facie considered a party to the offense committed; and

(ii) liable as a principal offender.

(b) This section does not relieve the person actually committing the offense from liability.

(2)

(a) If a violation of this title is committed by a corporation, association, partnership, or limited liability company, an officer or agent of the corporation or association, a partner of the partnership, or a manager or member of the limited liability company in charge of the premises in which the offense is committed is:

(i) prima facie considered a party to the offense committed; and

(ii) personally liable to the penalties prescribed for the offense as a principal offender.

(b) This section does not relieve the corporation, association, partnership, or limited liability company, or the person who actually committed the offense from liability.

Enacted by Chapter 276, 2010 General Session

32B-4-303 Special burdens of proof -- Inferences and presumptions.

(1) In a prosecution of an offense defined in this title or in a proceeding brought to enforce this title:

(a) it is not necessary that the state or commission establish:

(i) the precise description or quantity of an alcoholic product; or

(ii) the precise consideration, if any, given or received for an alcoholic product;

(b) there is an inference, absent proof to the contrary, that an alcoholic product in question is an alcoholic product if the witness describes it:

(i) as an alcoholic product;

(ii) by a name that is commonly applied to an alcoholic product; or

(iii) as intoxicating;

(c) if it is alleged that an entity for which a record is required to be filed with the Division of Corporations and Commercial Code to be organized or conduct business in this state has violated this title, the fact of the entity is presumed absent proof to the contrary;
(d) a record signed or purporting to be signed by a state chemist, assistant state chemist, or state crime laboratory chemist, as to the analysis or ingredients of an alcoholic product is:
(i) prima facie evidence:
(A) of the facts stated in that record; and
(B) of the authority of the person giving or making the record; and
(ii) admissible in evidence without proof of appointment or signature absent proof to the contrary; and
(e) a copy of an entry made in a record of the United States internal revenue collector, certified by the collector or a qualified notary public, showing the payment of the United States internal revenue special tax for the manufacture or sale of an alcoholic product is prima facie evidence of the manufacture or sale by the party named in the entry within the period set forth in the record.
(2)
(a) In proving the unlawful purchase, sale, gift, or disposal, gratuitous or otherwise, or consumption of an alcoholic product, it is not necessary that the state or commission establish that money or other consideration actually passed or that an alcoholic product is actually consumed if the court or trier of fact is satisfied that:
(i) a transaction in the nature of a purchase, sale, gift, or disposal actually occurs; or
(ii) consumption of an alcoholic product is about to occur.
(b) Proof of consumption or intended consumption of an alcoholic product on premises on which consumption is prohibited, by some person not authorized to consume an alcoholic product on those premises, is evidence that an alcoholic product is sold, given to, or purchased by the person consuming, about to consume, or carrying away the alcoholic product as against the occupant of the premises.
(3) For purposes of a provision applicable under this chapter to a retail licensee or staff of a retail licensee, the provision is applicable to a resort licensee or hotel licensee or a person operating under a sublicense of the resort licensee or hotel licensee.
(4) Notwithstanding the other provisions of this chapter, a criminal offense identified in this title as a criminal offense may not be enforced under this chapter if the criminal offense relates to a violation:
(a) of a provision in this title related to intoxication or becoming intoxicated; and
(b) if the violation is first investigated by a law enforcement officer, as defined in Section 53-13-103, who has not received training regarding the requirements of this title related to responsible alcoholic product sale or furnishing.

Amended by Chapter 80, 2016 General Session

32B-4-304 Violation of title a misdemeanor.
(1) Unless otherwise provided in this title, a person is guilty of a class B misdemeanor if that person violates:
(a) this chapter; or
(b) a provision of this title that is expressly identified as a criminal offense.
(2) This section is not applicable to an adjudicative proceeding under Chapter 3, Disciplinary Actions and Enforcement Act, but only:
(a) makes a violation described in Subsection (1) a criminal offense; and

(b) establishes a penalty for a violation described in Subsection (1) that is prosecuted criminally.

Enacted by Chapter 276, 2010 General Session

32B-4-305 Additional criminal penalties.

(1)
(a) As used in this section, "business entity" means a corporation, partnership, association, limited liability company, or similar entity.
(b) In addition to the penalties provided in Title 76, Chapter 3, Punishments, this section applies.

(2) Upon a defendant's conviction of an offense defined in this title, the court may order the defendant to pay restitution or costs in accordance with Subsection 76-3-201(4).

(3)
(a) Upon a business entity's conviction of an offense defined in this title, and a failure of the business entity to pay a fine imposed upon it:
(i) if the business entity is a domestic business entity, the powers, rights, and privileges of the business entity may be suspended or revoked; and
(ii) if the business entity is a foreign business entity, it forfeits its right to do intrastate business in this state.
(b) The department shall transmit the name of a business entity described in Subsection (3)(a) to the Division of Corporations and Commercial Code. Upon receipt of the information, the Division of Corporations and Commercial Code shall immediately record the action in a manner that makes the information available to the public.
(c) A suspension, revocation, or forfeiture under this Subsection (3) is effective from the day on which the Division of Corporations and Commercial Code records the information.
(d) A certificate of the Division of Corporations and Commercial Code is prima facie evidence of a suspension, revocation, or forfeiture.
(e) This section may not be construed as affecting, limiting, or restricting a proceeding that otherwise may be taken for the imposition of any other punishment or the modes of enforcement or recovery of fines or penalties.

(4)
(a) Upon the conviction of a business entity required to have a business license to operate the business entity's activities, or upon the conviction of any of the business entity's staff of any offense defined in this title, with the knowledge, consent, or acquiescence of the business entity, the department shall forward a copy of the judgment of conviction to the appropriate governmental entity responsible for issuing and revoking the business license.
(b) A governmental entity that receives a copy of a judgment under this Subsection (4) may institute appropriate proceedings to revoke the business license.
(c) Upon revocation under this Subsection (4), a governmental entity may not issue a business license to the business entity for at least one year from the date of revocation.
(d) Upon the conviction for a second or other offense, the governmental entity may not issue a business license for at least two years from the date of revocation.

(5)
(a) Upon conviction of one of the following of an offense defined in this title, the department shall forward a certified copy of the judgment of conviction to the Division of Professional Licensing:
(i) a health care practitioner; or
(ii) an individual licensed as a veterinarian under Title 58, Chapter 28, Veterinary Practice Act.

(b) The Division of Professional Licensing may bring a proceeding in accordance with Title 58, Occupations and Professions, to revoke the license issued under Title 58, Occupations and Professions, of an individual described in Subsection (5)(a).
(c) Upon revocation of a license under Subsection (5)(b):
(i) the Division of Professional Licensing may not issue a license to the individual under Title 58, Occupations and Professions, for at least one year from the date of revocation; and
(ii) if the individual is convicted of a second or subsequent offense, the Division of Professional Licensing may not issue a license to the individual under Title 58, Occupations and Professions, for at least two years from the date of revocation.

Amended by Chapter 415, 2022 General Session

Part 4
Sale, Purchase, Possession, and Consumption

32B-4-401 Unlawful sale or furnishing.
(1) It is unlawful for a retail licensee, a permittee, or staff of a retail licensee or permittee to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another, an alcoholic product, except as otherwise provided by this title.
(2) It is unlawful for a person in the business of selling liquor, a manufacturer, a supplier, an importer of liquor, or staff of the person, manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported liquor from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
(a) the department;
(b) a military installation;
(c) a holder of a special use permit, to the extent authorized in the special use permit; or
(d) a liquor warehouser licensee licensed to distribute and transport liquor to:
(i) the department; or
(ii) an out-of-state wholesaler or retailer.
(3)
(a) It is unlawful for a person in the business of selling beer, a manufacturer, a supplier, an importer of beer, or staff of the person, manufacturer, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
(i) a beer wholesaler licensee;
(ii) a military installation; or
(iii) a holder of a special use permit, to the extent authorized in the special use permit.
(b) Subsection (3)(a) does not preclude a small brewer that holds a certificate of approval from selling, shipping, or transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to:
(i) a beer retailer; or
(ii) an event permittee.
(4)
(a) It is unlawful for a manufacturer, supplier, or importer of liquor in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or

transported liquor directly or indirectly to a person in this state except to the extent authorized by this title to:
(i) the department;
(ii) a military installation;
(iii) a holder of a special use permit, to the extent authorized in the special use permit; or
(iv) a liquor warehouser licensee who is licensed to distribute and transport liquor to:
(A) the department; or
(B) an out-of-state wholesaler or retailer.
(b) Subsection (4)(a) does not preclude a winery manufacturing licensee located in this state from selling wine to a person on its winery premises:
(i) to the extent authorized by Subsection 32B-11-303(4); or
(ii) under a package agency issued by the commission on the winery premises.
(c) Subsection (4)(a) does not preclude a distillery manufacturing licensee located in this state from selling liquor on its distillery premises:
(i) to the extent authorized in Subsection 32B-11-403(5); or
(ii) under a package agency issued by the commission on the distillery premises.
(d) Subsection (4)(a) does not preclude a brewery manufacturing licensee located in this state from selling heavy beer or flavored malt beverages on its brewery premises:
(i) to the extent authorized under Subsection 32B-11-503(4); or
(ii) under a package agency issued by the commission on its brewery premises.
(5)
(a) It is unlawful for a manufacturer, supplier, or importer of beer in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer directly or indirectly to a person in this state except to the extent authorized by this title to:
(i) a beer wholesaler licensee;
(ii) a military installation; or
(iii) a holder of a special use permit, to the extent authorized in the special use permit.
(b) Subsection (5)(a) does not preclude:
(i) a small brewer who is a brewery manufacturing licensee located in this state from selling, shipping, and transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to one of the following in this state:
(A) a beer retailer; or
(B) an event permittee; or
(ii) a brewery manufacturing licensee from selling beer to a person on its manufacturing premises under Subsection 32B-11-503(4)(c).
(6) It is unlawful for a person other than a person described in Subsection (2) or (3) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product from an out-of-state location directly or indirectly into this state, except as otherwise provided by this title.
(7) It is unlawful for a person in this state other than a person described in Subsection (4) or (5) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product directly or indirectly to another person in this state, except as otherwise provided by this title.
(8)
(a) A violation of Subsection (1) is a class B misdemeanor, except when otherwise provided by this title.
(b) A violation of Subsection (2), (3), (4), or (5) is a third degree felony.
(c) A violation of Subsection (6) or (7) is a class B misdemeanor.

Amended by Chapter 266, 2016 General Session

32B-4-402 Unauthorized sale, offer for sale, or furnishing.

A person authorized by this title to sell an alcoholic product and staff of that person may not sell, offer for sale, or furnish, an alcoholic product in any place, or at any day or time other than as authorized by this title or the rules of the commission.

Enacted by Chapter 276, 2010 General Session

32B-4-403 Unlawful sale, offer for sale, or furnishing to minor.

(1) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.

(2)

(a)

(i) Except as provided in Subsection (3), a person is guilty of a class B misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to determine whether the recipient of the alcoholic product is a minor.

(ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.

(b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if the person who violates Subsection (1) knows the recipient of the alcoholic product is a minor.

(3) This section does not apply to the furnishing of an alcoholic product to a minor in accordance with this title:

(a) for medicinal purposes by:

(i) the parent or guardian of the minor; or

(ii) the health care practitioner of the minor, if the health care practitioner is authorized by law to write a prescription; or

(b) as part of a religious organization's religious services.

Amended by Chapter 447, 2022 General Session

32B-4-404 Unlawful sale, offer for sale, or furnishing to intoxicated person.

(1) A person may not sell, offer for sale, or furnish an alcoholic product directly to:

(a) a person who is actually or apparently intoxicated; or

(b) a person whom the person furnishing the alcoholic product knows or should know from the circumstances is actually or apparently intoxicated.

(2)

(a) A person who negligently or recklessly violates Subsection (1) is guilty of a class B misdemeanor.

(b) A person who knowingly violates Subsection (1) is guilty of a class A misdemeanor.

(3) As used in Subsection (2)(a), "negligently" means with simple negligence.

Amended by Chapter 291, 2021 General Session

32B-4-405 Unlawful sale, offer for sale, or furnishing to interdicted person.

(1) A person may not sell, offer for sale, or furnish an alcoholic product to a known interdicted person.

(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the person is an interdicted person through examination of the person's identification card or license

certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or proof of age issued by another state or country.

(3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic product to an interdicted person:

(a) under an order of a health care practitioner who is authorized by law to write a prescription; or

(b) administered by a hospital or health care practitioner authorized by law to administer the alcoholic product for medicinal purposes.

Amended by Chapter 471, 2025 General Session

32B-4-406 Unlawful sale, offer for sale, or furnishing of an alcoholic product.

(1) Except as provided in Subsection (2):

(a) a person may not sell, offer for sale, or furnish beer to the general public in a container that exceeds two liters; and

(b) a person may not purchase or possess beer in a container that exceeds two liters.

(2)

(a) A retail licensee may sell, offer for sale, or furnish beer on draft subject to the requirements of Section 32B-5-304.

(b) A retail licensee may purchase or possess beer in a container that exceeds two liters to be dispensed on draft for consumption subject to the requirements of Section 32B-5-304.

(c) A beer wholesaler licensee may sell, offer for sale, or furnish beer in a container that exceeds two liters to a retail licensee described in Subsection (2)(a).

(3) On or after October 1, 2011:

(a) A person may not sell, offer for sale, or furnish heavy beer in a container that exceeds two liters.

(b) A person may not purchase or possess heavy beer in a container that exceeds two liters.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-4-407 Unlawful sale, offer for sale, or furnishing during emergency.

During a period of emergency proclaimed by the governor to exist in an area of the state, it is unlawful for a person to sell, offer for sale, or furnish an alcoholic product in that area if the director publicly announces and directs that in that area a person may not sell, offer for sale, or furnish an alcoholic product in that area during the period of emergency.

Enacted by Chapter 276, 2010 General Session

32B-4-408 Unlawful purchase or acceptance.

(1) It is unlawful for a person or the person's staff to purchase, take, or accept an alcoholic product from another person, except as provided by this title or the rules of the commission adopted under this title.

(2) An act is unlawful under Subsection (1) if it is taken:

(a) directly or indirectly; or

(b) upon a pretense or device.

Enacted by Chapter 276, 2010 General Session

32B-4-409 Unlawful purchase, possession, consumption by minor -- Measurable amounts in body.

(1) Unless specifically authorized by this title, it is unlawful for a minor to:
(a) purchase an alcoholic product;
(b) attempt to purchase an alcoholic product;
(c) solicit another person to purchase an alcoholic product;
(d) possess an alcoholic product;
(e) consume an alcoholic product; or
(f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

(2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic product for a minor for:
(a) a minor to misrepresent the minor's age; or
(b) any other person to misrepresent the age of a minor.

(3) It is unlawful for a minor to possess or consume an alcoholic product while riding in a limousine or chartered bus.

(4)
(a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:
(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.
(b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:
(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(5)
(a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
(b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the suspension period required under Section 53-3-219 if:
(i) the violation is the minor's first violation of this section; and
(ii)
(A) the minor completes an educational series as defined in Section 41-6a-501; or
(B) the minor demonstrates substantial progress in substance use disorder treatment.
(c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
(i) the violation is the minor's second or subsequent violation of this section;
(ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and
(iii)

(A) the person is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a); or
(B) the person is under 18 years old and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a).

(6) When a minor who is younger than 18 years old is found by the court to have violated this section, Section 80-6-707 applies to the violation.

(7) Notwithstanding Subsections (5)(a) and (b), if a minor is adjudicated under Section 80-6-701, the court may only order substance use disorder treatment or an educational series if the minor has an assessed need for the intervention on the basis of the results of a validated assessment.

(8) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.

(9) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

(10) This section does not apply to a minor's consumption of an alcoholic product in accordance with this title:

(a) for medicinal purposes if:
(i) the minor is at least 18 years old; or
(ii) the alcoholic product is furnished by:
(A) the parent or guardian of the minor; or
(B) the minor's health care practitioner, if the health care practitioner is authorized by law to write a prescription; or

(b) as part of a religious organization's religious services.

Amended by Chapter 262, 2021 General Session

32B-4-410 Unlawful admittance or attempt to gain admittance by minor.

(1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the premises of:
(a) a tavern; or
(b) a bar licensee, except to the extent authorized by Section 32B-6-406.1.

(2) A minor who violates this section is guilty of a class C misdemeanor.

(3)
(a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:
(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:
(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and

(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(4)

(a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

(b) Notwithstanding Subsection (4)(a), the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's first violation of this section; and

(ii)

(A) the minor completes an educational series as defined in Section 41-6a-501; or

(B) the minor demonstrates substantial progress in substance use disorder treatment.

(c) Notwithstanding Subsection (4)(a) and in accordance with Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's second or subsequent violation of this section;

(ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and

(iii)

(A) the person is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a); or

(B) the person is under 18 years old and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a).

(5) When a minor who is younger than 18 years old is found by a court to have violated this section, Section 80-6-707 applies to the violation.

(6) Notwithstanding Subsections (3)(a) and (b), if a minor is adjudicated under Section 80-6-701, the court may only order substance use disorder treatment or an educational series if the minor has an assessed need for the intervention on the basis of the results of a validated assessment.

(7) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.

(8) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

Amended by Chapter 262, 2021 General Session

32B-4-411 Minor's unlawful use of proof of age.

(1) As used in this section, "proof of age violation" means a violation by a minor of:

(a) Chapter 1, Part 4, Proof of Age Act; or

(b) if as part of the violation the minor uses a proof of age in violation of Chapter 1, Part 4, Proof of Age Act:

(i) Section 32B-4-409; or

(ii) Section 32B-4-410.

(2) If a court finds a minor engaged in a proof of age violation, notwithstanding the penalties provided for in Subsection (1):

(a)
(i) for a first violation, the minor is guilty of a class B misdemeanor;
(ii) for a second violation, the minor is guilty of a class A misdemeanor; and
(iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor, except that the court may impose:
(A) a fine of up to $5,000;
(B) screening, assessment, or substance use disorder treatment, as defined in Section 41-6a-501;
(C) an educational series, as defined in Section 41-6a-501;
(D) alcoholic product related community service or compensatory service work program hours;
(E) fees for restitution and treatment costs;
(F) defensive driver education courses; or
(G) a combination of these penalties;
(b)
(i) for a minor who is younger than 18 years old:
(A) the court may forward to the Driver License Division a record of an adjudication under Section 80-6-701, for a violation under this section; and
(B) the provisions regarding suspension of a driver license under Section 80-6-707 apply; and
(ii) for a minor who is at least 18 years old, but younger than 21 years old:
(A) the court shall forward to the Driver License Division a record of conviction for a violation under this section; and
(B) the Driver License Division shall suspend the person's license under Section 53-3-220; and
(c) notwithstanding Subsection (2)(a), if a minor is adjudicated under Section 80-6-701, the court may order:
(i) substance use disorder treatment or an educational series only if the minor has an assessed need for the intervention based on the results of a validated assessment; and
(ii) a fine, fee, service hours, or costs in accordance with Section 80-6-709.
(3)
(a) Notwithstanding Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 80-6-707(4)(a)(ii)(A) if:
(i) the violation is the minor's first violation of this section; and
(ii)
(A) the minor completes an educational series as defined in Section 41-6a-501; or
(B) the minor demonstrates substantial progress in substance use disorder treatment.
(b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 80-6-707(4)(a)(ii)(B) if:
(i) the violation is the minor's second or subsequent violation of this section;
(ii) the person has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and
(iii)
(A) the person is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 80-6-707(4)(b)(ii)(A); or
(B) the minor is under 18 years old and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's

knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 80-6-707(4)(b)(ii)(B).

(4) When the Department of Public Safety receives the arrest or conviction record of an individual for a driving offense committed while the individual's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

(5) A court may not fail to enter a judgment of conviction under this section under a plea in abeyance agreement.

Amended by Chapter 262, 2021 General Session

32B-4-412 Unlawful purchase by intoxicated person.

A person may not purchase an alcoholic product if the person is intoxicated.

Enacted by Chapter 276, 2010 General Session

32B-4-413 Unlawful purchase by interdicted person.

A person may not purchase or possess an alcoholic product if that person is an interdicted person, except:

(1) under an order of a health care practitioner who is authorized by law to write a prescription; or

(2) when administered by a hospital or health care practitioner authorized by law to administer the alcoholic product for medicinal purposes.

Enacted by Chapter 276, 2010 General Session

32B-4-414 Unlawful possession -- Exceptions.

A person may not possess liquor within this state unless authorized by this title or the rules of the commission, except that:

(1) a person who clears United States Customs when entering this country may possess for personal consumption and not for sale or resale, a maximum of nine liters of liquor purchased from without the United States;

(2) a person who enters this state may possess for personal consumption and not for sale or resale, a maximum of nine liters of liquor purchased from without the state;

(3) a person who moves the person's residence to this state from outside of this state may possess for personal consumption and not for sale or resale, liquor previously purchased outside the state and brought into this state during the move;

(4) a person who inherits liquor as a beneficiary of an estate that is located outside the state, may possess the liquor and transport or cause the liquor to be transported into the state if the person provides sufficient documentation to the department to establish the person's legal right to the liquor as a beneficiary; or

(5) a person may transport or possess liquor if:

(a) the person transports or possesses the liquor:

(i) for personal household use and consumption; and

(ii) not for:

(A) sale;

(B) resale;

(C) gifting to another; or

(D) consumption on premises licensed by the commission;
(b) the liquor is purchased from a store or facility on a military installation; and
(c) the maximum amount the person transports or possesses under this Subsection (5) is:
(i) two liters of:
(A) spirituous liquor;
(B) wine; or
(C) a combination of spirituous liquor and wine; and
(ii)
(A) one case of heavy beer that does not exceed 288 ounces; or
(B) one case of a flavored malt beverage that does not exceed 288 ounces.

Amended by Chapter 178, 2020 General Session

32B-4-415 Unlawful bringing onto premises for consumption.

(1) Except as provided in Subsection (4) and Section 32B-5-307, a person may not bring an alcoholic product for on-premise consumption onto the premises of:
(a) a retail licensee or person required to be licensed under this title as a retail licensee;
(b) an establishment that conducts a business similar to a retail licensee;
(c) an event where an alcoholic product is sold, offered for sale, or furnished under a single event permit or temporary beer event permit issued under this title;
(d) an establishment open to the general public; or
(e) the capitol hill complex.
(2) Except as provided in Subsection (4) and Section 32B-5-307, the following may not allow a person to bring onto its premises an alcoholic product for on-premise consumption or allow consumption of an alcoholic product brought onto its premises in violation of this section:
(a) a retail licensee or a person required to be licensed under this title as a retail licensee;
(b) an establishment that conducts a business similar to a retail licensee;
(c) a single event permittee or temporary beer event permittee;
(d) an establishment open to the general public;
(e) the State Capitol Preservation Board created in Section 63O-2-201; or
(f) staff of a person listed in Subsections (2)(a) through (e).
(3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a passenger at:
(a) a location from which the passenger departs in a private vehicle; or
(b) the capitol hill complex.
(4)
(a) A person may bring bottled wine onto the premises of the following and consume the wine pursuant to Section 32B-5-307:
(i) a full-service restaurant licensee;
(ii) a limited restaurant licensee;
(iii) a bar establishment licensee; or
(iv) a person operating under a spa sublicense.
(b) A passenger of a limousine may bring onto, possess, and consume an alcoholic product in the limousine if:
(i) the travel of the limousine begins and ends at:
(A) the residence of the passenger;
(B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
(C) the temporary domicile of the passenger;

(ii) the driver of the limousine is separated from the passengers by partition or other means approved by the department; and
(iii) the limousine is not located on the capitol hill complex.
(c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic product on the chartered bus:
(i)
(A) but may consume only during travel to a specified destination of the chartered bus and not during travel back to the place where the travel begins; or
(B) if the travel of the chartered bus begins and ends at:
(I) the residence of the passenger;
(II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
(III) the temporary domicile of the passenger;
(ii) if the chartered bus has a nondrinking designee other than the driver traveling on the chartered bus to monitor consumption; and
(iii) if the chartered bus is not located on the capitol hill complex.
(5) A person may bring onto any premises, possess, and consume an alcoholic product at a private event.
(6) Notwithstanding Subsection (5), private and public facilities may prohibit the possession or consumption of alcohol on their premises.
(7) The restrictions of Subsections (2) and (3) apply to a resort licensee or hotel licensee or person operating under a sublicense in relationship to:
(a) the boundary of a resort building, as defined in Section 32B-8-102, or the boundary of a hotel, as defined in Section 32B-8b-102, in an area that is open to the public; or
(b) except as provided in Subsection (4), sublicensed premises.

Amended by Chapter 425, 2024 General Session

32B-4-416 Unlawful permitting of consumption by minor.
(1) A person may not permit a minor to consume an alcoholic product in a chartered bus or limousine of which the person is the owner or operator.
(2) A violation of Subsection (1) is an infraction.

Enacted by Chapter 276, 2010 General Session

32B-4-417 Unlawful possession by licensee or permittee.
Except as authorized by Section 32B-4-415, other provisions of this title, or the rules of the commission, a licensee or permittee may not possess, store, or allow consumption of liquor on its premises if the liquor is not purchased from:
(1) the department;
(2) a state store; or
(3) a package agency.

Enacted by Chapter 276, 2010 General Session

32B-4-418 Unlawful storage.
It is unlawful for a person to store:
(1) liquor on premises for which the person is authorized to sell beer for on-premise consumption, but for which the person is not licensed under this title to sell liquor; or

(2) an alcoholic beverage for sale on premises for which the person is not licensed or otherwise authorized under this title to sell the alcoholic beverage.

Amended by Chapter 371, 2023 General Session

32B-4-419 Unlawful permitting of intoxication.

(1) A person may not permit another person to become intoxicated or an intoxicated person to consume an alcoholic product in:
  (a) premises of which the person is the owner, tenant, or occupant; or
  (b) a chartered bus or limousine of which the person is the owner or operator.
(2) A violation of Subsection (1) is a class C misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-4-420 Unlawful adulteration.

(1) For purposes of this section, "tamper" means to do one or more of the following to the contents of a container:
  (a) fortify;
  (b) adulterate;
  (c) contaminate;
  (d) dilute;
  (e) change its character or purity; or
  (f) otherwise change.
(2) A person may not, for any purpose, mix or allow to be mixed with an alcoholic product sold or supplied by the person as a beverage any of the following:
  (a) a drug;
  (b) methylic alcohol;
  (c) a crude, unrectified, or impure form of ethylic alcohol; or
  (d) another deleterious substance.
(3)
  (a) The following may not engage in an act listed in Subsection (3)(b):
    (i) a package agent;
    (ii) a retail licensee;
    (iii) a permittee;
    (iv) a beer wholesaler licensee;
    (v) a liquor warehouser licensee;
    (vi) a supplier; or
    (vii) an importer.
  (b) A person listed in Subsection (3)(a) may not:
    (i) tamper with the contents of a container of alcoholic product as originally marketed by a manufacturer;
    (ii) refill or partly refill with any substance the contents of an original container of alcoholic product as originally marketed by a manufacturer;
    (iii) misrepresent the brand of an alcoholic product sold or offered for sale; or
    (iv) sell or furnish a brand of alcoholic product that is not the same as that ordered by a purchaser without first advising the purchaser of the difference.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

32B-4-421 Unlawful consumption in public place.

(1) A person may not consume liquor in a public building, park, or stadium, except as provided by this title.

(2) A violation of this section is a class C misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-4-422 Unlawful dispensing.

(1) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous liquor for consumption on the licensed premises, or staff of the retail licensee may not:

(a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department;

(b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per beverage;

(c) allow a person on the licensed premises to have more than a total of 2.5 ounces of spirituous liquor at a time; or

(d)

(i) except as provided in Subsection (1)(d)(ii), allow a person to have more than two spirituous liquor beverages at a time; or

(ii) allow a person on the premises of the following to have more than one spirituous liquor beverage at a time:

(A) a full-service restaurant licensee;

(B) a person operating under a full-service restaurant sublicense;

(C) an on-premise banquet licensee;

(D) a person operating under an on-premise banquet sublicense;

(E) a single event permittee; or

(F) a hospitality amenity licensee.

(2) A violation of this section is a class C misdemeanor.

Amended by Chapter 94, 2024 General Session

32B-4-423 Immunity regarding alcohol consumption offenses when seeking emergency aid for another person.

(1) A law enforcement officer may not cite or arrest a person solely because of a person's violation of a provision under Subsection (2) if the officer came into contact with the person because:

(a) the person had requested or acted in concert with another person to request emergency medical assistance for a third party who reasonably appeared to be in need of medical care due to the consumption of alcohol;

(b) the officer was responding to the request for emergency medical assistance;

(c) the person provided to the officer the person's name and identifying information as requested by the officer;

(d) the person remained at the location where the third party was located until emergency medical response personnel arrived at the location; and

(e) the person cooperated with the emergency medical assistance personnel and law enforcement officers at the location.

(2) Offenses referred to in Subsection (1) are violations of:

(a) Section 32B-4-403 regarding the unlawful sale, offer for sale, or furnishing of alcohol to a minor;
(b) Subsection 32B-4-409(1) regarding the unlawful purchase, possession, or consumption of alcohol by a minor; and
(c) Subsection 76-9-110(2) regarding intoxication when the offense involves consumption of alcohol.
(3) An officer who declines to cite or arrest a person while acting in good faith under Subsection (1) is not civilly liable.

Amended by Chapter 173, 2025 General Session

32B-4-424 Powdered or vaporized alcohol.
(1) As used in this section:
(a) "Powdered alcohol" means a product that is in a powdered or crystalline form and contains any amount of alcohol.
(b) "Vaporized alcohol" means a product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation.
(2) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, furnish, or possess for human consumption powdered alcohol or vaporized alcohol.
(3) It is unlawful for a holder of a retail license to use powdered alcohol or vaporized alcohol as an alcoholic product.
(4) This section does not apply to the use of powdered alcohol or vaporized alcohol for a commercial use specifically approved by state law or bona fide research purposes by a:
(a) health care practitioner that operates primarily for the purpose of conducting scientific research;
(b) department, commission, board, council, agency, institution, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state, including an institution of higher education listed in Section 53H-1-102;
(c) private college or university research facility; or
(d) pharmaceutical or biotechnology company.

Amended by Chapter 9, 2025 Special Session 1

Part 5
Operations

32B-4-501 Operating without a license or permit.
(1) A person may not operate the following businesses without first obtaining a license under this title if the business allows a person to purchase or consume an alcoholic product on the premises of the business:
(a) a restaurant;
(b) an airport lounge;
(c) a business operated in the same manner as a bar establishment licensee;
(d) a resort;
(e) a business operated to sell, offer for sale, or furnish beer for on-premise consumption;
(f) a business operated as an on-premise banquet licensee;

(g) a hotel;
(h) an arena; or
(i) a business similar to one listed in Subsections (1)(a) through (h).
(2) A person conducting an event that is open to the general public may not directly or indirectly sell, offer for sale, or furnish an alcoholic product to a person attending the event without first obtaining an event permit under this title.
(3) A person conducting a private event may not directly or indirectly sell or offer for sale an alcoholic product to a person attending the private event without first obtaining an event permit under this title.
(4) A person may not operate the following businesses in this state without first obtaining a license under this title:
(a) a winery manufacturer;
(b) a distillery manufacturer;
(c) a brewery manufacturer;
(d) a local industry representative of:
(i) a manufacturer of an alcoholic product;
(ii) a supplier of an alcoholic product; or
(iii) an importer of an alcoholic product;
(e) a liquor warehouser; or
(f) a beer wholesaler.
(5) A person may not operate a public conveyance in this state without first obtaining a public service permit under this title if that public conveyance allows a person to purchase or consume an alcoholic product:
(a) on the public conveyance; or
(b) on the premises of a hospitality room located within a depot, terminal, or similar facility at which a service is provided to a patron of the public conveyance.

Amended by Chapter 94, 2024 General Session

32B-4-502 Storing or possessing pursuant to federal stamp.
(1) Except as otherwise provided by this title, it is unlawful for a person who holds a stamp issued by the Bureau of Internal Revenue of the United States as a retail dealer in fermented malt liquor, or the person's operator or staff, to possess, hold, or store liquor in or on premises described in the stamp while the stamp remains in effect unless that person is:
(a) acting for the commission; or
(b) licensed under this title.
(2) This section may not be construed to prevent a person from possessing and consuming, but not storing, liquor on premises described by the fermented malt liquor stamp, if that person is not:
(a) an owner or operator of a retail dealer described in Subsection (1); or
(b) a staff member of either the owner or operator.

Enacted by Chapter 276, 2010 General Session

32B-4-503 Tampering with a record.
(1) It is unlawful for a person who has custody of a record required to be filed or deposited with the commission or the department under this title to:

(a) steal, falsify, alter, willfully destroy, mutilate, deface, remove, or conceal in whole or in part that record; or
(b) knowingly permit another person to take an action described in Subsection (1)(a).
(2)
(a) Except as provided in Subsection (2)(b), a person is guilty of a class B misdemeanor.
(b) A person who violates Subsection (1) is guilty of a third degree felony if that person is a commissioner, the director, or a department employee.

Enacted by Chapter 276, 2010 General Session

32B-4-504 Making false statements.
(1)
(a) A person who makes a false material statement under oath or affirmation in an official proceeding before the commission or the department is guilty of a second degree felony.
(b) As used in Subsection (1)(a), "material" statement is as defined in Section 76-8-501.
(2) A person is guilty of a class B misdemeanor if that person knowingly:
(a) makes a false statement under oath or affirmation in an official proceeding before the commission or the department;
(b) makes a false statement with a purpose to mislead a public servant in performing that public servant's official functions under this title;
(c) makes a false statement and the statement is required by this title to be sworn or affirmed before a notary or other person authorized to administer oaths;
(d) makes a false written statement on or pursuant to a record required by this title;
(e) creates a false impression in a record required by this title by omitting information necessary to prevent a statement in them from being misleading;
(f) makes a false written statement with intent to deceive a public servant in the performance of that public servant's official functions under this title; or
(g) submits or invites reliance on a record required under this title which that person knows to lack authenticity.
(3) A person is not guilty under Subsection (2) if that person retracts the falsification before it becomes apparent that the falsification is or will be exposed.

Enacted by Chapter 276, 2010 General Session

32B-4-505 Obstructing a search, official proceeding, or investigation.
(1) A person who is in the premises or has charge over premises may not refuse or fail to admit to the premises or obstruct the entry of any of the following who demands entry when acting under this title:
(a) a commissioner;
(b) an authorized representative of the commission or department; or
(c) a law enforcement officer.
(2) A person who is in the premises or has charge of the premises may not interfere with any of the following who is conducting an investigation under this title at the premises:
(a) a commissioner;
(b) an authorized representative of the commission or department; or
(c) a law enforcement officer.
(3) After receiving written notice of an official proceeding or investigation under Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a violation of Section

41-6a-502 or 41-6a-517, a person may not knowingly alter, destroy, conceal, or remove a record that is relevant to the official proceeding or investigation.

(4) A person who believes that an official proceeding or investigation is pending or about to be instituted under this title may not:
  (a) alter, destroy, conceal, or remove a record with a purpose to impair the record's verity or availability in the proceeding or investigation; or
  (b) make, present, or use anything that the person knows to be false with the purpose to deceive any of the following who may be engaged in the proceeding or investigation:
    (i) a commissioner;
    (ii) an authorized representative of the commission or department;
    (iii) a law enforcement officer; or
    (iv) another person.

(5)
  (a) Except as provided in Subsection (5)(b), a violation of Subsection (1), (2), or (3) is a class B misdemeanor.
  (b) A violation of Subsection (3) is a class A misdemeanor if the record is relevant to an official proceeding or investigation for a violation of Section 32B-4-404.
  (c) A violation of Subsection (4) is a class A misdemeanor.

Amended by Chapter 400, 2023 General Session

32B-4-508 Offering or soliciting bribe, gift, or profits.

(1) If a person sold, sells, offered for sale, or offers to sell an alcoholic product to the commission or department, that person may not offer, make, tender, or in any way deliver or transfer to a commissioner, the director, a department employee, or a law enforcement officer responsible for the enforcement of this title the following:
  (a) a bribe;
  (b) a gift, as defined in Section 67-16-5; or
  (c) a share of profits.

(2) A commissioner, the director, a department employee, or a law enforcement officer responsible for the enforcement of this title may not knowingly solicit, receive, accept, take, or seek, directly or indirectly, any of the following from a person who sold, sells, offered for sale, or offers to sell an alcoholic product:
  (a) a commission;
  (b) compensation, as defined in Section 67-16-3;
  (c) a gift, as defined in Section 67-16-5; or
  (d) a loan.

(3) A violation of this section is punishable under Section 67-16-12.

Enacted by Chapter 276, 2010 General Session

32B-4-509 Forgery.

(1)
  (a) A person who with a purpose to defraud the commission or the department, or who with knowledge that the person is facilitating a fraud to be perpetrated by anyone, forges a record required under this title, is guilty of forgery as provided under Section 76-6-501.
  (b) A violation of Subsection (1)(a) is a second degree felony.

(2) A person who with intent to defraud the commission or the department knowingly possesses a record that is a forgery as defined in Section 76-6-501 is guilty of a third degree felony.

Enacted by Chapter 276, 2010 General Session

Part 6
Transportation and Distribution

32B-4-601 Unlawful removal from conveyance or diversion of shipment.

(1) It is unlawful for a person transporting an alcoholic product, including a motor carrier, in interstate or other commerce intended for, or consigned to, or claimed to be intended for or consigned to a person outside of this state, to remove or to permit a person to remove the alcoholic product or any part of the alcoholic product from the conveyance in which it is carried while within this state.

(2) Notwithstanding Subsection (1), removal of an alcoholic product from a conveyance may be allowed if the person described in Subsection (1) notifies the department in writing at least 24 hours before the intended removal and complies with the instructions given by the department.

(3) It is unlawful for a person to receive for storage or another purpose, or to possess an alcoholic product, that is removed from a vehicle or other conveyance in violation of this section.

(4) It is unlawful for a person, including a motor vehicle, to divert to any place within this state, or to deliver to any person in this state, an alcoholic product that is consigned for shipment to any place without this state, unless the person:

(a) first notifies the department in writing at least 24 hours before the intended diversion or delivery; and

(b) complies with the instructions given by the department.

(5) Upon receiving a notice under Subsection (2) or (4), the department shall take precautions as necessary to ensure compliance with the laws of this state relating to an alcoholic product.

Enacted by Chapter 276, 2010 General Session

32B-4-602 Unlawful transportation.

(1) It is unlawful for a person, including a motor carrier, or staff of the person to order or purchase an alcoholic product or to cause an alcoholic product to be shipped, carried, or transported into this state, or from one place to another within this state except as otherwise authorized by this title.

(2) This section does not prohibit a person, including a motor carrier, from:

(a) transporting an alcoholic product in the course of export from the state; or

(b) transporting an alcoholic product across any part of this state while in transit pursuant to a bona fide consignment of the alcoholic product to a person outside of this state.

Enacted by Chapter 276, 2010 General Session

32B-4-603 Carriers' records.

(1)

(a) A person, including a motor carrier, transporting an alcoholic product into or within this state shall make and maintain a record in which is entered, immediately on the receipt of an alcoholic product:
(i) the name of every person to whom the alcoholic product is consigned;
(ii) the amount and kind of alcoholic product received; and
(iii) the date when the alcoholic product is delivered.
(b)
(i) Except as provided in Subsection (1)(b)(ii), a consignee shall sign the consignee's name.
(ii) If the consignee is a corporation, partnership, or limited liability company, an agent authorized in writing shall sign the record described in Subsection (1)(a).
(2) A person described in Subsection (1) shall make the record open to inspection by an authorized official of the state or local authority at any time during the person's business hours.
(3) A record under this section constitutes prima facie evidence of the facts stated in the record and is admissible as evidence in a court proceeding to enforce this title.

Enacted by Chapter 276, 2010 General Session

Part 7
Trade Practices Act

32B-4-701 Title.
This part is known as the "Trade Practices Act."

Enacted by Chapter 276, 2010 General Session

32B-4-702 Definitions.
As used in this part:
(1)
(a) For purposes of Section 32B-4-703, "exclusion" is as defined in 27 C.F.R. Sec. 8.51 through 8.54.
(b) For purposes of Section 32B-4-704, "exclusion" is as defined in 27 C.F.R. Sec. 6.151 through 6.153.
(2)
(a) "Industry member" means:
(i) an alcoholic product manufacturer;
(ii) a producer;
(iii) a supplier;
(iv) an importer;
(v) a wholesaler;
(vi) a bottler;
(vii) a warehouser and bottler; or
(viii) for a person described in Subsections (2)(a)(i) through (vii), any of its:
(A) affiliates;
(B) subsidiaries;
(C) officers;
(D) directors;

(E) partners;
(F) agents;
(G) employees; or
(H) representatives.
(b) "Industry member" does not include:
(i) the commission;
(ii) a commissioner;
(iii) the director;
(iv) the department; or
(v) a department employee.
(3) "Product" means an alcoholic product or item associated with an alcoholic product.
(4) "Retailer" means:
(a) the holder of a license or permit issued by the commission or by a local authority to allow the holder to engage in the sale of an alcoholic product to a patron whether for consumption on or off the premises; or
(b) an agent, officer, director, shareholder, partner, or employee of a holder described in Subsection (4)(a).

Enacted by Chapter 276, 2010 General Session

32B-4-703 Exclusive outlets.
(1) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to require, by agreement or otherwise, that the department or a retailer purchase a product from the industry member or the department to the exclusion in whole or in part of a product that is sold or offered for sale by another person.
(2)
(a) Subsection (1) applies only to a transaction between:
(i) one or more industry members; and
(ii)
(A) the department; or
(B) one or more retailers.
(b) Subsection (1) does not apply to a transaction between two or more industry members, including between a manufacturer and a wholesaler.
(3) Subsection (1) includes purchases coerced by an industry member through an act or threat of physical or economic harm, as well as through a voluntary industry member-retailer purchase agreement.
(4)
(a) Subsection (1) includes a contract or agreement, written or unwritten, that has the effect of requiring the department or retailer to purchase an alcoholic product from the industry member beyond a single sales transaction.
(b) Examples of a contract or agreement described in Subsection (4)(a) include:
(i) an advertising contract between an industry member and a retailer with the express or implied requirement of the purchase of the advertiser's product; or
(ii) a sales contract awarded on a competitive bid basis that has the effect of prohibiting the department or retailer from purchasing from another industry member by:
(A) requiring that the retailer purchase a product or line of products exclusively from the industry member for the period of the agreement; or

(B) requiring that the retailer purchase a specific or minimum quantity during the period of the agreement.

(5)

(a) Subsection (1) includes a contract, agreement, or other arrangement between an industry member and a third party nonretailer that requires the department or a retailer to purchase the industry member's product to the exclusion in whole or in part of a product sold or offered for sale by another person.

(b) This Subsection (5) applies whether a contract, agreement, or other arrangement originates with the industry member or the third party.

(c) Examples of a contract, agreement, or other arrangement described in this Subsection (5) include:

(i) a contract, agreement, or arrangement:

(A) with a third party, such as a ball club or municipal or private corporation, that is not a retailer;

(B) under which the third party leases the concession rights and is able to control the purchasing decisions of a retailer; and

(C) that requires the retailer to purchase the industry member's product to the exclusion in whole or in part of a product sold or offered for sale by another person; or

(ii) a contract, agreement, or arrangement with a third party nonretailer that requires a retailer to purchase the industry member's product to the exclusion in whole or in part of a product sold or offered for sale by another person in return for which the third party provides a service or other thing of value such as:

(A) sponsoring radio or television broadcasting;

(B) paying for advertising; or

(C) providing other services or things of value.

Enacted by Chapter 276, 2010 General Session

32B-4-704 Tied house -- Prohibitions.

(1)

(a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by acquiring or holding an interest in a license with respect to the premises of a retailer, except when the license is held by a retailer that is completely owned by the industry member.

(b) Interest in a retail license includes an interest acquired by a corporate official, partner, employee, or other representative of the industry member.

(c) An interest in a retail license acquired by a separate corporation in which the industry member or the industry member's officials hold ownership or are otherwise affiliated is an interest in a retail license.

(d) Less than complete ownership of a retail business by an industry member constitutes an interest in a retail license within the meaning of Subsection (1)(a).

(2)

(a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by acquiring an interest in real or personal property owned, occupied, or used by the retailer in the conduct of the retailer's business.

(b) For purposes of Subsection (2)(a):
(i) "interest" does not include complete ownership of a retail business by an industry member;
(ii) interest in retail property includes an interest acquired by a corporate official, partner, employee, or other representative of the industry member;
(iii) any interest in a retail license acquired by a separate corporation in which the industry member or its officials hold ownership or are otherwise affiliated is an interest in the retailer's property;
(iv) less than complete ownership of a retail business by an industry member constitutes an interest in retail property;
(v) the acquisition of a mortgage on a retailer's real or personal property by an industry member constitutes an interest in the retailer's property; and
(vi) the renting of display space by an industry member at a retail establishment constitutes an interest in the retailer's property.

(3)
(a) Subject to Section 32B-4-705, it is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by furnishing, giving, renting, lending, or selling to the retailer equipment, a fixture, a sign, supplies, money, a service, or other thing of value.
(b)
(i) For purposes of this Subsection (3), indirect inducement includes:
(A) furnishing a thing of value to a third party when the benefit resulting from the thing of value flows to an individual retailer; and
(B) making a payment for advertising to a retailer association or a display company when the resulting benefits flow to an individual retailer.
(ii) Notwithstanding Subsection (3)(b)(i), an indirect inducement does not arise if:
(A) the thing of value is furnished to a retailer by the third party without the knowledge or intent of the industry member; or
(B) the industry member does not reasonably foresee that the thing of value would be furnished to a retailer.
(c) Anything that may lawfully be furnished, given, rented, lent, or sold by industry members to retailers under Section 32B-4-705 may be furnished directly by a third party to a retailer.
(d)
(i) A transaction in which equipment is sold to a retailer by an industry member, except as provided in Section 32B-4-705, is the selling of equipment within the meaning of Subsection (3)(a) regardless of how the equipment is sold.
(ii) The negotiation by an industry member of a special price to a retailer for equipment from an equipment company is the furnishing of a thing of value within the meaning of Subsection (3)(a).
(e) The furnishing of free warehousing by delaying delivery of an alcoholic product beyond the time that payment for the product is received, or if a retailer is purchasing on credit, delaying final delivery of products beyond the close of the period of time for which credit is lawfully extended, is the furnishing of a service or thing of value within the meaning of Subsection (3)(a).
(f) A financial, legal, administrative, or influential assistance given a retailer by an industry member in the retailer's acquisition of the retailer's license is the furnishing of a service or thing of value within the meaning of Subsection (3)(a).

(4) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by paying or crediting the retailer for an advertising, display, or distribution service:
  (a) as defined in and to the extent restricted by 27 C.F.R. Sec. 6.51 through 6.56; and
  (b) subject to the exceptions:
    (i) for newspaper cuts listed in 27 C.F.R. Sec. 6.92; and
    (ii) for advertising services listed in 27 C.F.R. Sec. 6.98.
(5) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by guaranteeing a loan or the repayment of a financial obligation of the retailer.
(6)
  (a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase beer from the industry member to the exclusion in whole or in part of a beer product sold or offered for sale by another person by extending to a retailer credit for a period in excess of 15 days from the date of delivery to the date of full legal discharge from all indebtedness arising from the transaction by the retailer paying cash or its equivalent, unless:
    (i) beer purchased or delivered during the first 15 days of any month is paid for in cash or its equivalent on or before the 25th day of the same month; and
    (ii) beer purchased or delivered after the 15th day of any month is paid for in cash or its equivalent on or before the 10th day of the next succeeding month.
  (b) A first party in-state check is considered cash payment if the check is:
    (i) honored on presentment; and
    (ii) received under the terms prescribed in Subsection (6)(a).
  (c) An extension of credit for product purchased by an industry member to a retailer whose account is in arrears does not constitute a violation of Subsection (6)(a) if the retailer pays in advance or on delivery an amount equal to or greater than the value of each order, regardless of the manner in which the industry member applies the payment in its records.
(7)
  (a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to induce a retailer to purchase an alcoholic product from the industry member or from the department to the exclusion in whole or in part of a product sold or offered for sale by another person by requiring:
    (i) the department to take and dispose of a certain quota of a product; or
    (ii) a beer retailer to take and dispose of a certain quota of a beer product.
  (b)
    (i) It is an unlawful means to induce to require:
      (A) the department to purchase one product in order to purchase another product; or
      (B) a beer retailer to purchase one beer product in order to purchase another beer product.
    (ii) This Subsection (7)(b) includes:
      (A) the requirement to take a minimum quantity of a product in standard packaging in order to obtain the same product in some type of premium container such as:
        (I) a distinctive decanter; or
        (II) a wooden or tin box; or
      (B) combination sales if one or more products may be purchased only in combination with another product and not individually.

(c) This Subsection (7) does not preclude the selling, at a special combination price, of two or more kinds or brands of products so long as the department or beer retailer:
(i) has the option of purchasing either product at the usual price; and
(ii) is not required to purchase a product the department or beer retailer does not want.
(d) An industry member may package and distribute an alcoholic product in combination with other nonalcoholic items.
(e) A combination package shall be designed to be delivered intact to the consumer and the additional cost incurred by the industry member shall be included in the cost to the department or beer retailer.

Amended by Chapter 307, 2011 General Session

32B-4-705 Exclusions from tied house prohibitions.

(1) Notwithstanding Subsection 32B-4-704(3), a thing of value may be furnished by an industry member to a retailer under the conditions and within the limitations prescribed in:
(a) this section; and
(b) the applicable federal laws cited in this section.
(2) The following may be furnished by an industry member:
(a) a product display as provided in 27 C.F.R. Sec. 6.83;
(b) point of sale advertising material or a consumer advertising specialty as provided in 27 C.F.R. Sec. 6.84;
(c) a thing of value to a temporary retailer to the extent allowed in 27 C.F.R. Sec. 6.85;
(d) equipment and supplies as provided in 27 C.F.R. Sec. 6.88;
(e) combination packaging as provided in 27 C.F.R. Sec. 6.93;
(f) an educational seminar as provided in 27 C.F.R. Sec. 6.94;
(g) a consumer promotion as provided in 27 C.F.R. Sec. 6.96;
(h) an advertising service as provided in 27 C.F.R. Sec. 6.98;
(i) stocking, rotation, and pricing service as provided in 27 C.F.R. Sec. 6.99;
(j) merchandise as provided in 27 C.F.R. Sec. 6.101; and
(k) an outside sign as provided in 27 C.F.R. Sec. 6.102.
(3) The following exceptions provided in federal law are not applicable:
(a) the exception for a sample as provided in 27 C.F.R. Sec. 6.91;
(b) the exception for a consumer tasting or sampling at a retail establishment as provided in 27 C.F.R. Sec. 6.95; and
(c) the exception for participation in a retailer association activity provided in 27 C.F.R. Sec. 6.100.
(4) To the extent required by 27 C.F.R. Sec. 6.81(b) an industry member shall maintain a record:
(a) of an item furnished to a retailer;
(b) on the premises of the industry member; and
(c) for a three-year period.
(5) A sample of liquor may be provided to the department under the following conditions:
(a) With the department's permission, an industry member may submit a department sample to the department for product testing, analysis, and sampling.
(b) No more than two department samples of a particular type, vintage, and production lot of a particular branded product may be submitted to the department for department testing, analysis, and sampling within a consecutive 120-day period.
(c)
(i) A department sample may not exceed 1 liter.

(ii) Notwithstanding Subsection (5)(c)(i), a department sample of the following may not exceed 1.5 liters unless that exact alcoholic product is only commercially packaged in a larger size, not to exceed 5 liters:
(A) wine;
(B) heavy beer; or
(C) a flavored malt beverage.
(d) A department sample submitted to the department:
(i) shall be shipped prepaid by the industry member by common carrier; and
(ii) may not be shipped by United States mail directly to the department's central administrative warehouse office.
(e) A department sample may not be shipped to any other location within the state.
(f) The industry member shall submit with a department sample submitted to the department a letter from the industry member that clearly:
(i) identifies the product as a "department sample"; and
(ii) states the FOB case price of the product.
(g)
(i) The department may transfer a listed item from current stock:
(A) for use as a comparison control sample; or
(B) to verify product spoilage as considered appropriate.
(ii) The department shall charge back a sample transferred under this Subsection (5)(g) to the respective industry member.
(h) The department shall:
(i) account for, label, and record a department sample received or transferred;
(ii) account for the department sample's disposition; and
(iii) maintain a record of the sample and its disposition for a two-year period.
(i) The department shall affix to each container of a department sample a label clearly identifying the product as a "department sample."
(j) The department shall dispose of a department sample delivered to the department or transferred from the department's current stock in one of the following ways as chosen by the department:
(i) test and analyze the department sample, with the remaining contents destroyed under controlled and audited conditions established by the department;
(ii) destroy the entire contents of the department sample under controlled and audited conditions established by the department; or
(iii) add the department sample to the inventory of the department for sale to the public.
(k) A person other than an authorized department official may not be in possession of a department sample except as otherwise provided.
(l) The department shall handle a liquor item received by the department from a supplier that is not designated as a sample by the supplier, but that is an item not specifically listed on a department purchase order, in accordance with this Subsection (5).
(m) The department may not use its money to pay freight or charges on a sample or a liquor item:
(i) shipped to the department by a supplier; and
(ii) not listed on a department purchase order.
(6) A sample of beer may be provided by a beer industry member to a retailer under the conditions listed in this Subsection (6).
(a) A sample of beer may be provided by an industry member only to a retailer who has not purchased the brand of beer from that industry member within the last 12 months.

(b) For each retailer, the industry member may give not more than three gallons of any brand of beer, except that if a particular product is not available in a size within the quantity limitation, an industry member may furnish the next largest size.

(7) An educational seminar may involve an industry member under the conditions listed in this Subsection (7).

(a) An industry member may provide or participate in an educational seminar:

(i) involving:

(A) the department;

(B) a retailer;

(C) a holder of a scientific or educational special use permit;

(D) another industry member; or

(E) an employee of a person listed in Subsections (7)(a)(i)(A) through (D); and

(ii) regarding a topic such as:

(A) merchandising and product knowledge;

(B) use of equipment; and

(C) a tour of an alcoholic product manufacturing facility.

(b) An industry member may not pay the expenses of or compensate a person who is a department employee, a retailer, or a permittee for attending a seminar or tour described in Subsection (7)(a).

(8)

(a) A liquor industry member may conduct a tasting of a liquor product of the industry member:

(i) for the department, at the department's request; and

(ii) for a licensed industry representative, but only at the department's central administrative warehouse office.

(b) A liquor industry member may only use a department sample or industry representative sample when conducting a tasting of the industry member's liquor product.

(c) A beer industry member may conduct a tasting of a beer product for a beer retailer either at:

(i) the industry member's premises; or

(ii) a retail establishment.

(d) Except to the extent authorized by commission rule, an alcoholic product industry member may not conduct tasting or sampling activities with:

(i) a retailer; or

(ii) a member of the general public.

(9) A beer industry member may participate in a beer retailer association activity to the extent authorized by 27 C.F.R. Sec. 6.100.

(10)

(a) An industry member may contribute to a charitable, civic, religious, fraternal, educational, or community activity, except the contribution may not be given to influence a retailer in the selection of a product that may be sold at the activity.

(b) An industry member or retailer violates this Subsection (10) if:

(i) the industry member's contribution influences, directly or indirectly, the retailer in the selection of a product; and

(ii) a competitor's product is excluded in whole or in part from sale at the activity.

(11)

(a) An industry member may lease or furnish equipment listed in Subsection (11)(b) to a retailer if:

(i) the equipment is leased or furnished for a special event;

(ii) a reasonable rental or service fee is charged for the equipment; and

(iii) the period for which the equipment is leased or furnished does not exceed 30 days.

(b) This Subsection (11) applies to the following equipment:

(i) a picnic pump;

(ii) a cold plate;

(iii) a tub;

(iv) a keg box;

(v) a refrigerated trailer;

(vi) a refrigerated van; or

(vii) a refrigerated draft system.

(12)

(a) A liquor industry member may assist the department in:

(i) ordering, shipping, and delivering merchandise;

(ii) new product notification;

(iii) listing and delisting information;

(iv) price quotations;

(v) product sales analysis;

(vi) shelf management; and

(vii) an educational seminar.

(b)

(i) A liquor industry member may, to acquire a new listing:

(A) solicit an order from the department; and

(B) submit to the department a sample of the liquor industry member's products under Subsection (5) and price lists.

(ii)

(A) An industry member is confined to the customer areas when the industry member visits a state store or package agency unless otherwise approved.

(B) An industry member is confined to the office area of a state warehouse when the industry member visits a state warehouse unless otherwise approved.

(13) A beer industry member may assist a beer retailer in:

(a) ordering, shipping, and delivering beer merchandise;

(b) new product notification;

(c) listing and delisting information;

(d) price quotations;

(e) product sales analysis;

(f) shelf management; and

(g) an educational seminar.

(14) A beer industry member may, to acquire a new listing:

(a) solicit an order from a beer retailer; and

(b) submit to a beer retailer a sample of the beer industry member's beer products under Subsection (5) and price lists.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-4-706 Commercial bribery.

This section adopts and makes applicable to an industry member, including a beer industry member, doing business in this state, 27 U.S.C. Sec. 205(c) and 27 C.F.R. Sec. 10.1 through 10.54, which make it unlawful for an industry member, directly or indirectly, or through an affiliate,

to induce a wholesaler or retailer engaged in the sale of an alcoholic product to purchase the industry member's products, to the complete or partial exclusion of alcoholic beverages sold or offered for sale by other persons, by commercial bribery, or by offering or giving a bonus, premium, compensation, or other thing of value, to any officer, employee, or representative of the wholesaler or retailer.

Enacted by Chapter 276, 2010 General Session

32B-4-707 Consignment sale.

(1) This section adopts and makes applicable to an industry member, including a beer industry member, doing business in this state, 27 U.S.C. Sec. 205(d) and 27 C.F.R. Sec. 11.1 through 11.46, which make it unlawful for an industry member, directly or indirectly, or through an affiliate to sell, offer for sale, or contract to sell to any wholesaler or retailer engaged in the sale of an alcoholic product, or for any wholesaler or retailer to purchase, offer to purchase, or contract to purchase any of those products on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any part of the transaction involves, directly or indirectly, the acquisition by that person from the wholesaler or retailer or that person's agreement to acquire from the wholesaler or retailer other alcoholic beverages, if the sale, purchase, offer, or contract is made in the course of interstate or foreign commerce, or if the person or wholesaler or retailer engages in such practice to an extent so as substantially to restrain or prevent transactions in interstate or foreign commerce in any of those products or if the direct effect of the sale, purchase, offer, or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any of those products to the wholesaler or retailer in interstate or foreign commerce.

(2) This section does not apply to a transaction involving solely the bona fide return of merchandise for ordinary and usual commercial reasons arising after the merchandise has been sold.

Enacted by Chapter 276, 2010 General Session

32B-4-708 Unlawful act involving consumers.

(1)

(a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to give away any of its product to a person except for testing, analysis, and sampling purposes by the department or local industry representative licensee to the extent authorized by this title.

(b) This Subsection (1) does not preclude an industry member from serving its product to others at a private event hosted by the industry member in the industry member's home or elsewhere so long as the product is not served:

(i) as part of a promotion of the industry member's product; or

(ii) as a subterfuge to provide a sample to a person for product testing, analysis, or sampling purposes.

(2) It is unlawful for an industry member or retailer, directly or indirectly, or through an affiliate, to engage in an advertisement or promotional scheme that requires the purchase or sale of an alcoholic product, or consumption of an alcoholic product, in order to participate in a promotion, program, or other activity.

(3) It is unlawful for an industry member or retailer, directly or indirectly, or through an affiliate, to pay, give, or deliver to a person money or any other thing of value, including a rebate, refund, or prize, on the basis of the purchase, display, use, sale, or consumption of an alcoholic product.

(4) It is unlawful for an industry member or retailer to sponsor or underwrite an athletic, theatrical, scholastic, artistic, or scientific event that:
(a) overtly promotes the consumption of a product;
(b) offers a product to the general public without charge; or
(c) takes place on the premises of a school, college, university, or other educational institution.

Enacted by Chapter 276, 2010 General Session

Chapter 5
Retail License Act

Part 1
General Provisions

32B-5-101 Title.
This chapter is known as the "Retail License Act."

Enacted by Chapter 276, 2010 General Session

32B-5-102 Definitions.
Reserved.

Amended by Chapter 447, 2022 General Session

Part 2
Retail Licensing Process

32B-5-201 Application requirements for retail license.
(1)
(a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.
(b) Violation of this Subsection (1) is a class B misdemeanor.
(2) To obtain a retail license under this title, a person shall submit to the department:
(a) a written application in a form prescribed by the department;
(b) a nonrefundable application fee in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying;
(c) an initial license fee:
(i) in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying; and
(ii) that is refundable if a retail license is not issued;
(d) written consent of the local authority, including, if applicable, consent for each proposed sublicense;

(e) a copy of:
(i) every license the local authority requires, including the person's current business license; and
(ii) if the person is applying for a principal license, the current business license for each proposed sublicense, except if the local authority determines that the business license for a proposed sublicense is included in the person's current business license;
(f) evidence of the proposed retail licensee's proximity to any community location, with proximity requirements being governed by Section 32B-1-202;
(g) a bond as specified by Section 32B-5-204;
(h) a floor plan, and boundary map where applicable, of the premises of the retail license and each, if any, accompanying sublicense, including any:
(i) consumption area; and
(ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;
(i) evidence that the retail licensee carries public liability insurance in an amount and form satisfactory to the department;
(j) evidence that the retail licensee carries dramshop insurance coverage of at least:
(i) $1,000,000 per occurrence and $2,000,000 in the aggregate;
(ii) if the retail licensee is a hotel licensee or a resort licensee, $1,000,000 per occurrence and $2,000,000 in the aggregate to cover both the principal license and all accompanying sublicenses; or
(iii) if the retail licensee is an arena licensee, $10,000,000 per occurrence and $20,000,000 in the aggregate to cover both the arena license and all accompanying sublicenses;
(k) a signed consent form stating that the retail licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter:
(i) the premises of the retail licensee; and
(ii) if applicable, the premises of each of the retail licensee's accompanying sublicenses;
(l) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity;
(m) a responsible alcohol service plan;
(n) evidence that each individual the person has hired to work as a retail manager, as defined in Section 32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and
(o) any other information the commission or department may require.
(3) The commission may not issue a retail license to a person who:
(a) is disqualified under Section 32B-1-304; or
(b) is not lawfully present in the United States.
(4) Unless otherwise provided in the relevant chapter or part for the type of retail license for which the person is applying, the commission may not issue a retail license to a person if the proposed licensed premises does not meet the proximity requirements of Section 32B-1-202.
(5) Subject to Subsection (6), the commission may not deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if:
(a) the applicant satisfies the requirements of this chapter and Chapter 6, Specific Retail License Act; and

(b) for a retail license or a conditional retail license, granting the retail license or the conditional retail license would not cause the commission to exceed the maximum number of licenses of that retail license type that the commission is authorized to issue under this chapter.

(6)

(a) The commission may deny an application for a retail license, an application for a conditional retail license under Section 32B-5-205, or an application for a sublicense under Chapter 8d, Sublicense Act, if the commission determines that the applicant's violation history warrants the denial.

(b) The commission, when making a determination under this Subsection (6), shall treat applicants with substantially similar violation histories consistently.

Amended by Chapter 162, 2025 General Session

32B-5-202 Renewal requirements.

(1) A retail license expires each year on the day specified in the relevant chapter or part for that type of retail license.

(2)

(a) To renew a person's retail license, a retail licensee shall, on or before the day specified in the relevant chapter or part for the type of retail license that the person seeks to renew, submit:

(i) a completed renewal application in a form prescribed by the department;

(ii) a renewal fee in the amount specified in the relevant chapter or part for the type of retail license that the person seeks to renew;

(iii) a responsible alcohol service plan if, since the retail licensee's most recent application or renewal, the retail licensee:

(A) made substantial changes to the retail licensee's responsible alcohol service plan; or

(B) violated a provision of this chapter; and

(iv) a certification in a form prescribed by the department of the retail licensee's compliance with Section 32B-5-302.

(b) The department may audit a retail licensee's responsible alcohol service plan.

(3) Failure to meet the renewal requirements results in an automatic forfeiture of the retail license effective on the day on which the existing retail license expires.

Amended by Chapter 400, 2023 General Session

32B-5-203 Commission and department duties before issuing a retail license.

(1)

(a) Before the commission may issue a retail license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a retail license and, if applicable, each accompanying sublicense should be issued.

(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.

(2) Before issuing a retail license, the commission shall:

(a) determine that the person filed a complete application and is in compliance with:

(i) Section 32B-5-201; and

(ii) the specific licensing requirements specified in the relevant chapter or part for the type of retail license for which the person is applying;

(b) determine that the person and, if applicable, each of the person's accompanying sublicenses is not disqualified under Section 32B-1-304;
(c) consider the locality within which the proposed licensed premises and, if applicable, each proposed sublicensed premises is located, including:
(i) physical characteristics such as:
(A) condition of the licensed or sublicensed premises;
(B) square footage; and
(C) parking availability; and
(ii) operational factors such as:
(A) tourist traffic;
(B) demographics;
(C) population to be served;
(D) proximity to and density of other state stores, package agencies, and retail licensees; and
(E) the extent of and proximity to any community location;
(d) consider the person's ability to manage and operate a retail license, and if applicable the ability of each individual who will act in a supervisory or managerial capacity for each accompanying sublicense to supervise or manage a sublicense, of the type for which the person is applying, including:
(i) management experience;
(ii) past retail alcoholic product experience; and
(iii) the type of management scheme to be used by the retail licensee or accompanying sublicensee;
(e) consider the nature or type of retail licensee operation, and if applicable each proposed accompanying sublicensee's operation, of the proposed retail licensee, including:
(i) the type of menu items that will be offered and emphasized;
(ii) whether the retail licensee or the retail licensee's accompanying sublicensee will emphasize service to an adult clientele or to minors;
(iii) the proposed hours of operation;
(iv) the seating capacity of the premises; and
(v) the estimated gross sales of food items; and
(f) consider any other factor the commission considers necessary.
(3) The commission shall determine whether an applicant under this section has an adequate kitchen or culinary facilities by considering:
(a) the type of retail license or sublicense for which the person is applying;
(b) the purpose of the proposed retail license or sublicense; and
(c) the locality within which the proposed licensed or sublicensed premises is located.

Amended by Chapter 219, 2020 General Session

32B-5-204 Bond for retail license.
(1)
(a) A retail licensee shall post a cash bond or surety bond:
(i) in the amount specified in the relevant chapter or part for the type of retail license for which the person is applying; and
(ii) payable to the department.
(b) A retail licensee shall procure and maintain the bond required under this section for as long as the retail licensee continues to operate as a retail licensee.
(2) A bond required under this section shall be:

(a) in a form approved by the attorney general; and
(b) conditioned upon the retail licensee's faithful compliance with this title and the rules of the commission.
(3)
(a) If a surety bond posted by a retail licensee under this section is canceled due to the retail licensee's negligence, the department may assess a $300 reinstatement fee.
(b) No part of a bond posted by a retail licensee under this section may be withdrawn:
(i) during the period the retail license is in effect; or
(ii) while a revocation proceeding is pending against the retail licensee.
(4)
(a) A bond posted under this section by a retail licensee may be forfeited if the retail license is revoked.
(b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by a retail licensee for money owed the department under this title without the commission first revoking the retail license.

Amended by Chapter 219, 2020 General Session

32B-5-205 Conditional retail license.
(1) As used in this section:
(a) "Conditional retail license" means a retail license that:
(i) conditions the holder's ability to obtain a valid retail license on the person submitting to the department:
(A) a copy of every license or permit the local authority requires for the valid retail license, including the holder's current business license;
(B) a bond;
(C) evidence that the person carries public liability insurance;
(D) evidence that the person carries dramshop insurance;
(E) evidence that each individual the conditional retail licensee has hired to work as a retail manager, as defined in Section 32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; or
(F) any other information the department or commission may require for licensure; and
(ii) provides that the holder will be issued a valid retail license if the holder complies with the requirements of Subsection (3).
(b) "Valid retail license" means a retail license issued pursuant to this part under which the holder is permitted to sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the holder's licensed premises.
(2) Subject to the requirements of this section, the commission may issue a conditional retail license to a person if the person:
(a) meets each requirement to obtain the retail license for which the person is applying, except a requirement to submit to the department:
(i) a copy of every license or permit the local authority requires for the retail license, including the person's current business license;
(ii) a bond;
(iii) evidence that the person carries public liability insurance;
(iv) evidence that the person carries dramshop insurance coverage;

(v) evidence that each individual the conditional retail licensee has hired to work as a retail manager, as defined in Section 32B-1-701, has completed the alcohol training and education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; or

(vi) a menu; and

(b) agrees not to sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the conditional retail licensee's licensed premises before obtaining a valid retail license.

(3)

(a) A conditional retail license becomes a valid retail license on the day on which the department notifies the person who holds the conditional retail license that the department finds that the person has complied with Subsection (3)(b).

(b) For a conditional retail license to become a valid retail license, a person who holds the conditional retail license shall:

(i) submit to the department:

(A) a copy of every license or permit the local authority requires for the retail license, including the person's current business license;

(B) a bond as specified by Section 32B-5-204;

(C) evidence that the conditional retail licensee carries public liability insurance in an amount and form satisfactory to the department;

(D) evidence that the conditional retail licensee carries dramshop insurance coverage as specified in Section 32B-5-201;

(E) evidence that each individual the conditional retail licensee has hired to work as a retail manager, as defined in Section 32B-1-701, has completed an alcohol training and education seminar as required under Chapter 1, Part 7, Alcohol Training and Education Act; and

(F) any other information the department or commission may require; and

(ii) provide to the department evidence satisfactory to the department that:

(A) there has been no change in the information submitted to the commission as part of the person's application for a retail license; and

(B) the person continues to qualify for the retail license.

(4)

(a) A conditional retail license expires 18 months after the day on which the commission issues the conditional retail license, unless the conditional retail license becomes a valid retail license before that day.

(b) Notwithstanding Subsection (4)(a), the commission may extend the time period of a conditional retail license an additional six months if the holder of the conditional license can show to the satisfaction of the commission that the holder of the conditional license:

(i) has an active building permit related to the licensed premises; and

(ii) is engaged in a good faith effort to pursue completion within the six-month period.

Amended by Chapter 447, 2022 General Session

32B-5-206 Seasonal retail license.

(1) If authorized in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license, the commission may in accordance with this section issue a seasonal retail license located in an area the commission considers proper.

(2)

(a) A seasonal retail license shall be for a period of six consecutive months.

(b) A seasonal retail license issued for operation during a summer time period is known as a "Seasonal A" retail license. The period of operation for a Seasonal A retail license:
(i) begins on May 1; and
(ii) ends on October 31.
(c) A seasonal retail license issued for operation during a winter time period is known as a "Seasonal B" retail license. The period of operation for a Seasonal B retail license:
(i) begins on November 1; and
(ii) ends on April 30.
(3) In determining the number of each type of retail license that the commission may issue under the relevant part under Chapter 6, Specific Retail License Act:
(a) a seasonal retail license is counted as one-half of one retail license of the specific type of retail license; and
(b) each Seasonal A retail license shall be paired with a Seasonal B retail license of the same type of retail license.

Enacted by Chapter 276, 2010 General Session

32B-5-207 Multiple retail licenses on same premises.
(1) As used in this section, "license" means:
(a) a retail license; or
(b) a sublicense.
(2) Except as provided in Subsection (3), the commission may not issue and one or more licensees may not hold more than one type of license for the same premises.
(3)
(a) The commission may issue and one or more licensees may hold more than one type of license for the same premises if:
(i) the applicant or licensee satisfies the requirements for each license;
(ii) the types of licenses issued or held are two or more of the following:
(A) a restaurant license;
(B) an on-premise beer retailer license that is not a tavern;
(C) an on-premise banquet license or a reception center license; and
(D) a hospitality amenity license; and
(iii) the licenses do not operate at the same time on the same day.
(b) The commission may issue and two or more restaurant licensees may share an area of each restaurant licensee's licensed premises designated for alcoholic beverage consumption, if:
(i) the applicants or licensees satisfy the requirements for each license; and
(ii) the only shared premises between the issued or held restaurant licenses is the area for alcoholic beverage consumption.
(c) The commission may issue and two or more licensees may share a kitchen or culinary facilities located in or on one or more of the licensees' licensed premises, if:
(i) the types of licenses issued or held are two or more sublicenses of a principal licensee:
(A) one of which is an on-premise banquet sublicense; and
(B) one of which is a restaurant license that is a sublicense, an on-premise beer retailer sublicense that is not a tavern, or a bar sublicense; or
(ii)
(A) the same person applies for or holds each license;
(B) the licensed premises are each owned or leased by the same person and located in the same building; and

(C) the only shared premises between the issued or held licenses is the kitchen or culinary facilities area, including any pathway necessary to transport an item to and from the area.

(4) When one or more licensees hold more than one type of license for the same premises under Subsection (3)(a), the one or more licensees shall post in a conspicuous location at the entrance of the room a sign that:

(a) measures 8-1/2 inches by 11 inches; and

(b) states whether the premises is currently operating as:

(i) a restaurant;

(ii) an on-premise beer retailer that is not a tavern;

(iii) a banquet or a reception center; or

(iv) a hospitality amenity.

(5) When two or more restaurant licensees share an area of each restaurant licensee's licensed premises designated for alcoholic beverage consumption in accordance with Subsection (3)(b), each licensee shall:

(a) maintain control over the licensee's patrons; and

(b) use a visual marker to clearly identify which licensee served each patron.

(6)

(a) For purposes of Subsection (3)(a), the commission may not issue and one or more licensees may not hold a bar license or a tavern license in the same room as a restaurant license.

(b) For purposes of Subsection (6)(a), two licenses are not considered in the same room if:

(i) each shared permanent wall between the premises licensed as a bar or a tavern and the premises licensed as a restaurant measures at least eight feet high;

(ii) the premises for each license has a separate entryway that does not require a patron to pass through the premises licensed as a bar or a tavern to access the premises licensed as a restaurant; and

(iii) if a patron must pass through the premises licensed as a restaurant to access the entryway to the premises licensed as a bar or a tavern, a patron on the premises licensed as a restaurant cannot see a dispensing structure on the premises licensed as a bar or a tavern.

(7)

(a) The commission may issue more than one type of sublicense to a resort licensed under Chapter 8, Resort License Act, or a hotel licensed under Chapter 8b, Hotel License Act, for the same room if the sublicensed premises are clearly delineated by one or more permanent physical structures, such as a wall or other architectural feature, that separate the sublicensed premises.

(b) A patron may not transport an alcoholic beverage between two sublicensed premises located in the same room in accordance with Subsection (7)(a).

(c) Notwithstanding any provision to the contrary, a minor may momentarily pass through a sublicensed premises that is a bar to reach another location where a minor may lawfully be, if there is no practical alternative route to the location.

Amended by Chapter 219, 2020 General Session

Part 3
Retail Licensee Operational Requirements

32B-5-301 General operational requirements.

(1)
(a) A retail licensee and staff of a retail licensee shall comply with this title and the rules of the commission, including the relevant chapter or part for the specific type of retail license.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a retail licensee;
(ii) individual staff of a retail licensee; or
(iii) both a retail licensee and staff of the retail licensee.
(2)
(a) If there is a conflict between this part and the relevant chapter or part for the specific type of retail license, the relevant chapter or part for the specific type of retail license governs.
(b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail licensee may only sell, offer for sale, furnish, or allow the consumption of an alcoholic product specifically authorized by the relevant chapter or part for the retail licensee's specific type of retail license.
(c) Notwithstanding that this part or the relevant chapter or part for a specific retail licensee refers to "retail licensee," staff of the retail licensee is subject to the same requirement or prohibition.
(3)
(a) A retail licensee shall display in a prominent place in the licensed premises the retail license that is issued by the department.
(b) A retail licensee shall display in a prominent place a sign in large letters that consists of text in the following order:
(i) a header that reads: "WARNING";
(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
(iii) a statement in smaller font that reads: "Call the Utah Department of Health and Human Services at [insert most current toll-free number] with questions or for more information.";
(iv) a header that reads: "WARNING"; and
(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
(c)
(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different font style than the text described in Subsections (3)(b)(iv) and (v).
(ii) The warning statements in the sign described in Subsection (3)(b) shall be in the same font size.
(d) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.
(4) A retail licensee may not on the licensed premises:
(a) engage in or permit any form of gambling, as defined in Section 76-9-1401, or fringe gambling, as defined in Section 76-9-1401;
(b) have any fringe gaming device, video gaming device, or gambling device or record as defined in Section 76-9-1401; or
(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
(5) A retail licensee may not knowingly allow a person on the licensed premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.
(6) Upon the presentation of credentials, at any time during which a retail licensee is open for the transaction of business, the retail licensee shall immediately:
(a) admit a commissioner, authorized department employee, or law enforcement officer to the retail licensee's premises; and
(b) permit, without hindrance or delay, the person described in Subsection (6)(a) to inspect completely:
(i) the entire premises of the retail licensee; and
(ii) the records of the retail licensee.
(7) An individual may not consume an alcoholic product on the licensed premises of a retail licensee on any day during the period:
(a) beginning one hour after the time of day that the period during which a retail licensee may not sell, offer for sale, or furnish an alcoholic product on the licensed premises begins; and
(b) ending at the time specified in the relevant chapter or part for the retail licensee's specific type of retail license when the retail licensee may first sell, offer for sale, or furnish an alcoholic product on the licensed premises on that day.
(8) An employee of a retail licensee who sells, offers for sale, or furnishes an alcoholic product to a patron shall wear an identification badge.
(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules:
(a) related to the requirement described in Subsection (8); and
(b) for dispensing systems and dispensing areas of restaurant licensees, bar licensees, and taverns, establishing standards:
(i) in accordance with the provisions of this title; and
(ii) prohibiting a dispensing system to remain at a patron's table.

Amended by Chapter 173, 2025 General Session

32B-5-302 Recordkeeping -- Retention.
(1)
(a) A retail licensee shall make and maintain a record showing in detail:
(i) quarterly expenditures made separately for:
(A) malt or brewed beverages;
(B) liquor;
(C) set-ups;
(D) food; and
(E) any other item required by the department; and
(ii) sales made separately for:
(A) malt or brewed beverages;
(B) set-ups;
(C) food; and
(D) any other item required by the department.
(b) A retail licensee shall make and maintain a record required by Subsection (1)(a):
(i) in a form approved by the department; and
(ii) current for each three-month period.
(c) A retail licensee shall support an expenditure by:

(i) a delivery ticket;
(ii) an invoice;
(iii) a receipted bill;
(iv) a canceled check;
(v) a petty cash voucher; or
(vi) other sustaining datum or memorandum.

(d) In addition to a record required under Subsection (1)(a), a retail licensee shall make and maintain any other record the department may require.

(2) After receiving written notice of an official proceeding or investigation under Chapter 15, Alcoholic Product Liability Act, or a criminal proceeding or investigation for a violation of Section 41-6a-502 or 41-6a-517, a retail licensee shall retain a record that is relevant to the proceeding or investigation, including any video surveillance, for a period of at least two years after the day on which the notice is received.

(3)

(a) A record of a retail licensee is subject to inspection by an authorized representative of the commission or the department.

(b) A retail licensee shall allow the department, through an auditor or examiner of the department, to audit the records of the retail licensee at times the department considers advisable.

(4) Sections 32B-1-205 and 32B-4-505 apply to a record required to be made or maintained in accordance with this section.

Amended by Chapter 400, 2023 General Session

32B-5-303 Purchase and storage of an alcoholic product by a retail licensee.

(1)

(a) A retail licensee may not purchase liquor except from a state store or package agency.

(b) A retail licensee may transport liquor purchased from a state store or package agency from the place of purchase to the licensed premises.

(c) A retail licensee shall pay for liquor in accordance with rules established by the commission.

(2)

(a)

(i) A retail licensee may not purchase, acquire, possess for the purpose of resale, or sell beer except beer that the retail licensee purchases from:
(A) a beer wholesaler licensee; or
(B) a small brewer that manufactures the beer.

(ii) Violation of this Subsection (2)(a) is a class A misdemeanor.

(b)

(i) If a retail licensee purchases beer under Subsection (2)(a) from a beer wholesaler licensee, the retail licensee shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the retail licensee is located, unless an alternate wholesaler is authorized by the department to sell to the retail licensee as provided in Section 32B-13-301.

(ii) Violation of Subsection (2)(b) is a class B misdemeanor.

(3) A retail licensee may not store, sell, offer for sale, or furnish an alcoholic product in a place other than as designated in the retail licensee's application, unless the retail licensee first applies for and receives approval from the department for a change of location within the licensed premises.

(4) A liquor storage area shall remain locked at all times except when:
(a) liquor sales are authorized by law; or
(b) the licensee:
(i) inventories or restocks the alcoholic product in the liquor storage area; or
(ii) repairs or cleans the liquor storage area.

Amended by Chapter 403, 2019 General Session

32B-5-304 Portions in which alcoholic product may be sold.

(1)
(a) A retail licensee may sell, offer for sale, or furnish spirituous liquor that is a primary spirituous liquor only in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.
(b) A retail license is not required to dispense spirituous liquor through a calibrated metered dispensing system if the spirituous liquor is:
(i) a secondary flavoring ingredient;
(ii) used as a flavoring on a dessert;
(iii) used to set aflame a food dish, drink, or dessert;
(iv) in a beverage that:
(A) is served to a patron in the original, sealed container;
(B) is not more than 12 ounces;
(C) contains no more than 10% alcohol by volume or 8% by weight; and
(D) is in a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high; or
(v) in a beverage that:
(A) is served to a patron by pouring the beverage from the original sealed container, into a different container as required under Subsection 32B-8d-104(5)(b);
(B) is not more than 12 ounces;
(C) contains no more than 10% alcohol by volume or 8% by weight; and
(D) originates from a container that has the alcohol by volume percentage on the front label and in a font that measures at least three millimeters high.
(c) A retail licensee that dispenses spirituous liquor that is a secondary flavoring ingredient shall:
(i) designate a location where the retail licensee stores secondary flavoring ingredients on the floor plan the retail licensee submits to the department; and
(ii) clearly and conspicuously label each secondary flavoring ingredient's container "flavorings".
(d)
(i) A patron may have no more than 2.5 ounces of spirituous liquor at a time.
(ii) Subsection (1)(d)(i) does not apply to a beverage described in Subsection (1)(b)(iv).

(2)
(a)
(i) A retail licensee may sell, offer for sale, or furnish wine by the glass or in an individual portion that does not exceed 5 ounces per glass or individual portion.
(ii) A retail licensee may sell, offer for sale, or furnish an individual portion of wine to a patron in more than one glass if the total amount of wine does not exceed 5 ounces.
(b)
(i) A retail licensee may sell, offer for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the commission to a table of four or more persons.

(ii) A retail licensee may sell, offer for sale, or furnish wine in a container not to exceed 750 milliliters at a price fixed by the commission to a table of less than four persons.

(c) Notwithstanding Subsections (2)(a) and (b), a retail licensee may sell, offer for sale, or furnish hard cider that contains no more than 5% of alcohol by volume in a sealed container not to exceed 16 ounces.

(3) A retail licensee may sell, offer for sale, or furnish heavy beer in an original container at a price fixed by the commission, except that the original container may not exceed one liter.

(4) A retail licensee may sell, offer for sale, or furnish a flavored malt beverage in an original container at a price fixed by the commission, except that the original container may not exceed one liter.

(5)

(a)

(i) Subject to Subsection (5)(a)(ii), a retail licensee may sell, offer for sale, or furnish beer for on-premise consumption:

(A) in an open original container; and

(B) in a container on draft.

(ii) A retail licensee may not sell, offer for sale, or furnish beer under Subsection (5)(a)(i):

(A) in a size of container that exceeds two liters; or

(B) to an individual patron in a size of container that exceeds one liter.

(b) A retail licensee may sell, offer for sale, or furnish beer for off-premise consumption:

(i) in a sealed container; and

(ii) in a size of container that does not exceed two liters.

(c) A retail licensee may sell, offer for sale, or furnish a flight of beer to an individual patron if the total amount of beer does not exceed 16 ounces.

Amended by Chapter 162, 2025 General Session

32B-5-305 Pricing of alcoholic product -- Other charge.

(1)

(a) A retail licensee may sell, offer for sale, or furnish liquor only at a price fixed by the commission.

(b) A retail licensee may not sell an alcoholic product at a discount price on any date or at any time.

(2)

(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at less than the cost of the alcoholic product to the retail licensee.

(b) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a special or reduced price that encourages overconsumption or intoxication.

(c) A retail licensee may not sell, offer for sale, or furnish an alcoholic product at a special or reduced price for only certain hours of the retail licensee's business day, such as a "happy hour."

(d) A retail licensee may not sell, offer for sale, or furnish more than one alcoholic product for the price of a single alcoholic product.

(e) A retail licensee may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price.

(f) A retail licensee may not engage in a promotion involving or offering a free alcoholic product to the general public.

(3) As authorized by commission rule, a retail licensee may charge a patron for providing:

(a) a service related to liquor purchased at the licensed premises; or
(b) wine service performed for wine carried in by a patron in accordance with Section 32B-5-307.

Amended by Chapter 334, 2011 General Session

32B-5-306 Purchasing or selling alcoholic product.

(1)
(a) A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:
(i) a minor;
(ii) a person actually, apparently, or obviously intoxicated;
(iii) a known interdicted person; or
(iv) a known habitual drunkard.
(b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify whether the person is a minor or an interdicted person through examination of the person's identification card or license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or proof of age issued by another state or country.

(2)
(a) A patron may only purchase an alcoholic product in the licensed premises of a retail licensee from and be served by an individual who is:
(i) staff of the retail licensee; and
(ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
(b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only if the individual is:
(i) staff of the retail licensee; and
(ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
(c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from staff of the retail licensee or carries bottled wine onto the retail licensee's premises pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the patron or others at the patron's table.

(3) The following may not purchase an alcoholic product for a patron:
(a) a retail licensee; or
(b) staff of a retail licensee.

(4) After a retail licensee closes the retail licensee's business at the licensed premises, the retail licensee may transfer the retail licensee's inventory of alcoholic product from that premises to another premises licensed under this chapter that is owned by the same retail licensee.

Amended by Chapter 471, 2025 General Session

32B-5-307 Bringing alcoholic product onto or removing alcoholic product from premises.

(1) Except as provided in Subsections (3), (4), and (6):
(a) an individual may not bring onto the licensed premises of a retail licensee an alcoholic product for on-premise consumption;
(b) a retail licensee may not allow a person to:
(i) bring onto licensed premises an alcoholic product for on-premise consumption; or
(ii) consume an alcoholic product brought onto the licensed premises by a person other than the retail licensee; and
(c) a retail licensee may not sell, offer for sale, or furnish an alcoholic product through a window or door to a location off the licensed premises or to a vehicular traffic area.

(2) Except as provided in Subsections (3), (4), and (6) and Subsection 32B-4-415(5):
(a) an individual may not carry from the licensed premises of a retail licensee an open container that:
(i) is used primarily for drinking purposes; and
(ii) contains an alcoholic product;
(b) a retail licensee may not permit a patron to carry from the licensed premises an open container described in Subsection (2)(a); and
(c)
(i) an individual may not carry from the licensed premises of a retail licensee a sealed container of liquor that has been purchased from the retail licensee; and
(ii) a retail licensee may not permit a patron to carry from the licensed premises of the retail licensee a sealed container of liquor that has been purchased from the retail licensee.
(3)
(a) A patron may bring a bottled wine onto the premises of a retail licensee for on-premise consumption if:
(i) permitted by the retail licensee; and
(ii) the retail licensee is authorized to sell, offer for sale, or furnish wine.
(b) If a patron carries bottled wine onto the licensed premises of a retail licensee, the patron shall deliver the bottled wine to a server or other representative of the retail licensee upon entering the licensed premises.
(c) A retail licensee authorized to sell, offer for sale, or furnish wine, may provide a wine service for a bottled wine carried onto the licensed premises in accordance with this Subsection (3) or a bottled wine purchased at the licensed premises.
(d) A patron may remove from a licensed premises the unconsumed contents of a bottle of wine purchased at the licensed premises, or brought onto the licensed premises in accordance with this Subsection (3), only if before removal the bottle is recorked or recapped.
(4) Neither a patron nor a retail licensee violates this section if:
(a) the patron is in shared seating; and
(b) the patron purchased the patron's alcoholic beverage from a restaurant licensee whose licensed premises include the shared seating area the patron is in.
(5)
(a) A patron may carry from a retail licensee's licensed premises a sealed container of beer that has been purchased from the retail licensee.
(b) A retail licensee may permit a patron to carry from the retail licensee's licensed premises a sealed container of beer that has been purchased from the retail licensee.
(6) A patron may transport beer between the licensed areas of a facility with both an on-premise beer retailer license and an on-premise banquet license if the patron transports the beer to and from an area of each licensed premises:
(a) if the premises are contiguous; and
(b) where the consumption of beer is permitted.

Amended by Chapter 162, 2025 General Session

32B-5-308 Requirements on staff or others on premises -- Employing a minor.
(1) As used in this section, "straw test" means a technique used by staff of a retail licensee to taste liquor to ensure the quality, flavor, and alcohol content of the liquor by:
(a) dipping the straw into the liquor;
(b) removing the straw in a manner that a small amount of liquor remains in the straw; and

(c) tasting the small amount of liquor from the straw.
(2) Except as provided in Subsection (5), staff of a retail licensee, while on duty, may not:
(a) consume an alcoholic product; or
(b) be intoxicated.
(3)
(a) A retail licensee may not employ a minor to sell, offer for sale, furnish, or dispense an alcoholic product.
(b) Notwithstanding Subsection (3)(a), unless otherwise prohibited in the provisions related to the specific type of retail license, a retail licensee may employ a minor who is at least 16 years old to enter the sale at a cash register or other sales recording device.
(4) A full-service restaurant licensee, limited-service restaurant licensee, or beer-only restaurant licensee may employ a minor who is at least 16 years old to bus tables, including containers that contain an alcoholic product.
(5) A staff member of a retail licensee may conduct a straw test if the staff member is not a minor.

Amended by Chapter 162, 2025 General Session

32B-5-309 Ceasing operation.
(1) Except as provided in Subsection (8), a retail licensee may not close or cease operation for a period longer than 240 hours, unless:
(a) the retail licensee notifies the department in writing at least seven days before the day on which the retail licensee closes or ceases operation; and
(b) the closure or cessation of operation is first approved by the department.
(2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee shall immediately notify the department by telephone.
(3)
(a) The department may authorize an initial closure or cessation of operation of a retail licensee for a period not to exceed 60 days.
(b) Upon written request of the retail licensee and a showing of good cause, the department may extend the initial period described in Subsection (3)(a) for a period not to exceed the greater of:
(i) 30 days; or
(ii) the number of days until the day on which the commission holds the commission's next regularly scheduled meeting.
(4) A closure or cessation of operation may not exceed the time limits described in Subsection (3) without commission approval.
(5) A notice required under this section shall include:
(a) the dates of closure or cessation of operation;
(b) the reason for the closure or cessation of operation; and
(c) the date on which the retail licensee will reopen or resume operation.
(6) If a retail licensee fails to provide notice and to obtain department approval before closure or cessation of operation, the commission may:
(a) suspend, revoke, or deem forfeited the retail license; or
(b) deem the unused portion of the retail license fee for the remainder of the retail license year forfeited.
(7) If a retail licensee fails to reopen or resume operation by the date approved under Subsections (3) and (4), the commission may:
(a) suspend, revoke, or deem forfeited the retail license; or

(b) deem the unused portion of the retail license fee for the remainder of the retail license year forfeited.

(8) This section does not apply to:

(a) an on-premise beer retailer who is not a tavern;

(b) an airport lounge licensee; or

(c) a hospitality amenity licensee.

(9) For purposes of this section, the department may not base a determination that a retail licensee has ceased operation solely upon the retail licensee's lack of sales.

Amended by Chapter 371, 2023 General Session

32B-5-311 Use of breathalyzers.

(1) As used in this section:

(a) "Breathalyzer" means:

(i) a device that uses electromechanical fuel cell sensor technology in the blood alcohol content testing process; or

(ii) a single-use, disposable alcohol breath tester that is cleared with the United States Food and Drug Administration as a Class 1 medical device with at least 99.8% accuracy and having a detection cut-off of 0.08 relative percent blood alcohol concentration.

(b) "Calibration" means the manual setting of specific levels on a breathalyzer by a person trained to reset the device to ensure as accurate results as possible.

(c)

(i) "Financial transaction card" means a card, code, or other means of access to a person's account issued to a person that allows the person to obtain, purchase, or receive goods, services, money, or anything else of value.

(ii) "Financial transaction card" includes:

(A) a credit card;

(B) a credit plate;

(C) a bank services card;

(D) a banking card;

(E) a check guarantee card;

(F) a debit card;

(G) a telephone credit card; or

(H) a device for access as defined in Section 7-16a-102.

(2) If a retail licensee voluntarily installs, or sells or otherwise provides, a breathalyzer on its premises:

(a) the breathalyzer may not store financial transaction card data or associate breathalyzer results with financial transaction card data;

(b) for a breathalyzer described in Subsection (1)(a)(i):

(i) the breathalyzer shall collect data that can be downloaded by a third-party that performs the calibration of the breathalyzer, except that the downloaded information may not be used for any purpose other than calibration;

(ii) the retail licensee shall ensure that a breathalyzer installed inside of the licensed premises is calibrated by a third-party the sooner of every:

(A) 30 days; or

(B) 300 uses;

(iii) the owner of the breathalyzer shall annually report to the department compliance with the calibration requirements of this section for the breathalyzer; and

(iv) the breathalyzer may be able to be shut down remotely; and
(c) the retail licensee shall post in a conspicuous location by the breathalyzer:
(i) a notice to the user of the breathalyzer that the timing of when a breathalyzer test is taken may affect the results of the breathalyzer test; and
(ii) a notice that states: "The National Transportation Safety Board has found that crash risk is consistently and significantly elevated by the time an individual reaches a blood alcohol content of 0.05."
(3) Data from a breathalyzer installed in the licensed premises of, or sold or otherwise provided by, a retail licensee may not be used for enforcement purposes.
(4) If a retail licensee or owner of the breathalyzer violates this section, the department may require the retail licensee to remove the installed breathalyzer described in Subsection (1)(a)(i) or not sell or otherwise provide a breathalyzer described in Subsection (1)(a)(ii).

Enacted by Chapter 235, 2014 General Session

Chapter 6
Specific Retail License Act

Part 1
General Provisions

32B-6-101 Title.
This chapter is known as the "Specific Retail License Act."

Enacted by Chapter 276, 2010 General Session

32B-6-102 Definitions.
Reserved

Amended by Chapter 334, 2011 General Session

Part 2
Full-Service Restaurant License

32B-6-201 Title.
This part is known as "Full-service Restaurant License."

Enacted by Chapter 276, 2010 General Session

32B-6-202 Definitions.
As used in this part:
(1)
(a) "Dining area" means an area in the licensed premises of a full-service restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.

(b) "Dining area" does not include a dispensing area.

(2)

(a) "Dispensing area" means an area in the licensed premises of a full-service restaurant licensee where a dispensing structure is located and that:

(i) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of alcoholic product;

(ii) except as provided in Subsection (2)(b), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or

(iii) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act, measures:

(A) at least 42 inches high; and

(B) at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.

(b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of alcoholic product.

(3) "Small full-service restaurant licensee" means a converted full-service restaurant licensee as defined in Section 32B-6-404.1 or a full-service restaurant licensee that has a grandfathered bar structure, whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:

(a) when measured in accordance with Subsection (2)(a)(ii); and

(b) based on the licensee's floor plan on file with the department on July 1, 2017.

(4) "Waiting area" includes a lobby.

Amended by Chapter 249, 2018 General Session

32B-6-203 Commission's power to issue full-service restaurant license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a full-service restaurant license from the commission in accordance with this part.

(2) The commission may issue a full-service restaurant license to establish full-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a full-service restaurant.

(3) Subject to Section 32B-1-201:

(a) the commission may not issue a total number of full-service restaurant licenses that at any time exceeds the sum of:

(i) 30; and

(ii) the number determined by dividing the population of the state by:

(A) before July 1, 2024, 4,467;

(B) in fiscal year 2025, 4,281;

(C) in fiscal year 2026, 4,095;

(D) in fiscal year 2027, 3,909;

(E) in fiscal year 2028, 3,723;

(F) in fiscal year 2029, 3,537;

(G) in fiscal year 2030, 3,351; and
(H) in fiscal year 2031, and in each fiscal year thereafter, 3,167;
(b) the commission may issue a seasonal full-service restaurant license in accordance with Section 32B-5-206; and
(c)
(i) if the location, design, and construction of a hotel may require more than one full-service restaurant sales location within the hotel to serve the public convenience, the commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as many as three full-service restaurant locations within the hotel under one full-service restaurant license if:
(A) the hotel has a minimum of 150 guest rooms; and
(B) the locations under the full-service restaurant license are:
(I) within the same hotel; and
(II) on premises that are managed or operated, and owned or leased, by the full-service restaurant licensee; and
(ii) except for a hotel, a facility shall have a separate full-service restaurant license for each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.
(4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a full-service restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).
(5) To be licensed as a full-service restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include:
(a) mix for an alcoholic product; or
(b) a service charge.

Amended by Chapter 94, 2024 General Session

32B-6-204 Specific licensing requirements for full-service restaurant license.
(1) To obtain a full-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
(2)
(a) A full-service restaurant license expires on October 31 of each year.
(b) To renew a person's full-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(3)
(a) The nonrefundable application fee for a full-service restaurant license is $330.
(b)
(i) The initial license fee for a full-service restaurant license is $2,200.
(ii) The department shall prorate the $2,200 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the full-service restaurant license expires.
(c) The renewal fee for a full-service restaurant license is $1,650.
(4) The bond amount required for a full-service restaurant license is the penal sum of $10,000.

Amended by Chapter 94, 2024 General Session

32B-6-205.2 Specific operational requirements for a full-service restaurant license -- On and after July 1, 2018, or July 1, 2022.

(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee shall comply with this section.
(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a full-service restaurant licensee;
(ii) individual staff of a full-service restaurant licensee; or
(iii) both a full-service restaurant licensee and staff of the full-service restaurant licensee.
(2)
(a) An individual who serves an alcoholic product in a full-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
(b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.
(3) A full-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a full-service restaurant licensee.
(4)
(a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the licensed premises during the following time periods only:
(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
(ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
(b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
(ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
(5)
(a) A full-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
(i) the patron to whom the full-service restaurant licensee furnishes the alcoholic product is seated at:
(A) a table that is located in a dining area or a dispensing area;
(B) a counter that is located in a dining area or a dispensing area; or
(C) a dispensing structure that is located in a dispensing area; and
(ii) the full-service restaurant licensee confirms that the patron intends to:
(A) order food prepared, sold, and furnished at the licensed premises; and
(B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.
(b)
(i) While a patron waits for a seat at a table or counter in the dining area of a full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:
(A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and

(B) the full-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.

(ii)

(A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

(B) An employee of the full-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

(iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.

(c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.

(d) A full-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(6) A patron may consume an alcoholic product on the full-service restaurant licensee's licensed premises only if the patron is seated at:

(a) a table that is located in a dining area or dispensing area;

(b) a counter that is located in a dining area or dispensing area; or

(c) a dispensing structure located in a dispensing area.

(7)

(a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) A patron may not have more than one spirituous liquor drink at a time before the patron.

(c) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).

(8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.

(9)

(a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.

(b)

(i) A minor may be in a dispensing area if the minor is:

(A) at least 16 years old and working as an employee of the full-service restaurant licensee; or

(B) performing maintenance and cleaning services as an employee of the full-service restaurant licensee when the full-service restaurant licensee is not open for business.

(ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the full-service restaurant licensee's premises in which the minor is permitted to be.

(10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee may dispense an alcoholic product only if:

(a) the alcoholic product is dispensed from:

(i) a dispensing structure that is located in a dispensing area;

(ii) an area that is:

(A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and

(B) apart from an area used for dining, for staging, or as a waiting area; or
(iii) the premises of a bar licensee that is:
(A) owned by the same person or persons as the full-service restaurant licensee; and
(B) located immediately adjacent to the premises of the full-service restaurant licensee; and
(b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).
(11)
(a) A full-service restaurant licensee may have more than one dispensing area in the licensed premises.
(b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
(12) A full-service restaurant licensee may not:
(a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
(b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.
(13) A full-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of liquor, including:
(a) a set-up charge;
(b) a service charge; or
(c) a chilling fee.
(14)
(a) In addition to the requirements described in Section 32B-5-302, a full-service restaurant licensee shall maintain each of the following records for at least three years:
(i) a record required by Subsection 32B-5-302(1); and
(ii) a record that the commission requires a full-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The department shall audit the records of a full-service restaurant licensee at least once annually.
(15) A full-service restaurant licensee may lease to a patron of the full-service restaurant licensee a locked storage space:
(a) that the commission considers proper for the storage of wine; and
(b) for the storage of wine that:
(i) the patron purchases from the full-service restaurant licensee; and
(ii) only the full-service restaurant licensee or staff of the full-service restaurant licensee may remove from the locker for the patron's use in accordance with this title, including:
(A) service and consumption on licensed premises as described in Section 32B-5-306; or
(B) removal from the full-service retail licensee's licensed premises in accordance with Section 32B-5-307.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

32B-6-205.4 Small full-service restaurant licensee -- Exemption.
(1) Notwithstanding the provisions of Section 32B-6-205.2 and subject to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing area of a small full-service restaurant licensee if:

(a) seating in the dispensing area is the only seating available for patrons on the licensed premises;
(b) the minor is accompanied by an individual who is 21 years old or older; and
(c) the small full-service restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.
(2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
(3) The department shall:
(a) grant an approval described in Subsection (1)(c) if the small full-service restaurant licensee demonstrates that the small full-service restaurant licensee meets the requirements described in Subsection 32B-6-202(3); and
(b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

Amended by Chapter 381, 2024 General Session

32B-6-206 Master full-service restaurant license.

(1)
(a) The commission may issue a master full-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as full-service restaurants if the person applying for the master full-service restaurant license:
(i) owns each of the full-service restaurants;
(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a full-service restaurant under the master full-service restaurant license separately meets the requirements of this part; and
(iii) the master full-service restaurant license includes at least five full-service restaurant locations.
(b) The person seeking a master full-service restaurant license shall designate which full-service restaurant locations the person seeks to have under the master full-service restaurant license.
(c) A full-service restaurant location under a master full-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.
(2) A master full-service restaurant license and each location designated under Subsection (1) are considered a single full-service restaurant license for purposes of Subsection 32B-6-203(3)(a).
(3)
(a) A master full-service restaurant license expires on October 31 of each year.
(b) To renew a person's master full-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(4)
(a) The nonrefundable application fee for a master full-service restaurant license is $330.
(b)
(i) The initial license fee for a master full-service restaurant license is $5,000 plus a separate initial license fee for each newly licensed full-service restaurant location under the master full-service restaurant license determined in accordance with Subsection 32B-6-204(3)(b).
(ii) The department shall prorate the $5,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the master full-service restaurant license expires.

(c) To renew a master full-service restaurant license the master full-service restaurant licensee shall pay a separate renewal fee for each full-service restaurant location under the master full-service restaurant license in accordance with Subsection 32B-6-204(3)(c).

(5) A new location may be added to a master full-service restaurant license after the master full-service restaurant license is issued if:

(a) the master full-service restaurant licensee pays a nonrefundable application fee of $330; and

(b) including payment of the initial license fee, the location separately meets the requirements of this part.

(6)

(a) A master full-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master full-service restaurant license:

(i) immediately, if the management personnel is not management personnel at a location covered by the master full-service restaurant licensee at the time of the change; or

(ii) within 30 days of the change, if the master full-service restaurant licensee is transferring management personnel from one location to another location covered by the master full-service restaurant licensee.

(b) A location covered by a master full-service restaurant license shall keep the location's own records on the location's premises so that the department may audit the records.

(c) A master full-service restaurant licensee may not transfer alcoholic products between different locations covered by the master full-service restaurant license.

(7) If there is a violation of this title at a location covered by a master full-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(a) the single location under a master full-service restaurant license;

(b) individual staff of the location under the master full-service restaurant license; or

(c) a combination of persons or locations described in Subsections (7)(a) and (b).

(8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master full-service restaurant license under this section.

Amended by Chapter 94, 2024 General Session

Part 3
Limited-Service Restaurant License

32B-6-301 Title.

This part is known as "Limited-service Restaurant License."

Enacted by Chapter 276, 2010 General Session

32B-6-302 Definitions.

As used in this part:

(1)

(a) "Dining area" means an area in the licensed premises of a limited-service restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.

(b) "Dining area" does not include a dispensing area.

(2)
(a) "Dispensing area" means an area in the licensed premises of a limited-service restaurant licensee where a dispensing structure is located and that:
(i) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of alcoholic product;
(ii) except as provided in Subsection (2)(b), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or
(iii) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act, measures:
(A) at least 42 inches high; and
(B) at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.
(b) "Dispensing area" does not include any area described in Subsection (2)(a)(ii) that is less than 10 feet from an area where alcoholic product is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of alcoholic product.
(3) "Small limited-service restaurant licensee" means a limited-service restaurant licensee whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:
(a) when measured in accordance with Subsection (2)(a)(ii); and
(b) based on the licensee's floor plan on file with the department on July 1, 2017.
(4) "Waiting area" includes a lobby.

Amended by Chapter 94, 2024 General Session

32B-6-303 Commission's power to issue limited-service restaurant license.
(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first obtain a limited-service restaurant license from the commission in accordance with this part.
(2)
(a) The commission may issue a limited-service restaurant license to establish limited-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or beer on premises operated as a limited-service restaurant.
(b) A person may not sell, offer for sale, furnish, or allow the consumption of the following on the licensed premises of a limited-service restaurant licensee:
(i) spirituous liquor; or
(ii) a flavored malt beverage.
(3) Subject to Section 32B-1-201:
(a) The commission may not issue a total number of limited-service restaurant licenses that at any time exceeds the number determined by dividing the population of the state by 6,817.
(b) The commission may issue a seasonal limited-service restaurant license in accordance with Section 32B-5-206.
(c)
(i) If the location, design, and construction of a hotel may require more than one limited-service restaurant sales location within the hotel to serve the public convenience, the commission

may authorize the sale of wine, heavy beer, and beer at as many as three limited-service restaurant locations within the hotel under one limited-service restaurant license if:
(A) the hotel has a minimum of 150 guest rooms; and
(B) the locations under the limited-service restaurant license are:
(I) within the same hotel; and
(II) on premises that are managed or operated, and owned or leased, by the limited-service restaurant licensee.
(ii) A facility other than a hotel shall have a separate limited-service restaurant license for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or furnished.
(4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a limited-service restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).
(5) To be licensed as a limited-service restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include:
(a) mix for an alcoholic product; or
(b) a service charge.

Amended by Chapter 403, 2019 General Session

32B-6-304 Specific licensing requirements for limited-service restaurant license.
(1) To obtain a limited-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
(2)
(a) A limited-service restaurant license expires on October 31 of each year.
(b) To renew a person's limited-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(3)
(a) The nonrefundable application fee for a limited-service restaurant license is $330.
(b)
(i) The initial license fee for a limited-service restaurant license is $1,275.
(ii) The department shall prorate the $1,275 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the limited-service restaurant license expires.
(c) The renewal fee for a limited-service restaurant license is $750.
(4) The bond amount required for a limited-service restaurant license is the penal sum of $5,000.

Amended by Chapter 94, 2024 General Session

32B-6-305.2 Specific operational requirements for a limited-service restaurant license -- On and after July 1, 2018, or July 1, 2022.
(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant licensee shall comply with this section.
(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a limited-service restaurant licensee;
(ii) individual staff of a limited-service restaurant licensee; or
(iii) both a limited-service restaurant licensee and staff of the limited-service restaurant licensee.

(2)
(a) An individual who serves an alcoholic product in a limited-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
(b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.

(3) A limited-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a limited-service restaurant licensee.

(4)
(a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or heavy beer at the licensed premises during the following time periods only:
(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
(ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
(b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
(i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
(ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.

(5)
(a) A limited-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
(i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic product is seated at:
(A) a table that is located in a dining area or a dispensing area;
(B) a counter that is located in a dining area or a dispensing area; or
(C) a dispensing structure that is located in a dispensing area; and
(ii) the limited-service restaurant licensee confirms that the patron intends to:
(A) order food prepared, sold, and furnished at the licensed premises; and
(B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.

(b)
(i) While a patron waits for a seat at a table or counter in the dining area of a limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:
(A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and
(B) the limited-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
(ii)

(A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

(B) An employee of the limited-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.

(iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.

(c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.

(d) A limited-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(6) A patron may consume an alcoholic product on the limited-service restaurant licensee's licensed premises only if the patron is seated at:

(a) a table that is located in a dining area or a dispensing area;

(b) a counter that is located in a dining area or a dispensing area; or

(c) a dispensing structure located in a dispensing area.

(7)

(a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).

(8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.

(9)

(a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.

(b)

(i) A minor may be in a dispensing area if the minor is:

(A) at least 16 years old and working as an employee of the limited-service restaurant licensee; or

(B) performing maintenance and cleaning services as an employee of the limited-service restaurant licensee when the limited-service restaurant licensee is not open for business.

(ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the limited-service restaurant licensee's premises in which the minor is permitted to be.

(10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant licensee may dispense an alcoholic product only if:

(a) the alcoholic product is dispensed from:

(i) a dispensing structure that is located in a dispensing area;

(ii) an area that is:

(A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and

(B) apart from an area used for dining, for staging, or as a waiting area; or

(iii) the premises of a bar licensee that is:

(A) owned by the same person or persons as the limited-service restaurant licensee; and

(B) located immediately adjacent to the premises of the limited-service restaurant licensee; and

(b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).

(11)

(a) A limited-service restaurant licensee may have more than one dispensing area in the licensed premises.

(b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.

(12) A limited-service restaurant licensee may not:

(a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or

(b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.

(13) A limited-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of wine or heavy beer, including:

(a) a set-up charge;

(b) a service charge; or

(c) a chilling fee.

(14)

(a) In addition to the requirements described in Section 32B-5-302, a limited-service restaurant licensee shall maintain each of the following records for at least three years:

(i) a record required by Subsection 32B-5-302(1); and

(ii) a record that the commission requires a limited-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall audit the records of a limited-service restaurant licensee at least once each calendar year.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

32B-6-305.4 Small limited-service restaurant licensee -- Exemption.

(1) Notwithstanding the provisions of Section 32B-6-305.2 and subject to Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing area of a small limited-service restaurant licensee if:

(a) seating in the dispensing area is the only seating available for patrons on the licensed premises;

(b) the minor is accompanied by an individual who is 21 years of age or older; and

(c) the small limited-service restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.

(2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.

(3) The department shall:

(a) grant an approval described in Subsection (1)(c) if the small limited-service restaurant licensee demonstrates that the small limited-service restaurant licensee meets the requirements described in Subsection 32B-6-302(3); and

(b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

Amended by Chapter 381, 2024 General Session

32B-6-306 Master limited-service restaurant license.

(1)

(a) The commission may issue a master limited-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as limited-service restaurants if the person applying for the master limited-service restaurant license:

(i) owns each of the limited-service restaurants;

(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a limited-service restaurant under the master limited-service restaurant license separately meets the requirements of this part; and

(iii) the master limited-service restaurant includes at least five limited-service restaurant locations.

(b) The person seeking a master limited-service restaurant license shall designate which limited-service restaurant locations the person seeks to have under the master limited-service restaurant license.

(c) A limited-service restaurant location under a master limited-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.

(2) A master limited-service restaurant license and each location under Subsection (1) are considered a single limited-service restaurant license for purposes of Subsection 32B-6-303(3)(a).

(3)

(a) A master limited-service restaurant license expires on October 31 of each year.

(b) To renew a person's master limited-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(4)

(a) The nonrefundable application fee for a master limited-service restaurant license is $330.

(b)

(i) The initial license fee for a master limited-service restaurant license is $5,000 plus a separate initial license fee for each newly licensed limited-service restaurant license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(b).

(ii) The department shall prorate the $5,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the master limited-service restaurant license expires.

(c) The renewal fee for a master limited-service restaurant license is $500 plus a separate renewal fee for each limited-service license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(c).

(5) A new location may be added to a master limited-service restaurant license after the master limited-service restaurant license is issued if:

(a) the master limited-service restaurant licensee pays a nonrefundable application fee of $330; and

(b) including payment of the initial license fee, the location separately meets the requirements of this part.

(6)

(a) A master limited-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master limited-service restaurant license:

(i) immediately, if the management personnel is not management personnel at a location covered by the master limited-service restaurant licensee at the time of the change; or

(ii) within 30 days of the change, if the master limited-service restaurant licensee is transferring management personnel from one location to another location covered by the master limited-service restaurant licensee.

(b) A location covered by a master limited-service restaurant license shall keep its own records on its premises so that the department may audit the records.

(c) A master limited-service restaurant licensee may not transfer alcoholic products between different locations covered by the master limited-service restaurant license.

(7)

(a) If there is a violation of this title at a location covered by a master limited-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) the single location under a master limited-service restaurant license;

(ii) individual staff of the location under the master limited-service restaurant license; or

(iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).

(b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a master limited-service restaurant licensee or individual staff of the master limited-service restaurant licensee if during a period beginning on November 1 and ending October 31:

(i) at least 25% of the locations covered by the master limited-service restaurant license have been found by the commission to have committed a serious or grave violation of this title, as defined by rule made by the commission; or

(ii) at least 50% of the locations covered by the master limited-service restaurant license have been found by the commission to have violated this title.

(8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master limited-service restaurant license under this section.

Amended by Chapter 94, 2024 General Session

Part 4
Bar Establishment License

32B-6-401 Title.

This part is known as "Bar Establishment License."

Amended by Chapter 455, 2017 General Session

32B-6-402 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-6-403 Commission's power to issue bar establishment license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a bar establishment licensee, the person shall first obtain a bar establishment license from the commission in accordance with this part.

(2) The commission may issue a bar establishment license to establish bar establishment licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated by a bar establishment licensee.

(3) Subject to Section 32B-1-201:

(a) the commission may not issue a total number of bar establishment licenses that at any time exceeds the sum of:

(i) 15; and

(ii) the number determined by dividing the population of the state by:

(A) before fiscal July 1, 2024, 10,200;

(B) in fiscal year 2025, 9,778;

(C) in fiscal year 2026, 9,356;

(D) in fiscal year 2027, 8,934;

(E) in fiscal year 2028, 8,512;

(F) in fiscal year 2029, 8,090;

(G) in fiscal year 2030, 7,668; and

(H) in fiscal year 2031, and in each fiscal year thereafter, 7,246;

(b) the commission may issue a seasonal bar establishment license in accordance with Section 32B-5-206 to a bar licensee;

(c) the commission may authorize as many as three bar establishment license locations within a hotel under one bar establishment license if:

(i) the location, design, and construction of the hotel requires more than one bar license location within the hotel to serve the public convenience;

(ii) the hotel has a minimum of 150 guest rooms;

(iii) all locations under the bar establishment license are:

(A) within the same hotel; and

(B) on premises that are managed or operated, and owned or leased, by the bar establishment licensee;

(d) the commission may authorize up to five dispensing locations under one equity license if the locations under the equity license:

(i) are located on premises managed or operated, and owned or leased, by the equity licensee;

(ii) the locations are under the same leadership or management; and

(iii) an individual who is a member of at least one location that the equity licensee operates has access to all locations the equity licensee operates;

(e) except for a facility operating in accordance with Subsection (3)(d) or a hotel, a facility shall have a separate bar establishment license for each bar establishment license location where an alcoholic product is sold, offered for sale, or furnished;

(f) when a business establishment undergoes a change of ownership, the commission may issue a bar establishment license to the new owner of the business establishment notwithstanding that there is no bar establishment license available under Subsection (3)(a) if:

(i) the primary business activity at the business establishment before and after the change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;
(ii) before the change of ownership there are two or more licensed premises on the business establishment that operate under a retail license, with at least one of the retail licenses being a bar establishment license;
(iii) subject to Subsection (3)(g) the licensed premises of the bar establishment license issued under this Subsection (3)(f) is at the same location where the bar establishment license licensed premises was located before the change of ownership; and
(iv) the person who is the new owner of the business establishment qualifies for the bar establishment license, except for there being no bar establishment license available under Subsection (3)(a); and
(g) if a bar establishment licensee of a bar establishment license issued under Subsection (3)(f) requests a change of location, the bar establishment licensee may retain the bar establishment license after the change of location only if on the day on which the bar establishment licensee seeks a change of location a bar establishment license is available under Subsection (3)(a).

Amended by Chapter 162, 2025 General Session

32B-6-404 Types of bar license.

(1) To obtain an equity license, in addition to meeting the other requirements of this part, a person shall:
(a) whether incorporated or unincorporated:
(i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;
(ii) have members;
(iii) limit access to its licensed premises to a member or a guest of the member; and
(iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
(b) except as provided in Subsection (8), own, maintain, or operate a substantial recreational facility in conjunction with a club house such as:
(i) a golf course; or
(ii) a tennis facility;
(c) have at least 50% of the total membership having an equal share of the equity of the entity or a right to redemption or refund at the equal value; and
(d) if there is more than one class of membership, have at least one class of membership that entitles each member in that class to an equal share of the equity of the entity or a right to redemption or refund at the equal value.
(2) To obtain a fraternal license, in addition to meeting the other requirements of this part, a person shall:
(a) whether incorporated or unincorporated:
(i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;
(ii) have members;
(iii) limit access to its licensed premises to a member or a guest of the member; and
(iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;
(b) have no capital stock;
(c) exist solely for:
(i) the benefit of its members and their beneficiaries; and

(ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public, carried on through voluntary activity of its members in their local lodges;

(d) have a representative form of government;

(e) have a lodge system in which:

(i) there is a supreme governing body;

(ii) subordinate to the supreme governing body are local lodges, however designated, into which individuals are admitted as members in accordance with the laws of the fraternal;

(iii) the local lodges are required by the laws of the fraternal to hold regular meetings at least monthly; and

(iv) the local lodges regularly engage in one or more programs involving member participation to implement the purposes of Subsection (2)(c); and

(f) own or lease a building or space in a building used for lodge activities.

(3) To obtain a dining club license, in addition to meeting the other requirements of this part, a person shall:

(a) maintain at least the following percentages of its total club business from the sale of food, not including mix for alcoholic products, or service charges:

(i) for a dining club license that is issued as an original license on or after July 1, 2011, 60%; and

(ii) for a dining club license that is issued on or before June 30, 2011:

(A) 50% on or before June 30, 2012; and

(B) 60% on and after July 1, 2012; and

(b) obtain a determination by the commission that the person will operate as a dining club licensee, as part of which the commission may consider:

(i) the square footage and seating capacity of the premises;

(ii) what portion of the square footage and seating capacity will be used for a dining area in comparison to the portion that will be used as a lounge or bar area;

(iii) whether full meals including appetizers, main courses, and desserts are served;

(iv) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person who is located on the premise of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;

(v) whether the entertainment provided at the premises is suitable for minors; and

(vi) the club management's ability to manage and operate a dining club license including:

(A) management experience;

(B) past dining club licensee or restaurant management experience; and

(C) the type of management scheme used by the dining club license.

(4) To obtain a bar license, a person is required to meet the requirements of this part except those listed in Subsection (1), (2), or (3).

(5)

(a) At the time that the commission issues a bar establishment license, the commission shall designate the type of bar establishment license for which the person qualifies.

(b) If requested by a bar establishment licensee, the commission may approve a change in the type of bar establishment license in accordance with rules made by the commission.

(6) To the extent not prohibited by law, this part does not prevent a dining club licensee or bar licensee from restricting access to the licensed premises on the basis of an individual:

(a) paying a fee; or

(b) agreeing to being on a list of individuals who have access to the licensed premises.

(7)

(a)
(i) On or after July 1, 2017, the commission may not issue or renew a dining club license.
(ii) No later than July 1, 2018, the department shall convert each dining club license to a full-service restaurant license or a bar license in accordance with the provisions of this Subsection (7).
(b)
(i)
(A) A person licensed as a dining club on July 1, 2017, shall notify the department no later than May 31, 2018, whether the person elects to be licensed as a full-service restaurant or a bar.
(B) No later than July 1, 2018, the department shall convert a dining club license to a full-service restaurant license or a bar license in accordance with the dining club licensee's election under Subsection (7)(b)(i)(A).
(ii) If a dining club licensee fails to timely notify the department in accordance with Subsection (7)(b)(i), the dining club license is automatically converted to a full-service restaurant license on July 1, 2018.
(c) Subject to Section 32B-6-404.1, after a dining club license converts to a full-service restaurant license or a bar license, the retail licensee shall operate under the provisions that govern the full-service restaurant license or the bar license, as applicable.
(d) After a dining club license converts to a full-service restaurant license or a bar license in accordance with this Subsection (7):
(i) the full-service restaurant license is not considered in determining the total number of full-service restaurant licenses available under Section 32B-6-203; or
(ii) the bar license is not considered in determining the total number of bar establishment licenses available under Section 32B-6-403.
(e) Except as provided in Subsections (7)(a) and (b), before July 1, 2018, the commission may not issue a full-service restaurant license, a limited-service restaurant license, or a beer-only restaurant license to a person who holds a dining club license on May 9, 2017, for the same premises.
(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules establishing a procedure by which a dining club licensee elects and converts to a full-service restaurant licensee or a bar licensee under this Subsection (7).
(8) Subsection (1)(b) does not apply to a person who renews an equity license issued before January 1, 2020, if the person did not meet the requirements under Subsection (1)(b) at the time the equity license was issued.

Amended by Chapter 371, 2023 General Session

32B-6-405 Specific licensing requirements for bar establishment license.
(1) To obtain a bar establishment license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:
(a)
(i) a statement as to whether the person is seeking to qualify as:
(A) an equity licensee;
(B) a fraternal licensee;
(C) a dining club licensee; or
(D) a bar licensee; and

(ii) evidence that the person meets the requirements for the type of bar establishment license for which the person is applying;
(b) evidence that the person operates a premises where a variety of food is prepared and served in connection with dining accommodations; and
(c) if the person is applying for an equity license or fraternal license, a copy of the entity's bylaws or house rules, and an amendment to those records.
(2) The commission may refuse to issue a bar establishment license to a person for an equity license or fraternal license if the commission determines that a provision of the person's bylaws or house rules, or amendments to those records is not:
(a) reasonable; and
(b) consistent with:
(i) the declared nature and purpose of the bar establishment licensee; and
(ii) the purposes of this part.
(3)
(a) A bar establishment license expires on June 30 of each year.
(b) To renew a bar establishment license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than May 31.
(4)
(a) The nonrefundable application fee for a bar establishment license is $300.
(b)
(i) The initial license fee for a bar establishment license is $2,750.
(ii) The department shall prorate the $2,750 initial license fee based on the number of months out of a year the bar establishment licensee is licensed before the day on which the bar establishment license expires.
(c) The renewal fee for a bar establishment license is $2,000.
(5) The bond amount required for a bar establishment license is the penal sum of $10,000.

Amended by Chapter 94, 2024 General Session

32B-6-406 Specific operational requirements for a bar establishment license.
(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a bar establishment licensee and staff of the bar establishment licensee shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a bar establishment licensee;
(ii) individual staff of a bar establishment licensee; or
(iii) both a bar establishment licensee and staff of the bar establishment licensee.
(2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display in a conspicuous place at the entrance to the licensed premises a sign that:
(a) measures at least 8-1/2 inches long and 11 inches wide; and
(b) clearly states that the bar licensee is a bar and that no one under 21 years old is allowed.
(3)
(a) In addition to complying with Section 32B-5-302, a bar establishment licensee shall maintain for a minimum of three years:
(i) a record required by Subsection 32B-5-302(1); and
(ii) a record maintained or used by the bar establishment licensee, as the department requires.

(b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).

(c) The department shall audit the records of a bar establishment licensee at least once annually.

(4)

(a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:

(i) begins at 1 a.m.; and

(ii) ends at 9:59 a.m.

(b) A bar establishment licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer license.

(c)

(i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall keep its licensed premises open for one hour after the bar establishment licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the bar establishment licensee may finish consuming:

(A) a single drink containing spirituous liquor;

(B) except as provided in Subsection (4)(c)(i)(C), a single serving of wine not exceeding five ounces;

(C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;

(D) a single serving of heavy beer;

(E) a single serving not exceeding 26 ounces of beer; or

(F) a single serving of a flavored malt beverage.

(ii) A bar establishment licensee is not required to remain open:

(A) after all patrons have vacated the premises; or

(B) during an emergency.

(5)

(a) A minor:

(i) may not be admitted into, use, or be in the licensed premises of:

(A) a dining club licensee unless accompanied by an individual who is 21 years old or older; or

(B) a bar licensee, except to the extent provided for under Section 32B-6-406.1;

(ii) may only be admitted into, use, or be in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises:

(A) when accompanied by an individual who is 21 years old or older; and

(B) momentarily while en route to another area of the licensee's premises; and

(iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises.

(b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a minor to:

(i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club licensee; or

(ii) handle an alcoholic product.

(c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a bar licensee.

(d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar establishment licensee.

(6) A bar establishment licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
(7)
(a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
(b) A patron may not have two spirituous liquor drinks before the bar establishment licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
(c) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).
(8) A bar establishment licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the bar establishment licensee including:
(a) a set-up charge;
(b) a service charge; or
(c) a chilling fee.
(9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
(a) the person to whom the bar establishment licensee rents or leases the premises agrees in writing to comply with this title as if the person is the bar establishment licensee, except for a requirement related to making or maintaining a record; and
(b) the bar establishment licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).
(10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar establishment licensee shall comply with Section 32B-6-407.
(11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar establishment licensee shall comply with Section 32B-1-407.
(12)
(a) A bar establishment licensee shall own or lease premises suitable for the bar establishment licensee's activities.
(b) A bar establishment licensee may not maintain licensed premises in a manner that barricades or conceals the bar establishment licensee's operation.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

32B-6-406.1 Specific operational restrictions related to dance or concert hall.
(1) A minor who is at least 18 years of age may be admitted into, use, or be on the premises of a dance or concert hall if:
(a) the dance or concert hall is located:
(i) on the licensed premises of a bar licensee; or
(ii) on the property that immediately adjoins the licensed premises of and is operated by a bar licensee; and
(b) the bar licensee holds a permit to operate a dance or concert hall that was issued on or before May 11, 2009:
(i) on the basis of the operational requirements described in Subsection (2); and
(ii) when the bar licensee was licensed as a class D private club.

(2) A bar licensee that holds a dance or concert hall permit shall operate in such a way that:
(a) the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption is:
(i) not accessible to a minor;
(ii) clearly defined; and
(iii) separated from the dance or concert hall area by one or more walls, multiple floor levels, or other substantial physical barriers;
(b) a dispensing structure or area where alcoholic product is dispensed is not visible to a minor;
(c) consumption of an alcoholic product may not occur in:
(i) the dance or concert hall area; or
(ii) an area of the bar license premises accessible to a minor;
(d) the bar licensee maintains sufficient security personnel to prevent the passing of beverages from the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption to:
(i) the dance or concert hall area; or
(ii) an area of the bar licensee premises accessible to a minor;
(e) there are one or more separate entrances, exits, and restroom facilities from the bar licensee's lounge, dispensing structure, or other area for alcoholic product consumption than for:
(i) the dance or concert hall area; or
(ii) an area accessible to a minor; and
(f) the bar licensee complies with any other requirements imposed by the commission by rule.
(3)
(a) A minor under 18 years of age who is accompanied at all times by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:
(i) the requirements of Subsection (2) are met; and
(ii) signage, product, and dispensing equipment containing recognition of an alcoholic product is not visible to the minor.
(b) A minor under 18 years of age but who is 14 years of age or older who is not accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:
(i) the requirements of Subsections (2) and (3)(a) are met; and
(ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of the bar licensee.
(4) The commission may suspend or revoke a dance or concert permit issued to a bar licensee and suspend or revoke the license of the bar licensee if:
(a) the bar licensee fails to comply with the requirements in this section;
(b) the bar licensee sells, offers for sale, or furnishes an alcoholic product to a minor;
(c) the bar licensee or a supervisory or managerial level staff of the bar licensee is convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of an activity that occurs on:
(i) the licensed premises; or
(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee;
(d) there are three or more convictions of patrons of the bar licensee under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities that occur on:
(i) the licensed premises; or

(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee;
(iii) there is more than one conviction:
(A) of:
(I) the bar licensee;
(II) staff of the bar licensee;
(III) an entertainer contracted by the bar licensee; or
(IV) a patron of the bar licensee; and
(B) made on the basis of a lewd act or lewd entertainment prohibited by this title that occurs on:
(I) the licensed premises; or
(II) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee; or
(e) the commission finds acts or conduct contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title that occurs on:
(i) the licensed premises; or
(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the bar licensee.
(5) Nothing in this section prohibits a bar licensee from selling, offering for sale, or furnishing an alcoholic product in a dance or concert area located on the bar licensed premises on days and times when the bar licensee does not allow a minor into those areas.

Amended by Chapter 455, 2017 General Session

32B-6-407 Specific operational requirements for equity license or fraternal license.
(1) As used in this section, "equity or fraternal licensee" means an equity licensee or fraternal licensee.
(2)
(a) An equity or fraternal licensee shall have a governing body that:
(i) consists of three or more members of the equity or fraternal licensee; and
(ii) holds regular meetings to:
(A) review membership applications; and
(B) conduct other business as required by the bylaws or house rules of the equity or fraternal licensee.
(b)
(i) An equity or fraternal licensee shall maintain a minute book that is posted currently by the equity or fraternal licensee.
(ii) The minute book required by this Subsection (2) shall contain the minutes of a regular or special meeting of the governing body.
(3) An equity or fraternal licensee may admit an individual as a member only on written application signed by the person, subject to:
(a) the person paying an application fee; and
(b) investigation, vote, and approval of a quorum of the governing body.
(4) An equity or fraternal licensee shall:
(a) record an admission of a member in the official minutes of a regular meeting of the governing body; and
(b) whether approved or disapproved, file an application as a part of the official records of the equity or fraternal licensee.

(5) The spouse of a member of an equity or fraternal licensee has the rights and privileges of the member:
(a) to the extent permitted by the bylaws or house rules of the equity or fraternal licensee; and
(b) except to the extent restricted by this title.
(6) A minor child of a member of an equity or fraternal licensee has the rights and privileges of the member:
(a) to the extent permitted by the bylaws or house rules of the equity or fraternal licensee; and
(b) except to the extent restricted by this title.
(7) An equity or fraternal licensee shall maintain:
(a) a current and complete membership record showing:
(i) the date of application of a proposed member;
(ii) a member's address;
(iii) the date the governing body approved a member's admission;
(iv) the date initiation fees and dues are assessed and paid; and
(v) the serial number of the membership card issued to a member;
(b) a membership list; and
(c) a current record indicating when a member is removed as a member or resigns.
(8)
(a) An equity or fraternal licensee shall have bylaws or house rules that include provisions respecting the following:
(i) standards of eligibility for members;
(ii) limitation of members, consistent with the nature and purpose of the equity or fraternal licensee;
(iii) the period for which dues are paid, and the date upon which the period expires;
(iv) provisions for removing a member from the equity or fraternal licensee's membership for the nonpayment of dues or other cause;
(v) provisions for guests; and
(vi) application fees and membership dues.
(b) An equity or fraternal licensee shall maintain a current copy of the equity or fraternal licensee's current bylaws and current house rules.
(c) An equity or fraternal licensee shall maintain its bylaws or house rules, and any amendments to those records, on file with the department at all times.
(9) An equity or fraternal licensee may, in its discretion, allow an individual to be admitted to or use the licensed premises as a guest subject to the following conditions:
(a) the individual is allowed to use the equity or fraternal licensee premises only to the extent permitted by the equity or fraternal licensee's bylaws or house rules;
(b) the individual shall be previously authorized by a member of the equity or fraternal licensee who agrees to host the individual as a guest;
(c) the individual has only those privileges derived from the individual's host for the duration of the individual's visit to the equity or fraternal licensee premises; and
(d) an equity or fraternal licensee or staff of the equity or fraternal licensee may not enter into an agreement or arrangement with a member of the equity or fraternal licensee to indiscriminately host a member of the general public into the equity or fraternal licensee premises as a guest.
(10) Notwithstanding Subsection (9), an individual may be allowed as a guest in an equity or fraternal licensed premises without a host if:
(a)
(i) the equity or fraternal licensee is an equity licensee; and

(ii) the individual is a member of an equity licensee that has reciprocal guest privileges with the equity licensee for which the individual is a guest;

(b)

(i) the equity or fraternal licensee is a fraternal licensee; and

(ii) the individual is a member of the same fraternal organization as the fraternal licensee for which the individual is a guest; or

(c)

(i) the equity or fraternal licensee is a fraternal licensee that holds the fraternal license on July 1, 2013;

(ii) the equity or fraternal licensee's bylaws permit guests in the equity or fraternal licensed premises without a host except that a minor may not be admitted as a guest without a host; and

(iii) the equity or fraternal licensee maintains 60% of its total business from the sale of food, not including mix for alcoholic products, or service charges.

(11) Unless the patron is a member or guest, an equity or fraternal licensee may not:

(a) sell, offer for sale, or furnish an alcoholic product to the patron; or

(b) allow the patron to be admitted to or use the licensed premises.

(12) A minor may not be a member, officer, director, or trustee of an equity or fraternal licensee.

Amended by Chapter 455, 2017 General Session

32B-6-408 Information obtained by investigator.

(1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of a bar establishment licensee, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the bar establishment licensee that is a visual recording of the operations of the bar establishment licensee.

(2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Amended by Chapter 455, 2017 General Session

Part 5
Airport Lounge License

32B-6-501 Title.

This part is known as "Airport Lounge License."

Enacted by Chapter 276, 2010 General Session

32B-6-502 Definitions.

As used in this chapter, "total passengers" means the number of total passengers in a calendar year that is reported in the most current comprehensive annual financial report for the airport in which an airport lounge is located.

Amended by Chapter 334, 2011 General Session

32B-6-503 Commission's power to issue airport lounge license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain an airport lounge license from the commission in accordance with this part.

(2) Subject to Subsection (3), the commission may issue an airport lounge license:

(a) to establish airport lounge licensed premises beyond the security point at an international airport or a domestic airport; and

(b) in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on licensed premises operated as an airport lounge.

(3)

(a) The commission may not issue more than 26 airport lounge licenses for an international airport at any time.

(b) The commission may not issue a total number of domestic airport airport lounge licenses that at any time exceeds three.

Amended by Chapter 371, 2023 General Session

32B-6-504 Specific licensing requirements for airport lounge license.

(1) To obtain an airport lounge license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:

(a) both the written consent of the local authority and the written consent of the airport authority; and

(b) a copy of the sign proposed to be used by the airport lounge licensee on its licensed premises to inform the public that alcoholic products are sold and consumed on the licensed premises.

(2)

(a) An airport lounge license expires on October 31 of each year.

(b) To renew a person's airport lounge license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3)

(a) The nonrefundable application fee for an airport lounge license is $300.

(b)

(i) The initial license fee for an airport lounge license is $8,000.

(ii) The department shall prorate the $8,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the airport lounge license expires.

(c) The renewal fee for an airport lounge license is $6,000.

(4) The bond amount required for an airport lounge license is the penal sum of $10,000.

(5) An airport lounge license is not subject to the proximity requirements of Section 32B-1-202.

Amended by Chapter 94, 2024 General Session

32B-6-505 Specific operational requirements for an airport lounge license.

(1)

(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an airport lounge licensee and staff of the airport lounge licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) an airport lounge licensee;
(ii) individual staff of an airport lounge licensee; or
(iii) both an airport lounge licensee and staff of the airport lounge licensee.
(2) In addition to complying with Subsection 32B-5-301(3), an airport lounge licensee shall display in a prominent place in the airport lounge:
(a) a list of the types and brand names of liquor being furnished through airport lounge licensee's calibrated metered dispensing system; and
(b) a sign to inform the public that alcoholic products are sold and consumed on the licensed premises.
(3) Notwithstanding Section 32B-5-307:
(a) An airport lounge licensee may not permit a patron to bring a bottled wine onto the premises of the retail licensee.
(b) An airport lounge licensee may not permit a patron to remove an alcoholic product from the licensed premises.
(4)
(a) A server of an alcoholic product in an airport lounge licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
(b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.
(5) An airport lounge licensee may not sell, offer for sale, or furnish an alcoholic product at an airport lounge on any day during a period that:
(a) begins at midnight; and
(b) ends at 7:59 a.m.
(6)
(a) Subject to the other provisions of this Subsection (6), a patron may not have more than two alcoholic products of any kind at a time before the patron.
(b) A patron may not have two spirituous liquor drinks before the patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
(c) An individual portion of wine is considered to be one alcoholic product under this Subsection (6).
(7) An airport lounge licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, furnishing, or consumption of liquor menu including:
(a) a set-up charge;
(b) a service charge; or
(c) a chilling fee.
(8) An airport lounge liquor licensee's premises may not be leased for a private event.

Enacted by Chapter 276, 2010 General Session

Part 6
On-Premise Banquet License

32B-6-601 Title.

This part is known as "On-premise Banquet License."

Enacted by Chapter 276, 2010 General Session

32B-6-602 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-6-603 Commission's power to issue on-premise banquet license -- Contracts as host.

(1)
(a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:
(i) a hotel;
(ii) a resort facility;
(iii) a sports center;
(iv) a convention center;
(v) a performing arts facility;
(vi) an arena;
(vii) a restaurant venue; or
(viii) an amphitheater.
(b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1)(a) to the extent otherwise permitted by this title.
(c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.
(2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.
(3) Subject to Section 32B-1-201, the commission:
(a) may not issue a total number of restaurant venue on-premise banquet licenses that at any time exceeds 25; and
(b) may not issue a total number of on-premise banquet licenses that at any time exceeds the number determined by dividing the population of the state by 28,765.
(4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:
(a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and
(b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.
(5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:
(a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or
(b) with a charge to a patron at the banquet.
(6) To be licensed as an on-premise banquet, a person shall maintain at least 50% of the person's total annual banquet gross receipts from the sale of food, which does not include:
(a) mix for an alcoholic product; or
(b) a charge in connection with the furnishing of an alcoholic product.

Amended by Chapter 162, 2025 General Session

32B-6-604 Specific licensing requirements for an on-premise banquet license.

(1) To obtain an on-premise banquet license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2)
  (a) An on-premise banquet license expires on October 31 of each year.
  (b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3)
  (a) The nonrefundable application fee for an on-premise banquet license is $300.
  (b)
    (i) The initial license fee for an on-premise banquet license is $750.
    (ii) The department shall prorate the $750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise banquet license expires.
  (c) The renewal fee for an on-premise banquet license is $750.

(4) The bond amount required for an on-premise banquet license is the penal sum of $10,000.

(5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
  (a) pay an application fee, initial license fee, or renewal fee;
  (b) obtain the written consent of the local authority;
  (c) submit a copy of the applicant's current business license; or
  (d) post a bond as specified by Section 32B-5-204.

(6) Notwithstanding Subsection 32B-5-303(3), the department may approve one or more additional locations in accordance with Subsection (7), in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:
  (a) upon proper application by an on-premise banquet licensee; and
  (b) in accordance with guidelines approved by the commission.

(7) The department may approve one or more additional locations under Subsection (6), whether or not the locations are contiguous to one another or to the location included in the original application for the on-premise banquet licensee.

Amended by Chapter 162, 2025 General Session

32B-6-605 Specific operational requirements for on-premise banquet license.

(1)
  (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this section.
  (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    (i) an on-premise banquet licensee;
    (ii) individual staff of an on-premise banquet licensee; or
    (iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

(2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5) for the entire premises of the hotel, resort facility, sports center, convention center, performing arts facility, arena, restaurant venue, or amphitheater that is the basis for the on-premise banquet license.

(3)

(a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the department with advance notice of a scheduled banquet in accordance with rules made by the commission.

(b) Any of the following may conduct a random inspection of a banquet:

(i) an authorized representative of the commission or the department; or

(ii) a law enforcement officer.

(4)

(a) An on-premise banquet licensee is not subject to Subsection 32B-5-302(1), but shall make and maintain the records described in Subsection 32B-5-302(2) and the records the commission or department requires.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).

(5)

(a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the location of the banquet.

(b) Notwithstanding Section 32B-5-307 and except as otherwise provided in this title:

(i) a person at a banquet other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet; and

(ii) a patron at a banquet may not bring an alcoholic product into or onto the premises of the banquet.

(6)

(a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.

(b) At the conclusion of a banquet, an on-premise banquet licensee shall:

(i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and

(ii) return to the on-premise banquet licensee's approved locked storage area any:

(A) opened and unused alcoholic product that is saleable; and

(B) unopened container of an alcoholic product.

(c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

(i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and

(ii) may use the alcoholic product at more than one banquet.

(7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.

(8) An on-premise banquet licensee:

(a) may provide room service in portions described in Section 32B-5-304;

(b) may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:

(i) begins at 1 a.m.; and
(ii) ends at 9:59 a.m.; and
(c) notwithstanding Section 32B-5-305, may provide as room service one alcoholic product free of charge per guest reservation, per guest room, if the alcoholic product:
(i) is not a spirituous liquor; and
(ii) is in an unopened container not to exceed 750 milliliters.
(9)
(a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.
(b) A patron may not have more than one spirituous liquor drink at a time before the patron.
(c) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).
(10)
(a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.
(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
(11) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.
(12)
(a) Room service of an alcoholic product to a guest room or privately owned dwelling unit of a hotel or resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult guest in the guest room or privately owned dwelling unit.
(b) An alcoholic product may not be left outside a guest room or privately owned dwelling unit for retrieval by a guest or resident.
(13) An on-premise banquet licensee may not maintain a minibar.

Amended by Chapter 162, 2025 General Session

Part 7
On-Premise Beer Retailer License

32B-6-701 Title.

This part is known as "On-premise Beer Retailer License."

Enacted by Chapter 276, 2010 General Session

32B-6-702 Definitions.

As used in this part:
(1) "Commission-approved activity" means a leisure activity that:
(a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) does not involve the use of a dangerous weapon.
(2)
(a) "Recreational amenity" means:
(i) a billiard parlor;

(ii) a pool parlor;
(iii) a bowling facility;
(iv) a golf course;
(v) miniature golf;
(vi) a golf driving range;
(vii) a tennis club;
(viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 2,500;
(ix) a concert venue that has a seating capacity equal to or greater than 2,500;
(x) one of the following if owned by a government agency:
(A) a convention center;
(B) a fair facility;
(C) an equestrian park;
(D) a theater; or
(E) a concert venue;
(xi) an amusement park:
(A) with one or more permanent amusement rides; and
(B) located on at least 50 acres;
(xii) a ski resort;
(xiii) a venue for live entertainment if the venue:
(A) is not regularly open for more than five hours on any day;
(B) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and
(C) is operated so that no more than 15% of its total annual receipts are from the sale of beer;
(xiv) concessions operated within the boundary of a park administered by the:
(A) Division of State Parks; or
(B) National Parks Service;
(xv) a facility or venue that is a recreational amenity for a person licensed under this part before May 12, 2020;
(xvi) a venue for karaoke; or
(xvii) an enterprise developed around a commission-approved activity.
(b) "Recreational amenity" does not include an item described in Subsection (2)(a), if the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

Amended by Chapter 162, 2025 General Session

32B-6-703 Commission's power to issue on-premise beer retailer license.
(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise beer retailer license from the commission in accordance with this part.
(2)
(a) The commission may issue an on-premise beer retailer license to establish on-premise beer retailer licensed premises at places and in numbers as the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as an on-premise beer retailer.
(b) At the time that the commission issues an on-premise beer retailer license, the commission shall designate whether the on-premise beer retailer is a tavern.

(c) The commission may change its designation of whether an on-premise beer retailer is a tavern in accordance with rules made by the commission.

(d)

(i) In determining whether an on-premise beer retailer is a tavern, the commission shall determine whether the on-premise beer retailer will engage primarily in the retail sale of beer for consumption on the establishment's premises.

(ii) In making a determination under this Subsection (2)(d), the commission shall consider:

(A) whether the on-premise beer retailer will operate as one of the following:

(I) a beer bar;

(II) a parlor;

(III) a lounge;

(IV) a cabaret; or

(V) a nightclub;

(B) if the on-premise beer retailer will operate as described in Subsection (2)(d)(ii)(A):

(I) whether the on-premise beer retailer will sell food in the establishment; and

(II) if the on-premise beer retailer sells food, whether the revenue from the sale of beer will exceed the revenue of the sale of food;

(C) whether full meals including appetizers, main courses, and desserts will be served;

(D) the square footage and seating capacity of the premises;

(E) what portion of the square footage and seating capacity will be used for a dining area in comparison to the portion that will be used as a lounge or bar area;

(F) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person that is located on the premises of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;

(G) whether the entertainment provided on the premises of the beer retailer will be suitable for minors; and

(H) the beer retailer management's ability to manage and operate an on-premise beer retailer license including:

(I) management experience;

(II) past beer retailer management experience; and

(III) the type of management scheme that will be used by the beer retailer.

(e)

(i) To be licensed as an on-premise beer retailer that is not a tavern, a person shall:

(A) own or operate a recreational amenity and maintain at least 70% of the person's total gross revenues from business directly related to the recreational amenity on or directly adjoining the licensed premises of the beer retailer, except that a person may include gross revenue from business directly related to a recreational amenity that is owned or operated by a political subdivision if the person has a contract meeting the requirements of Subsection (2)(e)(iii) with the political subdivision;

(B) own or operate a recreational amenity on or directly adjoining the licensed premises of the beer retailer and maintain at least 70% of the person's total gross revenues from the sale of food; or

(C) if the licensed premises of the on-premise beer retailer is on or directly adjoining a ski resort on January 1, 2021, obtain the consent of the ski resort to operate as an on-premise beer retailer that is not a tavern and maintain at least 70% of the person's total gross revenues from the sale of food.

(ii) The commission may not license a person as an on-premise beer retailer if the person does not:

(A) meet the requirements of Subsection (2)(e)(i); or
(B) operate as a tavern.
(iii) A contract described in Subsection (2)(e)(i)(A) shall:
(A) allow the beer retailer to include the total gross revenue from operations of the recreational amenity in the beer retailer's total gross receipts for purposes of Subsection (2)(e)(i)(A); and
(B) give the department the authority to audit financial information of the political subdivision to the extent necessary to confirm that the requirements of Subsection (2)(e)(i)(A) are met.
(3) Subject to Section 32B-1-201:
(a) the commission may not issue a total number of on-premise beer retailer licenses that are taverns that at any time exceeds the number determined by dividing the population of the state by 73,666; and
(b) the commission may issue a seasonal on-premise beer retailer license for a tavern in accordance with Section 32B-5-206.
(4)
(a) Unless otherwise provided in Subsection (4)(b):
(i) only one on-premise beer retailer license is required for each building or resort facility owned or leased by the same person; and
(ii) a separate license is not required for each retail beer dispensing location in the same building or on the same resort premises owned or operated by the same person.
(b)
(i) Subsection (4)(a) applies only if each retail beer dispensing location in the building or resort facility operates in the same manner.
(ii) If each retail beer dispensing location does not operate in the same manner:
(A) one on-premise beer retailer license designated as a tavern is required for the locations in the same building or on the same resort premises that operate as a tavern; and
(B) one on-premise beer retailer license is required for the locations in the same building or on the same resort premises that do not operate as a tavern.

Amended by Chapter 291, 2021 General Session

32B-6-704 Local authority to issue a license.
(1) A local authority may issue a license to operate as an on-premise beer retailer, subject to:
(a) the requirement under this part that a person obtain an on-premise beer retailer license issued by the commission to operate as an on-premise beer retailer; and
(b) subject to Title 11, Chapter 10, Business Allowing Consumption of Liquor on Premises.
(2) For a violation of this title, rules of the commission, or a local ordinance, a local authority may suspend or revoke a business license described in Subsection (1).
(3)
(a) If the commission suspends or revokes an on-premise beer retailer license issued by the commission under this title, the on-premise beer retailer may not continue to operate under a license issued by a local authority.
(b) If a local authority suspends or revokes a business license described in Subsection (1), an on-premise beer retailer may not continue to operate under the on-premise beer retailer license issued by the commission.
(4) A person issued a business license issued by a local authority as described in Subsection (1) shall comply with this title, including a provision related to the storage, sale, offer for sale, furnishing, consumption, warehousing, or distribution of beer.

Enacted by Chapter 276, 2010 General Session

32B-6-705 Specific licensing requirements for on-premise beer retailer license.

(1) To obtain an on-premise beer retailer license a person shall comply with Chapter 5, Part 2, Retail Licensing Process, except that an on-premise beer retailer is required to carry dramshop insurance coverage in accordance with Section 32B-5-201 only if the on-premise beer retailer sells more than $5,000 of beer annually.

(2)
  (a) An on-premise beer retailer license expires on the last day of February each year.
  (b) To renew a person's on-premise beer retailer license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.

(3)
  (a) The nonrefundable application fee for an on-premise beer retailer license is $300.
  (b)
    (i)
      (A) The initial license fee for an on-premise beer retailer license that is not a tavern is $300.
      (B) The department shall prorate the $300 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise beer retailer license expires.
    (ii)
      (A) The initial license fee for an on-premise beer retailer license that is a tavern is $1,500.
      (B) The department shall prorate the $1,500 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the on-premise beer retailer license expires.
  (c)
    (i) The renewal fee for an on-premise beer retailer license that is not a tavern is $350.
    (ii) The renewal fee for an on-premise beer retailer license that is a tavern is $1,250.

(4) The bond amount required for an on-premise beer retailer license is the penal sum of $5,000.

(5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:
  (a) pay an application fee, initial license fee, or renewal fee;
  (b) obtain the written consent of the local authority;
  (c) submit a copy of the applicant's current business license; or
  (d) post a bond as specified by Section 32B-5-204.

Amended by Chapter 94, 2024 General Session

32B-6-706 Specific operational requirements for on-premise beer retailer license.

(1)
  (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply with this section.
  (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    (i) an on-premise beer retailer;
    (ii) individual staff of an on-premise beer retailer; or
    (iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

(2)
(a) An on-premise beer retailer is not subject to Subsection 32B-5-302(1), but shall make and maintain the records described in Subsection 32B-5-302(2) and the records the department requires.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
(3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or sell liquor on its licensed premises.
(4)
(a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at the on-premise beer retailer's licensed premises during a period that:
(i) begins at 1 a.m.; and
(ii) ends at 9:59 a.m.
(b)
(i) Notwithstanding Subsection (4)(a), a tavern shall remain open for one hour after the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may finish consuming a single serving of beer not exceeding 26 ounces.
(ii) A tavern is not required to remain open:
(A) after all patrons have vacated the premises; or
(B) during an emergency.
(5) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a tavern.
(6)
(a)
(i) An on-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases from:
(A) a beer wholesaler licensee; or
(B) a small brewer that manufactures the beer.
(ii) Violation of Subsection (6)(a)(i) is a class A misdemeanor.
(b)
(i) If an on-premise beer retailer purchases beer under this Subsection (6) from a beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the on-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the on-premise beer retailer as provided in Section 32B-13-301.
(ii) Violation of Subsection (6)(b)(i) is a class B misdemeanor.
(7) A tavern shall comply with Section 32B-1-407.

Amended by Chapter 400, 2023 General Session

32B-6-707 Application of part to other retail license type.
(1) A retail licensee who is not an on-premise beer retailer, but who sells, offers for sale, or furnishes beer pursuant to a different part under this chapter:
(a) may sell, offer for sale, or furnish beer without obtaining a separate on-premise beer retailer license from the commission; and
(b) shall comply with the operational requirements under this part that apply to an on-premise beer retailer, except when a requirement of this part is inconsistent with or less restrictive than

an operational requirement under the relevant part under this chapter for the type of retail license.

(2) Failure of a retail licensee or staff of the retail licensee to comply with a requirement of this part may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
  (a) a retail licensee;
  (b) individual staff of a retail licensee; or
  (c) both a retail licensee and staff of the retail licensee.

Enacted by Chapter 276, 2010 General Session

32B-6-708 Information obtained by investigator.

(1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of an on-premise beer retailer that is a tavern, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the tavern that is a visual recording of the operations of the tavern.
(2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Enacted by Chapter 276, 2010 General Session

Part 8
Reception Center License

32B-6-801 Title.

This part is known as "Reception Center License."

Enacted by Chapter 334, 2011 General Session

32B-6-802 Definitions.

Reserved

Enacted by Chapter 334, 2011 General Session

32B-6-803 Commission's power to issue reception center license.

(1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on the person's premises as a reception center, the person shall first obtain a reception center license from the commission in accordance with this part.
(2) The commission may issue a reception center license to establish reception center licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a reception center.
(3) Subject to Section 32B-1-201, the commission may not issue a total number of reception center licenses that at any time exceeds the number determined by dividing the population of the state by 251,693.

(4) The commission may not issue a reception center license for premises that do not meet the proximity requirements of Section 32B-1-202.
(5)
(a) To be licensed as a reception center, a person may not maintain more than 30% of the person's total annual gross receipts from the sale of alcoholic products.
(b) For purposes of Subsection (5)(a):
(i) an alcoholic product includes:
(A) mix for an alcoholic product; and
(B) a charge in connection with the furnishing of an alcoholic product; and
(ii) gross receipts do not include any charge for renting a room or facility.
(c) A reception center licensee shall report the information necessary to show compliance with this Subsection (5) to the department on an annual basis.

Amended by Chapter 6, 2020 Special Session 6

32B-6-804 Specific licensing requirements for reception center license.
(1) To obtain a reception center license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
(2)
(a) A reception center license expires on October 31 of each year.
(b) To renew a person's reception center license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(3)
(a) The nonrefundable application fee for a reception center license is $300.
(b)
(i) The initial license fee for a reception center license is $750.
(ii) The department shall prorate the $750 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the reception center license expires.
(c) The renewal fee for a reception center license is $750.
(4) The bond amount required for a reception center license is the penal sum of $10,000.

Amended by Chapter 94, 2024 General Session

32B-6-805 Specific operational requirements for a reception center license.
(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a reception center licensee and staff of the reception center licensee shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a reception center licensee;
(ii) individual staff of a reception center licensee; or
(iii) both a reception center licensee and staff of the reception center licensee.
(2) In addition to complying with Section 32B-5-303, a reception center licensee shall store an alcoholic product in a storage area described in Subsection (14)(a).
(3)

(a) For the purpose described in Subsection (3)(b), a reception center licensee shall provide the following with advance notice of a scheduled event in accordance with rules made by the commission:
(i) the department; and
(ii) the local law enforcement agency responsible for the enforcement of this title in the jurisdiction where the reception center is located.
(b) Any of the following may conduct a random inspection of an event:
(i) an authorized representative of the commission or the department; or
(ii) a law enforcement officer.

(4)
(a) Except as otherwise provided in this title, a reception center licensee may sell, offer for sale, or furnish an alcoholic product at an event only for consumption at the reception center's licensed premises.
(b) A host of an event, a patron, or a person other than the reception center licensee or staff of the reception center licensee, may not remove an alcoholic product from the reception center's licensed premises.
(c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an alcoholic product into or onto, or remove an alcoholic product from, the reception center.

(5)
(a) A reception center licensee may not leave an unsold alcoholic product at an event following the conclusion of the event.
(b) At the conclusion of an event, a reception center licensee shall:
(i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and
(ii) return to the reception center licensee's approved locked storage area any:
(A) opened and unused alcoholic product that is saleable; and
(B) unopened container of an alcoholic product.
(c) Except as provided in Subsection (5)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at an event, a reception center licensee:
(i) shall store the alcoholic product in accordance with Subsection (2); and
(ii) may use the alcoholic product at more than one event.

(6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a minor in connection with an event at the reception center at which food is not made available.

(7) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a reception center licensee.

(8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at the licensed premises on any day during the period that:
(a) begins at 1 a.m.; and
(b) ends at 9:59 a.m.

(9) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at an event at which a minor is present unless the reception center licensee makes food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed during the event.

(10)
(a) Subject to the other provisions of this Subsection (10), a patron may not have more than two alcoholic products of any kind at a time before the patron.
(b) An individual portion of wine is considered to be one alcoholic product under Subsection (10)(a).

(11)
(a) A reception center licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.
(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.
(12) A staff person of a reception center licensee shall remain at an event at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the event.
(13) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure.
(14) Except as provided in Subsection (15), a reception center licensee may dispense an alcoholic product only if:
(a) the alcoholic product is dispensed from an area that is:
(i) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:
(A) not readily visible to a patron; and
(B) not accessible by a patron; and
(ii) apart from an area used:
(A) for staging; or
(B) as a lobby or waiting area;
(b) the reception center licensee uses an alcoholic product that is:
(i) stored in an area described in Subsection (14)(a); or
(ii) in an area not described in Subsection (14)(a) on the licensed premises and:
(A) immediately before the alcoholic product is dispensed it is in an unopened container;
(B) the unopened container is taken to an area described in Subsection (14)(a) before it is opened; and
(C) once opened, the container is stored in an area described in Subsection (14)(a); and
(c) any instrument or equipment used to dispense an alcoholic product is located in an area described in Subsection (14)(a).
(15) A reception center licensee may dispense an alcoholic product from a mobile serving area that:
(a) is moved only by staff of the reception center licensee;
(b) is capable of being moved by only one individual; and
(c) is no larger than 6 feet long and 30 inches wide.
(16)
(a) A reception center licensee may not have an event on the licensed premises unless the event:
(i) is pursuant to a contract between a third party host of the event and the reception center licensee under which the reception center licensee provides an alcoholic product sold, offered for sale, or furnished at an event; or
(ii) is a private event.
(b) At an event, a reception center licensee may furnish an alcoholic product:
(i) without charge to a patron, except that the third party host of the event shall pay for an alcoholic product furnished at the event; or
(ii) with a charge to a patron at the event.
(c) The commission may by rule define what constitutes a "third-party host" for purposes of this Subsection (16) so that a reception center licensee and the third-party host are not owned by

or operated by the same persons, except that the rule shall permit a reception center licensee to host an event for an immediate family member of the reception center licensee.

(17) A reception center licensee shall have culinary facilities that are:

(a) adequate to prepare a full meal; and

(b)

(i) located on the licensed premises; or

(ii) under the same control as the reception center licensee.

(18)

(a) Except as provided in Subsection (18)(b), a reception center licensee may not operate an event:

(i) that is open to the general public; and

(ii) at which an alcoholic product is sold or offered for sale.

(b) A reception center licensee may operate an event described in Subsection (18)(a) if the event is hosted:

(i) at the reception center no more frequently than once a calendar year; and

(ii) by a nonprofit organization that is organized and qualified under Section 501(c), Internal Revenue Code.

Amended by Chapter 219, 2020 General Session

Part 9
Beer-Only Restaurant License

32B-6-901 Title.

This part is known as "Beer-only Restaurant License."

Enacted by Chapter 334, 2011 General Session

32B-6-902 Definitions.

(1) As used in this part:

(a)

(i) "Dining area" means an area in the licensed premises of a beer-only restaurant licensee that is primarily used for the service and consumption of food by one or more patrons.

(ii) "Dining area" does not include a dispensing area.

(b)

(i) "Dispensing area" means an area in the licensed premises of a beer-only restaurant licensee where a dispensing structure is located and that:

(A) is physically separated from the dining area and any waiting area by a structure or other barrier that prevents a patron seated in the dining area or a waiting area from viewing the dispensing of beer;

(B) except as provided in Subsection (1)(b)(ii), measures at least 10 feet from the dining area and any waiting area to the nearest edge of the dispensing structure; or

(C) is physically separated from the dining area and any waiting area by a permanent physical structure that complies with the provisions of Title 15A, State Construction and Fire Codes Act, and, to the extent allowed under Title 15A, State Construction and Fire Codes Act,

measures at least 42 inches high, and at least 60 inches from the inside edge of the barrier to the nearest edge of the dispensing structure.

(ii) "Dispensing area" does not include any area described in Subsection (1)(b)(i)(B) that is less than 10 feet from an area where beer is dispensed, but from which a patron seated at a table or counter cannot view the dispensing of beer.

(c) "Small beer-only restaurant licensee" means a beer-only restaurant licensee whose dispensing area includes more than 45% of the available seating for patrons on the licensed premises, excluding outdoor seating:

(i) when measured in accordance with Subsection (1)(b)(i)(B); and

(ii) based on the licensee's floor plan on file with the department on July 1, 2017.

(d) "Waiting area" includes a lobby.

Amended by Chapter 94, 2024 General Session

32B-6-903 Commission's power to issue beer-only restaurant license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only restaurant license from the commission in accordance with this part.

(2)

(a) The commission may issue a beer-only restaurant license to establish beer-only restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a beer-only restaurant.

(b) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on the licensed premises of a beer-only restaurant licensee.

(3)

(a) Only one beer-only restaurant license is required for each building or resort facility owned or leased by the same person.

(b) A separate license is not required for each beer-only restaurant license dispensing location in the same building or on the same resort premises owned or operated by the same person.

(4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a beer-only restaurant license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).

(5) To be licensed as a beer-only restaurant, a person shall maintain at least 70% of the restaurant's gross revenues from the sale of food, which does not include a service charge.

Amended by Chapter 403, 2019 General Session

32B-6-904 Specific licensing requirements for beer-only restaurant license.

(1) To obtain a beer-only restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2)

(a) A beer-only restaurant license expires the last day of February of each year.

(b) To renew a person's beer-only restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.

(3)

(a) The nonrefundable application fee for a beer-only restaurant license is $330.

(b)

(i) The initial license fee for a beer-only restaurant license is $825.
(ii) The department shall prorate the $825 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the beer-only restaurant license expires.
(c) The renewal fee for a beer-only restaurant license is $605.
(4) The bond amount required for a beer-only restaurant license is the penal sum of $5,000.

Amended by Chapter 94, 2024 General Session

32B-6-905.1 Specific operational requirements for a beer-only restaurant license -- On and after July 1, 2018, or July 1, 2022.

(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee shall comply with this section.
(b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a beer-only restaurant licensee;
(ii) individual staff of a beer-only restaurant licensee; or
(iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
(2)
(a) A beer-only restaurant licensee on the licensed premises may not sell, offer for sale, furnish, or allow consumption of liquor.
(b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
(i) as a flavoring on a dessert; or
(ii) in the preparation of a flaming food dish, drink, or dessert.
(3)
(a) An individual who serves beer in a beer-only restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes beer on the premises.
(b) A beverage tab described in this Subsection (3) shall state the type and amount of each beer ordered or consumed.
(4) A beer-only restaurant licensee may not make an individual's willingness to serve beer a condition of employment as a server with a beer-only restaurant licensee.
(5) A beer-only restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
(a) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
(b) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
(6)
(a) A beer-only restaurant licensee may not furnish beer for on-premise consumption except after:
(i) the patron to whom the beer-only restaurant licensee furnishes the beer is seated at:
(A) a table that is located in a dining area or a dispensing area;
(B) a counter that is located in a dining area or a dispensing area; or
(C) a dispensing structure that is located in a dispensing area; and
(ii) the beer-only restaurant licensee confirms that the patron intends to:
(A) order food prepared, sold, and furnished at the licensed premises; and

(B) except as provided in Subsection (6)(b), consume the food at the same location where the patron is seated and furnished the beer.

(b)

(i) While a patron waits for a seat at a table or counter in the dining area of a beer-only restaurant licensee, the beer-only restaurant licensee may sell, offer for sale, or furnish to the patron one portion of beer as described in Section 32B-5-304 if:

(A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and

(B) the beer-only restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.

(ii)

(A) Subject to Subsection (6)(b)(ii)(B), if the patron does not finish the patron's beer before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's beer to the patron's seat in the dining area.

(B) An employee of the beer-only restaurant licensee shall escort a patron who transports an unfinished portion of the patron's beer to the patron's seat in the dining area.

(c) Notwithstanding Section 32B-5-307, a beer-only restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.

(d) A beer-only restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(7) A patron may consume a beer on the beer-only licensee's licensed premises only at:

(a) a table that is located in a dining area or a dispensing area;

(b) a counter that is located in a dining area or a dispensing area; or

(c) a dispensing structure located in a dispensing area.

(8) A patron may not have more than two beers at a time before the patron.

(9) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.

(10)

(a) Except as provided in Subsection (10)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.

(b)

(i) A minor may be in a dispensing area if the minor is:

(A) at least 16 years old and working as an employee of the beer-only restaurant licensee; or

(B) performing maintenance and cleaning services as an employee of the beer-only restaurant licensee when the beer-only restaurant licensee is not open for business.

(ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the beer-only restaurant licensee's premises in which the minor is permitted to be.

(11) A beer-only restaurant licensee may dispense a beer only if:

(a) the beer is dispensed from:

(i) a dispensing structure that is located in a dispensing area;

(ii) an area that is:

(A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and

(B) apart from an area used for dining, for staging, or as a waiting area; or

(iii) the premises of a bar licensee that is:
(A) owned by the same person or persons as the beer-only restaurant licensee; and
(B) located immediately adjacent to the premises of the beer-only restaurant licensee; and
(b) any instrument or equipment used to dispense the beer is located in an area described in Subsection (11)(a).
(12)
(a) A beer-only restaurant licensee may have more than one dispensing area in the licensed premises.
(b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-902(1)(b)(i)(A), (B), or (C), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
(13) A beer-only restaurant licensee may not transfer, dispense, or serve beer on or from a movable cart.
(14)
(a) In addition to the requirements described in Section 32B-5-302, a beer-only restaurant licensee shall maintain each of the following records for at least three years:
(i) a record required by Subsection 32B-5-302(1); and
(ii) a record that the commission requires a beer-only restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The department shall audit the records of a beer-only restaurant licensee at least once annually.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

32B-6-905.3 Small beer-only restaurant licensee -- Exemption.
(1) A minor may sit, remain, or consume food or beverages in the dispensing area of a small beer-only restaurant licensee if:
(a) seating in the dispensing area is the only seating available for patrons on the licensed premises;
(b) the minor is accompanied by an individual who is 21 years of age or older; and
(c) the small beer-only restaurant licensee applies for and obtains approval from the department to seat minors in the dispensing area in accordance with this section.
(2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
(3) The department shall:
(a) grant an approval described in Subsection (1)(c) if the small beer-only restaurant licensee demonstrates that the small beer-only restaurant licensee meets the requirements described in Subsection 32B-6-902(1)(c); and
(b) for each application described in Subsection (1)(c) that the department receives on or before May 8, 2018, act on the application on or before July 1, 2018.

Amended by Chapter 381, 2024 General Session

Part 10
Hospitality Amenity License

32B-6-1001 Hospitality Amenity License.

This part is known as "Hospitality Amenity License."

Enacted by Chapter 219, 2020 General Session

32B-6-1002 Definitions.

As used in this part:

(1) "Hospitality guest" means an individual:

(a)

(i) who is a resident of a resort;

(ii) for whom a resident of a resort provides lodging accommodations for compensation;

(iii) for whom a hotel provides lodging accommodations for compensation; or

(iv) for whom a resort provides lodging accommodations for compensation; and

(b) who is at least 21 years of age.

(2) "Boundary of a hotel" means the physical boundary of one or more contiguous parcels of real property owned or managed by the same person and on which a hotel is located.

(3) "Boundary of a resort building" means the same as that term is defined in Section 32B-8-102.

(4) "Hotel" means a commercial lodging establishment that offers at least 40 rooms as temporary sleeping accommodations for compensation.

Enacted by Chapter 219, 2020 General Session

32B-6-1003 Commission's power to issue hospitality amenity license.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a hospitality amenity licensee, the person shall first obtain a hospitality amenity license from the commission in accordance with this part.

(2)

(a) The commission may only issue a hospitality amenity license to a hotel or a resort.

(b) Beginning November 1, 2020, the commission may issue a hospitality amenity license to establish hospitality amenity licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of alcoholic products on premises operated as a hospitality amenity licensee.

(3) The commission may authorize the sale of an alcoholic product at as many as three hospitality amenity locations within the boundary of a hotel or the boundary of a resort building under one hospitality amenity license if:

(a) the hotel or resort has a minimum of 150 rooms for temporary sleeping accommodations; and

(b) the commission determines the location, design, and construction of the hotel or resort requires more than one hospitality amenity location within the hotel or resort to serve the public convenience.

(4) Except as otherwise provided in Section 32B-1-202, the commission may not issue a hospitality amenity license for premises that do not meet the proximity requirements of Subsection 32B-1-202(2).

Enacted by Chapter 219, 2020 General Session

32B-6-1004 Specific licensing requirements for a hospitality amenity license.

(1) To obtain a hospitality amenity license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.
(2)
(a) A hospitality amenity license expires on October 31 of each year.
(b) To renew a person's hospitality amenity license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(3)
(a) The nonrefundable application fee for a hospitality amenity license is $330.
(b)
(i) The initial license fee for a hospitality amenity license is $2,000.
(ii) The department shall prorate the $2,000 initial license fee for the period that begins the day on which the initial license fee is paid and ends the day on which the hospitality amenity license expires.
(c) The renewal fee for a hospitality amenity license is $1,000.
(4) The bond amount required for a hospitality amenity license is the penal sum of $10,000.
(5) Notwithstanding Subsection 32B-5-303(3), the commission may approve an additional location in or on the licensed premises of a hospitality amenity licensee from which the hospitality amenity licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in the person's original application only:
(a) upon proper application by a hospitality amenity licensee; and
(b) in accordance with guidelines the commission approves.

Amended by Chapter 94, 2024 General Session

32B-6-1005 Specific operational requirements for hospitality amenity license.
(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a hospitality amenity licensee and staff of the hospitality amenity licensee shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) the hospitality amenity licensee;
(ii) individual staff of the hospitality amenity licensee; or
(iii) both the hospitality amenity licensee and staff of the hospitality amenity licensee.
(2)
(a) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic product:
(i) to a hospitality guest; and
(ii) for consumption in or on the hospitality amenity licensee's licensed premises.
(b)
(i) A hospitality amenity licensee may sell, offer for sale, or furnish an alcoholic product that is not spirituous liquor in or on:
(A) licensed premises physically separated from an area to which a hospitality guest or the public has access by a permanent or temporary structure or barrier; or
(B) licensed premises described in Subsection (2)(b)(ii).
(ii) A hospitality amenity licensee may sell, offer for sale, or furnish spirituous liquor in or on licensed premises that:
(A) allows access only through the use of a key or code; and
(B) fills the entirety of a physically and permanently enclosed area within the hotel or resort.

(c) Spirituous liquor may not be in or on the licensed premises described in Subsection (2)(b)(i)(A) of a hospitality amenity licensee, except for use:
(i) as a flavoring on a dessert; and
(ii) in the preparation of a flaming food dish or dessert.
(d) A hospitality amenity licensee may not allow self-service of an alcoholic product in or on the hospitality amenity licensee's licensed premises.
(3)
(a) Subject to Subsections (3)(b) and (c), a hospitality guest may not have more than two alcoholic products of any kind at a time before the hospitality guest.
(b) A hospitality guest may not have more than one spirituous liquor drink at a time before the hospitality guest.
(c) An individual portion of wine is considered to be one alcoholic product under Subsection (3)(a).
(4) A hospitality amenity licensee shall make food available at all times that the licensee sells, offers for sale, furnishes, or allows the consumption of an alcoholic product on the licensed premises.
(5)
(a) A hospitality amenity licensee may not sell, offer for sale, or furnish an alcoholic product any day during a period that:
(i) begins at 1:00 a.m.; and
(ii) ends at 9:59 a.m.
(b) A hospitality amenity licensee shall remain open for one hour after the licensee ceases to sell and furnish an alcoholic product, during which time a hospitality guest in or on the hospitality amenity licensed premises may finish consuming:
(i) a single drink containing spirituous liquor;
(ii) except as provided in Subsection (5)(b)(iii), a single serving of wine not exceeding five ounces;
(iii) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;
(iv) a single serving of heavy beer;
(v) a single serving not exceeding 26 ounces of beer; or
(vi) a single serving of a flavored malt beverage.
(c) A hospitality amenity licensee is not required to remain open:
(i) after all individuals have vacated the licensee's licensed premises; or
(ii) during an emergency.
(6)
(a) Notwithstanding Section 32B-5-305, a hospitality amenity licensee may provide a hospitality guest up to two single servings of an alcoholic product free of charge or at a reduced rate, if:
(i) the alcoholic product is not a spirituous liquor; and
(ii) the hospitality amenity licensee offers the alcohol product:
(A) to all hospitality guests;
(B) during a specific time; and
(C) on the hospitality amenity licensee's licensed premises.
(b) Before a hospitality amenity licensee provides an alcoholic product free of charge or at a reduced rate as described in Subsection (6)(a), the licensee shall provide the department with advance notice of the event, in accordance with commission rules that permit a licensee to provide a single notice for a reoccurring event or multiple events.

(7) A hospitality amenity licensee may permit a hospitality guest to purchase an alcoholic product through a charge to the hospitality guest's lodging accommodations.
(8)
(a) Notwithstanding Section 32B-5-307, a hospitality guest, or a person other than the hospitality amenity licensee or staff of the hospitality amenity licensee, may not remove an alcoholic product from the hospitality amenity licensee's licensed premises.
(b) Notwithstanding Subsection 32B-5-307(3), a hospitality guest may not bring an alcoholic product within the hospitality amenity licensee's licensed premises.
(9) A hospitality amenity licensee shall display at each entrance to the licensee's licensed premises a conspicuous sign that:
(a) measures at least 8-1/2 inches long and 11 inches wide; and
(b) clearly states that entry is limited to individuals who are hospitality guests, as defined in this title.
(10) A hospitality amenity licensee may not permit a minor to enter the licensee's licensed premises at any time during which an alcoholic product is sold, offered for sale, furnished, or consumed, unless the minor is accompanied at all times on the licensed premises by a hospitality guest.
(11) A staff person of a hospitality amenity licensee shall remain on the licensed premises at all times when an alcoholic product is sold, offered for sale, furnished, or consumed in or on the licensed premises.
(12) A hospitality amenity licensee may transfer an alcoholic product to or from another licensee within the boundary of the hotel or within the boundary of the resort building, if:
(a) the hospitality amenity licensee and each licensee involved in the transfer tracks the transfer of the alcoholic product; and
(b) the alcoholic product is in a sealed, unopened container.
(13)
(a) In addition to the requirements described in Section 32B-5-302, a hospitality amenity licensee shall maintain each of the following records for at least three years:
(i) a record required under Subsection 32B-5-302(1); and
(ii) a record that the commission requires a hospitality amenity licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The department shall audit the records of a hospitality amenity licensee at least once annually.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

Chapter 7
Off-Premise Beer Retailer Act

Part 1
General Provisions

32B-7-101 Title.

This chapter is known as the "Off-premise Beer Retailer Act."

Enacted by Chapter 276, 2010 General Session

32B-7-102 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

Part 2
Off-Premise Beer Retailer Local Authority

32B-7-201 State and local licensing -- Limitations.

(1) Subject to the other provisions of this title, a local authority may:
  (a) tax or prohibit the retail sale of beer;
  (b) subject to this part, issue, suspend, and revoke a local license to sell beer at retail for off-premise consumption;
  (c) establish proximity requirements for establishing premises where beer is sold at retail for off-premise consumption in relation to any community location; and
  (d) otherwise regulate the retail sale of beer for off-premise consumption subject to the requirements of Section 32B-7-202 and Part 3, Off-Premise Beer Retailer Enforcement Act.
(2) A local authority may not issue to a minor a local license to sell beer at retail for off-premise consumption.

Enacted by Chapter 276, 2010 General Session

32B-7-202 General operational requirements for off-premise beer retailer.

(1) An off-premise beer retailer or staff of the off-premise beer retailer shall comply with the provisions of this title and any applicable rules made by the commission.
(2) Failure to comply with this section may result in a suspension or revocation of a local license and, on or after July 1, 2018, disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act.
(3)
  (a)
    (i) An off-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from:
      (A) a beer wholesaler licensee; or
      (B) a small brewer that manufactures the beer.
    (ii) A violation of Subsection (2)(a) is a class A misdemeanor.
  (b)
    (i) If an off-premise beer retailer purchases beer under this Subsection (2) from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

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

(4) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters.

(5)

(a) Staff of an off-premise beer retailer, while on duty, may not:

(i) consume an alcoholic product; or

(ii) be intoxicated.

(b) A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:

(i) the sale is done under the supervision of a person 21 years old or older who is on the licensed premises; and

(ii) the minor is at least 16 years old.

(6) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product to:

(a) a minor;

(b) a person actually, apparently, or obviously intoxicated;

(c) a known interdicted person; or

(d) a known habitual drunkard.

(7)

(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer shall:

(i) display all beer accessible by and visible to a patron in no more than two locations on the retail sales floor, each of which is:

(A) a display cabinet, cooler, aisle, floor display, or room where beer is the only beverage displayed; and

(B) not adjacent to a display of nonalcoholic beverages, unless the location is a cooler with a door from which the nonalcoholic beverages are not accessible, or the beer is separated from the display of nonalcoholic beverages by a display of one or more nonbeverage products or another physical divider; and

(ii) display a sign in the area described in Subsection (6)(a)(i) that:

(A) is prominent;

(B) is easily readable by a consumer;

(C) meets the requirements for format established by the commission by rule; and

(D) reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully."

(b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.

(c) The requirements of this Subsection (6) apply to beer notwithstanding that it is labeled, packaged, or advertised as:

(i) a malt cooler; or

(ii) a beverage that may provide energy.

(d) A violation of this Subsection (6) is an infraction.

(e)

(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection (6)(a)(i) apply on and after May 9, 2017.

(ii) For a beer retailer that operates two or more off-premise beer retailers, the provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.

(8)

(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or who sells beer to a patron for consumption off the premises of the off-premise beer retailer shall wear a unique identification badge:

(i) on the front of the staff's clothing;
(ii) visible above the waist;
(iii) bearing the staff's:
(A) first or last name;
(B) initials; or
(C) unique identification in letters or numbers; and
(iv) with the number or letters on the unique identification badge being sufficiently large to be clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
(b) An off-premise beer retailer shall make and maintain a record of each current staff's unique identification badge assigned by the off-premise beer retailer that includes the staff's:
(i) full name;
(ii) address; and
(iii)
(A) driver license number; or
(B) similar identification number.
(c) An off-premise beer retailer shall make available a record required to be made or maintained under this Subsection (7) for immediate inspection by:
(i) a peace officer;
(ii) a representative of the local authority that issues the off-premise beer retailer license; or
(iii) for an off-premise beer retailer state license, a representative of the commission or department.
(d) A local authority may impose a fine of up to $250 against an off-premise beer retailer that does not comply or require its staff to comply with this Subsection (7).
(9)
(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
(i) at a drive-through window;
(ii) at a drive-up loading area, if the drive-up loading area is contiguous to the off-premise beer retailer's licensed premises; or
(iii) subject to Subsection (8)(b), at a designated parking stall.
(b)
(i) An off-premise beer retailer shall ensure that a parking stall described in Subsection (8)(a)(iii) is:
(A) located on property that the off-premise beer retailer owns or has a legal right to occupy;
(B) designated for picking up pre-ordered items from the off-premise beer retailer; and
(C) labeled in a conspicuous manner that communicates the purpose described in Subsection (8)(b)(ii).
(ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a designated parking stall described in Subsection (8)(a)(iii) unless:
(A) the off-premise beer retailer ensures that the individual purchasing the beer purchases the beer before parking in the designated parking stall;
(B) the off-premise beer retailer delivers the beer directly from the off-premise beer retailer's licensed premises to the designated parking stall;
(C) at the designated parking stall, staff of the off-premise beer retailer verifies the purchaser's age in accordance with Section 32B-1-407; and
(D) the off-premise beer retailer maintains video surveillance of the designated parking stall.
(c) Nothing in this Subsection (8) modifies the other requirements of this section.

(d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in accordance with this Subsection (8) shall comply with the training requirements described in Section 32B-1-703.

(10) An off-premise beer retailer may not on the licensed premises:

(a) engage in or permit any form of:

(i) gambling, as defined in Section 76-9-1401; or

(ii) fringe gambling, as defined in Section 76-9-1401;

(b) have any fringe gaming device, video gaming device, or gambling device or record as defined in Section 76-9-1401; or

(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(11) An off-premise beer retailer may not knowingly allow a person on the licensed premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or

(b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in Section 58-37a-3.

(12) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is intended to be frozen and consumed in a manner other than as a beverage, including beer in the form of a freeze pop, popsicle, ice cream, or sorbet.

Amended by Chapter 162, 2025 General Session
Amended by Chapter 173, 2025 General Session

Part 3
Off-Premise Beer Retailer Enforcement Act

32B-7-301 Title.

This part is known as the "Off-premise Beer Retailer Enforcement Act."

Enacted by Chapter 276, 2010 General Session

32B-7-302 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-7-305 Tracking of enforcement actions -- Costs of enforcement actions.

(1) The Department of Public Safety shall administer a program to reimburse a municipal or county law enforcement agency:

(a) for the actual costs of an alcohol-related compliance check investigation conducted pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;

(b) for administrative costs associated with reporting the compliance check investigation described in Subsection (1)(a);

(c) if the municipal or county law enforcement agency completes and submits to the Department of Public Safety a report within 90 days after the day on which the compliance check investigation described in Subsection (1)(a) occurs in a format required by the Department of Public Safety; and
(d) in the order that the municipal or county law enforcement agency submits the report required by Subsection (1)(c) until the amount allocated by the Department of Public Safety to reimburse a municipal or county law enforcement agency is spent.
(2) By no later than October 1 of each year, the Department of Public Safety shall report to the Utah Substance Use and Mental Health Advisory Committee on the compliance check investigations:
(a) funded during the previous fiscal year; and
(b) reimbursed under Subsection (1).

Amended by Chapter 245, 2024 General Session

Part 4
Off-premise Beer Retailer State License

32B-7-401 Commission's power to issue off-premise beer retailer state license.
(1) Beginning on July 1, 2018, and except as provided in Subsection (3), before a person may purchase, store, sell, or offer for sale beer for consumption off the person's premises, the person shall obtain an off-premise beer retailer state license in accordance with this part.
(2) The commission may issue an off-premise beer retailer state license for the retail sale of beer for consumption off the beer retailer's premises.
(3)
(a) Subject to Subsection (3)(b), a person who operates as an off-premise beer retailer on July 1, 2018, shall submit an application for an off-premise beer retailer state license on or before May 31, 2019.
(b) In addition to the fees described in Section 32B-7-402, a person described in Subsection (3)(a) who submits an application for an off-premise beer retailer state license after March 1, 2019, shall submit with the person's application a fee in the following amount:
(i) $150, if the person submits the application after March 1, 2019, and on or before April 15, 2019; or
(ii) $300, if the person submits the application after April 15, 2019, and on or before May 31, 2019.

Amended by Chapter 12, 2019 General Session

32B-7-402 Application for off-premise beer retailer state license -- Qualifications.
To obtain an off-premise beer retailer state license, a person shall submit to the department:
(1) a written application in a form prescribed by the department;
(2) a nonrefundable application fee of $75;
(3) an initial license fee of $250 that is refundable if the commission does not issue the off-premise beer retailer state license;
(4) written consent of the local authority;
(5) a copy of the person's current business license;

(6) a floor plan of the premises that outlines the location of each beer display;
(7) a signed consent form stating the person will permit any authorized representative of the commission or the department or any law enforcement officer to have unrestricted right to enter the licensed premises;
(8) if the person is an entity, proper verification evidencing that the individual who signs the application is authorized to sign on behalf of the entity; and
(9) any other information that the commission or department requires.

Enacted by Chapter 455, 2017 General Session

32B-7-403 Renewal of off-premise beer retailer state license.
(1) An off-premise beer retailer state license expires on the last day of February each year.
(2) To renew an off-premise beer retailer state license, an off-premise beer retailer state licensee shall, no later than January 31, submit:
  (a) a completed renewal application to the department in a form prescribed by the department; and
  (b) a renewal fee of $175.
(3) An off-premise beer retailer state licensee automatically forfeits the off-premise beer retailer state license if the off-premise beer retailer state licensee fails to satisfy the renewal requirements described in this section.

Enacted by Chapter 455, 2017 General Session

32B-7-404 Duties of commission and department before issuing off-premise beer retailer state license.
(1)
  (a) Before the commission issues an off-premise beer retailer state license, the department shall conduct an investigation and may hold one or more public hearings to gather information and make recommendations to the commission regarding whether the commission should issue an off-premise beer retailer state license.
  (b) The department shall forward the information the department gathers and the department's recommendations to the commission.
(2) Before the commission issues an off-premise beer retailer state license, the commission shall:
  (a) determine that the person filed a complete application and is in compliance with the provisions of this chapter;
  (b) determine that the person is not disqualified under Section 32B-1-304;
  (c) consider the physical characteristics of the premises where the beer is displayed; and
  (d) consider any other factor that the commission considers necessary.

Enacted by Chapter 455, 2017 General Session

32B-7-405 Notifying department of change of ownership.
The commission may suspend or revoke an off-premise beer retailer state license if an off-premise beer retailer state licensee does not immediately notify the department of a change in:
(1) ownership of the licensee's business;
(2) for a corporate owner, a shareholder holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company, a member owning at least 20% of the limited liability company.

Enacted by Chapter 455, 2017 General Session

32B-7-406 Conditional off-premise beer retailer state license.

(1) As used in this section, "conditional off-premise beer retailer state license" means an off-premise beer retailer state license that conditions the holder's ability to purchase, store, sell, or offer for sale beer for consumption off the holder's licensed premises on the holder submitting to the department a copy of the holder's current business license.

(2) In accordance with the provisions of this section, the commission may issue a conditional off-premise beer retailer state license to a person if the person:

(a) meets the requirements to obtain an off-premise beer retailer state license, except the requirement to submit a copy of the person's current business license; and

(b) agrees not to purchase, store, sell, or offer for sale beer for consumption off the person's licensed premises before obtaining an off-premise beer retailer state license.

(3)

(a) For a conditional off-premise beer retailer state license to become an off-premise beer retailer state license, a person who holds the conditional off-premise beer retailer state license shall:

(i) submit to the department a copy of the person's current business license; and

(ii) provide to the department evidence satisfactory to the department that:

(A) there has been no change in the information submitted to the commission as part of the person's application for an off-premise beer retailer state license; and

(B) the person continues to qualify for an off-premise beer retailer state license.

(b) A conditional off-premise beer retailer state license becomes an off-premise beer retailer state license on the day on which the department notifies the person who holds the conditional off-premise beer retailer state license that the department finds that the person has complied with Subsection (3)(a).

(4)

(a) A conditional off-premise beer retailer state license expires nine months after the day on which the commission issues the conditional off-premise beer retailer state license, unless the conditional off-premise beer retailer state license becomes an off-premise beer retailer state license before that day.

(b) Notwithstanding Subsection (4)(a), the commission may extend the expiration date of a conditional off-premise beer retailer state license by three months if the holder demonstrates to the satisfaction of the commission that the holder:

(i) has an active building permit related to the licensed premises; and

(ii) is engaged in a good faith effort to pursue completion within the three-month period.

Enacted by Chapter 7, 2018 Special Session 2

32B-7-407 Licensing at certain package agencies.

(1) Subject to Subsection (2), the commission may issue an off-premise beer retailer state license for a premises that is a package agency located at a brewery manufacturing facility.

(2) An off-premise beer retailer state licensee described in Subsection (1) may not sell beer:

(a) other than beer that is the product of the brewery manufacturing licensee that holds the package agency located on the premises; or

(b) at a time other than a time a package agency may sell liquor under Subsection 32B-2-605(13).

Enacted by Chapter 403, 2019 General Session

32B-7-408 Master off-premise beer retailer state license.

(1)
(a) The commission may issue a master off-premise beer retailer state license that authorizes a person to store, sell, or offer for sale beer for consumption off the person's premises at multiple locations as off-premise beer retailers if the person applying for the master off-premise beer retailer state license:
(i) owns each of the off-premise beer retailers;
(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of an off-premise beer retailer under the master off-premise beer retailer state license separately meets the requirements of this part; and
(iii) the master off-premise beer retailer state license includes at least five off-premise beer retailer locations.
(b) The person seeking a master off-premise beer retailer state license shall designate which off-premise beer retailer locations the person seeks to have under the master off-premise beer retailer state license.
(c) An off-premise beer retailer location under a master off-premise beer retailer state license is considered separately licensed for purposes of this title.

(2)
(a) A master off-premise beer retailer state license expires on the last day of February each year.
(b) To renew a person's master off-premise beer retailer state license, a person shall comply with the renewal requirements of Section 32B-7-403 by no later than January 31 of the year in which the off-premise beer retailer state license expires.

(3)
(a) The nonrefundable application fee for a master off-premise beer retailer state license is $75.
(b) The initial license fee for a master off-premise beer retailer state license is:
(i) $1,100 plus a separate initial license fee for each newly licensed off-premise beer retailer state license under the master off-premise beer retailer state license determined in accordance with Subsection 32B-7-402(3); and
(ii) refundable if the commission does not issue the master off-premise beer retailer state license.
(c) The renewal fee for a master off-premise beer retailer state license is $300 plus a separate renewal fee for each off-premise beer retailer state license under the master off-premise beer retailer state license determined in accordance with Subsection 32B-7-403(2)(b).

(4) A new location may be added to a master off-premise beer retailer state license after the master off-premise beer retailer state license is issued if, including payment of the initial license fee, the location separately meets the requirements of this part.

(5)
(a) A master off-premise beer retailer state licensee shall notify the department of a change in the persons managing a location covered by a master off-premise beer retailer state license:
(i) immediately, if the management personnel is not management personnel at a location covered by the master off-premise beer retailer state license at the time of the change; or
(ii) within 30 days of the change, if the off-premise beer retailer state licensee is transferring management personnel from one location to another location covered by the master off-premise beer retailer state license.
(b) A location covered by a master off-premise beer retailer state license shall keep its own records on its premises so that the department may audit the records.

(c) A master off-premise beer retailer state licensee may not transfer beer between different locations covered by the master off-premise beer retailer state license.

(6)

(a) If there is a violation of this title at a location covered by a master off-premise beer retailer state license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) the single location under the master off-premise beer retailer state license;

(ii) individual staff of the location under the master off-premise beer retailer state license; or

(iii) a combination of persons or locations described in Subsections (6)(a)(i) and (ii).

(b) In addition to disciplinary action under Subsection (6)(a), disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a master off-premise beer retailer state licensee or individual staff of the master off-premise beer retailer state licensee if during a period beginning on March 1 and ending the last day of February:

(i) at least 25% of the locations covered by the master off-premise beer retailer state license have been found by the commission to have committed a serious or grave violation of this title, as defined by rule made by the commission; or

(ii) at least 50% of the locations covered by the master off-premise beer retailer state license have been found by the commission to have violated this title.

(7) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master off-premise beer retailer state license under this section.

Amended by Chapter 354, 2020 General Session

32B-7-409 Multiple licenses on same premises.

(1) Except as provided in Subsection (2), the commission may not issue and one or more licensees may not hold an off-premise beer retailer state license for the same licensed premises or adjacent licensed premises as a retail licensee, unless the licensed premises:

(a) are separated by a permanent, opaque, floor-to-ceiling wall;

(b) each have a separate entrance to the licensed premises; and

(c) each have separate restroom facilities on the licensed premises.

(2)

(a) The commission may issue and an off-premise beer retailer state licensee may hold more than one type of license for the same licensed premises or adjacent licensed premises, if:

(i) a manufacturing licensee is located on or adjacent to the licensed premises; and

(ii) a package agency is located on or adjacent to the licensed premises.

(b) Notwithstanding Subsection (1), the commission may issue an off-premise beer retailer state license to a hotel or resort.

Amended by Chapter 371, 2023 General Session

Chapter 8
Resort License Act

Part 1

General Provisions

32B-8-101 Title.

This chapter is known as the "Resort License Act."

Enacted by Chapter 276, 2010 General Session

32B-8-102 Definitions.

As used in this chapter:

(1) "Boundary of a resort building" means the physical boundary of the real property reasonably related to a resort building and any structure or improvement to that land as determined by the commission.

(2) "Designated conveyance area" means a route within a hotel or resort:

(a) that connects one or more of the following:

(i) the premises of a bar establishment sublicensee;

(ii) the premises of a hospitality amenity sublicensee;

(iii) the premises of an on-premise banquet sublicensee; or

(iv) a guest's room; and

(b) that does not begin, end, or pass through a pool area or other recreation area, a designated business center, or a sublicensed premises not described in Subsection (2)(a).

(3) "Dwelling" means a portion of a resort building:

(a) owned by one or more individuals;

(b) that is used or designated for use as a residence by one or more persons; and

(c) that may be rented, loaned, leased, or hired out for a period of no longer than 30 consecutive days by a person who uses it for a residence.

(4) "Engaged in the management of the resort" may be defined by the commission by rule.

(5) "Resident" means an individual who:

(a) owns a dwelling located within a resort building; or

(b) rents lodging accommodations for 30 consecutive days or less from:

(i) an owner of a dwelling described in Subsection (5)(a); or

(ii) the resort licensee.

(6) "Resort" means a location:

(a) on which is located one resort building; and

(b) that is affiliated with a ski area that physically touches the boundary of the resort building.

(7) "Resort building" means a building:

(a) that is primarily operated to provide dwellings or lodging accommodations;

(b) that has at least 150 units that consist of a dwelling or lodging accommodations;

(c) that consists of at least 400,000 square feet:

(i) including only the building itself; and

(ii) not including areas such as above ground surface parking; and

(d) of which at least 50% of the units described in Subsection (7)(b) consist of dwellings owned by a person other than the resort licensee.

Amended by Chapter 94, 2024 General Session

Part 2

Resort Licensing Process

32B-8-201 Commission's power to issue a resort license.

(1) Before a person as a resort under a single license may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicense premises, the person shall first obtain a resort license from the commission in accordance with this part.

(2)

(a) The commission may issue to a person a resort license to allow the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort designated in the resort license if the person operates at least four sublicenses under the resort license.

(b) A resort license shall:

(i) consist of:

(A) a general resort license; and

(B) four or more sublicenses; and

(ii) designate the boundary of the resort building, each sublicense, and each designated conveyance area.

(c) This chapter does not prohibit an alcoholic product in or on the boundary of the resort building to the extent otherwise permitted by this title.

(3) The commission may not issue a total number of resort licenses that at any time totals more than eight.

Amended by Chapter 94, 2024 General Session

32B-8-202 Specific licensing requirements for resort license.

(1) To obtain a resort license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the person's written application:

(a) evidence:

(i) of proximity of the resort building to any community location;

(ii) that each proposed sublicensed premises is entirely within the boundaries of the resort building; and

(iii) that the building designated in the application as the resort building qualifies as a resort building;

(b) a description and boundary map of the resort building;

(c) a description, floor plan, and boundary map of each proposed designated conveyance area; and

(d) a signed consent form stating that the resort licensee will permit any authorized representative of the commission or department, or any law enforcement officer, to have an unrestricted right to enter any proposed designated conveyance area.

(2)

(a) A resort license expires on October 31 of each year.

(b) To renew a person's resort license, the person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3)

(a) The nonrefundable application fee for a resort license is $300.

(b) The initial license fee for a resort license is calculated as follows:

(i) if four sublicenses are being applied for under the resort license, $10,000; or

(ii) if more than four sublicenses are being applied for under the resort license, the sum of:
(A) $10,000; and
(B) $2,000 for each sublicense in excess of four sublicenses for which the person is applying.
(c) The renewal fee for a resort license is $1,000 for each sublicense under the resort license.
(4)
(a) The bond amount required for a resort license is the penal sum of $25,000, covering each sublicense and each designated conveyance area under the resort license.
(b) A resort licensee is not required to have a separate bond for each sublicenseor each designated conveyance area.
(5) The commission may not issue a resort license for a resort building that does not meet the proximity requirements of Section 32B-1-202.
(6) In accordance with Subsection 32B-8d-103(4), a resort licensee may request to add a sublicense after the commission issues the resort licensee's resort license.
(7)
(a) A resort licensee may request to add a designated conveyance area after the commission issues the resort licensee's resort license.
(b) If a resort licensee seeks to add a designated conveyance area under Subsection (7)(a), the resort licensee shall submit to the department:
(i) the information and evidence described in Subsections (1)(a)(iii), (1)(c), and (1)(d); and
(ii) if the resort licensee is an entity, proper verification evidencing that the person who signs the submission is authorized to sign on behalf of the entity.

Amended by Chapter 94, 2024 General Session

Part 4
Operational Requirements

32B-8-401 Specific operational requirements for resort license.

(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a resort licensee, staff of the resort licensee, and a sublicensee or a person otherwise operating under a sublicense shall comply with this section.
(b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) the resort licensee;
(ii) individual staff of the resort licensee;
(iii) a sublicensee or person otherwise operating under a sublicense of the resort licensee;
(iv) individual staff of a sublicensee or person otherwise operating under a sublicense of the resort licensee; or
(v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
(2)
(a) A resort licensee may not sell, offer for sale, or furnish an alcoholic product except:
(i) on sublicensed premises;
(ii) pursuant to a permit issued under this title;

(iii) under a package agency agreement with the department, subject to Chapter 2, Part 6, Package Agency; or
(iv) through room service.
(b) A resort licensee who sells, offers for sale, or furnishes an alcoholic product as provided in Subsection (2)(a), shall sell, offer for sale, or furnish the alcoholic product:
(i) if on a sublicense premises, in accordance with the operational requirements described in Section 32B-8d-104;
(ii) if under a permit issued under this title, in accordance with the operational requirements under the provisions applicable to the permit;
(iii) if as a package agency, in accordance with the contract with the department and Chapter 2, Part 6, Package Agency; and
(iv) if through room service, in accordance with Subsection (6).
(3) A resort licensee shall operate in a manner so that at least 70% of the annual aggregate of the gross receipts related to the sale of food or beverages for the resort license and each of the resort licensee's sublicenses is from the sale of food, not including:
(a) mix for an alcoholic product; and
(b) a charge in connection with the service of an alcoholic product.
(4)
(a) A resort licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license.
(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product under a resort license shall complete the alcohol training and education seminar.
(5) A resort licensee shall:
(a) in accordance with commission rule, establish and maintain signage that clearly identifies each designated conveyance area and conspicuously states that a patron may not take an alcoholic beverage beyond the designated conveyance area except as otherwise provided in this chapter;
(b) ensure that an alcoholic beverage is not left unattended in a designated conveyance area; and
(c) ensure that each patron complies with the requirements of Subsection 32B-8d-104(5)(b)(ii).
(6)
(a) Staff of the resort licensee shall provide room service of an alcoholic product to a lodging accommodation of a resort licensee in person only to an adult occupant in the lodging accommodation.
(b) An alcoholic product may not be left outside a lodging accommodation for retrieval by an occupant.

Amended by Chapter 94, 2024 General Session

Part 5
Enforcement

32B-8-501 Enforcement of qualifications for resort license or sublicense.
(1) The commission or department may not take an action described in Subsection (2) with regard to a resort license unless the person who is found not to meet the qualifications of Subsection 32B-1-304(1) is one of the following who is engaged in the management of the resort:

(a) a partner;
(b) a managing agent;
(c) a manager;
(d) an officer;
(e) a director;
(f) a stockholder who holds at least 20% of the total issued and outstanding stock of the corporation;
(g) a member who owns at least 20% of the limited liability company; or
(h) a person employed to act in a supervisory or managerial capacity for the resort licensee.

(2) Subsection (1) applies to:
(a) the commission immediately suspending or revoking a resort license, if after the day on which the resort license is issued, a person described in Subsection 32B-1-304(7)(a)(i):
(i) is found to have been convicted of an offense described in Subsection 32B-1-304(1)(a) before the commission issues the resort license; or
(ii) on or after the day on which the commission issues the resort license:
(A) is convicted of an offense described in Subsection 32B-1-304(1)(a)(i) or (ii); or
(B)
(I) is convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
(II) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A);
(b) the director taking an emergency action by immediately suspending the operation of a resort license in accordance with Title 63G, Chapter 4, Administrative Procedures Act, for the period during which the criminal matter is being adjudicated if a person described in Subsection 32B-1-304(7)(a):
(i) is arrested on a charge for an offense described in Subsection 32B-1-304(1)(a)(i) or (ii); or
(ii)
(A) is arrested on a charge for the offense of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
(B) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is arrested on a charge described in Subsection (2)(b)(ii)(A); and
(c) the commission suspending or revoking a resort license because a person to whom the commission issues a resort license under this chapter no longer possesses the qualifications required by this title for obtaining the resort license.

(3) This section does not prevent the commission from suspending or revoking a sublicense that is part of a resort license if a person employed to act in a supervisory or managerial capacity for a sublicense no longer meets the qualification requirements in the provisions applicable to the sublicense.

Amended by Chapter 291, 2021 General Session

32B-8-502 Enforcement of operational requirements for resort license or sublicense.

(1)
(a) Except as provided in Subsection (2), failure by a person described in Subsection (1)(b) to comply with this chapter or Chapter 8d, Sublicense Act, may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a resort licensee;
(ii) individual staff of a resort licensee;
(iii) a sublicense or person otherwise operating under a sublicense;
(iv) individual staff of a sublicense or person otherwise operating under a sublicense; or
(v) any combination of the persons listed in Subsections (1)(a)(i) through (iv).
(b) This Subsection (1) applies to:
(i) a resort licensee;
(ii) a sublicense or person operating under a sublicense of a resort license; or
(iii) staff of a resort licensee or sublicensee or other person operating under a sublicense of a resort license.
(2)
(a) Notwithstanding the other provisions of this title, if the failure to comply with this chapter described in Subsection (1) relates to a sale, offer for sale, or furnishing of an alcoholic product on sublicensed premises, a resort licensee or an individual member of the resort licensee's management personnel is subject to a sanction described in Subsection (1), only if the commission finds that:
(i) during the three years before the day on which the commission makes the finding, there are three or more disciplinary proceedings against any sublicensee or person operating under a sublicense of the resort licensee for failure to comply with an operational requirement applicable to the sublicense; and
(ii) the resort licensee has not taken reasonable steps to prevent persons operating under a sublicense of the resort licensee from failing to comply with operational requirements applicable to the sublicense.
(b) This Subsection (2) applies if the three or more disciplinary proceedings described in Subsection (2)(a) are against:
(i) the same person operating under a sublicense of the resort licensee; or
(ii) two or more different persons operating under a sublicense of the resort licensee.

Amended by Chapter 219, 2020 General Session

Chapter 8b
Hotel License Act

Part 1
General Provisions

32B-8b-101 Title.

This chapter is known as the "Hotel License Act."

Enacted by Chapter 80, 2016 General Session

32B-8b-102 Definitions.

As used in this chapter:
(1) "Boundary of a hotel" means the physical boundary of one or more contiguous parcels of real property owned or managed by the same person and on which a hotel is located.

(2) "Designated conveyance area" means a route within a hotel or resort:
(a) that connects one or more of the following:
(i) the premises of a bar establishment sublicensee;
(ii) the premises of a hospitality amenity sublicensee;
(iii) the premises of an on-premise banquet sublicensee; or
(iv) a guest's room; and
(b) does not begin, end, or pass through a pool area or other recreation area, a designated business center, or a sublicensed premises not described in Subsection (2)(a).
(3) "Hotel" means one or more buildings that:
(a) comprise a hotel, as defined by the commission;
(b) are owned or managed by the same person or by a person who has a majority interest in or can direct or exercise control over the management or policy of the person who owns or manages any other building under the hotel license within the boundary of the hotel;
(c) primarily operate to provide lodging accommodations;
(d) have on-premise banquet space and provide on-premise banquet service within the boundary of the hotel meeting the requirements of this title;
(e) have a restaurant or bar establishment within the boundary of the hotel meeting the requirements of this title; and
(f) have at least 40 rooms as temporary sleeping accommodations for compensation.

Amended by Chapter 94, 2024 General Session

Part 2
Hotel Licensing Process

32B-8b-201 Commission's power to issue a hotel license.
(1) Before a person as a hotel under a single license may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicense premises, the person shall first obtain a hotel license from the commission in accordance with this part.
(2)
(a) The commission may issue to a person a hotel license to allow the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product in connection with a hotel designated in the hotel license if the person operates at least three sublicenses under the hotel license:
(i) one of which is an on-premise banquet license; and
(ii) one of which is:
(A) a full-service restaurant sublicense;
(B) a limited-service restaurant sublicense;
(C) a beer-only restaurant sublicense; or
(D) a bar establishment sublicense.
(b) A hotel license shall:
(i) consist of:
(A) a general hotel license; and
(B) three or more sublicenses meeting the requirements of Subsection (2)(a); and
(ii) designate the boundary of the hotel, sublicenses, and each designated conveyance area.

(c) This chapter does not prohibit an alcoholic product on the boundary of the hotel to the extent otherwise permitted by this title.

(3) The commission may not issue a total number of hotel licenses that at any time totals more than 80.

Amended by Chapter 94, 2024 General Session

32B-8b-202 Specific licensing requirements for hotel license.

(1) To obtain a hotel license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the person's written application:

(a) evidence:

(i) of proximity of each building under the hotel license to any community location;

(ii) that each proposed sublicensed premises is entirely within the boundary of the hotel; and

(iii) that each building designated in the application as a building under the hotel license qualifies to be under the hotel license;

(b) a description and boundary map of the hotel;

(c) a description, floor plan, and boundary map of each proposed designated conveyance area; and

(d) a signed consent form stating that the hotel licensee will permit any authorized representative of the commission or department, or any law enforcement officer, to have an unrestricted right to enter any proposed designated conveyance area.

(2)

(a) A hotel license expires on October 31 of each year.

(b) To renew a person's hotel license, the person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3)

(a) The nonrefundable application fee for a hotel license is $500.

(b) The initial license fee for a hotel license is calculated as follows:

(i) if three sublicenses are being applied for under the hotel license, $5,000; or

(ii) if more than three sublicenses are being applied for under the hotel license, the sum of:

(A) $5,000; and

(B) $2,000 for each sublicense in excess of three sublicenses for which the person is applying.

(c) The renewal fee for a hotel license is $1,000 for each sublicense under the hotel license.

(4)

(a) The bond amount required for a hotel license is the penal sum of $10,000, covering each sublicense and each designated conveyance area under the hotel license.

(b) A hotel licensee is not required to have a separate bond for each sublicense or each designated conveyance area.

(5) The commission may not issue a hotel license that includes a building under the hotel license that does not meet the proximity requirements of Section 32B-1-202.

(6) In accordance with Subsection 32B-8d-103(4), a hotel licensee may request to add a sublicense after the commission issues the hotel licensee's hotel license.

(7)

(a) A hotel licensee may request to add a designated conveyance area after the commission issues the hotel licensee's hotel license.

(b) If a hotel licensee seeks to add a designated conveyance area under Subsection (7)(a), the hotel licensee shall submit to the department:

(i) the information and evidence described in Subsections (1)(a)(iii), (1)(c), and (1)(d); and
(ii) if the hotel licensee is an entity, proper verification evidencing that the person who signs the submission is authorized to sign on behalf of the entity.

Amended by Chapter 94, 2024 General Session

Part 3
Operational Requirements

32B-8b-301 Specific operational requirements for hotel license.

(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a hotel licensee, staff of the hotel licensee, and a sublicensee or person otherwise operating under a sublicense shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) the hotel licensee;
(ii) individual staff of the hotel licensee;
(iii) a sublicensee or person otherwise operating under a sublicense of the hotel licensee;
(iv) individual staff of a sublicensee or person otherwise operating under a sublicense of the hotel licensee; or
(v) any combination of the persons listed in this Subsection (1)(b).

(2)
(a) A hotel licensee may not sell, offer for sale, or furnish an alcoholic product except:
(i) on sublicensed premises;
(ii) pursuant to a permit issued under this title;
(iii) under a package agency agreement with the department, subject to Chapter 2, Part 6, Package Agency; or
(iv) through room service.
(b) A hotel licensee who sells, offers for sale, or furnishes an alcoholic product as provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
(i) if on sublicensed premises, in accordance with the operational requirements described in Section 32B-8d-104;
(ii) if under a permit issued under this title, in accordance with the operational requirements under the provisions applicable to the permit;
(iii) if as a package agency, in accordance with the contract with the department and Chapter 2, Part 6, Package Agency; and
(iv) if through room service, in accordance with Subsection (5).
(c) Notwithstanding the other provisions of this Subsection (2) and except as provided in Section 32B-8d-104, a hotel licensee may not permit a patron to carry an alcoholic product off the premises of a sublicense in violation of Section 32B-5-307, off an area designated under a permit, or off a designated conveyance area.

(3) A hotel licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product under a hotel license.

(4)
(a) A hotel licensee shall:

(i) in accordance with commission rule, establish and maintain signage that clearly identifies each designated conveyance area and conspicuously states that a patron may not take an alcoholic beverage beyond the designated conveyance area except as otherwise provided in this chapter;
(ii) ensure that an alcoholic beverage is not left unattended in a designated conveyance area; and
(iii) ensure that each patron complies with the requirements of Subsection 32B-8d-104(5)(b)(ii).
(b) In accordance with Subsection (2), a hotel licensee may not sell, offer for sale, or furnish an alcoholic product in a designated conveyance area.
(5)
(a) Staff of the hotel licensee shall provide room service of an alcoholic product to a lodging accommodation of a hotel licensee in person only to an adult occupant in the lodging accommodation.
(b) An alcoholic product may not be left outside a lodging accommodation for retrieval by an occupant.
(6) A hotel licensee shall operate in a manner so that at least 70% of the annual aggregate of the gross receipts related to the sale of food or beverages for the hotel license and each of the hotel license's sublicenses is from the sale of food, not including:
(a) mix for an alcoholic product; and
(b) a charge in connection with the service of an alcoholic product.

Amended by Chapter 94, 2024 General Session

Part 4
Enforcement

32B-8b-401 Enforcement of operational requirements for hotel license or sublicense.
(1) Failure by a person described in Subsection (2) to comply with this chapter or Chapter 8d, Sublicense Act, may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(a) the hotel licensee;
(b) individual staff of the hotel licensee;
(c) a sublicensee or person otherwise operating under a sublicense of the hotel licensee;
(d) individual staff of a sublicensee or person otherwise operating under a sublicense of the hotel licensee; or
(e) any combination of the persons listed in this Subsection (1).
(2) Subsection (1) applies to:
(a) a hotel licensee;
(b) a sublicensee or person operating under a sublicense of a hotel licensee; or
(c) staff of a hotel licensee or sublicensee or other person operating under a sublicense of a hotel licensee.

Amended by Chapter 219, 2020 General Session

Chapter 8c
Arena License Act

32B-8c-101 Title.

This chapter is known as the "Arena License Act."

Enacted by Chapter 219, 2020 General Session

32B-8c-102 Definitions.

Reserved

Enacted by Chapter 219, 2020 General Session

32B-8c-201 Commission's power to issue an arena license.

(1) Before a person as an arena under a single license may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicensed premises, the person shall first obtain an arena license from the commission in accordance with this part.

(2)

(a) Beginning November 1, 2020, the commission may issue to a person an arena license to allow the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product in connection with the arena designated in the arena license, if the person operates at least three sublicenses under the arena license, including:

(i) one of which is an on-premise banquet sublicense;

(ii) one of which is:

(A) a full-service restaurant sublicense;

(B) a limited-service restaurant sublicense;

(C) a beer-only restaurant sublicense; or

(D) a bar establishment sublicense; and

(iii) one of which is an on-premise beer retailer sublicense that is not a tavern.

(b) An arena license shall:

(i) consist of:

(A) a general arena license; and

(B) three or more sublicenses meeting the requirements of Subsection (2)(a); and

(ii) designate the enclosed building that is the arena.

(c) This chapter does not prohibit an alcoholic product in an arena to the extent otherwise permitted by this title.

(3) The commission may not issue a total number of arena licenses that at any time totals more than 10.

Enacted by Chapter 219, 2020 General Session

32B-8c-202 Specific licensing requirements for arena license.

(1) To obtain an arena license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the person's written application:

(a) evidence:

(i) of proximity of the arena to any community location;

(ii) that each proposed sublicense premises is entirely within the arena; and

(iii) that the building designated in the application as the arena qualifies as an arena; and
(b) a description and map of the arena.
(2)
(a) An arena license expires on October 31 of each year.
(b) To renew a person's arena license, the person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
(3)
(a) The nonrefundable application fee for an arena license is $500.
(b) The initial license fee for an arena license is calculated as follows:
(i) if the person applies for three sublicenses under the arena license, $5,000; or
(ii) if the person applies for more than three sublicenses under the arena license, the sum of:
(A) $5,000; and
(B) $1,000 for each sublicense in excess of three sublicenses for which the person applies.
(c) The renewal fee for an arena license is $1,000 plus $1,000 for each sublicense under the arena license.
(4)
(a) The bond amount required for an arena license is the penal sum of $100,000.
(b) An arena licensee is not required to have a separate bond for each sublicense, except that the aggregate of the bonds posted by the arena licensee shall cover each sublicense under the arena license.
(5) Except as prohibited in Subsection 32B-1-202.1(4), an arena may request to add a sublicense after the commission issues the arena licensee's arena license, in accordance with Subsection 32B-8d-103(4).

Amended by Chapter 447, 2022 General Session

32B-8c-301 Specific operational requirements for arena license.
(1)
(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an arena licensee, staff of the arena licensee, and a sublicensee or person otherwise operating under a sublicense shall comply with this section.
(b) Failure to comply as provided in Subjection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) the arena licensee;
(ii) individual staff of the arena licensee;
(iii) a sublicensee or person otherwise operating under a sublicense of the arena licensee;
(iv) individual staff of a sublicensee or person otherwise operating under a sublicense; or
(v) any combination of the persons listed in Subsections (1)(b)(i) through (iv).
(2)
(a) An arena licensee may not sell, offer for sale, or furnish an alcoholic product except:
(i) on sublicensed premises;
(ii) pursuant to a permit issued under this title; or
(iii) under a package agency agreement with the department, subject to Chapter 2, Part 6, Package Agency.
(b) An arena licensee who sells, offers for sale, or furnishes an alcoholic product as provided in Subsection (2)(a) shall sell, offer for sale, or furnish the alcoholic product:
(i) if on sublicensed premises, in accordance with the operational requirements described in Section 32B-8d-104;

(ii) if under a permit issued under this title, in accordance with the operational requirements under the provisions applicable to the permit; and
(iii) if as a package agency, in accordance with the contract with the department and Chapter 2, Part 6, Package Agency.
(3) An arena licensee shall operate in a manner so that at least 70% of the annual aggregate of the gross receipts related to the sale of food and beverages for the arena license and each of the arena license's sublicenses is from the sale of food, not including:
(a) mix for an alcoholic product; and
(b) a charge in connection with the service of an alcoholic product.
(4) An arena licensee shall, directly or indirectly, supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product under an arena license.

Enacted by Chapter 219, 2020 General Session

32B-8c-401 Enforcement.
(1) Failure by a person described in Subsection (2) to comply with this chapter or Chapter 8d, Sublicense Act, may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(a) the arena licensee;
(b) individual staff of the arena licensee;
(c) a sublicensee or a person otherwise operating under a sublicense of the arena licensee;
(d) individual staff of a sublicensee or person otherwise operating under a sublicense of the arena licensee; or
(e) any combination of the persons listed in Subsections (1)(a) through (d).
(2) Subsection (1) applies to:
(a) an arena licensee;
(b) a sublicensee or person operating under a sublicense of an arena licensee;
(c) staff of an arena licensee or sublicensee or other person operating under a sublicense of the arena licensee.

Enacted by Chapter 219, 2020 General Session

Chapter 8d
Sublicense Act

Part 1
General Provisions

32B-8d-101 Title.
This chapter is known as the "Sublicense Act."

Enacted by Chapter 219, 2020 General Session

32B-8d-102 Definitions.
As used in this chapter:
(1) "Boundary of a hotel" means the same as that term is defined in Section 32B-8b-102.

(2) "Boundary of a resort building" means the same as that term is defined in Section 32B-8b-102.
(3) "Hotel" means the same as that term is defined in Section 32B-8b-102.
(4) "Resort building" means the same as that term is defined in Section 32B-8-102.
(5) "Spa" means a spa:
(a) as the commission defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) that is within the:
(i) boundary of a resort building; or
(ii) boundary of a hotel.

Amended by Chapter 447, 2022 General Session

32B-8d-103 Commission's power to issue a sublicense.
(1) Before a person as a sublicensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicensed premises, the person shall first obtain a sublicense from the commission in accordance with:
(a) this chapter;
(b) Chapter 8, Resort License Act;
(c) Chapter 8b, Hotel License Act; and
(d) Chapter 8c, Arena License Act.
(2)
(a) The commission may issue to a person a sublicense to allow the storage, sale, offering for sale, furnishing, or consumption of an alcoholic product on the premises of the sublicense, if the person is:
(i) a principal licensee; or
(ii) a person seeking a principal license, contingent on the issuance of the principal license.
(b) The commission may not:
(i) issue a sublicense that is separate from a principal license; or
(ii) issue a single sublicense that covers more than one outlet in or on the boundaries of the principal licensee.
(3) When determining the total number of licenses the commission has issued for each type of retail license, the commission may not include a sublicense as one of the retail licenses issued under the provisions applicable to that sublicense.
(4) If a principal licensee seeks to add a sublicense after the commission issues the person's principal license, the principal licensee shall file with the department:
(a) a nonrefundable $300 application fee;
(b) an initial license fee of $2,250, which the commission shall refund if the commission does not issue the proposed sublicense;
(c) written consent of the local authority;
(d) a copy of:
(i) the principal licensee's current business; and
(ii) the proposed sublicensee's current business license, if the relevant political subdivision determines that the proposed sublicensee's business license is separate from the principal licensee's business license;
(e) evidence that the proposed sublicensed premises is entirely within the boundary of the principal license;
(f) a description, floor plan, and boundary map of the proposed sublicensed premises designating:

(i) each location at which the principal licensee proposes that an alcoholic product be stored; and
(ii) each location from which the principal licensee proposes that an alcoholic product be sold, furnished, or consumed;
(g) evidence that the principal licensee carries:
(i) public liability insurance in an amount and form satisfactory to the department; and
(ii) dramshop insurance coverage in the amount required by Section 32B-5-201 that covers the proposed sublicense;
(h) a signed consent form stating that the principal licensee will permit any authorized representative of the commission or department, or any law enforcement officer, to have an unrestricted right to enter the proposed sublicensed premises;
(i) if the principal licensee is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(j) any other information the commission or department may require.

Amended by Chapter 371, 2023 General Session

32B-8d-104 General operational requirements for a sublicense.
(1) Except as provided in Subsections (2) through (5), a person operating under a sublicense is subject to the operational requirements under the provisions applicable to the sublicense.
(2) Notwithstanding a requirement in the provisions applicable to the sublicense, a person operating under the sublicense is not subject to a requirement that a certain percentage of the gross receipts for the sublicense be from the sale of food, except to the extent that the gross receipts for the sublicense are included in calculating the percentages under Subsections 32B-8-401(3), 32B-8b-301(6), and 32B-8c-301(3).
(3) Notwithstanding Section 32B-5-307,a patron may transport beer between the sublicensed premises of an arena licensee's accompanying sublicenses, if the patron transports the beer from and to an area of each sublicensed premises:
(a) that is adjacent to the other; and
(b) where the consumption of beer is permitted.
(4) Notwithstanding Section 32B-5-307, staff of a sublicensee or person otherwise operating under a sublicense of a hotel licensee or a resort licensee may transport an alcoholic beverage from and to sublicensed premises of the hotel license or resort license, if:
(a) the sublicensee is:
(i) a full-service restaurant sublicensee;
(ii) a limited-service restaurant sublicensee;
(iii) a bar establishment sublicensee;
(iv) a beer-only restaurant sublicensee; or
(v) an on-premise beer retailer sublicensee;
(b) the individual staff carries the alcoholic beverage:
(i) from the sublicensed premises of a sublicensee described in Subsection (4)(a);
(ii) briefly through an unlicensed area or briefly through sublicensed premises on which the type of alcoholic beverage that the individual staff carries is permitted; and
(iii) to the sublicensed premises of a sublicensee described in Subsection (4)(a); and
(c) the individual staff at all times stays within:
(i) the boundary of the hotel; or
(ii) the boundary of the resort building.
(5)

(a) Notwithstanding Section 32B-5-307, 32B-6-605, or 32B-6-1005, a patron may transport an alcoholic beverage between any of the following locations, if the patron lawfully obtained the alcoholic beverage on the premises of a sublicensee described in Subsections (5)(a)(i) through (iv) and complies with Subsection (5)(b):
(i) a bar establishment sublicensee's sublicensed premises;
(ii) a hospitality amenity sublicensee's sublicensed premises;
(iii) an on-premise banquet sublicensee's sublicensed premises; and
(iv) a guest room.
(b) A patron may transport an alcoholic beverage in accordance with Subsection (5)(a) only if:
(i) the patron travels exclusively within a designated conveyance area as defined in Section 32B-8-102 or 32B-8b-102; and
(ii) the alcoholic beverage:
(A) is not in the alcoholic beverage's original container; and
(B) is in an opaque or solid color container that is readily identifiable as intended for use in a designated conveyance area.
(6) Except as provided in Section 32B-8-502, for purposes of interpreting an operational requirement imposed by the provisions applicable to a sublicense:
(a) a requirement imposed on a sublicensee or person operating under a sublicense applies to the principal licensee; and
(b) a requirement imposed on staff of a sublicensee or person operating under a sublicense applies to staff of the principal licensee.

Amended by Chapter 94, 2024 General Session

32B-8d-105 Enforcement of operational requirements.
(1) Except as provided in Subsection 32B-8-502(2) and in addition to Subsection (2), failure by a person to comply with this chapter or an operational requirement under a provision applicable to a sublicense may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(a) a principal licensee;
(b) individual staff of a principal licensee;
(c) a sublicensee or person otherwise operating under a sublicense;
(d) individual staff of a sublicensee or person otherwise operating under a sublicense; or
(e) any combination of the persons listed in Subsections (1)(a) through (d).
(2) An operational requirement applicable to a sublicensee or person operating under a sublicense is enforced as provided by the provisions applicable to the sublicense.

Enacted by Chapter 219, 2020 General Session

Part 2
Resort Spa Sublicense

32B-8d-201 Title.
This part is known as " Spa Sublicense."

Amended by Chapter 447, 2022 General Session

32B-8d-202 Commission's power to issue a spa sublicense.

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the person's premises as a spa sublicensee, a resort licensee, a hotel licensee, or a person applying for a resort license or a hotel license shall first obtain a spa sublicense from the commission in accordance with this part.

(2) The commission may only issue a spa sublicense to:

(a) a resort licensee;

(b) a hotel licensee;

(c) a person applying for a resort license, contingent on the issuance of the resort license; or

(d) a person applying for a hotel license, contingent on the issuance of the hotel license.

(3) A spa sublicense premises shall fall entirely within the:

(a) boundary of a resort building that is part of the resort to which the spa sublicense is connected; or

(b) boundary of a hotel that is part of the hotel to which the spa sublicense is connected.

Amended by Chapter 447, 2022 General Session

32B-8d-203 Specific licensing requirements for spa sublicense.

(1)

(a) In accordance with Subsection 32B-8d-103(2), a person may not file a written application with the department to obtain a spa sublicense that is separate from the person's application for a resort license or a hotel license, unless the person seeks the spa sublicense after the commission issues the person a resort license or a hotel license.

(b) If a resort licensee or a hotel licensee seeks to add a spa sublicense after the licensee's resort license or hotel license is issued, the licensee shall comply with Subsection 32B-8d-103(4).

(2)

(a) A spa sublicense expires on October 31 of each year.

(b) To renew a spa sublicense, the corresponding resort licensee or hotel licensee shall renew the spa sublicense as part of renewing the licensee's resort license or hotel license.

(c)

(i) Failure of a resort licensee to meet the renewal requirements for a resort license results in an automatic forfeiture of the spa sublicense effective the day on which the resort license expires.

(ii) Failure of a hotel licensee to meet the renewal requirements for a hotel license results in an automatic forfeiture of the spa sublicense effective the day on which the hotel license expires.

Amended by Chapter 447, 2022 General Session

32B-8d-204 Specific qualifications for a spa sublicense.

(1) A person employed to act in a supervisory or managerial capacity for the spa sublicense is subject to qualification requirements of Section 32B-1-304 for licensees.

(2) If a person no longer possesses the qualifications required by Section 32B-1-304 for obtaining the spa sublicense or the corresponding resort license or hotel license, the commission may suspend or revoke the spa sublicense that is part of the resort license or hotel license.

Amended by Chapter 447, 2022 General Session

32B-8d-205 Specific operational requirements for a spa sublicense.

(1)

(a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a resort licensee, staff of the resort licensee, a hotel licensee, and staff of the hotel licensee, shall comply with this section.

(b) A spa sublicensee or a person otherwise operating under a spa sublicense and staff of a spa sublicensee or a person otherwise operating under a spa sublicense shall comply with:

(i) Chapter 5, Part 3, Retail Licensee Operational Requirements as if the spa sublicensee is a retail licensee, unless a provision conflicts with this chapter; and

(ii) this chapter.

(c) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a resort licensee;

(ii) staff of a resort licensee;

(iii) a hotel licensee;

(iv) staff of a hotel licensee;

(v) a spa sublicensee or person otherwise operating under a spa sublicense;

(vi) individual staff of a spa sublicensee or person otherwise operating under a spa sublicense; or

(vii) any combination of the persons listed in Subsections (1)(c)(i) through (vi).

(2)

(a) For purposes of the spa sublicense, the corresponding resort licensee or hotel licensee shall ensure that a record is maintained or used for the spa sublicense:

(i) as the department requires; and

(ii) for a minimum period of three years.

(b) A spa sublicensee record is subject to inspection by an authorized representative of the commission and the department.

(c) A resort licensee or a hotel licensee shall allow the department, through a compliance officer of the department, to audit the records for a spa sublicense at the times the department considers advisable.

(d) The department shall audit the records for a spa sublicense at least once annually.

(e) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (2).

(3)

(a) A spa sublicensee or person operating under a spa sublicense may not sell, offer for sale, or furnish liquor at a spa during a period that:

(i) begins at 1 a.m.; and

(ii) ends at 9:59 a.m.

(b) A spa sublicensee or person operating under a spa sublicense may sell, offer for sale, or furnish beer during the hours specified in Chapter 6, Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer.

(c)

(i) Notwithstanding Subsections (3)(a) and (b), a spa shall remain open for one hour after the spa ceases the sale and furnishing of an alcoholic product during which time a person at the spa may finish consuming:

(A) a single drink containing spirituous liquor;
(B) except as provided in Subsection (3)(c)(i)(C), a single serving of wine not exceeding five ounces;
(C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;
(D) a single serving of heavy beer;
(E) a single serving not exceeding 26 ounces of beer; or
(F) a single serving of a flavored malt beverage.

(ii) A spa is not required to remain open:
(A) after all individuals have vacated the spa sublicensee's sublicensed premises; or
(B) during an emergency.

(4)
(a) A minor may not be admitted into, use, or be on the sublicensed premises of a spa sublicense unless accompanied by an individual 21 years old or older.
(b) A minor permitted under Subsection (4)(a) to be admitted into, use, or be on the sublicensed premises of a spa sublicense:
(i) may only be admitted into or be on a lounge or bar area of the spa sublicensee's sublicensed premises momentarily while en route to another area of the spa; and
(ii) may not remain or sit in the lounge or bar area of the spa sublicensee's sublicensed premises.

(5) A spa sublicensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the spa sublicensee's sublicensed premises.

(6)
(a) Subject to the other provisions of this Subsection (6), a patron may not have more than two alcoholic products of any kind at a time before the patron.
(b) A spa patron may not have two spirituous liquor drinks before the spa patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
(c) An individual portion of wine is considered to be one alcoholic product under this Subsection (6).

(7)
(a) An alcoholic product may only be consumed at a table or counter.
(b) An alcoholic product may not be served to or consumed by a patron at a dispensing structure.

(8)
(a) A spa sublicensee or person operating under a spa sublicense shall have available on the spa sublicense's sublicensed premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold or furnished by the spa sublicensee including:
(i) a set-up charge;
(ii) a service charge; or
(iii) a chilling fee.
(b) A charge or fee made in connection with the sale, service, or consumption of liquor may be stated in food or alcoholic product menus including:
(i) a set-up charge;
(ii) a service charge; or
(iii) a chilling fee.

(9)

(a) A resort licensee or hotel licensee shall own or lease premises suitable for the spa sublicense's activities.
(b) A resort licensee or hotel licensee may not maintain premises in a manner that barricades or conceals the spa sublicense's operation.
(10) Subject to the other provisions of this section, a spa sublicensee or person operating under a spa sublicense may not sell an alcoholic product to or allow an individual to be admitted to or use the spa sublicensee's sublicensed premises other than:
(a) a resident; or
(b) a customer.

Amended by Chapter 371, 2023 General Session

Chapter 9
Event Permit Act

Part 1
General Provisions

32B-9-101 Title.
This chapter is known as the "Event Permit Act."

Enacted by Chapter 276, 2010 General Session

32B-9-102 Definitions.
As used in this chapter:
(1) "Single event permit" means an event permit issued in accordance with Part 3, Single Event Permit.
(2) "Temporary beer event permit" means an event permit issued in accordance with Part 4, Temporary Beer Event Permit.

Enacted by Chapter 276, 2010 General Session

Part 2
Event Permitting General Provisions

32B-9-201 Application requirements for event permit.
(1) To obtain an event permit, a person shall submit to the department:
(a) a written application in a form that the department prescribes;
(b) an event permit fee:
(i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and
(ii) that is refundable if an event permit is not issued;
(c) written consent of the local authority;
(d) a bond as specified by Section 32B-9-203;

(e) the times, dates, location, estimated attendance, nature, and purpose of the event;
(f) a description or floor plan designating:
(i) the area in which the person proposes that an alcoholic product be stored;
(ii) the site from which the person proposes that an alcoholic product be sold, offered for sale, or furnished; and
(iii) the area in which the person proposes that an alcoholic product be allowed to be consumed;
(g) a signed consent form stating that the event permittee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises during the event;
(h) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(i) any other information as the commission or department may require.
(2) If a person substantially changes the person's application under Subsection (1) after the person initially submits the application, the person shall pay to the department a fee:
(a) in an amount the department prescribes in accordance with Section 63J-1-504; and
(b) that is nonrefundable, regardless of whether the department issues an event permit.
(3) An entity applying for a permit need not meet the requirements of Subsections (1)(b), (c), and (d) if the entity is:
(a) a state agency; or
(b) a political subdivision of the state.
(4) The director may not issue an event permit to a person who is disqualified under Section 32B-1-304.
(5)
(a) The proximity requirements of Section 32B-1-202 do not apply to an event permit.
(b) Notwithstanding Subsection (5)(a), nothing in this section prevents the director, the Compliance, Licensing, and Enforcement Subcommittee, or the commission from considering the proximity of an educational, religious, or recreational facility, or any other relevant factor in deciding whether to issue an event permit.

Amended by Chapter 219, 2020 General Session

32B-9-202 Duties before issuing event permit.
(1)
(a) Before the director may issue an event permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the director as to whether the director should issue an event permit.
(b) The department shall provide the information and recommendations described in Subsection (1)(a) to the director to aid in the director's determination.
(2) Before issuing an event permit, the director shall:
(a) determine that the person filed a complete application and is in compliance with:
(i) Section 32B-9-201; and
(ii) the relevant part under this chapter for the type of event permit for which the person is applying;
(b) determine that the person is not disqualified under Section 32B-1-304;
(c) consider the purpose of the organization or its local lodge, chapter, or other local unit;
(d) consider the times, dates, location, estimated attendance, nature, and purpose of the event;

(e) to minimize the risk of minors being sold or furnished alcohol or adults being overserved alcohol at the event, determine that adequate and appropriate control measures and adequate and appropriate enforcement measures are in place at the event to assure that minors will not be sold or furnished alcohol and that adults will not be overserved, except that adequate and appropriate control and enforcement measures may be different for small, large, indoor, or outdoor events;

(f) determine that the event permit is not being sought by the person as a means to circumvent other applicable requirements of this title, notwithstanding that the applicant may hold one or more licenses issued under this title;

(g) consider, for the period of three years before the date of the event, the violation history of:

(i) the applicant; and

(ii) the venue where the event will be held;

(h) provide the information and recommendations described in Subsection (1) to, and obtain the approval of, the Compliance, Licensing, and Enforcement Subcommittee;

(i) notify each commissioner before the director issues the event permit in accordance with Subsection (3); and

(j) consider any other factor the director considers necessary.

(3)

(a) Except as provided in Subsections (3)(d) and (e), the director shall notify each commissioner of the director's preliminary decision to issue or deny the issuance of an event permit three business days before the day on which the decision is to be final.

(b) The preliminary decision becomes a final decision of the director unless:

(i) within three business days after the day on which the notice is received at least three of the commissioners request a meeting to discuss whether the event permit should be issued; or

(ii) the director modifies or revokes the preliminary decision to issue or deny issuance of the event permit.

(c) If three or more of the commissioners request a meeting:

(i) the applicant for the event permit shall be notified; and

(ii) the commission shall:

(A) hold a meeting on the application for an event permit no later than the next regularly scheduled meeting of the commission; and

(B) issue the event permit if the applicant meets the requirements of this chapter or deny issuance of the event permit if the applicant fails to meet the requirements of this chapter.

(d) The commission may waive the three business day notice period described in Subsection (3)(a) on behalf of a commissioner.

(e)

(i) The director may at any time refer an application for an event permit directly to the commission for a determination as to whether an event permit should be issued or denied.

(ii) For purposes of this title, an event permit issued by the commission is to be treated the same as an event permit issued by the director.

(f) If the commission finds that an event permit was improperly issued or that the permittee has violated this chapter, the commission may take any action permitted under this title.

(4) Once the director issues an event permit, the department shall send a copy of the approved application and the event permit by written or electronic means to the state and local law enforcement authorities at least three days before the event.

(5) The director shall provide the commission a monthly report of the actions taken by the director under this part.

(6) If authorized by the director, the deputy director may act on behalf of the director for purposes of issuing an event permit under this chapter.

Amended by Chapter 371, 2023 General Session

32B-9-203 Bond for event permit.

(1)
(a) A person applying for an event permit shall post a surety bond:
(i) in the amount specified in this chapter for the type of event permit for which the person is applying; and
(ii) payable to the department.
(b) An event permittee shall procure and maintain a bond required under this section for as long as the event permit is in effect.

(2) A bond posted by an event permittee under this section shall be:
(a) in a form approved by the attorney general; and
(b) conditioned upon the event permittee's faithful compliance with this title and the rules of the commission.

(3) No part of a bond posted by an event permittee under this section may be withdrawn during the period the event permit is in effect.

(4)
(a) A bond posted by an event permittee under this section may be forfeited if the event permit is revoked.
(b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by an event permittee for money owed the department under this title without the commission first revoking the event permit.

Amended by Chapter 162, 2025 General Session

32B-9-204 General operational requirements for an event permit.

(1)
(a) An event permittee and a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at an event for which an event permit is issued, shall comply with this title and rules of the commission.
(b) Failure to comply as provided in Subsection (1)(a):
(i) may result in:
(A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(I) an event permittee;
(II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or
(III) any combination of the persons listed in this Subsection (1)(b);
(B) immediate revocation of the event permit;
(C) forfeiture of a bond; or
(D) immediate seizure of an alcoholic product present at the event; and
(ii) if the event permit is revoked, disqualifies the event permittee from applying for an event permit for a period of three years from the date of revocation of the event permit.
(c) An alcoholic product seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.

(2)
(a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit held by the special use permittee, the relevant part governs.
(b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an event permittee may only sell, offer for sale, or furnish an alcoholic product specified in the relevant part under this chapter for the type of event permit that is held by the event permittee.
(c) Notwithstanding that this part or the relevant part under this chapter for the type of event permit held by an event permittee refers to "event permittee," a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the event permit is issued is subject to the same requirement or prohibition.
(3) An event permittee shall display a copy of the event permit in a prominent place in the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
(4) An event permittee may not on the premises of the event:
(a) engage in or allow any form of gambling, as defined in Section 76-9-1401, or fringe gambling, as defined in Section 76-9-1401;
(b) have any fringe gaming device, video gaming device, or gambling device or record as defined in Section 76-9-1401; or
(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
(5) An event permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:
(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or
(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.
(6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases from:
(a) a beer wholesaler licensee;
(b) a beer retailer; or
(c) a small brewer.
(7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product purchased for an event in a location other than that described in the application and designated on the event permit unless the event permittee first applies for and receives approval from the director, with the approval of the Compliance, Licensing, and Enforcement Subcommittee, for a change of location.
(8)
(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish beer for on-premise consumption:
(i) in an open original container; and
(ii) in a container on draft.
(b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to Subsection (8)(a):
(i) in a size of container that exceeds two liters; or
(ii) to an individual patron in a size of container that exceeds one liter.
(9)
(a) An event permittee may not sell or offer for sale an alcoholic product at less than the cost of the alcoholic product to the event permittee.

(b) An event permittee may not sell an alcoholic product at a discount price on any date or at any time.
(c) An event permittee may not sell or offer for sale an alcoholic product at a price that encourages overconsumption or intoxication.
(d) An event permittee may not sell or offer for sale an alcoholic product at a special or reduced price for only certain hours of the day of an event.
(e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic product at the price of a single alcoholic product.
(f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic product under an event permit, may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price, unless:
(i) the alcoholic product is served to a patron at a seated event;
(ii) food is available whenever the alcoholic product is sold, offered for sale, or furnished; and
(iii) no person advertises that at the event a person may be sold or furnished an indefinite or unlimited number of alcoholic products during a set period for a fixed price.
(g) An event permittee may not engage in a public promotion involving or offering a free alcoholic product to the general public.
(10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
(a) a minor;
(b) a person actually, apparently, or obviously intoxicated;
(c) a known interdicted person; or
(d) a known habitual drunkard.
(11)
(a) An alcoholic product is considered under the control of the event permittee during an event.
(b) A patron at an event may not bring an alcoholic product onto the premises of the event.
(12) An event permittee may not permit a patron to carry from the premises an open container that:
(a) is used primarily for drinking purposes; and
(b) contains an alcoholic product.
(13)
(a) A person involved in the storage, sale, or furnishing of an alcoholic product at an event is considered under the supervision and direction of the event permittee.
(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at an event may not, while on duty:
(i) consume an alcoholic product; or
(ii) be intoxicated.
(14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
(15) The location specified in an event permit may not be changed without prior written approval of the commission.
(16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the event permit to another person whether for monetary gain or not.
(17)
(a) An event permittee may not sell, offer for sale, furnish, or allow the consumption of an alcoholic product during a period that:
(i) begins at 1 a.m.; and
(ii) ends at 9:59 a.m.
(b) This Subsection (17) does not preclude a local authority from being more restrictive with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic product at an event.

(18) A patron may have no more than one alcoholic product of any kind at a time before the patron.
(19)
(a) An event permittee shall display, in a prominent place, a sign in large letters that consists of text in the following order:
(i) a header that reads: "WARNING";
(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
(iii) a statement in smaller font that reads: "Call the Utah Department of Health and Human Services at [insert most current toll-free number] with questions or for more information.";
(iv) a header that reads: "WARNING"; and
(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
(b)
(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (19)(a)(iv) and (v).
(ii) The warning statements in the sign described in Subsection (19)(a) shall be in the same font size.
(c) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

Amended by Chapter 173, 2025 General Session

Part 3
Single Event Permit

32B-9-301 Title.

This part is known as "Single Event Permit."

Enacted by Chapter 276, 2010 General Session

32B-9-302 Definitions.

As used in this part:
(1) "120 hour single event permit" means a single event permit that authorizes under this part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not to exceed 120 consecutive hours.
(2) "72 hour single event permit" means a single event permit that authorizes under this part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not to exceed 72 consecutive hours.
(3) "Single event permit" means:
(a) a 120 hour single event permit; and
(b) a 72 hour single event permit.

Amended by Chapter 307, 2011 General Session

32B-9-303 Director's power to issue single event permit.

(1) Before a person may sell, offer for sale, or furnish liquor at retail for on-premise consumption at an event, the person shall first obtain a single event permit from the director in accordance with this part.
(2)
(a) Subject to Subsection (5), the director may issue a single event permit to any of the following that is conducting a convention, civic, or community enterprise, a bona fide:
(i) partnership;
(ii) corporation;
(iii) limited liability company;
(iv) religious organization;
(v) political organization;
(vi) incorporated association;
(vii) recognized subordinate lodge, chapter, or other local unit of an entity described in this Subsection (2)(a);
(viii) state agency; or
(ix) political subdivision of the state.
(b) The director may not issue a single event permit to an entity that has not been in existence as a bona fide entity for at least one year before the day on which the entity applies for a single event permit.
(3)
(a) A single event permit may authorize:
(i) the storage, sale, offering for sale, furnishing, and consumption of liquor at an event at which the storage, sale, offering for sale, furnishing, or consumption of liquor is otherwise prohibited by this title under either:
(A) a 120 hour single event permit; or
(B) a 72 hour single event permit; and
(ii) the storage, sale, offer for sale, furnishing, and consumption of beer at the same event for the period that the storage, sale, offer for sale, furnishing, or consumption of liquor is authorized under Subsection (3)(a)(i) for the single event permit.
(b) The single event permit shall state in writing whether the single event permit is:
(i) a 120 hour single event permit; or
(ii) a 72 hour single event permit.
(4) The director may not issue more than:
(a) four single event permits in any one calendar year to the same person listed in Subsection (2) if one or more of the single event permits is a 120 hour single event permit; or
(b) 24 single event permits in any one calendar year to the same person listed in Subsection (2) if each of the single event permits issued to that person is a 72 hour single event permit.
(5) Before the director issues or denies the issuance of a single event permit under this section, the director shall comply with Section 32B-9-202.

Amended by Chapter 447, 2022 General Session

32B-9-304 Specific permitting requirements for single event permit.
(1) To obtain a single event permit, in addition to complying with Part 2, Event Permitting General Provisions, an entity described in Subsection 32B-9-303(2)(a) shall state in its written application:
(a) the purpose of the entity described in Subsection 32B-9-303(2)(a);

(b) the time period under Subsection 32B-9-303(3)(a)(i)(A) or (B) for which the entity is applying; and
(c) if submitting the first request for a single event permit in a calendar year, whether it is requesting to be under Subsection 32B-9-303(4)(a) or (b).
(2) The application fee for a single event permit is $125.
(3) The bond amount required for a single event permit is the penal sum of $1,000.

Amended by Chapter 334, 2011 General Session

32B-9-305 Specific operational requirements for single event permit.
(1)
(a) In addition to complying with Section 32B-9-204, a single event permittee or a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a):
(i) may result in:
(A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(I) a single event permittee;
(II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or
(III) any combination of persons listed in this Subsection (1)(b);
(B) immediate revocation of the single event permit;
(C) forfeiture of a bond; or
(D) immediate seizure of an alcoholic product present at the event; and
(ii) if the single event permit is revoked, disqualifies the single event permittee from applying for a single event permit or temporary beer event permit for a period of three years from the date of revocation of the single event permit.
(c) An alcoholic product seized under this Subsection (1) shall be returned to the single event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.
(2)
(a) A single event permittee shall make and maintain an expense and revenue ledger or record showing:
(i) expenditures made for:
(A) liquor;
(B) beer;
(C) set-ups; and
(D) an ingredient or component of an alcoholic product other than a set-up; and
(ii) the revenue from the sale of an alcoholic product.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
(3) A single event permittee shall purchase liquor stored, sold, offered for sale, furnished, or consumed at an event from a state store or package agency.
(4)
(a) A single event permittee may not sell, offer for sale, or furnish a primary spirituous liquor in a quantity that exceeds 1.5 ounces per beverage, except that additional spirituous liquor may be used in a beverage if:
(i) used as a secondary flavoring ingredient;

(ii) used in conjunction with the primary spirituous liquor;
(iii) the secondary ingredient is not the only spirituous liquor in the beverage; and
(iv) subject to Subsection 32B-9-204(18):
(A) a patron has no more than 2.5 ounces of spirituous liquor at a time before the patron; and
(B) a patron has no more than one spirituous liquor drink at a time before the patron.
(b) Spirituous liquor need not be dispensed through a calibrated metered dispensing system.
(5)
(a) A single event permittee may sell, offer for sale, or furnish wine by the glass or an individual portion, except that a glass or individual portion may not exceed five ounces.
(b) A single event permittee may furnish an individual portion served to a patron in more than one glass if the total amount of wine does not exceed five ounces.
(c) An individual portion of wine is considered to be one alcoholic product under Subsection 32B-9-204(18).
(d) A single event permittee may sell, offer for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the commission.
(6) A single event permittee may sell, offer for sale, or furnish heavy beer in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
(7) A single event permittee may sell, offer for sale, or furnish a flavored malt beverage in an original container at a price fixed by the commission, except that the original container may not exceed one liter.
(8) A single event permittee may sell liquor only at a price fixed by the commission.
(9) A single event permittee may perform a service and assess a service charge as authorized by commission rule for liquor purchased at an event.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

Part 4
Temporary Beer Event Permit

32B-9-401 Title.
This part is known as "Temporary Beer Event Permit."

Enacted by Chapter 276, 2010 General Session

32B-9-402 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

32B-9-403 Director's power to issue temporary beer event permit.
(1) Before a person may sell, offer for sale, or furnish beer at retail for on-premise consumption at an event, the person shall obtain in accordance with this part:
(a) a single event permit; or
(b)
(i) a temporary beer event permit; and

(ii)
(A) a beer permit issued by the local authority as provided in Section 32B-9-404; or
(B) written consent of the local authority to sell beer at retail for on-premise consumption at the event.

(2)
(a) Subject to Subsection (4), the director may issue a temporary beer event permit to allow the sale, offering for sale, or furnishing of beer for on-premise consumption only at an event that does not last longer than 30 days.
(b) A temporary beer event permit authorizes, for a period not to exceed 30 days, the storage, sale, offer for sale, furnishing, and consumption of beer at an event.
(c) If a person obtains a temporary beer event permit for an event that lasts no longer than 30 days, an on-premise beer retailer license is not required for the sale of beer at the event.

(3)
(a) The director may not issue a temporary beer event permit to a person if the aggregate of the days that the person is authorized to store, sell, offer for sale, or furnish an alcoholic product under a temporary beer event permit will exceed a total of 90 days in any one calendar year.
(b) The director may not issue, and a person may not obtain, a temporary beer event permit to avoid or attempt to avoid the requirement to be licensed under Chapter 6, Part 7, On-Premise Beer Retailer License.

(4) Before the director issues or denies the issuance of a temporary beer event permit under this section, the director shall comply with Section 32B-9-202.

Amended by Chapter 365, 2012 General Session

32B-9-404 Local authority's power to issue temporary beer event permit.

(1) A local authority may issue, suspend, and revoke a temporary permit to sell, offer for sale, or furnish beer for on-premise consumption at an event, except that the local authority may not issue a temporary permit if the event lasts longer than 30 days.
(2) Suspension or revocation of a temporary beer event permit issued under Section 32B-9-403 or a temporary permit issued by a local authority under this section prohibits the temporary beer event permittee who has a permit suspended or revoked by either the commission or local authority from continuing to operate under the other state or local permit.

Amended by Chapter 365, 2012 General Session

32B-9-405 Specific permitting requirements for temporary beer event permit issued by commission.

(1) To obtain a temporary beer event permit, in addition to complying with Part 2, Event Permitting General Provisions, a person shall state in the person's written application the purpose of the event for which the person seeks a temporary beer event permit.
(2) The application fee for a beer permit is $100.
(3) The bond amount required for a beer permit is the penal sum of $500.

Amended by Chapter 334, 2011 General Session

32B-9-406 Specific operational requirements for temporary beer event permit.

(1)

(a) In addition to complying with the requirements of Section 32B-9-204, a temporary beer event permittee or a person involved in the storage, sale, offer for sale, or furnishing of beer at the event shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a):
(i) may result in:
(A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(I) a temporary beer event permittee;
(II) a person involved in the storage, sale, offer for sale, or furnishing of beer at the event; or
(III) any combination of persons listed in this Subsection (1)(b);
(B) immediate revocation of the temporary beer event permit;
(C) forfeiture of a bond; or
(D) immediate seizure of beer present at the event; and
(ii) if the temporary beer event permit is revoked, disqualifies the temporary beer event permittee from applying for a temporary beer event permit or single event permit for a period of three years from the date of revocation of the temporary beer event permit.
(c) Beer seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.
(2) A temporary beer event permittee may not sell, offer for sale, or furnish an alcoholic product other than beer pursuant to a temporary beer event permit.
(3)
(a) A temporary beer event permittee shall make and maintain an expense and revenue ledger or record showing:
(i) expenditures made for beer; and
(ii) the revenue from sale of beer.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).

Enacted by Chapter 276, 2010 General Session

Chapter 10
Special Use Permit Act

Part 1
General Provisions

32B-10-101 Title.

This chapter is known as the "Special Use Permit Act."

Enacted by Chapter 276, 2010 General Session

32B-10-102 Definitions.

As used in this chapter, "special use permit" means a special use permit issued under this chapter, including:
(1) a religious wine use permit;

(2) an industrial or manufacturing use permit;
(3) a scientific or educational use permit; and
(4) a public service permit.

Enacted by Chapter 276, 2010 General Session

Part 2
Special Use Permitting General Provisions

32B-10-201 Commission's power to issue special use permit.

(1) Before a person may purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product in a manner that requires a special use permit, the person shall first obtain a special use permit in accordance with this chapter.

(2)
  (a) The commission may issue a special use permit for the purchase, use, storage, sale, offer for sale, consumption, or manufacture of an alcoholic product for a limited purpose specified by this chapter and the rules of the commission.
  (b) A special use permit authorizes the special use permittee to purchase, use, store, sell, offer for sale, consume, or manufacture an alcoholic product only in the quantity, in a type, and for a purpose stated in the special use permit.

Enacted by Chapter 276, 2010 General Session

32B-10-202 Application for special use permit -- Qualifications.

(1) To obtain a special use permit, a person shall submit to the department:
  (a) a written application in a form prescribed by the department;
  (b) a nonrefundable application fee, if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies;
  (c) an initial permit fee:
    (i) if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies; and
    (ii) that is refundable if a special use permit is not issued;
  (d) a one-time special use permit fee if required by a section of this chapter:
    (i) applicable to the type of special use permit for which the person applies; and
    (ii) that is refundable if a special use permit is not issued;
  (e) a statement of the purpose for which the person applies for the special use permit;
  (f) a description of the types of alcoholic product the person intends to use under authority of the special use permit;
  (g) written consent of the local authority;
  (h) if required, a bond as provided in Section 32B-10-205;
  (i) a floor plan of the immediate area within the premises in which the person proposes that an alcoholic product will be used, mixed, stored, sold, or consumed if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies;
  (j) a signed consent form stating that the special use permittee will permit any authorized representative of the commission, department, or any other law enforcement officer to have unrestricted right to enter the special use permittee's premises;

(k) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(l) any other information the commission or department may require.
(2)
(a) The commission may issue a special use permit only to a person who qualifies as follows:
(i) the commission may issue a religious wine use permit to a religious organization;
(ii) the commission may issue an industrial or manufacturing use permit to a person engaged in an industrial or manufacturing pursuit;
(iii) the commission may issue a scientific or educational use permit to a person engaged in a scientific or educational pursuit; and
(iv) the commission may issue a public service permit to:
(A) an operator of an airline, railroad, or other public conveyance; or
(B) an entity with authorization from an international airport to establish and operate a hospitality room at the international airport.
(b) The commission may not issue a special use permit to a person who is disqualified under Section 32B-1-304.
(c) If a person to whom a special use permit is issued no longer possesses the qualifications required by this title for obtaining that special use permit, the commission may suspend or revoke that special use permit.

Amended by Chapter 94, 2024 General Session

32B-10-203 Renewal of special use permit.
(1) A special use permit expires on December 31 of each year unless otherwise provided on the special use permit.
(2) To renew a renewable special use permit, a person shall submit a completed renewal application to the department:
(a) no later than November 30; and
(b) in a form prescribed by the department.
(3) Failure to meet the renewal requirements results in an automatic forfeiture of the special use permit, effective on the date the existing special use permit expires.

Enacted by Chapter 276, 2010 General Session

32B-10-204 Duties of commission and department before issuing special use permit.
(1)
(a) Before the commission issues a special use permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a special use permit should be issued.
(b) The department shall forward the information it gathers and its recommendations to the commission to aid in the commission's determination.
(2) Before issuing a special use permit, the commission shall:
(a) determine that the person filed a complete application and is in compliance with:
(i) Section 32B-10-202; and
(ii) the relevant part under this chapter that applies to the special use permit for which the person is applying;
(b) determine that the person is not disqualified under Section 32B-1-304;

(c) consider the physical characteristics of the premises where an alcoholic product is proposed to be used, mixed, stored, sold, offered for sale, or furnished such as:
(i) the condition of the premises;
(ii) public visibility; and
(iii) safety considerations;
(d) consider the person's ability to properly use the special use permit within the requirements of this title and the commission rules including:
(i) the proposed use of the special use permit; and
(ii) the nature and type of person making use of the special use permit;
(e) consider specific factors regarding the specific type of special use permit sought by the person;
(f) approve of the location and equipment used by the person to distill alcohol for experimental testing purposes or use as a fuel; and
(g) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-10-205 Bond for special use permit.

(1) A special use permittee shall post a cash bond or surety bond only if the relevant part under this chapter for the type of special use permit requires posting of a bond.
(2)
(a) If a special use permittee is required to post a bond as provided in Subsection (1), the special use permittee shall procure and maintain the bond for as long as the special use permittee continues to operate under the special use permit.
(b) A bond required under this section shall be:
(i) in a form approved by the attorney general; and
(ii) conditioned upon the special use permittee's faithful compliance with this title and the rules of the commission.
(3) If a surety bond posted by a special use permittee under this section is canceled due to a special use permittee's negligence, the department may assess a $300 reinstatement fee.
(4) No part of a bond posted by a special use permittee under this section may be withdrawn during the period that the special use permit is in effect.
(5)
(a) A bond posted by a special use permittee under this section may be forfeited if the special use permit is revoked.
(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a special use permittee for money owed the department under this title without the commission first revoking the special use permit.

Enacted by Chapter 276, 2010 General Session

32B-10-206 General operational requirements for special use permit.

(1)
(a) A special use permittee and staff of the special use permittee shall comply with this title and rules of the commission, including the relevant part of the chapter that applies to the type of special use permit held by the special use permittee.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a special use permittee;
(ii) individual staff of a special use permittee; or
(iii) a special use permittee and staff of the special use permittee.
(c) The commission may suspend or revoke a special use permit with or without cause.
(2)
(a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit, the relevant part under this chapter governs.
(b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," a special use permittee may only purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product authorized for the special use permit that is held by the special use permittee.
(c) Notwithstanding that this part or the relevant part under this chapter for the type of special use permit held by a special use permittee refers to "special use permittee," a person involved in the purchase, use, storage, sale, offering for sale, allowing consumption, or manufacture of an alcoholic product for which the special use permit is issued is subject to the same requirement or prohibition.
(3)
(a) A special use permittee shall make and maintain a record, as required by commission rule, of any alcoholic product purchased, used, sold, or manufactured.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).
(4)
(a) Except as otherwise provided in this title, a special use permittee may not purchase liquor except from a state store or package agency.
(b) A special use permittee may transport liquor purchased by the special use permittee in accordance with this Subsection (4) from the place of purchase to the special use permittee's premises.
(c) A special use permittee shall purchase liquor at prices set by the commission.
(d) When authorized by a special use permit, a special use permittee may purchase and receive an alcoholic product directly from a manufacturer for a purpose that is industrial, educational, scientific, or manufacturing.
(e) A health care facility may purchase and receive an alcoholic product directly from a manufacturer for use at the health care facility.
(5) A special use permittee may not use, mix, store, sell, offer for sale, furnish, manufacture, or allow consumption of an alcoholic product in a location other than as designated in a special use permittee's:
(a) application; or
(b) change of location request, as described in Section 32B-10-305, if:
(i) the special use permittee is a public service permittee; and
(ii) the commission approved the special use permittee's change in location request.
(6) Except as otherwise provided, a special use permittee may not sell, offer for sale, or furnish an alcoholic product to:
(a) a minor;
(b) a person actually, apparently, or obviously intoxicated;
(c) a known interdicted person; or
(d) a known habitual drunkard.
(7) A special use permittee may not employ a minor to handle an alcoholic product.
(8)

(a) The location specified in a special use permit may not be transferred from one location to another location, except as provided in Chapter 18, Part 3, Alcohol License Change of Location.
(b) A special use permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the permit to another person whether for monetary gain or not, except as provided in Chapter 18, Part 2, Alcohol License Changes of Ownership.
(9) A special use permittee may not purchase, use, mix, store, sell, offer for sale, furnish, consume, or manufacture an alcoholic product for a purpose other than that authorized by the special use permit.
(10) The commission may prescribe by policy or rule consistent with this title, the general operational requirements of a special use permittee relating to:
(a) physical facilities;
(b) conditions of purchase, use, storage, sale, consumption, or manufacture of an alcoholic product;
(c) purchase, storage, and sales quantity limitations; and
(d) other matters considered appropriate by the commission.

Amended by Chapter 447, 2022 General Session

32B-10-207 Notifying department of change of ownership.

The commission may suspend or revoke a special use permit if a special use permittee does not immediately notify the department of a change in:
(1) ownership of the permittee's business;
(2) for a corporate owner, the:
(a) corporate officers or directors; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company:
(a) managers; or
(b) members owning at least 20% of the limited liability company.

Enacted by Chapter 276, 2010 General Session

Part 3
Public Service Permit

32B-10-301 Title.

This part is known as "Public Service Permit."

Enacted by Chapter 276, 2010 General Session

32B-10-302 Definitions.

As used in this part, "hospitality room" means a room or facility:
(1) that a public service permittee operates; and
(2) in which an alcoholic product is sold, offered for sale, furnished, or consumed.

Amended by Chapter 6, 2020 Special Session 6

32B-10-303 Specific application and renewal requirements for public service permit.

(1) To obtain a public service permit, in addition to complying with Section 32B-10-202, a person shall submit to the department:

(a) a statement of the total of regularly numbered flights, trains, buses, boats, or other types of public conveyance for which the person plans to use the special use permit;

(b) a floor plan of any room or facility in which the person plans to establish a hospitality room; and

(c) evidence of proximity of a proposed hospitality room to:

(i) the arrival and departure area used by a person traveling on the person's airline, railroad, bus, boat, or other public conveyance; or

(ii) if the applicant is a person described in Subsection 32B-10-202(2)(a)(iv)(B), the arrival and departure area of another person's airline.

(2)

(a) The nonrefundable application fee for a public service permit is $75.

(b) The initial permit fee for a public service permit is $250.

(c) The bond amount required for a public service permittee is the penal sum of $1,000.

(3)

(a) To renew a public service permit, a person shall comply with Section 32B-10-203.

(b)

(i) Except as provided in Subsection (3)(b)(ii), the renewal fee for a public service permit is $30 for each regularly numbered passenger airplane flight, passenger train, bus, boat, or any other regularly scheduled public conveyance upon which an alcoholic product is sold, offered for sale, or furnished.

(ii) For an applicant described in Subsection 32B-10-202(2)(a)(iv)(B), the renewal fee for a public service permit is $5,000.

Amended by Chapter 94, 2024 General Session

32B-10-304 Specific operational requirements for a public service permit.

(1)

(a) In addition to complying with Section 32B-10-206, a public service permittee and staff of the public service permittee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a public service permittee;

(ii) individual staff of a public service permittee; or

(iii) both a public service permittee and staff of the public service permittee.

(2)

(a) A public service permittee described in Subsection 32B-10-202(2)(a)(iv)(A) whose public conveyances operate on an interstate basis may do the following:

(i) purchase an alcoholic product outside of the state;

(ii) bring an alcoholic product purchased outside of the state into the state; and

(iii) sell, offer for sale, and furnish an alcoholic product purchased outside of the state to a passenger traveling on the public service permittee's public conveyance for consumption while en route on the public conveyance.

(b) A public service permittee described in Subsection 32B-10-202(2)(a)(iv)(A) whose public conveyance operates solely within the state:
(i) may sell, offer for sale, or furnish an alcoholic product to a passenger traveling on the public service permittee's public conveyance for consumption while en route on the public conveyance; and
(ii) shall purchase:
(A) liquor from a state store or package agency; and
(B) beer from a beer wholesaler licensee.
(c) A public service permittee described in Subsection 32B-10-202(2)(a)(iv)(B):
(i) may sell, offer for sale, or furnish an alcoholic product to a patron at the public service permittee's hospitality room; and
(ii) shall purchase:
(A) liquor from a state store or package agency; and
(B) beer from a beer wholesaler licensee.
(3)
(a) A public service permittee may establish a hospitality room, if:
(i)
(A) the room is located within a depot, terminal, or similar facility adjacent to and servicing the public service permittee's airline, railroad, bus, boat, or other public conveyance; or
(B) the room is located within a terminal at an international airport and servicing another public service permittee's airline;
(ii) the room is completely enclosed and the interior is not visible to the public;
(iii) the sale, offer for sale, or furnishing of an alcoholic product is made only to a person:
(A) then in transit using the public service permittee's airline, railroad, bus line, or other public conveyance or, for a public service permittee described in Subsection (2), another public service permittee's airline; and
(B) holding a valid boarding pass or similar travel document issued by a public service permittee; and
(iv)
(A) liquor is purchased from:
(I) a state store; or
(II) a package agency; and
(B) beer is purchased from a beer wholesaler licensee.
(b)
(i) A public service permittee operating a hospitality room shall display in a prominent place in the hospitality room, a sign in large letters that consists of text in the following order:
(A) a header that reads: "WARNING";
(B) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
(C) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
(D) a header that reads: "WARNING"; and
(E) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
(ii)
(A) The text described in Subsections (3)(b)(i)(A) through (C) shall be in a different font style than the text described in Subsections (3)(b)(i)(D) and (E).

(B) The warning statements in the sign described in Subsection (3)(b)(i) shall be in the same font size.

(iii) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

(c) A hospitality room shall be operated in accordance with this chapter and rules adopted by the commission.

Amended by Chapter 94, 2024 General Session

32B-10-305 Change in location request for a public service permit.

(1) A public service permittee operating at an international airport may request a change in location within the international airport, if the international airport requires the public service permittee to relocate to another location within the international airport.

(2) To request a change in location, a public service permittee described in Subsection (1) shall, in a manner prescribed by the department, submit to the department:

(a) a statement of the total number of regularly numbered flights for which the public service permittee plans to use the special use permit;

(b) a floor plan of any room or facility in which the public service permittee plans to establish a hospitality room;

(c) evidence of the proximity of each proposed hospitality room to the arrival and departure area used by a person traveling the public service permittee's airline; and

(d) any other information the department requires.

(3)

(a) Before approving a public service permittee's request to change location at an international airport, the commission shall:

(i) determine that the public service permittee filed a complete change in location request, as described in Subsection (2);

(ii) determine that the public service permittee is in compliance with this chapter and part;

(iii) consider the physical characteristics of the premises where an alcoholic product is proposed to be used, mixed, stored, sold, offered for sale, or furnished, including:

(A) the conditions of the premises;

(B) public visibility; and

(C) safety considerations; and

(iv) consider any other factor the commission considers necessary.

(b) The commission may delegate to the department:

(i) the authority to approve a change in location for a public service permittee at an international airport; and

(ii) the duties described in this Subsection (3).

(4) Upon commission approval of the public service permittee's request to change location, the public service permittee shall move to the newly approved location within the international airport.

Enacted by Chapter 6, 2020 Special Session 6

Part 4
Industrial or Manufacturing Use Permit

32B-10-401 Title.

This part is known as "Industrial or Manufacturing Use Permit."

Enacted by Chapter 276, 2010 General Session

32B-10-402 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-10-403 Specific application requirements for industrial or manufacturing use permit.

(1) To obtain an industrial or manufacturing use permit, in addition to complying with Section 32B-10-202, a person shall submit to the department:

(a) a floor plan of the immediate area within the premises in which the person proposes that an alcoholic product be used, mixed, stored, sold, offered for sale, furnished, or consumed; and

(b) if the person is applying for an industrial or manufacturing use permit to produce gasohol or any alcoholic product, evidence that the person has:

(i) an approved Notice of Registration of Distilled Spirits Plant; and

(ii) the appropriate permit from the federal Alcohol and Tobacco Tax and Trade Bureau.

(2)

(a) The nonrefundable application fee for an industrial or manufacturing use permit is $75.

(b) The one-time special use permit fee for an industrial or manufacturing use permit is $250.

(c) The bond amount required for an industrial or manufacturing use permit is the penal sum of $1,000.

Amended by Chapter 334, 2011 General Session

32B-10-404 Specific operational requirements for industrial or manufacturing use permit.

(1)

(a) In addition to complying with Section 32B-10-206, an industrial or manufacturing use permittee and staff of the industrial or manufacturing use permittee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) an industrial or manufacturing use permittee;

(ii) individual staff of an industrial or manufacturing use permittee; or

(iii) an industrial or manufacturing use permittee and staff of the industrial or manufacturing use permittee.

(2) An industrial or manufacturing use permittee may produce for lawful use and sale the following:

(a) vinegar;

(b) preserved nonintoxicating cider;

(c) a food preparation;

(d) a United States Pharmacopoeia or national formulary preparation in conformity with Title 58, Chapter 17b, Pharmacy Practice Act, Chapter 37, Utah Controlled Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, and Chapter 37c, Utah Controlled Substance Precursor Act, if the preparation:

(i) conforms to standards established by:

(A) the Department of Agriculture and Food; and
(B) the Department of Health; and
(ii) contains no more alcohol than is necessary to preserve or extract the medicinal, flavoring, or perfumed properties of the treated substances; and
(e) wood and denatured alcohol if manufactured in compliance with the formulas and regulations under Title 27, C.F.R. Parts 19, 20, and 21.
(3)
(a) An industrial or manufacturing use permittee that produces patent or proprietary medicines containing alcohol may sell or offer for sale the medicines in the original and unbroken container if the medicine contains sufficient medication to prevent its use as an alcoholic product.
(b) An industrial or manufacturing use permittee described in this Subsection (3) shall, upon request by the department, provide a sufficient sample of the medicine to enable the department to have the medicine analyzed for purposes of this section.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

Part 5
Scientific or Educational Use Permit

32B-10-501 Title.
This part is known as "Scientific or Educational Use Permit."

Enacted by Chapter 276, 2010 General Session

32B-10-502 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

32B-10-503 Specific application requirements for scientific or educational use permit.
(1) To obtain a scientific or educational use permit, a person shall comply with Section 32B-10-202.
(2) The one-time special use permit fee for a scientific or educational use permit is $125.

Amended by Chapter 334, 2011 General Session

Part 6
Religious Use of Alcoholic Products

32B-10-601 Title.
This part is known as "Religious Use of Alcoholic Products."

Enacted by Chapter 276, 2010 General Session

32B-10-602 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-10-603 Specific application requirements for religious wine use permit.

(1) To purchase an alcoholic product from the department at the department's cost plus freight charges, a religious organization shall obtain a religious wine use permit.
(2) To obtain a religious wine permit, a person shall comply with Section 32B-10-202.
(3) The one-time special use permit fee for a religious wine use permit is $125.

Amended by Chapter 334, 2011 General Session

32B-10-604 Specific operational requirements for religious wine use permit.

(1)
  (a) In addition to complying with Section 32B-10-206, a religious wine permittee and staff of the religious wine permittee shall comply with this section.
  (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    (i) a religious wine permittee;
    (ii) individual staff of a religious wine permittee; or
    (iii) a religious wine permittee and staff of the religious wine permittee.
(2) A religious wine use permittee may purchase wine from a state store as the department may designate at the department's cost plus freight charges.
(3) A religious wine use permittee may not use wine purchased under a religious wine use permit for a purpose other than a religious purpose.

Amended by Chapter 369, 2012 General Session

32B-10-605 Religious organization exemption.

(1) A religious organization that provides or allows to be provided an alcoholic product to a person as part of the religious organization's religious services:
  (a) does not violate this title by providing or allowing the provision of an alcoholic product as part of a religious service; and
  (b) is not required to hold a license or special use permit to provide or allow the provision of an alcoholic product for religious services.
(2) This exemption does not exempt a religious organization from complying with this title with respect to an alcoholic product purchased by the religious organization for a purpose other than the purpose stated in Subsection (1).

Amended by Chapter 354, 2020 General Session

Part 7
Health Care Facility or Practitioner Use of Alcoholic Products

32B-10-701 Title.

This part is known as "Health Care Facility or Practitioner Use of Alcoholic Products."

Enacted by Chapter 276, 2010 General Session

32B-10-702 Definitions.

As used in this part, "health care facility" means a facility that is licensed by the Department of Health and Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

Amended by Chapter 328, 2023 General Session

32B-10-703 Health care facility exemption.

(1)
(a) This Subsection (1) applies to a health care facility that administers or allows to be administered an alcoholic product to a patient of the health care facility if the alcoholic product is prescribed by a person licensed by the state to write a prescription.
(b) A health care facility described in Subsection (1)(a):
(i) is not in violation of this title; and
(ii) is not required to hold a license or special use permit to make or allow the administration of an alcoholic product.
(2) This exemption does not apply to an alcoholic product purchased by a health care facility for administration to a patient or a use other than one stated in Subsection (1).

Enacted by Chapter 276, 2010 General Session

32B-10-704 Health care practitioner exemption.

(1) This section applies to an individual who:
(a)
(i) is a health care practitioner; or
(ii) is a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act;
(b) is acting within the scope of individual's professional responsibility; and
(c) in a professional capacity, prescribes, prepares, or administers an alcoholic product to a person being treated or within the scope of the health care practitioner's license authority.
(2) A person described in Subsection (1):
(a) is not in violation of this title; and
(b) is not required to hold any type of license or permit to use an alcoholic product professionally.

Enacted by Chapter 276, 2010 General Session

Chapter 11
Manufacturing and Related Licenses Act

Part 1
General Provisions

32B-11-101 Title.

This chapter is known as the "Manufacturing and Related Licenses Act."

Enacted by Chapter 276, 2010 General Session

32B-11-102 Definitions.

As used in this chapter, "manufacturing license" means an alcoholic product manufacturing license issued under this chapter.

Enacted by Chapter 276, 2010 General Session

Part 2
Manufacturing Licensing General Provisions

32B-11-201 Commission's power to issue a manufacturing license -- Certificates of approval.

(1)
- (a) Except as provided in Section 32B-11-202, before a person may manufacture an alcoholic product in this state, the person shall obtain an alcoholic product manufacturing license issued by the commission in accordance with this part.
- (b) A separate license is required for each place of storage, sale, and manufacture of an alcoholic product.
- (c) A violation of this Subsection (1) is a class B misdemeanor.

(2) The commission may issue an alcoholic product manufacturing license to a manufacturer whose business is located in this state for the storage, sale, and manufacture of an alcoholic product for each type of manufacturing license provided by this chapter.

(3) The types of manufacturing licenses issued under this chapter are known as:
- (a) a winery manufacturing license;
- (b) a distillery manufacturing license; and
- (c) a brewery manufacturing license.

(4)
- (a) A brewer located outside the state is not required to be licensed under this chapter.
- (b) A brewer described in Subsection (4)(a) shall obtain a certificate of approval from the department before selling or delivering:
  - (i) beer to a beer wholesaler licensee in this state;
  - (ii) a flavored malt beverage to:
    - (A) the department; or
    - (B) a military installation; or
  - (iii) if a small brewer, beer to one of the following in the state:
    - (A) a beer wholesaler licensee;
    - (B) a beer retailer; or
    - (C) an event permittee.
- (c) To obtain a certificate of approval, a brewer shall submit to the department:
  - (i) a written application in a form prescribed by the department;
  - (ii) a nonrefundable $75 application fee;

(iii) an initial certificate of approval fee of $300 that is refundable if a certificate of approval is not issued;
(iv) evidence of authority from the federal Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury to brew beer, heavy beer, or a flavored malt beverage; and
(v) any other information the commission or department may require.
(d)
(i) One of the following shall sign and verify a written application under this Subsection (4) by oath or affirmation:
(A) a partner if the brewer is a partnership; or
(B) an executive officer, manager, or person specifically authorized by a corporation or limited liability company to sign the application.
(ii) A brewer filing an application shall attach to the application written evidence of the authority of the person described in Subsection (4)(d)(i) to sign the application.
(e)
(i) A certificate of approval under this Subsection (4) expires on December 31 of each year.
(ii) A brewer desiring to renew its certificate of approval shall submit to the department by no later than November 30 of the year the certificate of approval expires:
(A) a completed renewal application in the form prescribed by the department; and
(B) a renewal fee of $250.
(iii) Failure to meet the renewal requirements results in an automatic forfeiture of the certificate of approval effective on the date the existing certificate of approval expires.
(5)
(a) An importer or supplier of beer, heavy beer, or flavored malt beverages who is not required to be licensed under this title shall obtain a certificate of approval from the department before selling or delivering:
(i) beer to a beer wholesaler licensee in this state; or
(ii) heavy beer or a flavored malt beverage to:
(A) the department; or
(B) a military installation.
(b) To obtain a certificate of approval, an importer or supplier described in Subsection (5)(a) shall submit to the department:
(i) a written application in a form prescribed by the department;
(ii) a nonrefundable $75 application fee;
(iii) an initial certificate of approval fee of $300 that is refundable if a certificate of approval is not issued;
(iv) evidence of authority from the federal Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury to brew beer, heavy beer, or a flavored malt beverage; and
(v) any other information the commission or department may require.
(c)
(i) One of the following shall sign and verify a written application under this Subsection (5) by oath or affirmation:
(A) a partner if the importer or supplier is a partnership; or
(B) an executive officer, manager, or person specifically authorized by a corporation or limited liability company to sign the application.

(ii) An importer or supplier filing an application under this Subsection (5) shall attach to the application written evidence of the authority of the person described in Subsection (5)(c)(i) to sign the application.

(d)

(i) A certificate of approval under this Subsection (5) expires on December 31 of each year.

(ii) An importer or supplier desiring to renew its certificate of approval shall submit to the department by no later than November 30 of the year the certificate of approval expires:

(A) a completed renewal application in the form prescribed by the department; and

(B) a renewal fee of $250.

(iii) Failure to meet the renewal requirements results in an automatic forfeiture of the certificate of approval effective on the date the existing certificate of approval expires.

(6)

(a) Subject to Subsection (7), a brewer, importer, or supplier required to hold a certificate of approval under this section may not distribute beer in this state except under a written agreement with a beer wholesaler licensee in this state.

(b) An agreement described in Subsection (6)(a) shall:

(i) create a restricted exclusive sales territory that is mutually agreed upon by the persons entering into the agreement;

(ii) designate the one or more brands that may be distributed in the sales territory; and

(iii) set forth the exact geographical area of the sales territory.

(c) A brewer, importer of beer, or supplier of beer may have more than one agreement described in this Subsection (6) if each brand of the brewer, importer, or supplier distributed in the state is covered by one exclusive sales territory.

(d) A brewer, importer of beer, or supplier of beer may not enter into an agreement with more than one beer wholesaler licensee to distribute the same brand of beer in the same sales territory or any portion of the sales territory.

(7) A small brewer is not subject to the requirements of Subsection (6).

Amended by Chapter 334, 2011 General Session

32B-11-202 Exemption for manufacture of fermented beverage.

(1) As used in this section, "fermented alcoholic beverage" means:

(a) beer;

(b) heavy beer; or

(c) wine.

(2) An individual may without being licensed under this chapter manufacture a fermented alcoholic beverage if:

(a) the individual ferments the alcoholic beverage:

(i) in the individual's personal residence; or

(ii)

(A) on the premises of a winery manufacturing license or brewery manufacturing license; and

(B) under the supervision of a winery manufacturing licensee or brewery manufacturing licensee;

(b) the individual is 21 years old or older;

(c) the individual manufactures no more than:

(i) 100 gallons in a calendar year, if there is one individual that is 21 years old or older residing in the household; or

(ii) 200 gallons in a calendar year, if there are two or more individuals who are 21 years old or older residing in the household;
(d) the fermented alcoholic beverage is manufactured and used for personal or family use and consumption, including use at an organized event where fermented alcoholic beverages are judged as to taste and quality; and
(e) the fermented alcoholic beverage is not for:
(i) sale or offering for sale; or
(ii) consumption on a licensed premise.
(3) An individual may store a fermented alcoholic beverage manufactured as provided in Subsection (2) in the individual's personal residence.
(4) A fermented alcoholic beverage manufactured in accordance with Subsection (2) may be removed from the premises where it is manufactured:
(a) for personal or family use, including use at an organized event where fermented alcoholic beverages are judged as to taste and quality;
(b) if the fermented alcoholic beverage is transported in compliance with Section 41-6a-526; and
(c) if the fermented alcoholic beverage is removed only in the following quantities:
(i) for personal and family use that is unrelated to an organized event where fermented alcoholic beverages are judged as to taste and quality, the quantity that may be possessed at one time is:
(A) one liter of wine for each individual who is 21 years old or older residing in the household;
(B) 72 ounces of heavy beer for each individual who is 21 years old or older residing in the household; or
(C) 72 ounces of beer for each individual who is 21 years old or older residing in the household; and
(ii) for on-premise consumption at an organized event where fermented alcoholic beverages are judged as to taste and quality, the quantity that may be removed for each organized event is:
(A) one liter of wine for each wine category in which the individual enters, except that the individual may not remove wine for more than three categories for the same organized event;
(B) 72 ounces of heavy beer for each heavy beer category in which the individual enters, except that the individual may not remove heavy beer for more than three categories for the same organized event; or
(C) 72 ounces of beer for each beer category in which the individual enters, except that the individual may not remove beer for more than three categories for the same organized event.
(5) A partnership, corporation, or association may not manufacture a fermented alcoholic beverage under this section for personal or family use and consumption without obtaining a license under this chapter, except that an individual who operates a brewery under this chapter as an individual owner or in partnership with others, may remove beer from the brewery for personal or family use in the amounts described in Subsection (2)(c).

Amended by Chapter 291, 2021 General Session

32B-11-203 Application requirements for a manufacturing license.

To obtain an alcoholic product manufacturing license, a person shall submit to the department:
(1) a written application in a form prescribed by the department;
(2) a nonrefundable application fee of $300;

(3) an initial license fee of $3,800:
(a) unless otherwise provided in this chapter; and
(b) that is refundable if a license is not issued;
(4) written consent of the local authority;
(5) a statement of the purpose for which the person has applied for the manufacturing license;
(6) evidence that the person is authorized by the United States to manufacture an alcoholic product;
(7) a bond as specified by Section 32B-11-207;
(8) evidence that the person is carrying public liability insurance in an amount and form satisfactory to the department;
(9) a signed consent form stating that the manufacturing licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the licensed premises;
(10) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(11) any other information the commission or department may require.

Amended by Chapter 334, 2011 General Session

32B-11-204 Renewal requirements for a manufacturing license.
(1) A manufacturing license expires on December 31 of each year.
(2) To renew a manufacturing license, a person shall submit by no later than November 30 of the year the license expires:
(a) a completed renewal application to the department, in a form prescribed by the department; and
(b) a renewal fee in the following amount of:
(i) $2,900, except for a wine manufacturing license described in Subsection (2)(b)(ii); or
(ii) $1,400 for a winery manufacturing license if the winery manufacturing licensee produces less than 20,000 gallons of wine in the calendar year preceding the year in which the manufacturing licensee seeks renewal.
(3) Failure to meet the renewal requirements results in an automatic forfeiture of a manufacturing license effective on the date the existing manufacturing license expires.

Amended by Chapter 334, 2011 General Session

32B-11-205 Specific qualifications for a manufacturing license.
(1) The commission may not issue a manufacturing license to a person who:
(a) is disqualified under Section 32B-1-304; or
(b) has not met an applicable federal requirement for the operation of a winery, distillery, or brewery.
(2) If a person to whom a manufacturing license is issued under this chapter no longer possesses the qualifications required by this title for obtaining that manufacturing license, the commission may suspend or revoke that manufacturing license.

Enacted by Chapter 276, 2010 General Session

32B-11-206 Duties of commission and department before issuing manufacturing license.
(1)

(a) Before the commission may issue a manufacturing license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a manufacturing license should be issued.
(b) The department shall forward to the commission the information and recommendations under Subsection (1)(a) to aid in the commission's determination.
(2) Before issuing a manufacturing license, the commission shall:
(a) determine that the person filed a complete application and is in compliance with:
(i) Sections 32B-11-203 and 32B-11-205; and
(ii) the relevant part under this chapter for the specific type of manufacturing license;
(b) determine that the person is not disqualified under Section 32B-1-304;
(c) consider the physical characteristics of the premises where an alcoholic product is proposed to be stored, mixed, or manufactured such as:
(i) condition of the premises; and
(ii) safety and security considerations;
(d) consider the person's ability to properly use the manufacturing license within the requirements of this title and the commission rules including:
(i) manufacturing capacity;
(ii) extent of product distribution; and
(iii) the nature and type of entity making use of the manufacturing license;
(e) consider any special factor as provided in this chapter that may be unique to the specific type of manufacturing license sought by the person;
(f) approve of the location and equipment used by the person to manufacture an alcoholic product; and
(g) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-11-207 Bond for manufacturing license.
(1)
(a) A manufacturing licensee shall post a cash bond or surety bond in the penal sum of $10,000 payable to the department.
(b) A manufacturing licensee shall procure and maintain a bond required by this section for as long as the manufacturing licensee continues to operate as a manufacturing licensee.
(2) A bond posted under this section shall be:
(a) in a form approved by the attorney general; and
(b) conditioned upon a manufacturing licensee's faithful compliance with this title and the rules of the commission.
(3) If a surety bond posted by a manufacturing licensee under this section is cancelled due to a manufacturing licensee's negligence, the department may assess a $300 reinstatement fee.
(4) No part of a bond posted under this section may be withdrawn during the period the manufacturing license is in effect.
(5)
(a) A bond posted by a manufacturing licensee under this section may be forfeited if the manufacturing license is revoked.
(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a manufacturing licensee for money owed the department under this title without the commission first revoking the manufacturing license.

Enacted by Chapter 276, 2010 General Session

32B-11-208 General operational requirements for manufacturing license.

(1)
(a) A manufacturing licensee and staff of the manufacturing licensee shall comply with this title and the rules of the commission, including the relevant part of this chapter applicable to the type of manufacturing license held by the manufacturing licensee.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a manufacturing licensee;
(ii) individual staff of a manufacturing licensee; or
(iii) a manufacturing licensee and staff of the manufacturing licensee.

(2) A manufacturing licensee shall prominently display the manufacturing license on the licensed premises.

(3)
(a) A manufacturing licensee shall make and maintain the records required by the department.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).

(4) A manufacturing licensee may not sell liquor within the state except to:
(a) the department; or
(b) a military installation.

(5) A manufacturing license may not be transferred from one location to another location, except as provided in Chapter 18, Part 3, Alcohol License Change of Location.

(6)
(a) A manufacturing licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the license to another person, whether for monetary gain or not, except as provided in Chapter 18, Part 2, Alcohol License Changes of Ownership.
(b) A manufacturing license has no monetary value for any type of disposition.

(7) A manufacturing licensee may not advertise the manufacturing licensee's product in violation of this title or any other federal or state law, except that nothing in this title prohibits the advertising or solicitation of an order for industrial alcohol from a holder of a special use permit.

(8) A manufacturing licensee shall from time to time, on request of the department, furnish for analytical purposes a sample of the alcoholic product that the manufacturing licensee has:
(a) for sale; or
(b) in the course of manufacture for sale in this state.

(9) The commission may prescribe by policy or rule, consistent with this title, the general operational requirements of a manufacturing licensee relating to:
(a) physical facilities;
(b) conditions of storage, sale, or manufacture of an alcoholic product;
(c) storage and sales quantity limitations; and
(d) other matters considered appropriate by the commission.

Amended by Chapter 447, 2022 General Session

32B-11-209 Notifying department of change in ownership.

The commission may suspend, revoke, or deem forfeited a manufacturing license if the manufacturing licensee does not immediately notify the department of a change in:

(1) ownership of the manufacturing licensee;

(2) for a corporate owner, the:
(a) corporate officers or directors; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company:
(a) managers; or
(b) members owning at least 20% of the limited liability company.

Amended by Chapter 371, 2023 General Session

32B-11-210 Tasting provided by manufacturing licensee.
(1) As used in this section:
(a) "Parcel" means the same identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes an improvement on that unit of property.
(b) "Taste" means an amount of an alcoholic product provided by a manufacturing licensee for consumption under this section.
(2) A manufacturing licensee may provide for a tasting in accordance with this section.
(3) Before conducting a tasting, the manufacturing licensee shall provide the department:
(a) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202 as if the manufacturing licensee were a retail licensee;
(b) a floor plan, and boundary map where applicable, of the premises of the manufacturing licensee, including any:
(i) consumption area; and
(ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic product to be tasted;
(c) evidence that the manufacturing licensee is carrying public liability insurance in an amount and form satisfactory to the department;
(d) evidence that the manufacturing licensee is carrying dramshop insurance coverage in an amount and form satisfactory to the department; and
(e) any other information the commission or department may require.
(4) A manufacturing licensee may not sell, offer for sale, or furnish a taste on any day during the period that:
(a) begins at midnight; and
(b) ends at 10:59 a.m.
(5) A person who serves a taste on behalf of the manufacturing licensee shall complete an alcohol training and education seminar as if the person were employed by a retail licensee.
(6)
(a) A manufacturing licensee shall establish a distinct area for consumption of a taste outside the view of minors on the licensed premises and in which minors are not allowed during the time period when tasting occurs.
(b) The distinct area for consumption for a taste established under this Subsection (6) shall be in the same building as where the manufacturing licensee produces alcoholic product, in a building on the same parcel as the building where the manufacturing licensee produces alcoholic product, or in a patio or similar area immediately adjacent to a building described in this Subsection (6)(b).
(7)
(a) A manufacturing licensee shall have substantial food available that is served on the licensed premises to an individual consuming a taste.

(b) The commission may define what constitutes "substantial food" by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except that the rule may not require culinary facilities for food preparation that are equivalent to a restaurant or dining club.

(8) A manufacturing licensee shall charge an individual for a taste and may not sell, offer for sale, or furnish a taste at less than the cost of the taste to a retail licensee.

(9)

(a) A manufacturing licensee may provide a taste in more than one container except that the aggregate total of the taste in all of the containers may not exceed:

(i) for a winery manufacturing licensee:

(A) except as provided in Subsection (9)(a)(i)(B), five ounces of wine; or

(B) 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;

(ii) for a distillery manufacturing licensee, 2.5 ounces of spirituous liquor; or

(iii) for a brewery manufacturing licensee, 16 ounces of beer, heavy beer, or flavored malt beverages.

(b) A manufacturing licensee may not allow an individual to participate in more than one tasting within a calendar day.

(10) A manufacturing licensee may provide a taste of alcoholic product that is:

(a) manufactured by the manufacturing licensee; and

(b) purchased by the manufacturing licensee from:

(i) a state store or package agency; or

(ii) for beer, the off-premise retail licensee described in Subsection 32B-11-503(4)(c).

(11)

(a) A manufacturing licensee shall display in a prominent place in the location where tastes are consumed a sign in large letters that consists of text in the following order:

(i) a header that reads: "WARNING";

(ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";

(iii) a statement in smaller font that reads: "Call the Utah Department of Health and Human Services at [insert most current toll-free number] with questions or for more information.";

(iv) a header that reads: "WARNING"; and

(v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

(b)

(i) The text described in Subsections (11)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (11)(a)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (11)(a) shall be in the same font size.

(c) The Department of Health and Human Services shall work with the commission and department to facilitate consistency in the format of a sign required under this Subsection (11).

(12) A manufacturing licensee shall provide educational information as defined by rule by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as part of the tasting.

(13) A manufacturing licensee that conducts tastings under a scientific or educational use permit issued by the commission as of May 10, 2016, shall comply with this section by no later than December 31, 2016, in conducting a tasting. In accordance with Subsection 32B-10-206(1)

(c), effective no later than January 1, 2017, the commission shall take action on a scientific or educational use permit used by a manufacturing licensee to conduct tastings.

Amended by Chapter 371, 2023 General Session

Part 3
Winery Manufacturing License

32B-11-301 Title.

This part is known as "Winery Manufacturing License."

Enacted by Chapter 276, 2010 General Session

32B-11-302 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-11-303 Specific authority and operational requirements for winery manufacturing license.

(1) A winery manufacturing license allows a winery manufacturing licensee to:
- (a) store, manufacture, transport, import, or export wine;
- (b) sell wine at wholesale to:
  - (i) the department; and
  - (ii) an out-of-state customer who is at least 21 years old, as the state in which the customer is located permits;
- (c) purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and
- (d) warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.

(2)
- (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery manufacturing license shall conform to the standards of identity and quality established in the regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
- (b) The federal definitions, standards of identity, and quality and labeling requirements for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the laws of this state.

(3) If considered necessary, the commission or department may require:
- (a) the alteration of the plant, equipment, or licensed premises;
- (b) the alteration or removal of unsuitable wine-making equipment or material;
- (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and wine-making equipment;
- (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed premises because it is considered:
  - (i) unfit for wine making; or

(ii) as producing or likely to produce an unsanitary condition;
(e) a winery manufacturing licensee to distill or cause to be distilled or disposed of under the department's supervision:
(i) any unsound, poor quality finished wine; or
(ii) unfinished wine that will not be satisfactory when finished; or
(f) that a record pertaining to the grapes and other materials and ingredients used in the manufacture of wine be available to the commission or department upon request.
(4) A winery manufacturing licensee may not permit wine to be consumed on the winery manufacturing licensee's premises, except that:
(a) a winery manufacturing licensee may allow the winery manufacturing licensee's on-duty staff to taste on the licensed premises the alcoholic product that the winery manufacturing licensee manufactures on the winery manufacturing licensee's premises without charge, but only in connection with the on-duty staff's duties of manufacturing the alcoholic product during the manufacturing process and not otherwise;
(b) a winery manufacturing licensee may allow a person who can lawfully purchase wine for wholesale or retail distribution to consume a bona fide sample of the winery manufacturing licensee's product on the licensed premises; and
(c) a winery manufacturing licensee may conduct a tasting as provided in Section 32B-11-210.

Amended by Chapter 447, 2022 General Session

Part 4
Distillery Manufacturing License

32B-11-401 Title.
This part is known as "Distillery Manufacturing License."

Enacted by Chapter 276, 2010 General Session

32B-11-402 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

32B-11-403 Specific authority and operational requirements for distillery manufacturing license.
(1) A distillery manufacturing license allows a distillery manufacturing licensee to:
(a) store, manufacture, transport, import, or export liquor;
(b) sell liquor to:
(i) the department;
(ii) an out-of-state customer who is at least 21 years old, as the state in which the customer is located permits; and
(iii) as provided in Subsection (2);
(c) purchase an alcoholic product for mixing and manufacturing purposes if the department is notified of:
(i) the purchase; and

(ii) the date of delivery;

(d) warehouse on the distillery manufacturing licensee's licensed premises an alcoholic product that the distillery manufacturing licensee manufactures or purchases for manufacturing purposes;

(e) if the distillery manufacturing licensee holds two or more distillery manufacturing licenses under this chapter, transport an alcoholic product from one of the distillery manufacturing licensee's licensed premises to another, if the transportation occurs for the purpose of:

(i) continuing or completing the manufacturing process; or

(ii) storing a bulk container or an alcoholic product that is distilled and packaged in the state, including the transport of an alcoholic product to a package agency located at any of the distillery manufacturing licensee's licensed premises; and

(f) receive samples of an alcoholic product from a person outside the state for the sole purpose of performing tests and analysis, if the distillery manufacturing licensee:

(i) performs the tests and analysis in accordance with 27 C.F.R. Secs. 19.434(a), (c), (d), (e), and (f), Secs. 19.435 through 19.437, and Sec. 19.616;

(ii) keeps records of the samples received, including:

(A) all data required under 27 C.F.R. Sec. 19.616;

(B) a description of the sample; and

(C) the date the distillery manufacturing licensee receives the sample; and

(iii) upon request, provides the records described in Subsection (1)(f)(ii) to the department.

(2)

(a) Subject to the other provisions of this Subsection (2), a distillery manufacturing licensee may directly sell an alcoholic product to a person engaged within the state in:

(i) a mechanical or industrial business that requires the use of an alcoholic product; or

(ii) scientific pursuits that require the use of an alcoholic product.

(b) A person who purchases an alcoholic product under Subsection (2)(a) shall hold a valid special use permit issued in accordance with Chapter 10, Special Use Permit Act, authorizing the use of the alcoholic product.

(c) A distillery manufacturing licensee may sell to a special use permittee described in Subsection (2)(b) an alcoholic product only in the type for which the special use permit provides.

(d) The sale of an alcoholic product under this Subsection (2) is subject to rules prescribed by the department and the federal government.

(3) The federal definitions, standards of identity and quality, and labeling requirements for distilled liquor, in the regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with laws of this state.

(4) If considered necessary, the commission or department may require:

(a) the alteration of the plant, equipment, or licensed premises;

(b) the alteration or removal of unsuitable alcoholic product-making equipment or material;

(c) a distillery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and equipment; or

(d) that a record pertaining to the materials and ingredients used in the manufacture of an alcoholic product be made available to the commission or department upon request.

(5) A distillery manufacturing licensee may not permit an alcoholic product to be consumed on the distillery manufacturing licensee's premises, except that:

(a) a distillery manufacturing licensee may allow the distillery manufacturing licensee's on-duty staff to taste on the licensed premises an alcoholic product that the distillery manufacturing

licensee manufactures on the distillery manufacturing licensee's licensed premises without charge, but only in connection with the on-duty staff's duties of manufacturing the alcoholic product during the manufacturing process and not otherwise;

(b) a distillery manufacturing licensee may allow a person who can lawfully purchase an alcoholic product for wholesale or retail distribution to consume a bona fide sample of the distillery manufacturing licensee's product on the licensed premises; and

(c) a distillery manufacturing licensee may conduct a tasting as provided in Section 32B-11-210.

Amended by Chapter 447, 2022 General Session

Part 5
Brewery Manufacturing License

32B-11-501 Title.

This part is known as "Brewery Manufacturing License."

Enacted by Chapter 276, 2010 General Session

32B-11-502 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-11-503 Specific authority and operational requirements for brewery manufacturing license.

(1) A brewery manufacturing license allows a brewery manufacturing licensee to:

(a) store, manufacture, brew, transport, or export beer, heavy beer, and flavored malt beverages;

(b) sell heavy beer and a flavored malt beverage to:

(i) the department;

(ii) a military installation; or

(iii) an out-of-state customer who is at least 21 years old, as the state in which the customer is located permits;

(c) sell beer to a beer wholesaler licensee;

(d) in the case of a small brewer, in accordance with Subsection (5), sell beer manufactured by the small brewer to:

(i) a retail licensee;

(ii) an off-premise beer retailer; or

(iii) an event permittee;

(e) warehouse on the brewery manufacturing licensee's premises an alcoholic product that the brewery manufacturing licensee manufactures or purchases for manufacturing purposes; and

(f) if the brewery manufacturing licensee holds two or more brewery manufacturing licenses, transport beer, heavy beer, or flavored malt beverage from one of the brewery manufacturing licensee's licensed premises to another, if the transportation occurs for the purpose of:

(i) continuing or completing the manufacturing process; or

(ii) transferring the beer, heavy beer, or flavored malt beverage for storage at a licensed premises of the brewery manufacturing licensee that is at a package agency.

(2) A brewery manufacturing licensee may not sell the following to a person within the state except the department or a military installation:
(a) heavy beer; or
(b) a flavored malt beverage.
(3) If considered necessary, the commission or department may require:
(a) the alteration of the plant, equipment, or licensed premises;
(b) the alteration or removal of any unsuitable alcoholic product-making equipment or material;
(c) a brewery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and equipment; or
(d) that a record pertaining to the materials and ingredients used in the manufacture of an alcoholic product be available to the commission or department upon request.
(4) A brewery manufacturing licensee may not permit any beer, heavy beer, or flavored malt beverage to be consumed on the licensed premises, except that:
(a) a brewery manufacturing licensee may allow the brewery manufacturing licensee's on-duty staff to taste the alcoholic product that the brewery manufacturing licensee manufactures on the brewery manufacturing licensee's premises without charge, but only in connection with the on-duty staff's duties of manufacturing the alcoholic product during the manufacturing process and not otherwise;
(b) a brewery manufacturing licensee may allow a person who can lawfully purchase the following for wholesale or retail distribution to consume a bona fide sample of the brewery manufacturing licensee's product on the licensed premises:
(i) beer;
(ii) heavy beer; or
(iii) a flavored malt beverage;
(c) a brewery manufacturing licensee may operate a retail facility that complies with the requirements of Chapter 7, Part 2, Off-Premise Beer Retailer Local Authority; and
(d) a brewery manufacturing licensee may conduct a tasting as provided in Section 32B-11-210.
(5)
(a) A small brewer shall own, lease, or maintain and control a warehouse facility located in this state for the storage of beer to be sold to a person described in Subsection (1)(d) if the small brewer:
(i)
(A)
(I) is located in this state; and
(II) holds a brewery manufacturing license; or
(B)
(I) is located outside this state; and
(II) holds a certificate of approval to sell beer in this state; and
(ii) sells beer manufactured by the small brewer directly to a person described in Subsection (1)(d).
(b) A small brewer may not sell beer to a person described in Subsection (1)(d) unless the beer:
(i) is manufactured by the small brewer; and
(ii) is first placed in the small brewer's warehouse facility in this state.
(c)
(i) A small brewer warehouse shall make and maintain complete beer importation, inventory, tax, distribution, sales records, and other records as the department and State Tax Commission may require.
(ii) The records described in Subsection (5)(c)(i) are subject to inspection by:

(A) the department; and
(B) the State Tax Commission.
(iii) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (5), except that the provision is considered to include an action described in Section 32B-1-205 made for the purpose of deceiving the State Tax Commission, or an official or employee of the State Tax Commission.

(6)
(a) Subject to Subsection (7), a brewery manufacturing licensee may not sell beer in this state except under a written agreement with a beer wholesaler licensee in this state.
(b) An agreement described in Subsection (6)(a) shall:
(i) create a restricted exclusive sales territory that is mutually agreed upon by the persons entering into the agreement;
(ii) designate the one or more brands that may be distributed in the sales territory; and
(iii) set forth the exact geographical area of the sales territory.
(c) A brewery manufacturing licensee may have more than one agreement described in Subsection (6)(a) if each brand of the brewery manufacturing licensee is covered by one exclusive sales territory.
(d) A brewery manufacturing licensee may not enter into an agreement described in Subsection (6)(a) with more than one beer wholesaler licensee to distribute the same brand of beer in the same sales territory or any portion of the sales territory.

(7) A small brewer is not subject to the requirements of Subsection (6).

Amended by Chapter 447, 2022 General Session

32B-11-504 Department's authority regarding small-brewer status.

(1) A brewer seeking to obtain small-brewer status shall provide to the department any documentation or information the department determines necessary to determine if the brewer is part of a controlled group of manufacturers.
(2) The department may revoke a brewer's small-brewer status at any time, if the department determines the brewer does not qualify as a small brewer.

Amended by Chapter 447, 2022 General Session

Part 6
Local Industry Representative License Act

32B-11-601 Title.

This part is known as the "Local Industry Representative License Act."

Enacted by Chapter 276, 2010 General Session

32B-11-602 Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-11-603 Commission's power to issue local industry representative license.

(1)
(a) Before a person described in Subsection (2) may represent an alcoholic product of a manufacturer, supplier, or importer, the person shall obtain a local industry representative license from the commission in accordance with this part.
(b) A violation of this Subsection (1) is a class B misdemeanor.

(2) The commission may issue a local industry representative license to a person who is:
(a)
(i) an individual resident of Utah;
(ii) a Utah partnership;
(iii) a Utah corporation; or
(iv) a Utah limited liability company; and
(b) employed by a manufacturer, supplier, or importer, to represent a liquor product with the department, a package agency, licensee, or permittee under this title, whether compensated by salary, commission, or another means.

(3) An individual staff member of a local industry representative licensee is not required to be separately licensed.

(4) A local industry representative may represent more than one manufacturer, supplier, or importer at a time.

(5)
(a) A manufacturer, supplier, or importer is not required to use a local industry representative to represent its products with the department, a package agency, licensee, or permittee, except that staff of a manufacturer, supplier, or importer who is not a local industry representative shall register with the department, on a form provided by the department, before the staff represents an alcoholic product while in the state with the department, a package agency, licensee, or permittee.
(b) A manufacturer, supplier, or importer described in Subsection (5)(a) and its staff are subject to the same operational requirements of this part and Chapter 4, Criminal Offenses and Procedure Act.

Enacted by Chapter 276, 2010 General Session

32B-11-604 Application for local industry representative license.

(1) To obtain a local industry representative license, a person shall submit to the department:
(a) a written application in a form prescribed by the department;
(b) a nonrefundable $75 application fee;
(c) an initial license fee of $125, which is refundable if a local industry representative license is not issued;
(d) verification that the person is:
(i) a resident of Utah;
(ii) a Utah partnership;
(iii) a Utah corporation; or
(iv) a Utah limited liability company;
(e) an affidavit stating the name and address of any manufacturer, supplier, or importer the person will represent;
(f) a signed consent form stating that the local industry representative will permit any authorized representative of the commission, department, or any law enforcement officer to have an

unrestricted right to enter, during normal business hours, the specific premises where the local industry representative conducts business;
(g) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(h) any other information the commission or department may require.
(2) A local industry representative licensee is not required to pay an additional license fee to represent more than one manufacturer, supplier, or importer.

Amended by Chapter 334, 2011 General Session

32B-11-605 Renewal requirements for local industry representative license.
(1) A local industry representative license expires on December 31 of each year.
(2) To renew a local industry representative license, a person shall submit to the department by no later than November 30 of the year the license expires:
(a) a completed renewal application in a form prescribed by the department;
(b) a renewal fee of $125; and
(c) an affidavit stating the name and address of any manufacturer, supplier, or importer the local industry representative licensee represents at the time of submitting the renewal application.
(3) Failure to meet the renewal requirements results in an automatic forfeiture of the local industry representative license effective on the date the existing local industry representative license expires.

Amended by Chapter 334, 2011 General Session

32B-11-606 Specific qualifications for local industry representative.
(1) The commission may not issue a local industry representative license to:
(a) a person who is disqualified under Section 32B-1-304; or
(b) unless otherwise provided:
(i) a retail licensee that sells, offers for sale, or furnishes liquor;
(ii) staff of a retail licensee that sells, offers for sale, or furnishes liquor; or
(iii) an individual, partnership, corporation, or limited liability company who holds an interest in a retail licensee that sells, offers for sale, or furnishes liquor.
(2) If a person to whom a local industry representative license is issued under this part no longer possesses the qualifications required by this title for obtaining that local industry representative license, the commission may suspend or revoke that local industry representative license.

Enacted by Chapter 276, 2010 General Session

32B-11-607 Commission and department duties before issuing local representative license.
(1)
(a) Before the commission may issue a local industry representative license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a local industry representative license should be issued.
(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
(2) Before issuing a local industry representative license, the commission shall:

(a) determine that the person filed a complete application and is in compliance with Sections 32B-11-604 and 32B-11-606;
(b) determine that the person is not disqualified under Section 32B-1-304; and
(c) consider any other factor the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-11-608 Operational requirements for local industry representative license.

(1)
(a) A local industry representative licensee, staff of the local industry representative licensee, or staff of a manufacturer, supplier, or importer who is conducting business in the state, shall comply with this title and rules of the commission.
(b) If a person knowingly violates Subsection (1)(a):
(i) the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(A) a local industry representative licensee;
(B) individual staff of a local industry representative licensee; or
(C) both a local industry representative licensee and staff of the local industry representative licensee; and
(ii) if the conditions of Subsection (1)(c) are met, the commission may order:
(A) the removal of the manufacturer's, supplier's, or importer's products from the department's sales list; and
(B) a suspension of the department's purchase of those products for a period determined by the commission.
(c) Subsection (1)(b)(ii) applies if the manufacturer, supplier, or importer:
(i) directly commits the violation; or
(ii) solicits, requests, commands, encourages, or intentionally aides another to engage in the violation.
(2) A local industry representative licensee shall display its license in the local industry representative licensee's principal place of business.
(3)
(a) A local industry representative licensee shall maintain on file with the department a current accounts list of the names and addresses of the manufacturers, suppliers, and importers the local industry representative licensee represents.
(b) A local industry representative licensee shall notify the department in writing of a change to its accounts list within 14 days from the date the local industry representative licensee:
(i) acquires the account of a manufacturer, supplier, or importer; or
(ii) loses the account of a manufacturer, supplier, or importer.
(4)
(a) A local industry representative licensee shall make and maintain the records the department requires for at least three years.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).
(5) Staff of a local industry representative licensee may not be:
(a) a retail licensee that sells, offers for sale, or furnishes liquor;
(b) staff of a retail licensee that sells, offers for sale, or furnishes liquor; or
(c) a minor.
(6)

(a) A local representative licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the license to another person, whether for monetary gain or not.
(b) A local industry representative license has no monetary value for any type of disposition.
(7) A local industry representative licensee, staff of the local industry representative licensee, or staff of a manufacturer, supplier, or importer who is conducting business in the state:
(a) only to the extent authorized by Chapter 4, Criminal Offenses and Procedure Act, may:
(i) assist the department in:
(A) ordering, shipping, and delivering merchandise;
(B) providing new product notification;
(C) obtaining listing and delisting information;
(D) receiving price quotations;
(E) providing product sales analysis;
(F) conducting shelf management; and
(G) conducting educational seminars; and
(ii) to acquire new listings:
(A) solicit orders from the department; and
(B) submit to the department price lists and samples of the products of the manufacturer, supplier, or importer;
(b) may not sell liquor within the state except to:
(i) the department; and
(ii) a military installation;
(c) may not ship or transport, or cause to be shipped or transported, liquor into this state or from one place to another within this state;
(d) may not sell or furnish any liquor to any person within this state other than to:
(i) the department; or
(ii) a military installation;
(e) except as otherwise provided, may not advertise a product the local industry representative licensee represents in violation of this title or any other federal or state law;
(f) shall comply with the trade practices provided in Chapter 4, Part 7, Trade Practices Act; and
(g) may only provide a sample of a product of the manufacturer, supplier, or importer for tasting and sampling purposes as provided in Section 32B-4-705 by the department.
(8) A local industry representative licensee may, to become educated as to the quality and characteristics of a liquor that the licensee represents, taste and analyze an industry representative sample under the conditions listed in this Subsection (8).
(a) A local industry representative licensee may not receive more than two industry representative samples of a particular type, vintage, and production lot of a particular branded product within a consecutive 120-day period.
(b)
(i) An industry representative sample of liquor may not exceed one liter.
(ii) Notwithstanding Subsection (8)(b)(i), an industry representative sample of the following may not exceed 1.5 liters unless that exact product is only commercially packaged in a larger size, not to exceed 5 liters:
(A) wine;
(B) heavy beer; or
(C) a flavored malt beverage.
(c) An industry representative sample may only be of a product not presently listed on the department's sales list.

(d)
(i) An industry representative sample shall be shipped:
(A) prepaid by the manufacturer, supplier, or importer;
(B) by common carrier and not via United States mail; and
(C) directly to the department's central administrative warehouse office.
(ii) An industry representative sample may not be shipped to any other location within the state.
(e) An industry representative sample shall be accompanied by a letter from the manufacturer, supplier, or importer:
(i) clearly identifying the product as an "industry representative sample"; and
(ii) clearly stating:
(A) the FOB case price of the product; and
(B) the name of the local industry representative for whom it is intended.
(f) The department shall assess a reasonable handling, labeling, and storage fee for each industry representative sample received.
(g) The department shall affix to a container a label clearly identifying the product as an "industry representative sample."
(h) The department shall:
(i) account for and record each industry representative sample received;
(ii) account for the industry representative sample's disposition; and
(iii) maintain a record of the industry representative sample and its disposition for a two-year period.
(i) An industry representative sample may not leave the premises of the department's central administrative warehouse office.
(j) A local industry representative licensee's and a local industry representative licensee's staff may, at regularly scheduled days and times established by the department, taste and analyze one or more industry representative samples on the premises of the department's central administrative warehouse office.
(k) The department shall destroy the unused contents of an opened product remaining after a product is sampled under controlled and audited conditions established by the department.
(l) An industry representative sample that is not tasted within 30 days of receipt by the department shall be disposed of at the discretion of the department in one of the following ways:
(i) the contents destroyed under controlled and audited conditions established by the department; or
(ii) added to the inventory of the department for sale to the public.

Amended by Chapter 307, 2011 General Session
Amended by Chapter 334, 2011 General Session

32B-11-609 Notifying department of change in ownership.

The commission may suspend, revoke, or deem forfeited a local industry representative license if a local industry representative licensee does not notify the department, within 60 days after the day on which the change occurs, of a change in:
(1) ownership of the business;
(2) for a corporate owner, the:
(a) corporate officers or directors; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or

(3) for a limited liability company:
(a) managers; or
(b) members owning at least 20% of the limited liability company.

Amended by Chapter 371, 2023 General Session

Chapter 12
Liquor Warehousing License Act

Part 1
General Provisions

32B-12-101 Title.
This chapter is known as the "Liquor Warehousing License Act."

Enacted by Chapter 276, 2010 General Session

32B-12-102 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

Part 2
Liquor Warehousing License Process

32B-12-201 Commission's power to issue liquor warehousing license.
(1)
(a) Before a person may warehouse, distribute, or transport liquor for resale to a wholesale or retail customer, the person shall first obtain a liquor warehousing license issued by the commission in accordance with this chapter.
(b) A separate liquor warehousing license is required for each warehousing facility.
(c) A violation of this Subsection (1) is a class B misdemeanor.
(2) The commission may issue a liquor warehousing license in accordance with this chapter for the warehousing, distribution, and transportation of liquor.

Enacted by Chapter 276, 2010 General Session

32B-12-202 Application requirements for liquor warehousing license.
To obtain a liquor warehousing license, a person shall submit to the department:
(1) a written application in a form prescribed by the department;
(2) a nonrefundable $300 application fee;
(3) an initial license fee of $850, which is refundable if a liquor warehousing license is not issued;
(4) written consent of the local authority;
(5) a copy of the person's current business license;

(6) a bond as specified by Section 32B-12-206;
(7) a floor plan of the person's warehouse, including the area in which the person proposes that liquor be stored;
(8) evidence that the person is carrying public liability insurance in an amount and form satisfactory to the department;
(9) a signed consent form stating that the liquor warehousing licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the licensed premises;
(10) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(11) any other information the commission or department may require.

Amended by Chapter 334, 2011 General Session

32B-12-203 Renewal requirements for liquor warehousing license.
(1) A liquor warehousing license expires on December 31 of each year.
(2) To renew a liquor warehousing license, a person shall submit to the department by no later than November 30 of the year the license expires:
  (a) a completed renewal application in a form prescribed by the department; and
  (b) a renewal fee of $1,200.
(3) Failure to meet the renewal requirements results in an automatic forfeiture of the liquor warehousing license effective on the date the existing liquor warehousing license expires.

Amended by Chapter 334, 2011 General Session

32B-12-204 Specific qualifications for liquor warehousing license.
(1) The commission may not issue a liquor warehousing license to a person who is disqualified under Section 32B-1-304.
(2) A person, through its staff, or otherwise, either directly or indirectly, may not hold at the same time both a liquor warehousing license and another kind of package agency, license, or permit issued under this title except:
  (a) a temporary beer event permit;
  (b) a manufacturing license issued in accordance with Chapter 11, Manufacturing and Related Licenses Act; or
  (c) a beer wholesaling license issued in accordance with this chapter.
(3) If a person to whom a liquor warehousing license is issued under this chapter no longer possesses the qualifications required by this title for obtaining that liquor warehousing license, the commission may suspend or revoke that liquor warehousing license.

Enacted by Chapter 276, 2010 General Session

32B-12-205 Duties of commission and department before issuing liquor warehousing license.
(1)
  (a) Before the commission may issue a warehousing license or approve a change of location for a licensee's warehouse facility, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a liquor warehousing license should be issued or a change of location granted.

(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.

(2) Before issuing a liquor warehousing license, the commission shall:

(a) determine that the person filed a complete application and has complied with Sections 32B-12-202 and 32B-12-204;

(b) determine that the person is not disqualified under Section 32B-1-304;

(c) consider the physical characteristics of the premises where the person proposes to warehouse liquor, including:

(i) location;

(ii) proximity to transportation; and

(iii) condition, size, and security of the licensed premises;

(d) consider the person's ability to properly use the liquor warehousing license within the requirements of this title and the commission rules including:

(i) the types of products other than liquor that the person is warehousing;

(ii) the brands of liquor the person intends to warehouse; and

(iii) the means the person intends to use to distribute the liquor; and

(e) consider any other factor the commission considers necessary.

(3) Before approving a liquor warehousing licensee's request to change the location of the licensee's warehouse facility, the commission shall:

(a) determine that the licensee filed a complete change of location application;

(b) consider the physical characteristics of the premises where the licensee proposes to warehouse liquor, including:

(i) location;

(ii) proximity to transportation; and

(iii) condition, size, and security of the licensed premises; and

(c) consider any other factor the commission considers necessary.

Amended by Chapter 291, 2021 General Session

32B-12-206 Bond for liquor warehousing license.

(1)

(a) A liquor warehouser licensee shall post a cash bond or surety bond in the penal sum of $10,000 payable to the department.

(b) A liquor warehouser licensee shall procure and maintain the bond required by this section for as long as the liquor warehouser licensee continues to operate as a liquor warehouser licensee.

(2) A bond posted under this section shall be:

(a) in a form approved by the attorney general; and

(b) conditioned upon the liquor warehouser licensee's faithful compliance with this title and the rules of the commission.

(3) If a surety bond posted by a liquor warehouser licensee under this section is canceled due to a liquor warehouser licensee's negligence, the department may assess a $300 reinstatement fee.

(4) No part of a bond posted under this section may be withdrawn during the period the liquor warehousing license is in effect.

(5)

(a) A bond posted by a liquor warehouser licensee may be forfeited if the liquor warehousing license is revoked.

(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a liquor warehouser licensee for money owed the department under this title without the commission first revoking the liquor warehousing license.

Enacted by Chapter 276, 2010 General Session

Part 3
Operational Requirements for Liquor Warehousing License

32B-12-301 General operational requirements for liquor warehousing license.

(1)
(a) A liquor warehouser licensee and staff of the liquor warehouser licensee shall comply with this title and the rules of the commission.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a liquor warehouser licensee;
(ii) individual staff of a liquor warehouser licensee; or
(iii) both a liquor warehouser licensee and staff of the liquor warehouser licensee.

(2)
(a) A liquor warehouser licensee shall make and maintain records required by the department.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).

(3) A liquor warehousing license may not be transferred from one location to another location, without prior written approval of the commission.

(4)
(a) A liquor warehouser licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the license to another person, whether for monetary gain or not.
(b) A liquor warehousing license has no monetary value for any type of disposition.

(5) A liquor warehouser licensee may not employ a minor to handle an alcoholic product.

(6) Liquor that is warehoused in this state and sold to an out-of-state consignee may be transported out of the state only by a motor carrier regulated under Title 72, Chapter 9, Motor Carrier Safety Act.

(7) Liquor that is warehoused in this state and sold to the department may be transported only by a motor carrier approved by the department.

(8) Liquor transported to or from a liquor warehouser licensee's licensed premises shall be carried in a sealed conveyance that is made available for inspection by the department while en route within the state.

(9) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor from a warehouse in less than a full case lot.

(10) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor from a warehouse to a consignee outside the state that is not licensed as a liquor wholesaler or retailer by the state in which the consignee is domiciled.

(11) A liquor warehouser licensee may not receive, warehouse, distribute, transport, ship, or convey liquor that the commission has not authorized the liquor warehouser licensee to handle through its warehouse.

(12) The commission may prescribe by policy or rule, consistent with this title, the general operational requirements of licensees relating to:
(a) physical facilities;
(b) conditions of storage, distribution, or transport of liquor; and
(c) other matters considered appropriate by the commission.

Amended by Chapter 354, 2020 General Session

32B-12-302 Notifying the department of change in ownership.
The commission may suspend, revoke, or deem forfeited a liquor warehousing license if a liquor warehouser licensee does not notify the department, within 60 days after the day on which the change occurs, of a change in:
(1) ownership of the liquor warehouser licensee;
(2) for a corporate owner, the:
(a) corporate officers or directors; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company:
(a) managers; or
(b) members owning at least 20% of the limited liability company.

Amended by Chapter 371, 2023 General Session

Chapter 13
Beer Wholesaling License Act

Part 1
General Provisions

32B-13-101 Title.
This chapter is known as the "Beer Wholesaling License Act."

Enacted by Chapter 276, 2010 General Session

32B-13-102 Definitions.
Reserved

Enacted by Chapter 276, 2010 General Session

Part 2
Beer Wholesaling License Process

32B-13-201 Commission's power to issue beer wholesaling license.
(1)

(a) Before a person may purchase, store, sell, offer for sale, distribute, or import beer to a person who sells at retail or acts in any way as a beer wholesaler, the person shall first obtain a beer wholesaling license issued by the commission in accordance with this chapter.
(b) A violation of Subsection (1)(a) is a class A misdemeanor.
(2)
(a) The commission may issue a beer wholesaling license for the purchase, storage, sale, distribution, transportation, and import of beer.
(b) A beer wholesaling license entitles the beer wholesaler licensee to:
(i) purchase and import beer into the state;
(ii) store beer in an approved warehouse; and
(iii) sell and distribute beer directly to:
(A) a beer retailer; or
(B) an event permittee.
(3) Nothing in this section precludes a small brewer from selling beer the small brewer manufactures directly to:
(a) a retail licensee;
(b) an off-premise beer retailer; or
(c) an event permittee.

Amended by Chapter 334, 2011 General Session

32B-13-202 Application requirements for beer wholesaling license.

To obtain a beer wholesaling license, a person shall submit to the department:
(1) a written application in a form prescribed by the department;
(2) a nonrefundable $300 application fee;
(3) an initial license fee of $2,300 that is refundable if a beer wholesaling license is not issued;
(4) written consent of the local authority;
(5) a copy of the person's current business license;
(6) a bond as specified in Section 32B-13-206;
(7) a statement of the brands of beer the person is authorized to sell and distribute;
(8) a statement of the one or more sales territories in which the person is authorized to sell and distribute beer under an agreement required by Section 32B-11-201 or 32B-11-503;
(9) evidence that the person is carrying public liability insurance in an amount and form satisfactory to the department;
(10) a signed consent form stating that the beer wholesaling licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the licensed premises;
(11) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(12) any other information that the commission or department may require.

Amended by Chapter 334, 2011 General Session

32B-13-203 Renewal requirements for beer wholesaling license.

(1) A beer wholesaling license expires on December 31 of each year.
(2) To renew a beer wholesaling license, a person shall submit to the department by no later than November 30 of the year the license expires:
(a) a completed renewal application in a form prescribed by the department; and

(b) a renewal fee in the following amount:

Case Sales in Previous License Year for the Licensee		Renewal Fee
	under 500,000 cases	$1,200
	equals or exceeds 500,000 cases but less than 1,000,000 cases	$2,350
	equals or exceeds 1,000,000 cases	$3,500.

(3) Failure to meet the renewal requirements results in an automatic forfeiture of the beer wholesaling license effective on the date the existing beer wholesaling license expires.

Amended by Chapter 334, 2011 General Session

32B-13-204 Specific qualifications for beer wholesaling license.

(1) The commission may not issue a beer wholesaling license to a person who:
(a) is disqualified under Section 32B-1-304; or
(b) does not meet any applicable federal requirement for beer wholesaling.
(2)
(a) The commission may not issue one of the following licenses to a beer wholesaler licensee simultaneously with the beer wholesaling license, and a beer wholesaler licensee may not, directly or indirectly, hold, through a wholly or partially owned subsidiary or otherwise, one of the following licenses:
(i) a brewery manufacturing license; or
(ii) a beer retailer license.
(b) The commission may not issue to a beer retailer, and a beer retailer, directly or indirectly, may not hold, through a wholly or partially owned subsidiary or otherwise, a beer wholesaling license.
(3) If a person to whom a beer wholesaling license is issued under this chapter no longer possesses the qualifications required by this title for obtaining that beer wholesaling license, the commission may suspend or revoke that beer wholesaling license.

Enacted by Chapter 276, 2010 General Session

32B-13-205 Commission and department duties before issuing beer wholesaling license.

(1)
(a) Before the commission may issue a beer wholesaling license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a beer wholesaling license should be issued.
(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
(2) Before issuing a beer wholesaling license, the commission shall:
(a) determine that the person filed a complete application and is in compliance with Sections 32B-13-202 and 32B-13-204;
(b) determine that the person is not disqualified under Section 32B-1-304;
(c) consider the physical characteristics of the licensed premises where it is proposed that beer be stored by the person, such as:
(i) location;

(ii) proximity to transportation; and
(iii) condition, size, and security of the licensed premises;
(d) consider the person's ability to manage and operate a beer wholesaling operation, including:
(i) management experience;
(ii) past wholesaling experience;
(iii) the brands the person intends to wholesale; and
(iv) the means the person intends to use to distribute beer; and
(e) consider any other factor that the commission considers necessary.

Enacted by Chapter 276, 2010 General Session

32B-13-206 Bond for a beer wholesaling license.

(1)
(a) A beer wholesaler licensee shall post a cash bond or surety bond in the penal sum of $10,000 payable to the department.
(b) A beer wholesaler licensee shall procure and maintain a bond required by this section for as long as the beer wholesaler licensee continues to operate as a beer wholesaler licensee.
(2) A bond posted under this section shall be:
(a) in a form approved by the attorney general; and
(b) conditioned upon a beer wholesaler licensee's faithful compliance with this title and the rules of the commission.
(3) If a surety bond posted by a beer wholesaler licensee under this section is canceled due to a beer wholesaler licensee's negligence, the department may assess a $300 reinstatement fee.
(4) No part of a bond posted under this section may be withdrawn during the period the beer wholesaling license is in effect.
(5)
(a) A bond posted under this section by a beer wholesaler licensee may be forfeited if the beer wholesaling license is revoked.
(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a beer wholesaler licensee for money owed the department under this title without the commission first revoking the beer wholesaling license.

Enacted by Chapter 276, 2010 General Session

Part 3
Operational Requirements for Beer Wholesaling License

32B-13-301 General operational requirements for beer wholesaling license.

(1)
(a) A beer wholesaler licensee and staff of the beer wholesaler licensee shall comply with this title and the rules of the commission.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a beer wholesaler licensee;
(ii) individual staff of a beer wholesaler licensee; or
(iii) both a beer wholesaler licensee and staff of the beer wholesaler licensee.

(2)
(a) A beer wholesaler licensee shall make and maintain the records required by the department.
(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
(3) A beer wholesaler licensee may not employ a minor to handle an alcoholic product.
(4) A beer wholesaler licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the beer wholesaling license to a person, whether for monetary gain or not, unless it is done:
(a) in accordance with the commission rules; and
(b) after written consent is given by the commission.
(5) A beer wholesaler licensee may not wholesale a beer manufactured within the state by a brewer who is not licensed by the commission as a brewery manufacturing licensee.
(6) A beer wholesaler licensee may not wholesale a beer manufactured out of state by a brewer who has not obtained a certificate of approval from the department.
(7)
(a) A beer wholesaler licensee may not sell or distribute beer to a person within the state except to:
(i) a retail licensee;
(ii) an off-premise beer retailer; or
(iii) an event permittee.
(b) A violation of this Subsection (7) is a class A misdemeanor.
(8)
(a) A beer wholesaler licensee may not sell or distribute a beer to a person who sells the beer at retail outside of a sales territory designated on its application and authorized by an agreement described in Subsection 32B-13-202(8), except that if a beer wholesaler licensee is temporarily unable to supply a person within the beer wholesaler licensee's authorized sales territory, the department may grant temporary authority to another beer wholesaler licensee who distributes the same brand in another sales territory to supply:
(i) a retail licensee; or
(ii) an off-premise beer retailer.
(b) A violation of this Subsection (8) is a class B misdemeanor.
(9)
(a) A beer wholesaler licensee shall own, lease, or otherwise control and maintain a warehouse facility located in this state for the receipt, storage, and further distribution of beer sold by the beer wholesaler licensee to a person within the state.
(b) A beer wholesaler licensee may not sell beer to a person in this state, other than the department, unless the beer is first:
(i) physically removed from the vehicle used to transport the beer from the supplier to the beer wholesaler licensee; and
(ii) delivered into the actual possession and control of the beer wholesaler licensee in its warehouse or other facility.
(10) A beer wholesaler licensee may not sell or distribute an alcoholic product that has not had its label and packaging approved by the department in accordance with Chapter 1, Part 6, Malted Beverage Act.
(11) The commission may prescribe by policy or rule, consistent with this title, the general operational requirements of a beer wholesaling licensee relating to:
(a) physical facilities; and

(b) the conditions of importation, purchase, storage, sale, offering for sale, distribution, or transportation of beer within the state.

Amended by Chapter 334, 2011 General Session

32B-13-302 Notifying the department of a change of ownership.

The commission may suspend or revoke a beer wholesaling license if a beer wholesaler licensee does not immediately notify the department of change in:

(1) ownership of the beer wholesaler licensee;

(2) for a corporate owner, the:

(a) corporate officers or directors; or

(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or

(3) for a limited liability company:

(a) managers; or

(b) members owning at least 20% of the limited liability company.

Enacted by Chapter 276, 2010 General Session

Chapter 14
Utah Beer Industry Distribution Act

Part 1
General Provisions

32B-14-101 Legislative policy.

It is the policy of the Legislature to regulate and control the importation, sale, and distribution of beer within the state in the exercise of its powers under the Twenty-first Amendment to the Constitution of the United States and pursuant to the Utah Constitution.

Amended by Chapter 261, 2025 General Session

32B-14-102 Definitions.

As used in this chapter:

(1) "Affected party" means a supplier or wholesaler who is a party to a distributorship agreement that a terminating party seeks to terminate or not renew.

(2)

(a) "Distributorship agreement" means a written agreement between a supplier and a wholesaler pursuant to which the wholesaler has the right to purchase, resell, and distribute in a designated geographical area any brand of beer manufactured, imported, or distributed by the supplier.

(b) For purposes of this chapter, a separate agreement between a supplier and a wholesaler is considered to be part of a distributorship agreement if it relates to:

(i) the relationship between the supplier and the wholesaler; or

(ii) the duties of either the supplier or the wholesaler under a distributorship agreement.

(3) "Good cause" means the material failure by a supplier or a wholesaler to comply with an essential, reasonable, and lawful requirement imposed by a distributorship agreement if the failure occurs after the supplier or wholesaler acting in good faith provides notice of deficiency and an opportunity to correct in accordance with Part 2, Termination.
(4) "Good faith" is as defined in Subsection 70A-1a-201(2)(t).
(5) "Retailer" means a beer retailer.
(6) "Sales territory" means the geographic area of distribution and sale responsibility designated by a distributorship agreement.
(7) "Supplier," notwithstanding Section 32B-1-102, means a brewer or other person who sells beer to a wholesaler for resale in this state.
(8) "Terminating party" means a supplier or wholesaler who:
(a) is a party to a distributorship agreement; and
(b) seeks to terminate or not renew the distributorship agreement.

Enacted by Chapter 276, 2010 General Session

32B-14-103 Modifying statutory requirements not permitted.
(1) Nothing in this chapter is intended to restrict the right of a supplier to contractually require its wholesaler to comply with the supplier's operational standards of performance that are:
(a) consistent with this chapter; and
(b) uniformly established for its wholesalers according to the supplier's good faith business judgment.
(2) Notwithstanding Subsection (1), the requirements of this chapter may not be modified by agreement.
(3) An agreement that by its terms modifies the requirements of this chapter is void and unenforceable to the extent it attempts to modify the requirements of this chapter.

Enacted by Chapter 276, 2010 General Session

Part 2
Termination

32B-14-201 Termination of distributorship agreements.
(1) Except as provided in Subsection (2) or (3), a supplier or wholesaler may not:
(a) terminate a distributorship agreement; or
(b) fail to renew a distributorship agreement.
(2) A supplier or wholesaler may take an action prohibited by Subsection (1) if:
(a) the supplier or wholesaler has good cause for the action; and
(b) if notification is required by Section 32B-14-202:
(i) the terminating party provides the affected party prior notification in accordance with Section 32B-14-202; and
(ii) the affected party has not eliminated the reasons specified in the notification as the reasons for the action within 90 days after the date the notification is mailed in accordance with Section 32B-14-202.
(3) A supplier may take an action prohibited by Subsection (1) if:
(a) the supplier gives the wholesaler 30 days written notice before termination or nonrenewal;

(b) the supplier discontinues production or discontinues distribution throughout the state of all brands of beer sold by the supplier to the wholesaler; and
(c) the termination or nonrenewal does not violate the distributorship agreement.

Enacted by Chapter 276, 2010 General Session

32B-14-202 Notice of termination.

(1) Except as provided in Subsection (3), a terminating party may not take an action described in Subsection 32B-14-201(1) unless the terminating party provides prior notification in accordance with Subsection (2) to the affected party.
(2)
(a) A terminating party shall provide the notification required under Subsection (1):
(i) in writing;
(ii) by registered mail, return receipt requested; and
(iii) to the affected party not less than 90 days before the date on which the distributorship agreement will be terminated or not renewed.
(b) A terminating party shall state in the notification required under Subsection (1):
(i) the intention to terminate or not renew;
(ii) the reasons for the termination or nonrenewal; and
(iii) the date, not less than 90 days from the date of mailing, on which the termination or nonrenewal shall take effect if the reasons for the action are not eliminated by that date.
(3) A supplier or wholesaler may take an action described in Subsection 32B-14-201(1) without furnishing prior notification if:
(a) the affected party is insolvent, bankrupt, in dissolution, or in liquidation;
(b) the affected party makes an assignment for the benefit of creditors or similar disposition of substantially all of the assets of the affected party's business; or
(c) the affected party or a person owning more than 10% of the stock or other ownership interest in the affected party:
(i) is convicted of, pleads guilty to, or pleads no contest to a felony under federal law or a law of this state that in the reasonable, good faith judgment of the terminating party materially and adversely affects the good will or business of the terminating party;
(ii) has its license or permit revoked or suspended for a period of 31 days or more; or
(iii) engages in intentional fraudulent conduct in its dealings with the terminating party that in the reasonable, good faith judgment of the terminating party materially and adversely affects the good will or business of the terminating party.
(4) Notwithstanding Subsection (3)(c)(i), a supplier may not take an action under Subsection (3)(c)
(i) because of a conviction or plea by an owner of the affected party, if:
(a) any other approved owner of the affected party purchases the ownership interest of the offending owner;
(b) the offending owner was not materially involved in the management of the affected party; and
(c) the purchase described in Subsection (4)(a) is completed within 90 days after the conviction or plea.
(5) Subsection (3)(c)(iii) does not apply to conduct by a non-owner employee or representative of the affected party if the conduct occurred without the prior knowledge or consent of an owner of the affected party.

Enacted by Chapter 276, 2010 General Session

Part 3
Operational Provisions

32B-14-301 Distributorship agreements in general.

A distributorship agreement may be for a definite or indefinite period.

Enacted by Chapter 276, 2010 General Session

32B-14-302 Prohibited conduct of supplier.

(1) A supplier may not:
- (a) induce or coerce, or attempt to induce or coerce, a wholesaler to engage in an illegal act or course of conduct;
- (b) impose a requirement that is discriminatory by its terms or in the methods of enforcement as compared to requirements imposed by the supplier on similarly situated wholesalers;
- (c) prohibit a wholesaler from selling a product of another supplier;
- (d) fix or maintain the price at which a wholesaler may resell beer;
- (e) fail to execute with each wholesaler of its brands a written distributorship agreement;
- (f) require a wholesaler to accept delivery of beer or any other item that is not voluntarily ordered by the wholesaler;
- (g) restrict or inhibit, directly or indirectly, the right of a wholesaler to participate in an organization representing interests of wholesalers for a lawful purpose;
- (h) require a wholesaler to participate in or contribute to a local, regional, or national advertising fund or other promotional activity that:
  - (i) is not used for an advertising or promotional activity in the wholesaler's sales territory; or
  - (ii) would require a contribution by the wholesaler in excess of the amounts specified in the distributorship agreement;
- (i) retaliate against a wholesaler that files a complaint with the department or the applicable federal agency regarding an alleged violation by the supplier of a state or federal statute or administrative rule;
- (j) require without good cause a change in the manager of a wholesaler who has previously been approved by the supplier;
- (k) if a wholesaler changes its approved manager, prohibit the change unless the new manager fails to meet the reasonable standards for similarly situated wholesalers of the supplier as stated in the distributorship agreement; or
- (l) refuse to deliver a beer product covered by a distributorship agreement to the wholesaler:
  - (i) in a reasonable quantity; and
  - (ii) within a reasonable time after receipt of the wholesaler's order.

(2) Notwithstanding Subsection (1)(l), the supplier may refuse to deliver a beer product if the refusal is due to:
- (a) the wholesaler's failure to pay the supplier pursuant to the distributorship agreement;
- (b) an unforeseeable event beyond the supplier's control;
- (c) a work stoppage or delay due to a strike or labor problem;
- (d) a bona fide shortage of materials; or
- (e) a freight embargo.

Enacted by Chapter 276, 2010 General Session

32B-14-303 Prohibited conduct of wholesaler.

(1) A wholesaler may not:
(a) induce or coerce, or attempt to induce or coerce, a retailer to engage in an illegal act or course of conduct;
(b) impose a requirement that is discriminatory by its terms or in the methods of enforcement as compared to requirements imposed by the wholesaler on similarly situated retailers;
(c) prohibit a retailer from selling a product of another wholesaler;
(d) fix or maintain the price at which a retailer may resell beer;
(e) require a retailer to accept delivery of beer or any other item that is not voluntarily ordered by the retailer;
(f) restrict or inhibit, directly or indirectly, the right of a retailer to participate in an organization representing interests of retailers for a lawful purpose;
(g) require a retailer to participate in or contribute to a local, regional, or national advertising fund or other promotional activity;
(h) retaliate against a retailer that files a complaint with the department or the applicable federal agency regarding an alleged violation by the wholesaler of a state or federal statute or administrative rule; and
(i) refuse to deliver a beer product carried by the wholesaler to a properly licensed retailer who resides within the wholesaler's sales territory:
(i) in a reasonable quantity; and
(ii) within a reasonable time after receipt of the retailer's order.
(2) Notwithstanding Subsection (1)(i), the wholesaler may refuse to deliver a beer product if the refusal is due to:
(a) the retailer's failure to pay the wholesaler pursuant to Subsection 32B-4-704(6);
(b) an unforeseeable event beyond the wholesaler's control;
(c) a work stoppage or delay due to a strike or labor problem;
(d) a bona fide shortage of materials; or
(e) a freight embargo.

Enacted by Chapter 276, 2010 General Session

32B-14-304 Sale or transfer of business assets or ownership.

(1) Without the prior written approval of a sale or transfer by the supplier:
(a) a wholesaler may not sell or transfer its business, or any portion of its business, including the distributorship agreement, to a successor in interest; and
(b) the owner of an interest in a wholesaler may not sell or transfer all or part of the owner's interest in the wholesaler to a successor in interest.
(2) A supplier may not unreasonably withhold or delay its approval of a sale or transfer, including the wholesaler's rights and obligations under the terms of the distributorship agreement, if the person to be substituted meets reasonable standards that are imposed:
(a) by the supplier pursuant to the distributorship agreement; and
(b) on other wholesalers of that supplier of the same general class, taking into account the size and location of the sales territory and market to be served.
(3) Notwithstanding Subsection (1), a wholesaler may not violate Subsection 32B-13-301(8).

Enacted by Chapter 276, 2010 General Session

32B-14-305 Sale or transfer of supplier's business.

(1)

(a) For purposes of this section, "successor" means a supplier who obtains a distribution right of a brand that a wholesaler distributes in this state pursuant to a distributorship agreement with another supplier who previously had the distribution rights of the brand.

(b) For purposes of Subsection (1)(a), the successor may obtain a distribution right:

(i) by any means, including:

(A) merger;

(B) purchase of corporate shares; or

(C) purchase of assets; and

(ii) from:

(A) a supplier; or

(B) a person acting in an official capacity who is not a supplier including a nominee, representative, or fiduciary.

(2)

(a) A successor to a supplier that acquires a supplier's product or brand in this state is bound by the terms and conditions of each distributorship agreement with a wholesaler in this state that was in effect on the date on which the successor receives the assets or rights of the previous supplier.

(b) Notwithstanding Subsection (2)(a), if the requirements of Subsection (2)(c) are met, a successor may contractually require the wholesaler to:

(i) execute a new distributorship agreement; and

(ii) comply with the successor's operational standards of performance.

(c) A successor may impose a requirement under Subsection (2)(b) if:

(i) the operational standards of performance being required are consistent with this chapter;

(ii) the operational standards of performance being required are uniformly imposed by the successor on similarly situated wholesalers; and

(iii) the successor provides the wholesaler at least one year to:

(A) execute a new distributorship agreement; and

(B) comply with the operational standards of performance.

Enacted by Chapter 276, 2010 General Session

Part 4
Remedies

32B-14-401 Reasonable compensation -- Arbitration.

(1)

(a) If a supplier violates Section 32B-14-201 or 32B-14-304, the supplier is liable to the wholesaler for the sum of:

(i) the laid-in cost of inventory of the affected brands; and

(ii) any diminution in the fair market value of the wholesaler's business with relation to an affected brand.

(b) In determining fair market value, consideration shall be given to all elements of value, including good will and going concern value.

(2)

(a) A distributorship agreement may require that any or all disputes between a supplier and a wholesaler be submitted to binding arbitration.
(b) In the absence of an applicable arbitration provision in a distributorship agreement, either the supplier or the wholesaler may request arbitration if a supplier and a wholesaler are unable to mutually agree on:
(i) whether good cause exists for termination or nonrenewal;
(ii) whether the supplier unreasonably withheld approval of a sale or transfer under Section 32B-14-304; or
(iii) the reasonable compensation to be paid for the value of the wholesaler's business in accordance with Subsection (1).
(c) If a supplier or wholesaler requests arbitration under Subsection (2)(b) and the other party agrees to submit the matter to arbitration, an arbitration panel shall be created with the following members:
(i) one member selected by the supplier in a writing delivered to the wholesaler within 10 business days of the date arbitration was requested under Subsection (2)(b);
(ii) one member selected by the wholesaler in a writing delivered to the supplier within 10 business days of the date arbitration was requested under Subsection (2)(b); and
(iii) one member selected by the two arbitrators appointed under Subsections (2)(c)(i) and (ii).
(d) If the arbitrators fail to choose a third arbitrator under Subsection (2)(c)(iii) within 10 business days of the day on which the arbitrators under Subsections (2)(c)(i) and (ii) are selected, a judge of a district court in the county in which the wholesaler's principal place of business is located shall select the third arbitrator.
(e) Arbitration costs shall be divided equally between the wholesaler and the supplier.
(f) The award of the arbitration panel is binding on the parties unless appealed within 20 days from the date of the award.
(g) Subject to the requirements of this chapter, arbitration and a proceeding on appeal are governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

Enacted by Chapter 276, 2010 General Session

32B-14-402 Judicial remedies.

(1) A supplier or wholesaler who is a party to a distributorship agreement may maintain a civil action against the supplier or wholesaler in a court of competent jurisdiction in the county in which the wholesaler's principal place of business is located if:
(a) the supplier or wholesaler violates this chapter; or
(b)
(i) the supplier and wholesaler are not able to mutually agree on reasonable compensation under Section 32B-14-401; and
(ii) the parties do not agree to submit the matter to arbitration in accordance with Section 32B-14-401 before or within 20 days following service of process on the electing party in the civil action.
(2)
(a) The prevailing party in an action under Subsection (1) shall recover:
(i) actual damages, including the value of the wholesaler's business as specified in Section 32B-14-401 if applicable; and
(ii) reasonable attorney fees and court costs.

(b) In addition to the amount awarded under Subsection (2)(a), the court may grant such relief in law or equity as the court determines to be necessary or appropriate considering the purposes of this chapter.

(3) If either party elects arbitration under Subsection (1)(b)(ii) following service of process, the civil action is stayed pending a decision by the arbitration panel.

Enacted by Chapter 276, 2010 General Session

Chapter 15
Alcoholic Product Liability Act

Part 1
General Provisions

32B-15-101 Title.

This chapter is known as the "Alcoholic Product Liability Act."

Enacted by Chapter 276, 2010 General Session

32B-15-102 Definitions.

As used in this chapter:

(1) "Death of a third person" includes recovery for all damages, special and general, resulting from the death, except punitive damages.

(2)

(a) "Injury" includes injury in person, property, or means of support.

(b) "Injury" also includes recovery for intangibles such as:

(i) mental and emotional injuries;

(ii) loss of affection; and

(iii) loss of companionship.

Enacted by Chapter 276, 2010 General Session

Part 2
Liability

32B-15-201 Liability for injuries and damage resulting from distribution of alcoholic products -- Prima facie evidence.

(1)

(a) Except as provided in Subsections 32B-15-202(2) and (3), a person described in Subsection (1)(b) is liable for:

(i) any and all injury and damage, except punitive damages to:

(A) a third person; or

(B) the heir, as defined in Section 78B-3-105, of the third person; or

(ii) the death of a third person.

(b) A person is liable under Subsection (1)(a) if:
(i) the person directly gives, sells, or otherwise provides an alcoholic product:
(A) to a person described in Subsection (1)(b)(ii); and
(B) as part of the commercial sale, storage, service, manufacture, distribution, or consumption of an alcoholic product;
(ii) those actions cause the intoxication of:
(A) an individual under 21 years old;
(B) an individual who is apparently under the influence of an alcoholic product or drug;
(C) an individual whom the person furnishing the alcoholic product knew or should have known from the circumstances was under the influence of an alcoholic product or drug; or
(D) an individual who is a known interdicted person; and
(iii) the injury or death described in Subsection (1)(a) results from the intoxication of the individual who is provided the alcoholic product.
(c) It is prima facie evidence that a person is liable under Subsection (1)(a) for an injury or death that results from the intoxication of an individual described in Subsection (1)(b)(ii)(B) or (C) if:
(i) the person directly gives, sells, or otherwise provides the individual the last alcoholic product the individual consumes before the injury or death described in Subsection (1)(b)(iii);
(ii) the individual consumes the alcoholic product at the location where the person directly gives, sells, or otherwise provides the individual the alcoholic product;
(iii) the injury or death occurs within 30 minutes after the time at which the individual leaves, and within a 10 mile radius of, the location where the person gives, sells, or otherwise provides the individual the alcoholic product; and
(iv)
(A) the individual is charged with an offense described in Subsection 41-6a-501(2)(a); or
(B) if the individual dies as a result of the event that caused the injury or death, a subsequent chemical test shows that the individual had a blood alcohol concentration of .05 grams or greater at the time of the test.

(2)
(a) A person 21 years old or older who is described in Subsection (2)(b) is liable for:
(i) any and all injury and damage, except punitive damages to:
(A) a third person; or
(B) the heir, as defined in Section 78B-3-105, of the third person; or
(ii) the death of the third person.
(b) A person is liable under Subsection (2)(a) if:
(i) the person directly gives or otherwise provides an alcoholic product to an individual who the person knows or should have known is under 21 years old;
(ii) those actions caused the intoxication of the individual provided the alcoholic product;
(iii) the injury or death described in Subsection (2)(a) results from the intoxication of the individual who is provided the alcoholic product; and
(iv) the person is not liable under Subsection (1), because the person did not directly give or provide the alcoholic product as part of the commercial sale, storage, service, manufacture, distribution, or consumption of an alcoholic product.

(3) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Amended by Chapter 94, 2024 General Session

32B-15-202 Liability for employees -- Employee protected in exercising judgment.

(1)
(a) Except for a violation of Subsection 32B-15-201(2), an employer is liable for the actions of its staff in violation of this chapter.
(b) This Subsection (1) does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.
(2) An employer may not sanction or terminate the employment of individual staff of a retail licensee or other establishment serving an alcoholic product as a result of the staff having exercised the staff's independent judgment to refuse to sell an alcoholic product to a person the staff considers to meet one or more of the conditions described in Subsection 32B-15-201(1)(b).
(3) An employer who terminates an employee or imposes sanctions on the employee contrary to this section is considered to have discriminated against that employee and is subject to the conditions and penalties set forth in Title 34A, Chapter 5, Utah Antidiscrimination Act.

Enacted by Chapter 276, 2010 General Session

32B-15-203 Governmental immunity.

This title does not create civil liability on the part of the following arising out of one of the following's actions in regulating, controlling, authorizing, or otherwise being involved in the sale or other distribution of an alcoholic product:
(1) the state;
(2) a state agency;
(3) a state employee;
(4) the commission;
(5) the department; or
(6) a political subdivision.

Enacted by Chapter 276, 2010 General Session

Part 3
Civil Action

32B-15-301 Cause of action -- Statute of limitations.

(1)
(a) A person who suffers an injury under Section 32B-15-201 has a cause of action against the person who provided the alcoholic product in violation of Section 32B-15-201.
(b) If a person having rights or liabilities under this chapter dies, the rights or liabilities provided by this chapter survive to or against that person's estate.
(2) The total amount that may be awarded to any person pursuant to a cause of action for injury and damage under this chapter that arises after January 1, 2010, is limited to $1,000,000 and the aggregate amount which may be awarded to all persons injured as a result of one occurrence is limited to $2,000,000.
(3) An action based upon a cause of action under this chapter shall be commenced within two years after the date of the injury and damage.
(4)

(a) Nothing in this chapter precludes any cause of action or additional recovery against the person causing the injury.
(b) A cause of action or additional recovery against the person causing the injury and damage, which action is not brought under this chapter, is exempt from the damage cap in Subsection (2).
(c) A cause of action brought under this chapter is exempt from Sections 78B-5-817 through 78B-5-823.
(5) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Enacted by Chapter 276, 2010 General Session

32B-15-302 Action for contribution by provider of an alcoholic product.
(1)
(a) Except as provided in Subsections (2) and (3), a person, as defined under Section 32B-15-201 or Subsection 32B-15-202(1), against whom an award is made under this chapter, may bring a separate cause of action for contribution against any person causing the injury and damage.
(b) The maximum amount for which a person causing the injury and damage may be liable to a person seeking contribution is that percentage or proportion of the damages equivalent to the percentage or proportion of fault attributed to that person causing the injury and damage.
(2) This action for contribution under this section may not be brought against:
(a) a person entitled to recovery as described in Subsection 32B-15-201(1)(a)(i) or (ii); or
(b) a person entitled to recover as described in Subsection 32B-15-201(2)(a)(i) or (ii).
(3) An action for contribution under this section may not diminish the amount of recovery for injury or damages awarded and received to a person entitled to recover as described in Subsection 32B-15-201(1)(a)(i) or (ii) or 32B-15-201(2)(a)(i) or (ii):
(a) in a cause of action brought under this chapter; or
(b) in a separate cause of action for injury and damage that is not brought under this chapter.

Enacted by Chapter 276, 2010 General Session

Chapter 16
Minor Liability Act

Part 1
General Provisions

32B-16-101 Title.
This chapter is known as the "Minor Liability Act."

Enacted by Chapter 276, 2010 General Session

32B-16-102 Definitions.
As used in this chapter:

(1) "Applicable fine" means the sum of the following imposed or assessed under this title by the commission for a violation related to a minor:
(a) a fine; and
(b) administrative costs of a disciplinary proceeding.
(2) "Violation related to a minor" means a violation under this title:
(a) that is, in whole or in part, based on a retail licensee, or staff of the retail licensee:
(i) selling, offering for sale, or furnishing an alcoholic product to a minor;
(ii) purchasing or otherwise obtaining an alcoholic product for a minor;
(iii) permitting a minor to consume an alcoholic product;
(iv) permitting a minor to gain admittance to an area into which a minor is not permitted under this title; or
(v) offering or providing employment to a minor that under this title may not be obtained by a minor; and
(b) if as part of the violation the minor uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.

Enacted by Chapter 276, 2010 General Session

Part 2
Liability to Retail Licensee

32B-16-201 Liability related to applicable fine.
(1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:
(a) the commission imposes an applicable fine against the retail licensee on the basis of a violation related to a minor; and
(b) the minor, as part of the minor's involvement in the violation described in Subsection (1)(a), uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.
(2) If the conditions of Subsection (1) are met, a minor is liable to a retail licensee for an amount equal to the sum of:
(a) one-half of the amount of the applicable fine imposed against the retail licensee; and
(b) the costs and attorney fees incurred by the retail licensee under Section 32B-16-301 to collect the amount owed under this section.

Enacted by Chapter 276, 2010 General Session

Part 3
Civil Action

32B-16-301 Bringing an action.
(1) Subject to the other provisions of this section, a retail licensee to whom a minor is liable under Section 32B-16-201 may bring an action in a court of competent jurisdiction to collect the amount described in Section 32B-16-201.
(2) The action allowed under this section may be brought against:
(a) the minor; or
(b) if the minor is less than 18 years of age, a parent or guardian of the minor.

(3) An action under this chapter may not be commenced more than two years after the day on which the applicable fine is imposed by the commission.
(4) Nothing in this chapter precludes a cause of action or additional recovery against a minor under law other than this chapter.
(5) Notwithstanding the other provisions of this part:
(a) the state or an agency of the state is not liable under this part when a state agency has legal or protective custody of, or has guardianship of a minor at the time:
(i) the minor engages in conduct with regard to a violation related to a minor; or
(ii) an applicable fine is imposed on the retail licensee by the commission; and
(b) a retail licensee may not bring an action against the state or an agency of the state under the circumstances described in Subsection (5)(a).

Enacted by Chapter 276, 2010 General Session

32B-16-302 Action for contribution.
(1)
(a) Subject to Subsections (2) and (3), a minor liable under Section 32B-16-201 against whom an award is made under this chapter, may bring a separate cause of action for contribution against a person causing the liability under Section 32B-16-201.
(b) The maximum amount for which a person described in Subsection (1)(a) may be liable to a minor seeking contribution is that percentage or proportion of the amount described in Section 32B-16-201 equivalent to the percentage or proportion of fault attributed to that person causing the liability under Section 32B-16-201.
(2) An action for contribution under this section may not be brought against:
(a) the retail licensee to whom the minor is liable; or
(b) staff of the retail licensee.
(3) An action for contribution under this section may not diminish the amount collected by a retail licensee under this chapter.

Enacted by Chapter 276, 2010 General Session

Chapter 17
Liquor Transport License Act

Part 1
General Provisions

32B-17-101 Title.
This chapter is known as the "Liquor Transport License Act."

Enacted by Chapter 403, 2019 General Session

32B-17-102 Definitions.
As used in this chapter:
(1) "Airport licensee" means a person who holds a valid:

(a) retail license for premises located at an international airport or domestic airport; or
(b) special use permit for premises located at an international airport or domestic airport.
(2) "Central receiving and distribution center" means a facility that:
(a) operates at an international airport or domestic airport;
(b) receives goods and supplies delivered to the international airport or domestic airport for an airport licensee;
(c) screens the goods and supplies described in Subsection (2)(b) for security purposes; and
(d) distributes the goods and supplies described in Subsection (2)(b) to the airport licensee for whom the goods and supplies were delivered.

Amended by Chapter 371, 2023 General Session

Part 2
Liquor Transport License Process

32B-17-201 Commission's power to issue liquor transport license.
(1)
(a) A person who is not a retail licensee shall obtain a liquor transport license issued by the commission in accordance with this chapter before the person may:
(i) pickup liquor on behalf of a retail licensee and deliver the liquor to a retail licensee or a central receiving and distribution center; or
(ii) if the person is a central receiving and distribution center:
(A) pickup liquor on behalf of an airport licensee and deliver the liquor to the central receiving and distribution center's premises; or
(B) receive, screen, store, or deliver alcoholic product as part of the central receiving and distribution center's operations.
(b) A violation of Subsection (1)(a) is a class A misdemeanor.
(2) The commission may issue a liquor transport license for:
(a) the pickup of liquor on behalf of a retail licensee and the delivery of the liquor to the retail licensee or a central receiving and distribution center; or
(b) the receipt, screening, storage, and distribution of alcoholic product by a central receiving and distribution center.
(3) In accordance with this chapter, a liquor transport license entitles the holder to:
(a)
(i) pickup liquor from a package agency or state store on behalf of a retail licensee using the retail licensee's funds; and
(ii) transport and deliver the liquor directly to:
(A) the retail licensee; or
(B) if the retail licensee is an airport licensee, a central receiving and distribution center; or
(b) if the holder is a central receiving and distribution center:
(i)
(A) pickup liquor from a package agency or state store on behalf of an airport licensee using the airport licensee's funds; and
(B) transport the liquor directly to the central receiving and distribution center's premises for screening, storage, and delivery to the airport licensee;
(ii) receive at the central receiving and distribution center's premises:

(A) liquor purchased by or on behalf of an airport licensee and delivered to the central receiving and distribution center by the airport licensee or a liquor transport licensee; or
(B) beer delivered to the central receiving and distribution center for an airport licensee by a beer wholesaler licensee or a small brewer;
(iii) screen and store alcoholic product picked up or received by the central receiving and distribution center; and
(iv) transport and deliver the alcoholic product to the airport licensee.
(4) Nothing in this chapter prohibits a retail licensee from picking up liquor purchased by the retail licensee and transporting the liquor to the retail licensee's licensed premises in accordance with the other provisions of this title.

Amended by Chapter 3, 2020 Special Session 5

32B-17-202 Application requirements for liquor transport license.

To obtain a liquor transport license, a person shall submit to the department:
(1) a written application in a form prescribed by the department;
(2) a nonrefundable $300 application fee;
(3) an initial license fee of $2,300 that is refundable if the commission does not issue a liquor transport license;
(4) a copy of the person's current business license;
(5) a bond as specified in Section 32B-17-206;
(6) evidence that the person carries liability insurance in an amount and form satisfactory to the department;
(7) if the person is a central receiving and distribution center:
(a) a floor plan of each premises where the central receiving and distribution center proposes to receive, screen, store, or deliver alcoholic product;
(b) a statement of the number of airport licensees for which the central receiving and distribution center proposes to provide services under the liquor transport license; and
(c) a signed consent form stating that the central receiving and distribution center will permit any authorized representative of the commission or the department or a law enforcement officer to have unrestricted right to enter the central receiving and distribution center's premises, in compliance with applicable federal security procedures; and
(8) any other information the commission or department requires.

Amended by Chapter 3, 2020 Special Session 5

32B-17-203 Renewal requirements for liquor transport license.

(1) A liquor transport license expires on May 31 of each year.
(2) To renew a liquor transport license, a person shall submit to the department by no later then April 30 of the year in which the license expires:
(a) a completed renewal application in a form prescribed by the department;
(b) a copy of the person's current business license;
(c) a bond as specified in Section 32B-17-206;
(d) evidence that the person carries liability insurance in an amount and form satisfactory to the department;
(e) if the person is not a central receiving and distribution center, a report that includes the following information for the period since the liquor transport licensee obtained or renewed a liquor transport license:

(i) the number of deliveries the liquor transport licensee made to each type of retail licensee; and
(ii) each state store and each package agency from which the liquor transport licensee picked up liquor as a liquor transport licensee;
(f) if the person is a central receiving and distribution center, a report that includes the following information for the period since the liquor transport licensee obtained or renewed a liquor transport license:
(i) the number of times the liquor transport licensee picked up liquor on behalf of an airport licensee; and
(ii) each state store and each package agency from which the liquor transport licensee picked up liquor on behalf of an airport licensee;
(g) any other information the commission or department requires; and
(h) a $1,200 renewal fee.
(3) Failure to meet the renewal requirements described in this section results in an automatic forfeiture of the liquor transport license effective on the date the existing liquor transport license expires.

Amended by Chapter 3, 2020 Special Session 5

32B-17-204 Qualifications for liquor transport license.
(1) The commission may not issue a liquor transport license to a person who is disqualified under Section 32B-1-304.
(2) If a person to whom a liquor transport license is issued under this chapter no longer possesses the qualifications required by this title for obtaining the liquor transport license, the commission may suspend or revoke the person's liquor transport license.

Enacted by Chapter 403, 2019 General Session

32B-17-205 Commission and department duties before issuing liquor transport license.
(1)
(a) Before the commission may issue a liquor transport license, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a liquor transport license should be issued.
(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the commission to aid in the commission's determination.
(2) Before issuing a liquor transport license, the commission shall:
(a) determine that the person filed a complete application that complies with Sections 32B-17-202 and 32B-17-204;
(b) determine that the person is not disqualified under Section 32B-1-304;
(c) consider the person's ability to manage and operate a liquor transport operation, including:
(i) management experience;
(ii) past related experience; and
(iii) the means the person intends to use to deliver liquor to retail licensees; and
(d) consider any other factor that the commission considers necessary.

Enacted by Chapter 403, 2019 General Session

32B-17-206 Bond for liquor transport license.

(1)
(a) A liquor transport licensee shall post a cash bond or surety bond in the penal sum of $10,000 payable to the department.
(b) A liquor transport licensee shall procure and maintain a bond in accordance with this section for as long as the liquor transport licensee operates as a liquor transport licensee.
(2) A bond posted under this section shall be:
(a) in a form approved by the attorney general; and
(b) conditioned upon a liquor transport licensee's faithful compliance with this title and the rules of the commission.
(3) If a surety bond posted by a liquor transport licensee under this section is canceled due to the liquor transport licensee's negligence, the department may assess a $300 reinstatement fee.
(4) No part of a bond posted under this section may be withdrawn during the period the liquor transport license is in effect.
(5)
(a) A bond posted under this section may be forfeited if the liquor transport license is revoked.
(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a liquor transport licensee for money owed the department under this title without the commission first revoking the liquor transport license.

Enacted by Chapter 403, 2019 General Session

Part 3
Operational Requirements for Liquor Transport License

32B-17-301 General operational requirements for liquor transport license.

(1)
(a) A liquor transport licensee and staff of the liquor transport licensee shall comply with this title and the rules of the commission.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a liquor transport licensee;
(ii) individual staff of a liquor transport licensee; or
(iii) both a liquor transport licensee and staff of the liquor transport licensee.
(2) A liquor transport licensee may not employ a minor to handle an alcoholic product.
(3) A liquor transport licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the liquor transport license to a person, regardless of whether done for monetary gain.
(4)
(a) A liquor transport licensee may not deliver alcoholic product to a person within the state except to:
(i) a retail licensee;
(ii) a central receiving and distribution center; or
(iii) if the liquor transport licensee is a central receiving and distribution center, an airport licensee.
(b) A violation of this Subsection (4) is a class A misdemeanor.

(5) Alcoholic product in the possession or control of a liquor transport licensee is the property of the retail licensee or airport licensee whose funds were used to purchase the alcoholic product.
(6) The commission may prescribe by rule, consistent with this title, the general operational requirements of a liquor transport licensee.

Amended by Chapter 3, 2020 Special Session 5

32B-17-301.5 Additional operational requirements for liquor transport license held by a central receiving and distribution center.

(1) A liquor transport licensee that is a central receiving and distribution center shall establish a secure process for:
  (a) receiving alcoholic product from airport licensees, liquor transport licensees, beer wholesaler licensees, and small brewers at the central receiving and distribution center's premises;
  (b) screening and storing alcoholic product the central receiving and distribution center receives or brings to the premises; and
  (c) delivering alcoholic product to the airport licensee that owns the alcoholic product.
(2) As part of the secure process described in Subsection (1), the central receiving and distribution center shall:
  (a) clearly identify and keep separate each airport licensee's alcoholic product;
  (b) maintain alcoholic product in a locked storage area or container at all times except during:
    (i) a security screening of the alcoholic product; or
    (ii) transportation of the alcoholic product;
  (c) notify the receiving airport licensee when screening is complete and alcoholic product is ready for delivery; and
  (d) deliver the alcoholic product to the receiving airport licensee.
(3) The commission may prescribe by rule, consistent with this title, the operational requirements of a liquor transport licensee that is a central receiving and distribution center.

Enacted by Chapter 3, 2020 Special Session 5

32B-17-302 Notifying the department of change of ownership.

The commission may suspend or revoke a liquor transport license if a liquor transport licensee does not immediately notify the department of a change in:
(1) ownership of the liquor transport service;
(2) for a corporate owner:
  (a) the corporate officers or directors; or
  (b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company:
  (a) the managers; or
  (b) the members owing at least 20% of the limited liability company.

Enacted by Chapter 403, 2019 General Session

Chapter 18

Change of Alcohol License or Location Act

Part 1
General Provisions

32B-18-101 Definitions.

As used in this chapter:

(1)

(a) "Alcohol license" means:

(i) a retail license;

(ii) an off-premise beer retailer state license;

(iii) a brewery manufacturing license;

(iv) a distillery manufacturing license;

(v) a winery manufacturing license;

(vi) a liquor warehousing license; and

(vii) a special use permit that is an industrial or manufacturing use permit.

(b) "Alcohol license" does not include a:

(i) master full-service restaurant license;

(ii) master limited-service restaurant license; or

(iii) master off-premise beer retailer state license.

(2) "Business entity" means a corporation, partnership, limited liability company, sole proprietorship, or similar entity.

(3) "Interim alcoholic beverage management agreement" means a management agreement:

(a) in connection with:

(i) a change of ownership in the entity holding an alcohol license; or

(ii) a transfer of the management of an alcohol license to another entity; and

(b) under which the new owner or new management agrees to perform the operations of the alcohol licensee during the period that:

(i) begins when:

(A) the change of ownership closes; or

(B) the new management agreement is executed; and

(ii) ends on the day after the day on which the commission approves the alcohol license for the new owner.

(4) "Inventory transfer agreement" means an agreement under which an alcohol licensee agrees to sell or otherwise transfer all or part of the alcohol licensee's inventory of alcoholic products.

(5) "Management agreement" means an agreement between two people regarding the operation and management of an alcohol license.

Renumbered and Amended by Chapter 447, 2022 General Session

Part 2
Alcohol License Changes of Ownership

32B-18-201 Transferability of an alcohol license.

(1) An alcohol license:

(a) is not ascribed any value in the sale or transfer of a business entity or the business entity's assets;
(b) is neither tangible nor intangible property to the holder of the license; and
(c) is completely separate from other property of an alcohol licensee.
(2) The Legislature may terminate or modify the existence of any type of alcohol license.
(3) Except as provided in this part, a person may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the alcohol license to another person whether for monetary gain or not.

Renumbered and Amended by Chapter 447, 2022 General Session

32B-18-202 Effect of change of ownership of business entity.
(1)
(a) When the ownership of 51% or more of the shares of stock of a corporation is restructured to include one or more persons who did not hold the ownership of 51% of those shares of stock on the day on which an alcohol license is issued to the corporation, the corporation shall comply with this chapter to reflect the restructuring.
(b) When there is a new general partner or when the ownership of 51% or more of the capital or profits of a limited partnership is restructured to include one or more persons as general or limited partners and who did not hold ownership of 51% or more of the capital or profits of the limited partnership on the day on which an alcohol license is issued to the limited partnership, the limited partnership shall comply with this chapter to reflect the restructuring.
(c) When the ownership of 51% or more of the interests in a limited liability company is restructured to include one or more persons as members who did not hold ownership of 51% or more of the interests in the limited liability company on the day on which an alcohol license is issued to the limited liability company, the limited liability company shall comply with this chapter to reflect the restructuring.
(2) A business entity shall comply with this section within 60 days after the day on which a restructuring of the business entity becomes effective.

Renumbered and Amended by Chapter 447, 2022 General Session

32B-18-203 Application -- Approval process.
(1)
(a) A person seeking an alcohol license in accordance with this part that is currently held by another person shall submit to the department:
(i) a written application for a new license in a form prescribed by the department; and
(ii) a fee in accordance with Section 32B-18-207.
(b) If the person seeking an alcohol license as described in Subsection (1) seeks to take over the daily operations of the alcohol license before the commission grants the transfer, the person and the alcohol licensee shall enter into an interim alcoholic beverage management agreement that:
(i) provides for all proceeds from the sale of alcohol, less cost of goods sold, to accrue to the current alcohol licensee;
(ii) provides for the duration of the agreement, that the current alcohol licensee:
(A) shall comply with the requirements of this title that are applicable to the alcohol license; and

(B) in accordance with this title, is subject to disciplinary action by the commission for a violation of this title; and
(iii) the department approves.
(c) If the person seeking an alcohol license as described in Subsection (1) seeks to buy the inventory from the existing licensee, the person and the alcohol licensee shall enter into an inventory transfer agreement that the department approves.
(2) An alcohol licensee seeking to restructure the alcohol licensee's internal ownership of 51% or more shall submit to the department:
(a) a written application in a form prescribed by the department; and
(b) a fee in accordance with Section 32B-18-207.
(3) A person or business entity shall comply with this section within 60 days after the day on which the sale of the business's assets closes or the restructuring of the business entity becomes effective.
(4) In accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules governing the requirements of an interim alcoholic beverage management agreement.

Enacted by Chapter 447, 2022 General Session

32B-18-204 Notifying department of change in ownership.

The commission may suspend, revoke, or deem forfeited an alcohol license if the alcohol licensee does not notify the department, within 60 days after the day on which the change occurs, of a change in:
(1) ownership of the business entity holding the alcohol license;
(2) for a corporate owner, the:
(a) corporate officers or directors of the alcohol licensee; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or
(3) for a limited liability company:
(a) managers of the limited liability company; or
(b) members owning at least 20% of the limited liability company.

Amended by Chapter 371, 2023 General Session

32B-18-205 Management agreements -- Inventory transfers.

(1)
(a) A management agreement may provide for the sharing of revenue from a business utilizing an alcohol license, including revenue from the sale of an alcoholic product, if, regardless of which party holds the alcohol license, neither the owner nor operator is disqualified from holding the license for a previous violation of this title.
(b) The parties to a management agreement shall submit to the department:
(i) a copy of the management agreement; and
(ii) any other information the department requires.
(c) If there is a material change to the management agreement submitted to the department under Subsection (1)(b), the parties to the management agreement shall submit to the department the following within 30 days after the day on which the change occurs:
(i) a copy of the changed management agreement; and
(ii) any other information the department requires.

(2)
(a) Notwithstanding any other provision of this title, in connection with a change of ownership described in Section 32B-18-202 or an asset sale of an alcohol licensee, the parties to the transaction may enter into an inventory transfer agreement.
(b) The inventory transfer agreement described in Subsection (2)(a) may allow for the transfer of inventory between parties regardless of whether the parties hold or are applying for the same retail license.
(3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules governing the requirements of:
(a) a management agreement; or
(b) an inventory transfer agreement.

Amended by Chapter 371, 2023 General Session

32B-18-206 Operational requirements for change of ownership or location.
(1)
(a) Except as provided in Subsections (1)(b) and (c), operations of an alcohol licensee shall begin within 30 days after the day on which the commission approves a change of ownership for the alcohol license.
(b) The department may grant an extension of the time period described in Subsection (1)(a) for a period not to exceed the greater of:
(i) 30 days; or
(ii) the number of days until the day on which the commission holds the commission's next regularly scheduled commission meeting.
(c) After the department authorizes an extension described in Subsection (1)(b), the commission may grant one or more additional extensions if:
(i) the alcohol licensee demonstrates to the commission that the alcohol licensee cannot begin operations because the alcohol licensee:
(A) is improving the licensed premises;
(B) has obtained a building permit for the improvements described in Subsection (1)(c)(i)(A), if the respective local authority requires a building permit for the improvements; and
(C) is working expeditiously to complete the improvements to the licensed premises; or
(ii) the commission determines that circumstances beyond the control of the alcohol licensee negate the licensee's ability to begin operations in a timely manner.
(2) An alcohol licensee is considered to have begun operations of the alcohol license if the alcohol licensee:
(a) has a licensed premises that is open for business;
(b)
(i) sells, offers for sale, or furnishes an alcoholic product to a patron on the licensed premises described in Subsection (2)(a);
(ii) manufactures an alcoholic product on the licensed premises described in Subsection (2)(a);
(iii) engages in an industrial or manufacturing pursuit containing alcohol on the licensed premises described in Subsection (2)(a); or
(iv) warehouses liquor on the licensed premises described in Subsection (2)(a); and
(c) has a valid business license.
(3) If an alcohol licensee fails to begin operations of the alcohol license within the time period required by Subsection (1), the following are automatically forfeited effective immediately:
(a) the alcohol license; and

(b) the fee described in Section 32B-18-207.

(4)

(a) Except as provided in Subsection (4)(b), if the commission approves a change of ownership, the new owner of the alcohol license shall begin operations of the alcohol license at the location to which the alcohol license applies before the new owner may move the alcohol license to a different location in accordance with Part 3, Alcohol License Change of Location.

(b) Subsection (4)(a) does not apply to a new owner of an alcohol license if the commission determines that a bona fide exigent circumstance exists that warrants a change in location before operations begin.

(5) Notwithstanding Subsection (1), the commission may not issue a conditional license unless the requirements of Section 32B-5-205 are met, except that the time periods required by this section supersede the time period provided in Section 32B-5-205.

Renumbered and Amended by Chapter 447, 2022 General Session

32B-18-207 Change fees.

(1) The department shall charge the following fees for a change of ownership under this part:

(a) for a change of ownership of an alcohol license from an alcohol licensee to another person, the change fee equals the initial license fee amount specified in the relevant chapter or part for the type of alcohol license for which the change of ownership occurs; and

(b) for a change of ownership described in Section 32B-18-202, the change fee equals the renewal fee amount specified in the relevant chapter or part for the type of alcohol license for which the change of ownership occurs.

(2) The department shall deposit a fee collected under Subsection (1) into the Liquor Control Fund.

Renumbered and Amended by Chapter 447, 2022 General Session

Part 3
Alcohol License Change of Location

32B-18-301 Change of location provisions.

(1) Except as provided in this part, a person may not move an alcohol license from one location to another.

(2) Before an alcohol licensee moves the alcohol licensee's license from one location to another, the alcohol licensee shall submit to the department:

(a) an application for a change of location, in the form the department determines; and

(b) a change of location fee.

(3) Before the commission approves a change of location requested in accordance with this part, the commission shall:

(a) ensure that the new location meets the physical requirements for the type of license for which the change of location is requested, including any proximity requirement; and

(b) consider the locality within which the proposed licensed premises is located, including the relevant factors for the type of license for which the change of location is requested.

Enacted by Chapter 447, 2022 General Session

32B-18-302 Operational requirements for change of location.

(1)

(a) Except as permitted under Subsections (1)(b) and (c), operations of an alcohol licensee shall begin within 30 days after the day on which the commission approves a change of location for the alcohol license.

(b) The department may grant an extension to the 30 days described in Subsection (1)(a), not to exceed the greater of:

(i) 30 days; or

(ii) the number of days until the next regularly scheduled commission meeting.

(c) After the department authorizes an extension described in Subsection (1)(b), the commission may grant one or more additional extensions, if:

(i) the alcohol licensee demonstrates to the commission that the alcohol licensee cannot begin operations because the alcohol licensee:

(A) is improving the licensed premises;

(B) has obtained a building permit for the improvements described in Subsection (1)(c)(i)(A), if the respective local authority requires a building permit for the improvements; and

(C) is working expeditiously to complete the improvements to the licensed premises; or

(ii) the commission determines that circumstances beyond the control of the alcohol licensee negate the licensee's ability to begin operations in a timely manner.

(2) An alcohol licensee is considered to have begun operations of the alcohol license if the alcohol licensee:

(a) has a licensed premises that is open for business;

(b)

(i) sells, offers for sale, or furnishes an alcoholic product to a patron on the licensed premises described in Subsection (1)(a);

(ii) manufactures an alcoholic product on the licensed premises described in Subsection (2)(a);

(iii) engages in an industrial or manufacturing pursuit containing alcohol on the licensed premises described in Subsection (2)(a); or

(iv) warehouses liquor on the licensed premises described in Subsection (2)(a); and

(c) has a valid business license.

(3) If an alcohol licensee fails to begin operations of the alcohol license within the time period required under Subsection (1), the following are automatically forfeited effective immediately:

(a) the alcohol license; and

(b) the change of location fee.

Enacted by Chapter 447, 2022 General Session

32B-18-303 Change of location fees.

(1) The department shall charge a $300 fee for a change in location of an alcohol licensee's licensed premises.

(2) The department shall deposit a fee collected under Subsection (1) in the Liquor Control Fund.

Enacted by Chapter 447, 2022 General Session

Part 4
Prohibited Activities

32B-18-401 License not to be pledged as security -- Prohibited changes, transfers, and moves.

(1) An alcohol licensee may not enter into any agreement under which the alcohol licensee pledges the alcohol license as security for a loan or as security for the fulfillment of any agreement.

(2) An alcohol licensee may not change, transfer, or move an alcohol license except as expressly permitted under this chapter.

Renumbered and Amended by Chapter 447, 2022 General Session

32B-18-402 Effect of change, transfer, or move in violation of this chapter.

(1) If an alcohol license is changed, transferred, or moved in violation of this chapter, the commission may:

(a) void the change, transfer, or move; and

(b) require the alcohol license to be forfeited.

(2) Subsection (1) is in addition to any other penalty under this title that is applicable to the person who violates this chapter.

Renumbered and Amended by Chapter 447, 2022 General Session

Title 41. Motor Vehicles

Chapter 1a
Motor Vehicle Act

Part 1
Administration

41-1a-101 Short title.

This chapter is known as the "Motor Vehicle Act."

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-102 Definitions.

As used in this chapter:

(1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

(2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.

(3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

(5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

(6) "Alternative fuel vehicle" means:

(a) an electric motor vehicle;

(b) a hybrid electric motor vehicle;

(c) a plug-in hybrid electric motor vehicle; or

(d) a motor vehicle powered exclusively by a fuel other than:

(i) motor fuel;

(ii) diesel fuel;

(iii) natural gas; or

(iv) propane.

(7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.

(8) "Autocycle" means the same as that term is defined in Section 53-3-102.

(9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.

(10) "Branded title" means a title certificate that is labeled:

(a) rebuilt and restored to operation;

(b) flooded and restored to operation; or

(c) not restored to operation.

(11) "Camper" means a structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(12) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

(13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or
(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
(15) "Commission" means the State Tax Commission.
(16) "Consumer price index" means the same as that term is defined in Section 59-13-102.
(17) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.
(18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
(19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
(20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
(21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
(22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.
(23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
(24)
(a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:
(i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
(ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
(25) "Fleet" means:
(a) one or more commercial vehicles; or
(b) for purposes of Section 41-1a-215, one or more personal vehicles.
(26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.
(27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.
(28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
(29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
(a) an internal combustion engine or heat engine using consumable fuel; and
(b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.
(30)

(a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.
(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.
(31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
(32)
(a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.
(b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.
(33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.
(34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
(35) "Lienholder" means a person with a security interest in particular property.
(36) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
(37) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.
(38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by armed forces and that is maintained in a condition that represents the vehicle's military design and markings regardless of current ownership or use.
(39) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).
(40) "Motor fuel" means the same as that term is defined in Section 59-13-102.
(41)
(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.
(b) "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.
(c) "Motor vehicle" does not include:
(i) an off-highway vehicle; or
(ii) a motor assisted scooter as defined in Section 41-6a-102.
(42) "Motorboat" means the same as that term is defined in Section 73-18c-102.
(43) "Motorcycle" means:
(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or
(b) an autocycle.
(44) "Natural gas" means a fuel of which the primary constituent is methane.
(45)

(a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(46) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(47) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.

(48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(49)

(a) "Operate" means:

(i) to navigate a vessel; or

(ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

(A) a human driver as defined in Section 41-26-102.1; or

(B) an engaged automated driving system.

(b) "Operate" includes testing of an automated driving system.

(50) "Original issue license plate" means a license plate that is of a format and type issued by the state in the same year as the model year of a vehicle that is a model year 1973 or older.

(51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

(52)

(a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises the lessee's option to purchase the vehicle.

(53) "Park model recreational vehicle" means a unit that:

(a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(b) is not permanently affixed to real property for use as a permanent dwelling;

(c) requires a special highway movement permit for transit; and

(d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

(54) "Personal vehicle" means a vehicle that is not a commercial vehicle.

(55) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

(56)
(a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.
(b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.
(57) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.
(58) "Pneumatic tire" means a tire in which compressed air is designed to support the load.
(59) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.
(60) "Public garage" means a building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.
(61) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.
(62) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.
(63) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.
(64) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.
(65) "Registration decal" means the decal issued by the division that is evidence of compliance with the division's registration requirements.
(66)
(a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.
(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.
(67) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.
(68) "Replica vehicle" means:
(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).
(69) "Restored-modified vehicle" means a motor vehicle that has been restored and modified with modern parts and technology, including emission control technology and an on-board diagnostic system.
(70) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.
(71) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.
(72) "Sailboat" means the same as that term is defined in Section 73-18-2.

(73) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.
(74) "Semitrailer" means the same as the term "trailer."
(75) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.
(76)
(a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:
(i) 20 years or older from the current year; or
(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.
(b) In making a determination under Subsection (76)(a), the division director shall give special consideration to:
(i) a make of motor vehicle that is no longer manufactured;
(ii) a make or model of motor vehicle produced in limited or token quantities;
(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.
(77)
(a) "Special mobile equipment" means a vehicle:
(i) not designed or used primarily for the transportation of persons or property;
(ii) not designed to operate in traffic; and
(iii) only incidentally operated or moved over the highways.
(b) "Special mobile equipment" includes:
(i) farm tractors;
(ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
(iii) ditch-digging apparatus.
(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.
(78) "Specially constructed vehicle" means a vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.
(79)
(a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).
(b) "Standard license plate" includes a license plate for general issue that the division issues before January 1, 2024.
(80) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission as described in Subsection 41-1a-1101(7).
(81) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term is defined in Section 41-6a-102.
(82) "Symbol decal" means the decal that is designed to represent a special group and displayed on a special group license plate.

(83) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.
(84)
(a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.
(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.
(85) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
(86) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
(87) "Trailer" means a vehicle:
(a) without motive power; and
(b) designed for:
(i) carrying persons or property; and
(ii) being drawn by a motor vehicle.
(88) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.
(89) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.
(90) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.
(91) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.
(92) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.
(93) "Vessel" means the same as that term is defined in Section 73-18-2.
(94) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.
(95) "Waters of this state" means the same as that term is defined in Section 73-18-2.
(96) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Amended by Chapter 285, 2025 General Session

41-1a-103 Commission to administer chapter.

The commission shall administer and enforce this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-104 Commission powers.

The commission may:
(1) enter into agreements with other jurisdictions:
(a) relating to proportional registration to facilitate administration;
(b) for the exchange of information for audit and enforcement activities; and
(c) for cooperation with other jurisdictions;

(2) confer and advise with the proper officers, officials, and legislative bodies of other jurisdictions to promote agreements under which the registration of vehicles owned in this state is recognized by the other jurisdictions;
(3) make and enforce rules necessary to effectuate this chapter; and
(4) adopt an official seal for the use of the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-105 Commission to create forms.

The commission shall prescribe and provide suitable forms of applications, certificates of title, registration cards, and all other forms necessary to carry out the provisions of this chapter.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-106 Division created.

There is created within the commission the Motor Vehicle Division with the duties and powers provided in Sections 41-1a-107 through 41-1a-119.

Enacted by Chapter 1, 1992 General Session

41-1a-107 Commission, division, and officers to enforce chapter -- Duties.

The commission and the officers and inspectors of the division designated by the commission, peace officers, and others authorized by the division or by law shall:
(1) enforce the provisions of this chapter and of all other laws regulating the registration of motor vehicles, trailers, or semitrailers; and
(2) inspect any motor vehicle, trailer, or semitrailer of a type required to be registered in any public garage or repair shop or in any place where the motor vehicle, trailer, or semitrailer is held for sale or wrecking, for the purpose of locating and investigating the title and registration of stolen motor vehicles, trailers, and semitrailers.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-108 Division inspection of applications for registration, certificate of title, or license plate.

(1) The division shall examine and determine the genuineness, regularity, and legality of each application for:
  (a) registration of a vehicle;
  (b) a certificate of title for a vehicle, vessel, or outboard motor;
  (c) a license plate; and
  (d) any other request lawfully made to the division.
(2) The division may investigate or require additional information on any application or request necessary to implement this chapter.
(3) When the division is satisfied as to the genuineness, regularity, and legality of an application and that the applicant is entitled to register the vehicle and to the issuance of a certificate of title, the division shall register the vehicle, issue a certificate of title and issue a license plate.

Amended by Chapter 251, 2024 General Session

41-1a-109 Grounds for division refusing registration or certificate of title.

(1) The division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:
  (a) the application contains any false or fraudulent statement;
  (b) the applicant has failed to furnish required information or reasonable additional information requested by the division;
  (c) the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
  (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;
  (e) the registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state; or
  (f) the required fees have not been paid.

(2) The division shall also refuse registration or any transfer of registration if the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(3) The division shall refuse registration or any transfer of registration of a vehicle upon notification by the Department of Transportation that the vehicle or owner is not in compliance with Title 72, Chapter 9, Motor Carrier Safety Act.

(4) The division may not register a vehicle if the registration of the vehicle is revoked under Subsection 41-1a-110(2) until the applicant provides proof:
  (a) of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2);
  (b) of exemption from the owner's or operator's security requirements; or
  (c) that the applicant was not an owner of the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 138, 2013 General Session

41-1a-110 Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

(1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:
  (a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;
  (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
  (c) a registered vehicle has been dismantled;
  (d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;
  (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;
  (f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or
  (g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

(2)

(a) The division shall revoke the registration of a vehicle if the division receives notification by the:
(i) Department of Public Safety that a person:
(A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or 41-12a-303.2; or
(B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301;
(ii) designated agent that the owner of a motor vehicle:
(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
(B) provided a false or fraudulent statement to the designated agent; or
(iii) designated agent that, during the months of April through October, the owner of a motorboat:
(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
(B) provided a false or fraudulent statement to the designated agent.
(b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).
(3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.
(4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.
(5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (2).
(6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered vehicle's registration if the division is notified by a local health department, as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).
(7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000 pounds.

Amended by Chapter 285, 2025 General Session

41-1a-111 Cancellation, suspension, or revocation of registration -- Return of registration items.

If the division cancels, suspends, or revokes a registration, certificate of title, license plate, or permit under this chapter, the owner or person in possession of it shall immediately return the canceled, suspended, or revoked item to the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-112 Authority to administer oaths.

Officers and employees of the division designated by the commission for the purpose of administering the motor vehicle laws may administer oaths and acknowledge signatures and shall do so without fee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-113 Power to summon witnesses and take testimony -- Service of summons -- Witness fees -- Failure to appear.

(1) The commission and officers of the division designated by the commission may summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the division.
(2) The summons may require the production of relevant books, papers, or records.
(3) Every summons shall be served at least five days before the return date, either by personal service made by any person over 18 years of age or by registered mail, but return acknowledgment is required to prove the latter service.
(4) The fees for the attendance and travel of witnesses are the same as for witnesses before the district court.
(5) Failure to obey a summons served is a class C misdemeanor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-114 Method of giving notice.

(1) If the division is required to give any notice under this chapter or other law regulating the operation of vehicles, vessels, and outboard motors, unless a different method of giving the notice is expressly prescribed, the notice shall be given either by:
  (a) personal delivery to the person to be notified; or
  (b) deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at the address shown by the records of the division.
(2) Notice by mail is complete upon the expiration of four days after deposit of the notice.
(3) Proof of the giving of notice in either manner specified in Subsection (1) may be made by the certificate of any officer or employee of the division or affidavit of any person over 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-115 Division records -- Copies.

(1) The division shall file each application received.
(2) The division shall keep a record of each registration on a calendar year basis as follows:
  (a) under a distinctive registration number assigned to the vehicle, vessel, or outboard motor;
  (b) alphabetically, under the name of the owner of the vehicle, vessel, or outboard motor;
  (c) under the identification number of the vehicle, vessel, or outboard motor; and
  (d) in any manner the division finds desirable for compiling statistical information or of comparative value for use in determining registration fees in future years.
(3)
  (a) The division shall maintain a current record of each certificate of title it issues.
  (b)
    (i) The division shall file and retain every surrendered certificate of title and every application for title to permit the tracing of title of the vehicles designated in them.
    (ii) The retention period for division records shall be set by the Division of Archives and Records Service in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
(4)

(a) The commission and officers of the division the commission designates may prepare under the seal of the division and deliver upon request a certified copy of any record of the division, including microfilmed records, charging a fee, determined by the commission pursuant to Section 63J-1-504, for each document authenticated.
(b) The application shall include the requested information to identify the applicant.
(c) Each certified copy is admissible in any proceeding in any court in the same manner as the original.
(5) The division shall comply with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 183, 2009 General Session

41-1a-116 Records -- Access to records -- Fees.
(1)
(a) All motor vehicle title and registration records of the division are protected unless the division determines based upon a written request by the subject of the record that the record is public.
(b) In addition to the provisions of this section, access to all division records is permitted for all purposes described in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.
(2)
(a) Access to public records is determined by Section 63G-2-201.
(b) A record designated as public under Subsection (1)(a) may be used for advertising or solicitation purposes.
(3) Access to protected records, except as provided in Subsection (4), is determined by Section 63G-2-202.
(4)
(a) In addition to those persons granted access to protected records under Section 63G-2-202, the division shall disclose a protected record to a licensed private investigator, holding a valid agency or registrant license, with a legitimate business need, a person with a bona fide security interest, or the owner of a mobile home park subject to Subsection (5), only upon receipt of a signed acknowledgment that the person receiving that protected record may not:
(i) resell or disclose information from that record to any other person except as permitted in the federal Driver's Privacy Protection Act of 1994; or
(ii) use information from that record for advertising or solicitation purposes.
(b) A legitimate business need under Subsection (4)(a) does not include the collection of a debt.
(5) The division may disclose the name or address, or both, of the lienholder or mobile home owner of record, or both of them, to the owner of a mobile home park, if all of the following conditions are met:
(a) a mobile home located within the mobile home park owner's park has been abandoned under Section 57-16-13 or the resident is in default under the resident's lease;
(b) the mobile home park owner has conducted a reasonable search, but is unable to determine the name or address, or both, of the lienholder or mobile home owner of record; and
(c) the mobile home park owner has submitted a written statement to the division explaining the mobile home park owner's efforts to determine the name or address, or both, of the lienholder or mobile home owner of record before the mobile home park owner contacted the division.
(6) The division may provide protected information to a statistic gathering entity under Subsection (4) only in summary form.

(7) A person allowed access to protected records under Subsection (4) may request motor vehicle title or registration information from the division regarding any person, entity, or motor vehicle by submitting a written application on a form provided by the division.
(8) The division may not disclose a protected record to an owner, a lessee, or an operator of a parking lot or structure.
(9) If a person regularly requests information for business purposes, the division may by rule allow the information requests to be made by telephone and fees as required under Subsection (10) charged to a division billing account to facilitate division service. The rules shall require that the:
  (a) division determine if the nature of the business and the volume of requests merit the dissemination of the information by telephone;
  (b) division determine if the credit rating of the requesting party justifies providing a billing account; and
  (c) requestor submit to the division an application that includes names and signatures of persons authorized to request information by telephone and charge the fees to the billing account.
(10)
  (a) The division shall charge a reasonable search fee determined under Section 63J-1-504 for the research of each record requested.
  (b) Fees may not be charged for furnishing information to persons necessary for their compliance with this chapter.
  (c) Law enforcement agencies have access to division records free of charge.
(11)
  (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.
  (b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the director of the unauthorized use.

Amended by Chapter 270, 2019 General Session

41-1a-117 Adjudicative proceedings.

The commission and the division shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted under this chapter.

Amended by Chapter 382, 2008 General Session

41-1a-118 Seizure of documents and plates -- Grounds -- Receipt.

(1) The division and peace officers may take possession of any certificate of title, registration card, registration decal, permit, license plate, or any other article issued by the division:
  (a) upon expiration, suspension, revocation, alteration, or cancellation of it;
  (b) that is fictitious;
  (c) that has been unlawfully or erroneously issued; or
  (d) that is unlawfully or erroneously displayed.
(2) A receipt shall be issued for any confiscated item.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-119 Emergency procedures for collection of fees.

(1) If the commission finds that the owner or operator of a vehicle who is liable for the payment of any registration fee required by this chapter plans to depart quickly from the state, to remove the owner or operator's property from the state, to conceal the owner or operator's person or property, or do any other act tending to prejudice or render wholly or partially ineffectual proceedings to collect the registration fees, the commission shall follow the emergency procedures set forth in Title 63G, Chapter 4, Administrative Procedures Act, and declare that the registration fees are immediately due and payable.

(2) When the commission issues its emergency order, the registration fees are immediately due and payable after notice is given to the owner or operator of the vehicle.

Amended by Chapter 382, 2008 General Session

41-1a-120 Participation in Uninsured Motorist Identification Database Program.

(1)

(a) Except as provided in Subsection (1)(b), the division shall provide the Department of Public Safety's designated agent, as defined in Section 41-12a-802, with a record of all current motor vehicle registrations before the seventh and twenty-first day of each calendar month.

(b) The division is not required to provide the Department of Public Safety's designated agent as defined in Section 41-12a-802 a record of current motor vehicle registrations for vehicles that are registered under Section 41-1a-221, 41-1a-222, or 41-1a-301.

(2) The division shall perform the duties specified in:

(a) Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program; and

(b) Sections 41-1a-109 and 41-1a-110.

(3) The division shall cooperate with the Department of Public Safety in making rules and developing procedures to use the Uninsured Motorist Identification Database.

Amended by Chapter 130, 2006 General Session

41-1a-121 Electronic Payment Fee Restricted Account.

(1) As used in this section, "account" means the Electronic Payment Fee Restricted Account created by this section.

(2) There is created within the General Fund a restricted account known as the Electronic Payment Fee Restricted Account.

(3)

(a) The account shall be funded from the fees imposed and collected under Sections 41-1a-1221, 41-3-604, 41-22-36, and 73-18-25.

(b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them in the account.

(4) The Legislature shall appropriate the funds in the account to the commission to cover the costs of electronic payments.

(5) In accordance with Section 63J-1-602.1, appropriations made to the division from the account are nonlapsing.

Amended by Chapter 469, 2018 General Session

41-1a-122 License Plate Restricted Account.

(1) As used in this section, "account" means the License Plate Restricted Account created by this section.
(2) There is created within the General Fund a restricted account known as the License Plate Restricted Account.
(3)
(a) The account shall be funded from the fees described in:
(i) Subsection 41-1a-1201(3);
(ii) Subsection 41-1a-1604(2)(c); and
(iii) other fees as provided in this chapter.
(b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them in the account.
(4) The Legislature shall appropriate the funds in the account to the commission to cover the costs of:
(a) issuing license plates and decals;
(b) processing applications for personalized license plates;
(c) centrally distributing license plates; and
(d) contracting with a vendor to design license plates.
(5)
(a) For fiscal year 2024-25, the commission may expend up to $100,000 for design and redesign of license plates.
(b) Beginning with the 2025-26 fiscal year, and each fiscal year thereafter, the commission may expend up to $50,000 for the design and redesign of license plates.
(6) In accordance with Section 63J-1-602.1, appropriations made to the division from the account are nonlapsing.

Amended by Chapter 251, 2024 General Session

41-1a-123 License Plate Restricted Account.
(1) As used in this section, "account" means the License Plate Restricted Account created in Subsection (2).
(2) There is created within the General Fund a restricted account known as the "License Plate Restricted Account."
(3) The account consists of money deposited into the account in accordance with Subsection 41-1a-1201(3).
(4) The Legislature shall appropriate funds in the account to the commission for the costs of issuing license plates and decals.
(5) In accordance with Section 63J-1-602.1, appropriations made to the division from the account are nonlapsing.

Enacted by Chapter 212, 2023 General Session

Part 2
Registration

41-1a-201 Function of registration -- Registration required -- Penalty.

(1) Unless exempted, a person or automated driving system may not operate and an owner may not engage an automated driving system, give another person permission to engage an automated driving system, or give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Chapter 22, Off-highway Vehicles, Chapter 27, Novel Vehicle Registration, or Title 73, Chapter 18, State Boating Act.
(2) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.
(3)
(a) In the event that materials are temporarily unavailable for registration items required under Section 41-1a-402, the commission may delay initial vehicle registration or renewal of vehicle registrations.
(b) In a circumstance described in Subsection (3)(a), a person does not violate Subsection (1) for failure to register a vehicle during a delay period described in Subsection (3)(a).

Amended by Chapter 459, 2024 General Session

41-1a-202 Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

(1) As used in this section:
(a) "Designated agent" means the same as that term is defined in Section 41-12a-803.
(b) "Domicile" means the place:
(i) where an individual has a fixed permanent home and principal establishment;
(ii) to which the individual if absent, intends to return; and
(iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.
(c)
(i) "Resident" means any of the following:
(A) an individual who:
(I) has established a domicile in this state;
(II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;
(III) engages in a trade, profession, or occupation in this state or who accepts employment in other than seasonal work in this state and who does not commute into the state;
(IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or
(V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees; or
(B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:
(I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates a motor vehicle in this state; or
(II) operates a motor vehicle in intrastate transportation for other than seasonal work.
(ii) "Resident" does not include any of the following:
(A) a member of the military temporarily stationed in Utah;

(B) an out-of-state student, as classified by the institution of higher education, enrolled with the equivalent of seven or more quarter hours, regardless of whether the student engages in a trade, profession, or occupation in this state or accepts employment in this state; and

(C) an individual domiciled in another state or a foreign country that:

(I) is engaged in public, charitable, educational, or religious services for a government agency or an organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);

(II) is not compensated for services rendered other than expense reimbursements; and

(III) is temporarily in Utah for a period not to exceed 24 months.

(iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a vehicle equipped with an automated driving system as defined in Section 41-26-102.1 if the vehicle is physically present in the state for more than 30 consecutive days in a calendar year.

(2)

(a) Registration under this chapter is not required for any:

(i) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

(ii) vehicle driven or moved upon a highway only for the purpose of crossing the highway from one property to another;

(iii) implement of husbandry, whether of a type otherwise subject to registration or not, that is only incidentally operated or moved upon a highway;

(iv) special mobile equipment;

(v) vehicle owned or leased by the federal government;

(vi) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;

(vii) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;

(viii) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;

(ix) single-axle trailer unless that trailer is:

(A) a commercial vehicle;

(B) a trailer designed, used, and maintained for hire for the transportation of property or person; or

(C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more laden weight;

(x) manufactured home or mobile home;

(xi) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:

(A) being towed;

(B) operated on a street or highway designated as open to off-highway vehicle use; or

(C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

(xii) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);

(xiii) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;

(xiv) electric assisted bicycle defined under Section 41-6a-102;
(xv) motor assisted scooter defined under Section 41-6a-102; or
(xvi) electric personal assistive mobility device defined under Section 41-6a-102.

(b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii), incidental operation on a highway includes operation that is:
(i) transportation of raw agricultural materials or other agricultural related operations; and
(ii) limited to 100 miles round trip on a highway.

(3)

(a) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, or restored-modified vehicle within 60 days of the owner establishing residency in this state.

(b)

(i) The commission may contract with a designated agent described in Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, to determine the address for which a contract for owner's or operator's security pertaining to a certain vehicle or vessel is tied.
(ii) If the information provided by the designated agent under Subsection (3)(b)(i) indicates that the owner of a vehicle or vessel is a resident of this state, the commission may investigate to ensure compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, and Title 73, Chapter 18, State Boating Act.

(c) If the commission's investigation described in Subsection (3)(b)(ii) determines that the owner of the vehicle or vessel is not in compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, or Title 73, Chapter 18, State Boating Act, the commission:
(i) may impose a penalty on the owner of the vehicle or vessel of $150; and
(ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and allow 60 days after the date on which the notice was issued for the owner of the vehicle or vessel to comply with the provisions identified in the commission's investigation described in Subsection (3)(b)(ii).

(d) If the owner of a vehicle or vessel fails to comply as directed within the time period described in Subsection (3)(c), the commission created in Section 41-3-104 may impose on the owner of the vehicle or vessel a penalty equal to the greater of:
(i) if the commission finds there was an underpayment of tax under Title 59, Chapter 12, Sales and Use Tax Act, a penalty as provided in Subsection 59-1-401(7); or
(ii) $500.

(e) Upon making a record of the commission's actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any penalty imposed under Subsection (3)(c) or (3)(d).

(f)

(i) The commission shall deposit money from a penalty under Subsections (3)(c)(i) and (3)(d)(ii) for failure to properly register or title a vehicle or vessel pursuant to this chapter, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, into the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
(ii) The commission shall deposit money from a penalty under this Subsection (3)(d)(i) for failure to pay a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, into the General Fund.

(4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.

(5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.

Amended by Chapter 294, 2025 General Session

41-1a-203 Prerequisites for registration, transfer of ownership, or registration renewal.

(1)
(a) Except as provided in Subsections (1)(b) and (1)(c), the division shall mail a notification to the owner of a vehicle at least 30 days before the date the vehicle's registration is due to expire.
(b)
(i) The division shall provide a process for a vehicle owner to choose to receive electronic notification of the pending expiration of a vehicle's registration.
(ii) If a vehicle owner chooses electronic notification, the division shall notify by email the owner of a vehicle at least 30 days before the date the vehicle's registration is due to expire.
(c) If at the time the owner renews the vehicle registration, the previous registration period has been expired at least 270 days, the division is not required to comply with the notification requirement described in Subsection (1)(a) for the next registration period.
(d) An individual may elect to receive notification through both electronic means and the mail.

(2) Except as otherwise provided, before registration of a vehicle, an owner shall:
(a) obtain an identification number inspection under Section 41-1a-204;
(b) obtain a certificate of emissions inspection, if required in the current year, as provided under Section 41-6a-1642;
(c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section 41-1a-206 or 41-1a-207;
(d) pay the automobile driver education tax required by Section 41-1a-208;
(e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
(f) pay the uninsured motorist identification fee under Section 41-1a-1218, if applicable;
(g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
(h) pay any applicable local emissions compliance fee under Section 41-1a-1223;
(i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act; and
(j) for a roadable aircraft, provide proof of registration of the roadable aircraft as an aircraft under Section 72-10-109.

(3) In addition to the requirements in Subsection (1), an owner of a vehicle that has not been previously registered or that is currently registered under a previous owner's name shall apply for a valid certificate of title in the owner's name before registration.

(4) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

(5) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

(6) The division may not issue a registration renewal for a motor vehicle if the division has received a hold request for the motor vehicle for which a registration renewal has been requested as described in:
(a) Section 72-1-213.1; or
(b) Section 72-6-118.

Amended by Chapter 279, 2025 General Session

41-1a-204 Identification number inspection.

(1) An application for first registration in this state of any vehicle may not be accepted by the division unless the identification number of that vehicle, other than new vehicles sold by dealers licensed in this state, has been inspected by a qualified identification number inspector under Part 8, Identification Numbers.

(2) A park model recreational vehicle is exempt from this section.

Amended by Chapter 237, 2014 General Session

41-1a-205 Safety inspection certificate required for commercial motor vehicles and initial registration of street-legal ATVs, street-legal novel vehicles, and salvage vehicles.

(1) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle.

(2) A street-legal novel vehicle registered in accordance with Section 41-27-201 is subject to a safety inspection the first time that a person registers a novel vehicle as a street-legal novel vehicle.

(3) A salvage vehicle as defined in Section 41-1a-1001 is subject to a safety inspection when the owner makes the initial application to register the vehicle as a salvage vehicle.

(4) A roadable aircraft is subject to a safety inspection when the owner makes the initial application to register the roadable aircraft.

(5) A safety inspection certificate shall be displayed on:

(a) all registered commercial vehicles as defined in Section 72-9-102;

(b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(c) a combination unit;

(d) a bus or van for hire;

(e) a taxicab; and

(f) a motor vehicle operated by a ground transportation service provider as defined in Section 72-10-601.

(6) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 459, 2024 General Session
Amended by Chapter 483, 2024 General Session

41-1a-206 Payment of property taxes or in lieu fees before registration.

(1) Except as provided in Subsection (2), the division before issuing any registration shall require from every applicant for the registration a certificate from the county assessor in which the vehicle has situs for taxation that:

(a) the property tax or in lieu fee on the vehicle for the current registration period has been paid;

(b) in the assessor's opinion the tax or in lieu fee is a lien on real property sufficient to secure the payment of the tax; or

(c) the vehicle is exempt by law from payment of property tax or the in lieu fee for the current registration period.

(2) The requirements of Subsection (1) do not apply to the registration of ambulances, peace officer patrol vehicles, fire engines, passenger cars and trucks owned and used by the United

States government or by the state of Utah or by any of its political subdivisions, and motor vehicles assessed by the commission under Section 59-2-201.

Amended by Chapter 164, 2006 General Session

41-1a-207 Vehicles assessed by commission.

If the vehicle is assessed by the commission under Section 59-2-201, the commission before issuing a registration shall be satisfied that the:
(1) property tax or in lieu fee on the vehicle has been paid;
(2) vehicle is exempt from the payment of the tax or in lieu fee; or
(3) tax or in lieu fee is secured by a lien on real estate or by a bond.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-208 Payment of automobile driver education tax prerequisite to registration of motor vehicle.

(1) The collection and payment of the automobile driver education tax is a prerequisite to the registration of any motor vehicle.
(2) Except as provided under Subsection (3), the automobile driver education tax accrues and is collectible upon each motor vehicle, subject to the same exemptions, and payable in the same manner and time as motor vehicle registration fees under Section 41-1a-1206.
(3) The automobile driver education tax:
  (a) shall be paid in full at the time the motor vehicle is registered; and
  (b) is not collectible or payable upon the transfers of registration, issuance, reissuance of certificates of registration, titles, or plates contemplated by Sections 41-1a-301, 41-1a-1207, 41-1a-1210, and 41-1a-1211.

Amended by Chapter 164, 2006 General Session

41-1a-209 Application for registration -- Contents.

(1) An owner of a vehicle subject to registration under this part shall apply to the division for registration on forms furnished by the division.
(2) The application for registration shall include:
  (a) the signature of an owner of the vehicle to be registered;
  (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
  (c) a description of the vehicle including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, and the identification number of the vehicle;
  (d) other information required by the division to enable it to determine whether the owner is lawfully entitled to register the vehicle; and
  (e) an indication if the applicant is applying for automatic registration renewal as described in Section 41-1a-216.

Amended by Chapter 135, 2021 General Session

41-1a-210 Examination of registration records and indices of stolen and recovered vehicles.

The division upon receiving application for original registration of a vehicle shall first check the identification number shown in the application against the indices of registered vehicles and against indices of stolen and recovered vehicles.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-210.5 Government-issued identification required on new registrations.

Subject to Section 63G-15-201, the division, before issuing any new registration on a vehicle, shall require that the applicant provide valid government-issued identification.

Amended by Chapter 178, 2022 General Session

41-1a-211 Temporary permits -- Other laws applied.

(1)
(a) The division may grant a temporary permit to operate a vehicle for which:
(i) application for registration has been made, or, in the case of a newly purchased vehicle, will be made;
(ii) evidence of ownership is provided; and
(iii) the proper fees have been paid.
(b) The temporary permit allows the vehicle to be operated pending complete registration by displaying:
(i) the temporary permit; or
(ii) other evidence of the application under rules made by the commission.
(2) If a vehicle is operated on a temporary permit issued under this section or Section 41-3-302, that vehicle is subject to all other statutes, rules, and regulations intended to control the use and operation of vehicles on the highways.
(3) For purposes of Subsection (1), evidence of ownership includes a document demonstrating that:
(a) in exchange for consideration, the vehicle's lessee agreed to transfer the vehicle to the applicant upon receipt of the vehicle's certificate of title from the vehicle's lessor; and
(b) the lessee is the current registered owner of the vehicle.

Amended by Chapter 213, 2023 General Session

41-1a-212 Division to issue registration card.

The division upon registering a vehicle shall issue a registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-213 Contents of registration cards.

(1) As used in this section:
(a) "Health care professional" means the same as that term is defined in Section 53-3-207.
(b) "Invisible condition" means the same as that term is defined in Section 53-3-207.
(c) "Invisible condition identification decal" means the decal created by the division that incorporates the invisible condition identification symbol.
(d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.
(2) The registration card shall be delivered to the owner and shall contain:

(a) the date issued;
(b) the name of the owner;
(c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;
(d) the expiration date; and
(e) other information as determined by the commission.
(3) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:
(a) the owner's name; and
(b) the name of the lessee.
(4) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the gross laden weight as given in the application for registration.
(5)
(a) Except as provided in Subsection (5)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.
(b) A new registration card issued by the commission under one of the following provisions shall display the address of the owner or the lessee on the registration card:
(i) Section 41-1a-301 for a vehicle; or
(ii) Section 73-18-7 for a vessel.
(6)
(a) Except as provided in Subsection (6)(d)(ii), the division shall include on a vehicle owner's vehicle registration database record in the division's vehicle registration database an invisible condition identification symbol if:
(i)
(A) the vehicle owner or an individual who is a regular driver of or passenger in the vehicle owner's vehicle has an invisible condition; or
(B) an individual with an invisible condition resides at the vehicle driver's residence; and
(ii) the vehicle owner submits to the commission a request on a form prescribed by the commission.
(b) A vehicle owner shall include in a request described in Subsection (6)(a):
(i) if the request is for an individual other than the vehicle owner, a declaration that the individual is:
(A) a regular driver of or passenger in the vehicle; or
(B) a resident at the vehicle driver's residence;
(ii) written verification from a health care professional that the vehicle owner or other individual described in Subsection (6)(a)(i) has an invisible condition; and
(iii) a waiver of liability signed by the individual with the invisible condition or the individual's legal representative for the release of any medical information to:
(A) the commission;
(B) any person who has access to the individual's medical information as recorded on the vehicle owner's vehicle registration database record or the Utah Criminal Justice Information System; and
(C) any other person who may view or receive notice of the individual's medical information by seeing the vehicle owner's vehicle registration database record or the individual's information in the Utah Criminal Justice Information System.
(c) As part of the form described in Subsection (6)(a) and (b), the commission shall advise the individual signing the waiver of liability that by submitting the signed waiver, the individual consents to the release of the individual with an invisible condition's medical information to

any person described in Subsections (6)(b)(iii)(A) through (C), even if the person is otherwise ineligible to access the individual with an invisible condition's medical information under state or federal law.

(d)

(i) The division:

(A) may not charge a fee to include an invisible condition identification symbol on a vehicle owner's vehicle registration database record; and

(B) shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (6)(b)(ii) holds a current state license.

(ii) If the division is unable to confirm that the health care professional described in Subsection (6)(b)(ii) holds a current state license, the division shall deny the request described in Subsection (6)(a).

(e) The inclusion of an invisible condition identification symbol on a vehicle owner's vehicle registration database record in accordance with this section does not confer any legal rights or privileges on the vehicle owner or the individual with an invisible condition, including parking privileges for individuals with disabilities under Section 41-1a-414.

(7)

(a) For each individual who qualifies under this section to include an invisible condition identification symbol in a vehicle owner's vehicle registration database record, the division shall:

(i) include in the division's vehicle registration database a brief description of the nature of the individual's invisible condition linked to the vehicle owner's vehicle registration database record; and

(ii) provide an invisible condition identification decal that may be affixed to the vehicle owner's vehicle, and instructions on where the invisible condition identification decal may be placed on the vehicle, which the vehicle owner may affix to the vehicle at the vehicle owner's discretion.

(b) The division shall provide the brief description described in Subsection (7)(a)(i) to the Utah Criminal Justice Information System.

(c) Except as provided in Subsection (7)(b), the division may not release the information described in Subsection (7)(a)(i).

(8) Within 30 days after the day on which the division receives a vehicle owner's written request, the division shall:

(a) remove the invisible condition identification symbol and brief description described in Subsection (7) from a vehicle owner's vehicle registration database record in the division's vehicle registration database; and

(b) provide the updated vehicle registration database record to the Utah Criminal Justice Information System.

(9) As provided in Section 63G-2-302, the information described in Subsection (6)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 456, 2023 General Session

41-1a-214 Registration card to be exhibited.

(1) For the convenience of a peace officer or any officer or employee of the division, the owner or operator of a vehicle is encouraged to carry the registration card in the vehicle for which the registration card was issued and display the registration card upon request.

(2) An individual may display a registration card by displaying a photograph of the registration card on a mobile electronic device.
(3) For a vehicle owned by a rental company, as defined in Section 31A-22-311, a person driving or in control of the vehicle may display the vehicle's rental agreement, as defined in Section 31A-22-311, in place of a registration card.

Amended by Chapter 91, 2022 General Session

41-1a-215 Staggered registration dates -- Exceptions.

(1)
(a) Except as provided under Subsections (2) and (3), every vehicle registration, every registration card, and every registration plate issued under this chapter for the first registration of the vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.
(b) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.

(2) The provisions of Subsection (1) do not apply to the following:
(a) registration issued to government vehicles under Section 41-1a-221;
(b) registration issued to apportioned vehicles under Section 41-1a-301;
(c) multiyear registration issued under Section 41-1a-222;
(d) lifetime trailer registration issued under Section 41-1a-1206;
(e) partial year registration issued under Section 41-1a-1207;
(f) a six-month registration issued under Section 41-1a-215.5; or
(g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter under Chapter 3, Part 5, Special Dealer License Plates.

(3)
(a) Upon application of the owner or lessee of a fleet of commercial vehicles not apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of March, June, September, or December of any year and expiring on the last day of March, June, September, or December in the following year.
(b) Upon application of the owner or lessee of a fleet of commercial vehicles apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of January, April, July, or October of any year and expiring on the last day of March, June, September, or December in the following year.
(c)
(i) Upon application of the owner or lessee of a fleet of personal vehicles required to be registered in this state, the State Tax Commission may permit the vehicles to be registered for a registration period commencing on the first day of February, May, August, or November of any year and expiring on the last day of February, May, August, or November of the following year.
(ii) If the registration period for a personal vehicle is adjusted under Subsection (3)(c)(i), the registration fees for the adjustment are:
(A) 25% of the regular registration fees if the adjustment is for not more than three months;

(B) 50% of the regular registration fees if the adjustment is in excess of three months but not more than six months;
(C) 75% of the regular registration fees if the adjustment is in excess of six months but not more than nine months; and
(D) 100% of the regular registration fees if the adjustment is in excess of nine months but not more than 12 months.
(4) When the expiration of a registration plate is extended by affixing a registration decal to it, the expiration of the decal governs the expiration date of the plate.

Amended by Chapter 285, 2025 General Session

41-1a-215.5 Alternative term registration.
(1) Subject to the requirements of this section, a person may register a motorcycle or motor vehicle of 14,000 pounds or less gross laden weight for a six-month period that begins on the first day of the calendar month of registration and expires on the last day of the sixth month of registration.
(2)
(a) A person may register the following types of vehicles for a 24-month period that begins the first day of the calendar month of registration and expires on the last day of the 24th month of registration:
(i) a trailer;
(ii) an electric motor vehicle;
(iii) an off-highway vehicle as described in Section 41-22-3; or
(iv) a street-legal all-terrain vehicle as described in Section 41-6a-1509 and Section 41-22-3.
(b) An interstate apportioned vehicle registered in accordance with Section 41-1a-301 is not eligible for a 24-month registration.
(c) To register a vehicle for a 24-month period as provided in this Subsection (2), the person is required to pay double the amount of any tax or fee that would be due for the same vehicle registered for a 12-month period.
(3) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.
(4) A registration under this section is subject to this chapter.

Amended by Chapter 279, 2025 General Session

41-1a-216 Renewal of registration.
(1) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.
(2)
(a) Except as provided in Subsections (2)(c) and (3), the new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.
(b) Except as provided in Subsection (2)(c), the year of registration expiration shall be changed to reflect the renewed registration period.
(c) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the new registration shall be for a six-month registration period that begins with the first day of the calendar month following the last day of the expiration month of the

previous registration period as recorded on the original registration even if the registration has expired.

(3) Subsection (2) does not apply if the owner can verify to the satisfaction of the division that the vehicle registration was not renewed prior to its expiration due to the fact that the vehicle was in storage, inoperable, or otherwise out of service.

(4) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

(5) A vehicle with an "EX" or "UHP" license plate, owned by an entity described in Section 41-1a-407, is exempt from registration renewal requirements.

(6) The division shall establish a process by which an individual may request automatic renewal of registration.

(7) An individual may request automatic renewal of registration as provided by the division.

(8) If the vehicle is subject to an emissions inspection as described in Section 41-6a-1642 for the year for which a vehicle automatic registration is requested, the automatic renewal is not effective until the vehicle has passed an emissions inspection as required in Section 41-6a-1642.

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules establishing procedures for an individual to apply for and the division to administer automatic renewal of registration and automatic payment of fees as required in this chapter and relevant taxes.

Amended by Chapter 135, 2021 General Session

41-1a-217 Application for renewal of registration.

(1)

(a) An applicant may renew a vehicle registration by:

(i) filing an application for registration renewal; and

(ii) paying the fees or taxes required under Section 41-1a-203.

(b) If an applicant is applying for automatic registration renewal as described in Section 41-1a-216, the applicant shall provide payment information and other required information as described in Section 41-1a-216 and relevant administrative rules made in accordance with Subsection 41-1a-216(9).

(2) The applicant shall ensure that the application for registration renewal and the payment for applicable fees or taxes is accompanied by a certificate of emissions inspection if required under Section 41-6a-1642.

(3) The division shall issue a new registration card that contains:

(a) the identical information with respect to the owner and the vehicle description required by Section 41-1a-213; and

(b) the new expiration date.

Amended by Chapter 59, 2021 General Session
Amended by Chapter 135, 2021 General Session

41-1a-218 Notice of change of address.

(1) If a person after making application for or obtaining a vehicle registration moves from the address named in the application, the person shall within 10 days of moving notify the division of his old and new addresses.

(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-219 Change of name -- New registration.

(1) If the name of any person who has applied for or obtained the registration of a vehicle is changed the person shall surrender the last registration card and file an application for a new registration card.

(2) The division upon receipt of the required fees shall issue a new registration card.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-220 Lost or damaged registration card.

(1) If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle for which the registration card was issued, as shown by the records of the division, shall immediately:

(a) apply for a duplicate;

(b) furnish the information satisfactory to the division; and

(c) pay the proper fees.

(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-221 Registration of vehicles of political subdivisions or state -- Expiration of registration -- Certification of information -- Failure to comply.

(1)

(a) An entity referred to in Subsection 41-1a-407(1) shall register each vehicle that it owns, operates, or leases.

(b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407.

(2) A registration card and license plate issued to an entity under this section or Subsection 41-1a-407(1) are in full force and effect until the vehicle is no longer owned or operated by that entity.

(3)

(a) If the owner of a vehicle subject to the provisions of this section transfers or assigns title or interest in the vehicle, the registration of that vehicle expires.

(b) The transferor shall remove the license plate or plates and within 20 days from the date of transfer:

(i) destroy the license plate or plates; or

(ii) forward the license plate or plates to the division to be destroyed.

(4) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-222 Application for multiyear registration -- Payment of taxes -- Penalties.

(1) The owner of any intrastate fleet of commercial vehicles which is based in the state may apply to the commission for registration in accordance with this section.

(a) The application shall be made on a form prescribed by the commission.

(b) Upon payment of required fees and meeting other requirements prescribed by the commission, the division shall issue, to each vehicle for which application has been made, a multiyear license plate and registration card.

(i) The registration decal and the registration card shall bear an expiration date fixed by the division and are valid until ownership of the vehicle to which they are issued is transferred by the applicant or until the expiration date, whichever comes first.
(ii) An annual renewal application must be made by the owner if registration identification has been issued on an annual installment fee basis and the required fees must be paid on an annual basis.
(iii) License plates and registration cards issued pursuant to this section are valid for an eight-year period, commencing with the year of initial application in this state.
(c) When application for registration or renewal is made on an installment payment basis, the applicant shall submit acceptable evidence of a surety bond in a form, and with a surety, approved by the commission and in an amount equal to the total annual fees required for all vehicles registered to the applicant in accordance with this section.
(2) Each vehicle registered as part of a fleet of commercial vehicles must be titled in the name of the fleet.
(3) Each owner who registers fleets pursuant to this section shall pay the taxes or in lieu fees otherwise due pursuant to:
(a) Section 41-1a-206;
(b) Section 41-1a-207;
(c) Subsection 41-1a-301(12);
(d) Section 59-2-405.1;
(e) Section 59-2-405.2; or
(f) Section 59-2-405.3.
(4) An owner who fails to comply with the provisions of this section is subject to the penalties in Section 41-1a-1301 and, if the commission so determines, will result in the loss of the privileges granted in this section.

Amended by Chapter 33, 2023 General Session

41-1a-223 Registration without Utah title.

(1)
(a) If the owner of a vehicle operating interstate and registered in another state desires to retain registration of the vehicle in the other state, the applicant need not surrender but shall submit for inspection evidences of out-of-state registration.
(b) The division upon a proper showing shall register the vehicle in this state.
(2)
(a) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in Utah because title is physically held by a lienholder, the division may register the vehicle without issuing a Utah title.
(b) Notwithstanding Section 70A-9a-316, the registration of a vehicle under this section does not alter or affect the rights or security interest of any lienholder in another jurisdiction.

Amended by Chapter 252, 2000 General Session

41-1a-224 Registration of specially constructed, reconstructed, or foreign vehicles -- Surrender of foreign registration.

(1) If the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application.
(2) The owner of a foreign vehicle that has been registered outside of this state shall surrender to the division all registration cards, certificates of title, or other evidence of foreign registration in the owner's possession or under the owner's control, except as provided in Section 41-1a-223.

Amended by Chapter 302, 2025 General Session

41-1a-225 Foreign vehicle compliance with federal law -- English translation -- Temporary permit.

(1) Before a vehicle with a gross vehicle weight of less than 6,000 pounds that was not originally manufactured for sale in the United States may be registered in this state, the applicant shall provide at the time of registration, a signed statement certifying that the vehicle complies with all federal laws and regulations applicable to the vehicle.
(2) If the certificate of title, manufacturer's certificate of origin, or other document purported to evidence ownership is not printed in the English language, the applicant shall obtain a certified translation of that document in the English language and provide it to the division at the time of registration.
(3) The division may issue the applicant a temporary permit, not to exceed 120 days, as provided in Section 41-1a-211, pending compliance with federal emission and safety standards.

Amended by Chapter 217, 1999 General Session

41-1a-226 Vintage vehicle -- Signed statement -- Restored-modified vehicle -- Registration.

(1) The owner of a vintage vehicle who applies for registration under this part shall provide a signed statement that the vintage vehicle:
  (a) is owned and operated for the purposes described in Section 41-21-1; and
  (b) is safe to operate on the highways of this state as described in Section 41-21-4.
(2) For a vintage vehicle with a model year of 1982 or older, the signed statement described in Subsection (1) and in Subsection 41-6a-1642(15) is in lieu of an emissions inspection, from which a vintage vehicle is exempt under Subsection 41-6a-1642(4).
(3) Before registration of a vintage vehicle that has a model year of 1983 or newer, an owner shall:
  (a) obtain a certificate of emissions inspection as provided in Section 41-6a-1642; or
  (b) provide proof of vehicle insurance coverage for the vintage vehicle that is a type specific to a vehicle collector.
(4)
  (a) If an owner of a restored-modified vehicle who applies for registration that wishes to have the notation on the registration certificate as described in Subsection (4)(b), the owner may provide a signed statement that the vehicle:
    (i) meets the definition of a restored-modified vehicle, and has modern technology, including emission control technology and an on-board diagnostic system; and
    (ii) is safe to operate on the highways of this state.
  (b) If a vehicle qualifies as a restored-modified vehicle, the division shall notate the registration certificate indicating that the vehicle is a restored-modified vehicle.
  (c) An owner of a restored-modified vehicle may elect to remove the restored-modified notation on the registration certificate at the time of a subsequent registration.

Amended by Chapter 22, 2023 General Session

Amended by Chapter 33, 2023 General Session
Amended by Chapter 532, 2023 General Session

41-1a-228 Special lifetime trailer registration -- Property tax or in lieu fees.

(1)
(a) The owner of a trailer or semitrailer used as a commercial vehicle may obtain an alternative special registration and license plate valid for the life of the trailer while the trailer is possessed by the registrant.
(b) The owner of a trailer that is used as an intrastate commercial trailer that is not a travel trailer may obtain an alternative special registration and license plate valid for the life of the trailer while the trailer is possessed by the registrant.

(2)
(a) Except as provided in Subsection (3), the owner shall file, on or before January 31 of each year after the year of issuance of the special registration and license plate, a certificate from the assessing authority to the effect that any property tax or in lieu fee due for the current year has been paid.
(b) If property tax or the in lieu fee is not paid, registration is suspended or revoked.

(3) The owner of a trailer described in Subsection (1)(b) may elect to pay a one-time in lieu fee for the life of the trailer while the trailer is possessed by the registrant as provided in Section 59-2-405.

Amended by Chapter 215, 2025 General Session

41-1a-229 Display of gross laden weight.

(1) Each vehicle registered by gross laden weight and exceeding 14,000 pounds of gross laden weight shall have the gross laden weight for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.
(2) If vehicles are registered in combination, the gross laden weight for which the combination of vehicles is registered shall be displayed upon the power unit.
(3) An owner or operator of a vehicle or combination of vehicles may not display a gross laden weight other than that shown on the certificate of registration of the vehicle.
(4) A park model recreational vehicle is exempt from this section.
(5) A violation of this section is an infraction.

Amended by Chapter 234, 2025 General Session

41-1a-230 Registration checkoff for vision screening.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution for vision screening of $2.
(2) This contribution shall be:
(a) collected by the division;
(b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a motor vehicle registration fee; and
(c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 126, 2003 General Session

41-1a-230.5 Registration checkoff for promoting and supporting organ donation.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of $2 for the purpose of promoting and supporting organ donation.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the Allyson Gamble Organ Donation Contribution Fund created in Section 26B-1-312 and not as a motor vehicle registration fee; and

(c) transferred to the Allyson Gamble Organ Donation Contribution Fund created in Section 26B-1-312 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 328, 2023 General Session

41-1a-230.7 Registration checkoff for supporting emergency medical services and search and rescue operations.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of $3 for the purpose of supporting:

(a) the Emergency Medical Services Grant Program; and

(b) the Search and Rescue Financial Assistance Program.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution and not as a motor vehicle or off-highway vehicle registration fee; and

(c) distributed equally to the Emergency Medical Services System Account created in Section 53-2d-108 and the Search and Rescue Financial Assistance Program created in Section 53-2a-1102 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

(3) In addition to the administrative costs deducted under Subsection (2)(c), the division may deduct the first $1,000 collected to cover costs incurred to change the registration form.

Amended by Chapter 310, 2023 General Session
Amended by Chapter 328, 2023 General Session

41-1a-231 Special mobile equipment status.

(1) "Special mobile equipment" status as defined under Section 41-1a-102 shall be approved by the Department of Transportation in consultation with the Motor Carrier Advisory Board created under Section 72-9-201.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation in consultation with the State Tax Commission shall make rules establishing procedures for application, identification, approval, denial, and appeal of special mobile equipment status.

Amended by Chapter 382, 2008 General Session

41-1a-232 Special fleet registration decals and license plates.

(1) As used in this section:

(a) "Rental agreement" has the same meaning as defined in Section 31A-22-311.

(b) "Rental company" has the same meaning as defined in Section 31A-22-311.
(c) "Rental fleet" means more than 25 motor vehicles that are:
(i) owned by a rental company;
(ii) offered for rental without a hired driver through a rental agreement; and
(iii) designated by the registered owner of the motor vehicle as a rental fleet vehicle at the time of registration.
(2)
(a) An owner that registers a motor vehicle under Section 41-1a-215 or 41-1a-215.5 may obtain an alternative special registration card and registration decal for the license plate if the motor vehicle is:
(i)
(A) owned by a rental company; and
(B) maintained in the rental company's rental fleet; or
(ii) owned or leased as part of a commercial fleet and is not owned or leased by a rental company.
(b) The registration card and registration decal for the license plate issued under Subsection (2)(a) are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet or is part of a commercial fleet.
(3)
(a) An owner that receives the alternative special registration card and registration decal for the license plate issued under this section shall:
(i) renew the registration in accordance with Section 41-1a-216; and
(ii) comply with all the prerequisites for registration or registration renewal under Section 41-1a-203.
(b) Notwithstanding the registration renewals requirement under Subsection 41-1a-216(2)(b), the alternative special registration card and registration decal issued under this section do not expire and are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet or is part of a commercial fleet.
(4) If the registration renewal requirements under Subsection (3)(a) are not complied with, the registration is suspended or revoked.

Amended by Chapter 251, 2024 General Session

41-1a-233 Conditional registration for new commercial motor vehicles.
(1) As used in this part:
(a) "Manufacturer's statement of origin" means a statement or certificate from the motor vehicle manufacturer that shows:
(i) the date of sale from the manufacturer to the first purchaser;
(ii) the name of the first purchaser;
(iii) a description of the motor vehicle, including the year, make, model, and vehicle identification number; and
(iv) a certification that the motor vehicle was new when sold to the first purchaser.
(b) "Passenger rental car establishment" means an establishment described in NAICS subsector 532111 of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget.
(c) "Qualified identification number inspector" means the same as it is described in Section 41-1a-802.

(2) The division may issue a conditional registration for a new motor vehicle that is a commercial vehicle if:
  (a) the owner:
    (i) is a passenger rental car establishment;
    (ii) has not received a manufacturer statement of origin;
    (iii) is entitled to a manufacturer statement of origin;
    (iv) has physical possession of the vehicle; and
    (v) has paid all applicable taxes and fees for the vehicle; and
  (b) a qualified identification number inspector has:
    (i) physically inspected the identification number of the motor vehicle; and
    (ii) made a record of the identification number inspection on a form approved by the division.
(3)
  (a) A conditional registration issued under Subsection (2) shall be in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.
  (b) An owner of a vehicle with a conditional registration may not renew the registration until a Utah title is obtained for the vehicle.
  (c) A vehicle with a conditional registration under this section may not be sold or transferred without first obtaining a Utah title.
(4) If a Utah title is not issued for a vehicle within 10 months of the beginning of the month in which a conditional registration is issued for the vehicle, the division shall:
  (a) revoke the conditional registration for the vehicle; and
  (b) not allow the vehicle to be registered in the state until a Utah title is obtained for the vehicle.
(5) A commercial vehicle that is issued a conditional registration as provided in this section is subject to the same fees that would apply to the commercial vehicle if the registration was not a conditional registration.
(6) A person shall submit a request for a conditional registration in a form prescribed by the division.
(7) A conditional registration under this section may not be issued to a vehicle subject to apportioned registration under Section 41-1a-301.

Enacted by Chapter 349, 2025 General Session

Part 3
Proportional Registration

41-1a-301 Apportioned registration and licensing of interstate vehicles.
(1) For purposes of this section, "registrant" means an owner or operator of one or more commercial vehicles operating in two or more jurisdictions applying for apportioned registration and licensing of a commercial vehicle.
(2)
  (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two or more jurisdictions may register commercial vehicles for operation under the International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by filing an application with the division.

(b) The application shall include information that identifies the vehicle owner, the vehicle, the miles traveled in each jurisdiction, and other information pertinent to the registration of apportioned vehicles.

(c) The division may not grant apportioned registration for vehicles operated exclusively in this state.

(3)

(a) If no operations were conducted during the preceding year, in computing fees due:

(i) the application shall contain a statement of the proposed operations; and

(ii) the division shall determine fees based on average per vehicle distance requirements under the International Registration Plan.

(b) At renewal, the registrant shall use the actual mileage from the preceding year in computing fees due each jurisdiction.

(4) The division shall determine the registration fee for apportioned vehicles as follows:

(a) divide the in-jurisdiction miles by the total miles generated during the preceding year;

(b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206; and

(c) multiply the sum obtained under Subsection (4)(b) by the quotient obtained under Subsection (4)(a).

(5) The registrant may list trailers or semitrailers of apportioned fleets separately as "trailer fleets" on the application, with the fees paid according to the total distance those trailers were towed in all jurisdictions during the preceding year mileage reporting period.

(6)

(a)

(i) When the registrant has paid the proper fees and cleared the property tax or in lieu fee under Section 41-1a-206 or 41-1a-207, the division shall issue a registration card and license plate for each unit listed on the application.

(ii) The owner or operator shall carry an original registration in each vehicle at all times.

(b) The owner or operator may carry original registration cards for trailers or semitrailers in the power unit.

(c)

(i) In lieu of a permanent registration card or license plate, the division may issue one temporary permit authorizing operation of new or unlicensed vehicles until the permanent registration is completed.

(ii) Once a temporary permit is issued:

(A) neither the registrant nor the division may cancel the registration process; and

(B) the division shall complete registration and the registrant shall pay the fees and any property tax or in lieu fee due for the vehicle for which the permit was issued.

(iii) The division may not issue temporary permits for renewals.

(d)

(i) The division shall issue one distinctive license plate for apportioned vehicles.

(ii) The owner or operator shall display the plate on the front of an apportioned truck tractor or power unit or on the rear of any other apportioned vehicle.

(iii)

(A) The division shall issue distinctive decals or a distinctive license plate displaying the word "apportioned" or the abbreviation "APP" for each apportioned vehicle.

(B) A registrant of an apportioned vehicle is not required to display a registration decal.

(iv) At the request of a registrant of an apportioned vehicle, the division may issue a second license plate, for a total of two, to display on both the front and rear of the apportioned vehicle.

(e) The division shall charge a nonrefundable administrative fee, determined by the commission pursuant to Section 63J-1-504, for each temporary permit, registration, or both.

(7) Vehicles that are apportionally registered are fully registered for intrastate and interstate movements, providing the registrant has secured proper interstate and intrastate authority.

(8)

(a) The division shall register vehicles added to an apportioned fleet after the beginning of the registration year by applying the quotient under Subsection (4)(a) for the original application to the fees due for the remainder of the registration year.

(b)

(i) The owner shall maintain and submit complete annual mileage for each vehicle in each jurisdiction, showing all miles operated by the lessor and lessee.

(ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of the year immediately preceding the calendar year in which the registration year begins.

(c)

(i) An owner-operator, who is a lessor, may register the vehicle in the name of the owner-operator.

(ii) The identification plates and registration card shall be the property of the lessor and may reflect both the owner-operator's name and that of the carrier as lessee.

(iii) The division shall allocate the fees according to the operational records of the owner-operator.

(d)

(i) At the option of the lessor, the lessee may register a leased vehicle.

(ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall appear on the registration.

(iii) The division shall allocate the fees according to the records of the carrier.

(9)

(a) When the division has accepted an application for apportioned registration, the registrant shall preserve the records on which the application is based for a period of three years after the close of the registration year.

(b) Upon request for audit as to accuracy of computations, payments, and assessments for deficiencies, or allowances for credits, the registrant shall provide the records to the division.

(c) The division may not make an assessment for deficiency or claim for credit for any period for which records are no longer required.

(d) The division may assess interest in the amount prescribed by Section 59-1-402 from the date due until paid on deficiencies found due after audit.

(e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

(f) The division may enter into agreements with other International Registration Plan jurisdictions for joint audits.

(10)

(a) Except as provided in Subsection (10)(b), the division shall deposit all state fees collected under this section in the Transportation Fund.

(b) The commission may use the following fees as a dedicated credit to cover the costs of electronic credentialing as provided in Section 41-1a-303:

(i) $5 of each temporary registration permit fee paid under Subsection (13)(a)(i) for a single unit; and

(ii) $10 of each temporary registration permit fee paid under Subsection (13)(a)(ii) for multiple units.

(11) If registration is for less than a full year, the division shall assess fees for apportioned registration according to Section 41-1a-1207.

(a)

(i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is of the same weight category as the replaced vehicle, the registrant shall file a supplemental application.

(ii) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is heavier than the replaced vehicle, the division shall assess additional registration fees.

(iii) If the registrant is replacing a vehicle for one withdrawn from the fleet, the division shall issue a new registration card.

(b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is registered, the registrant shall notify the division and surrender the registration card and license plate of the withdrawn vehicle.

(12)

(a) An out-of-state carrier with an apportionally registered vehicle who has not presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway use tax computed as follows:

(i) Multiply the number of vehicles or combination vehicles registered in each weight class by the equivalent tax figure from the following tables:

Vehicle or Combination Registered Weight	Age of Vehicle	Equivalent Tax
14,000 pounds or less	12 or more years	$10
14,000 pounds or less	9 or more years but less than 12 years	$50
14,000 pounds or less	6 or more years but less than 9 years	$80
14,000 pounds or less	3 or more years but less than 6 years	$110
14,000 pounds or less	Less than 3 years	$150

Vehicle or Combination Registered Weight	Equivalent Tax
14,001 - 18,000 pounds	$150
18,001 - 34,000 pounds	200
34,001 - 48,000 pounds	300
48,001 - 64,000 pounds	450
64,001 pounds and over	600

(ii) Multiply the equivalent tax value for the total fleet determined under Subsection (12)(a)(i) by the fraction computed under Subsection (4) for the apportioned fleet for the registration year.

(b) For registration described in Subsection (12)(a), the division shall assess fees as provided in Section 41-1a-1207.

(13)

(a) Commercial vehicles meeting the registration requirements of another jurisdiction may, as an alternative to full or apportioned registration, secure a temporary registration permit for a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of:

(i) $25 for a single unit; and
(ii) $50 for multiple units.
(b) A state temporary permit or registration fee is not required from nonresident owners or operators of vehicles or combination of vehicles having a gross laden weight of 26,000 pounds or less for each single unit or combination.
(14) The division may not register a park model recreational vehicle under this section.
(15) A violation of this section is an infraction.

Amended by Chapter 234, 2025 General Session

41-1a-303 Cooperation for electronic credentialing.

The commission shall cooperate with the Department of Transportation and federal agencies to assist in providing electronic credentialing of motor carriers to facilitate implementation, compliance, and enforcement of vehicle registration, special fuel tax payment, and other registration or taxation provisions including the provisions of the International Registration Plan and the International Fuel Tax Agreement.

Enacted by Chapter 268, 2003 General Session

Part 4
License Plates and Registration Indicia

41-1a-401 License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.

(1)
(a) Except as provided in Subsections (1)(c), (d), and (e), the division upon registering a vehicle shall issue to the owner:
(i) one license plate for a motorcycle, trailer, or semitrailer;
(ii) one registration decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;
(iii) one registration decal for a camper, in lieu of a license plate, which shall be attached in plain sight to the rear of the camper; and
(iv) one license plate for every other vehicle.
(b) The license plate or registration decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or registration decal is issued or used upon any other vehicle than the registered vehicle.
(c)
(i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the ownership of which has been otherwise released, shall transfer the license plate issued to the person applying to register the vehicle if:
(A) the previous registered owner has included the license plate as part of the sale, trade, or ownership release; and
(B) the person applying to register the vehicle applies to transfer the license plate to the new registered owner of the vehicle.

(ii) The division may not transfer a personalized or special group license plate to a new registered owner under this Subsection (1)(c) if the new registered owner does not meet the qualification or eligibility requirements for that personalized or special group license plate under this part or Part 16, Sponsored Special Group License Plates.

(d)

(i) For a vehicle described in Section 41-1a-301, the division upon registering a vehicle shall issue a license plate or set of license plates as provided in that section.

(ii) For any vehicle not described in Subsection (1)(d)(i), at the request of the registrant, the division upon registering a vehicle may issue two license plates, for display on both the front and rear of the vehicle.

(e) The division upon registering a vehicle may, until inventory of license plate sets is exhausted, but no later than December 31, 2025, issue a set of two plates.

(f) The division shall ensure that license plates are distributed from a central location as soon as practicable, but no later than July 1, 2025.

(2) The division may receive applications for registration renewal, renew registration, and issue a new license plate or registration decal at any time prior to the expiration of registration.

(3)

(a)

(i) Except as provided in Subsection (3)(a)(ii), all license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.

(ii) Notwithstanding Subsection (3)(a)(i), a historical support special group license plate may be treated with a place face that is partially reflective and provides effective and dependable reflective brightness during the service period of the license plate.

(b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.

(c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.

(d) The granting of contracts for the materials shall be by public bid.

(4)

(a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.

(b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.

(5) A violation of this section is an infraction.

Amended by Chapter 247, 2025 General Session

41-1a-402 Standard license plates -- Required colors, numerals, and letters -- Expiration.

(1)

(a) Upon registering a vehicle, the division shall issue to the owner a standard license plate described in Subsection (1)(b) unless the division issues to the owner:

(i) a special group license plate in accordance with Section 41-1a-418; or

(ii) an apportioned vehicle license plate in accordance with Section 41-1a-301.

(b) The division may offer up to four standard license plate options at one time, each with a different design as follows:

(i) two designs that incorporate one or more elements that represent the state's economy or geography;
(ii) one design that represents the state's values or culture; and
(iii) one design that commemorates a current event relevant to the state or a significant anniversary of a historic event relevant to the state.
(c) The division shall offer:
(i) each design described in Subsection (1)(b)(i) or (ii) for at least a 10-year period; and
(ii) each design described in Subsection (1)(b)(iii) for no more than a five-year period.
(d) The division may not offer more than four standard license plate designs at any one time.
(2) Before the division may offer a design described in Subsection (1)(b), the division shall:
(a) consult with the Utah Department of Cultural and Community Engagement regarding the proposed design;
(b) identify which current standard license plate design will be replaced by the proposed design; and
(c) submit the proposed design to the commission.
(3)
(a) If the commission receives a submission for a proposed design of a standard license plate as described in Subsection (2)(c), or a sponsored special group license plate as described in Section 41-1a-419 and Part 16, Sponsored Special Group License Plates, the commission shall notify:
(i) the governor;
(ii) the speaker of the House of Representatives; and
(iii) the president of the Senate.
(b) After receiving a notification described in Subsection (3)(a):
(i) the governor shall appoint an individual to the license plate design review board described in Subsection (3)(c);
(ii) the speaker of the House of Representatives shall appoint a member of the House of Representatives to the license plate design review board described in Subsection (3)(c); and
(iii) the president of the Senate shall appoint a member of the Senate to the license plate design review board described in Subsection (3)(c).
(c)
(i) The license plate design review board, comprised of the members appointed as described in Subsection (3)(b), shall review proposed license plate designs.
(ii) The member of the license plate design review board appointed by the governor shall serve as chair and convene the license plate design review board.
(iii) The license plate design review board shall:
(A) review each proposed license plate design; and
(B) vote whether to approve or reject the proposed license plate design.
(iv) If all three members of the license plate design review board are not present, the license plate design review board may not consider or vote on a proposed license plate design.
(v) The license plate design review board shall notify the commission and the division regarding the results of the vote to approve each proposed license plate design.
(d) The license plate design review board is not subject to Title 52, Chapter 4, Open and Public Meetings Act.
(e) If the license plate design review board approves a proposed license plate design, the division may begin the processes necessary for production and distribution of the license plate.

(4)
(a) Except as provided in Subsection (4)(b), the division may not order or produce a standard license plate that is discontinued under this section.
(b) The division may issue a discontinued standard license plate until the division exhausts the discontinued standard license plate's remaining stock.
(5)
(a) Each license plate shall have displayed on it:
(i) the registration number assigned to the vehicle for which the license plate is issued;
(ii) the name of the state; and
(iii) unless exempted by Section 41-1a-301 or 41-1a-407, a registration decal showing the date of expiration displayed in accordance with Subsection (8).
(b) No later than July 1, 2025, each license plate:
(i) shall have an embossed edge around the perimeter of the plate; and
(ii) may not have embossed registration numbers or characters.
(6) If registration is extended by affixing a registration decal to the license plate, the expiration date of the registration decal governs the expiration date of the license plate.
(7)
(a)
(i) Except as provided under Subsection (7)(b), Subsection 41-1a-215(2), Subsection 41-1a-215.5(2), and Section 41-1a-216, a license plate shall be renewed annually.
(ii)
(A) The division shall issue the vehicle owner a month registration decal and a year registration decal upon the vehicle's first registration with the division.
(B) The division shall issue the vehicle owner only a year registration decal upon subsequent renewals of registration to validate registration renewal.
(b) Beginning on January 1, 2025, the division shall issue one registration decal displaying both the month and year.
(c) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the division may issue two 12-month decals for the 24-month registration period.
(8)
(a) Except as otherwise provided in Subsection (8)(b) and by rule:
(i) the month registration decal issued in accordance with Subsection (7) shall be displayed on the license plate in the left position; and
(ii) the year registration decal issued in accordance with Subsection (7) shall be displayed on the license plate in the right position.
(b) Beginning on January 1, 2025, the registration decal shall be displayed on the upper right position.
(9) The current year registration decal issued in accordance with Subsection (7) shall be placed over or in place of the previous year registration decal.
(10) If a license plate or registration decal is lost or destroyed, a replacement shall be issued upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.
(11)
(a) A violation of this section is an infraction.
(b) A court shall waive a fine for a violation under this section if:
(i) the registration for the vehicle was current at the time of the citation; and
(ii) the person to whom the citation was issued provides, within 21 business days, evidence that the license plate and registration decal are properly displayed in compliance with this section.

(12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules regarding the placement and positioning of registration decal on a license plate issued by the division.

Amended by Chapter 279, 2025 General Session

41-1a-403 Plates to be legible from 100 feet.

(1) License plates and the required letters and numerals on them, except the registration decal and the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight.
(2) An individual may not attach to or over a license plate:
  (a) a license plate cover; or
  (b) a license plate frame that obscures or blocks the readability of the license plate number or registration decal on a license plate.
(3) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-404 Location and position of plates -- Visibility of plates -- Exceptions.

(1) Except as provided in Section 41-1a-301 relating to a vehicle with apportioned registration, the owner or operator of a vehicle shall ensure that the license plate is attached to the rear of the vehicle as described in this section.
(2) Except as provided in Subsection (3), a license plate shall at all times be:
  (a) securely fastened:
    (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;
    (ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and
    (iii) in a place and position to be clearly visible; and
  (b) maintained:
    (i) free from foreign materials or a tinted or translucent license plate cover; and
    (ii) in a condition to be clearly legible.
(3) The provisions of Subsections (2)(a)(iii) and (2)(b) do not apply:
  (a) to a license plate that is obscured exclusively by one or more of the following devices or by the cargo the device is carrying, if the device is installed according to manufacturer specifications or generally accepted installation practices:
    (i) a trailer hitch;
    (ii) a wheelchair lift or wheelchair carrier;
    (iii) a trailer being towed by the vehicle;
    (iv) a bicycle rack, ski rack, or luggage rack; or
    (v) a similar cargo carrying device; or
  (b) to a military vehicle if the license plate is in the military vehicle and ready for inspection by law enforcement upon request.
(4) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-404.1 Location and position of plate on a motorcycle -- Visibility of plate -- Penalties.

(1) The owner or operator of a motorcycle shall ensure that the license plate is attached to the rear of the vehicle as described in this section.
(2) A license plate shall at all times be:
(a) securely fastened:
(i) to the vehicle for which it is issued;
(ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and
(iii) in a place and position to be clearly visible; and
(b) maintained:
(i) free from foreign materials or a tinted or translucent license plate cover; and
(ii) in a condition to be clearly legible.
(3) A motorcycle license plate may not be attached in any manner that is not clearly visible.
(4) The provisions of Subsections (2)(a)(iii) and (2)(b) do not apply to a license plate that is obscured exclusively by one or more of the following devices or by the cargo the motorcycle is carrying, if the device is installed according to manufacturer specifications or generally accepted installation practices:
(a) a trailer hitch; or
(b) a luggage rack or similar cargo carrying device.
(5)
(a) A person who violates this section is guilty of an infraction.
(b) If an individual is convicted of a violation of this section, the Driver License Division shall:
(i) suspend the individual's motorcycle endorsement for a period of 90 days; or
(ii) if the individual does not have a valid motorcycle endorsement, suspend the individual's driver license for a period of 90 days.
(c) If an individual with a motorcycle endorsement is convicted of a second violation of this section, the Driver License Division shall suspend the individual's motorcycle endorsement for a period of 180 days.
(d) If an individual with a motorcycle endorsement is convicted of a third or subsequent violation of this section, the Driver License Division shall revoke the individual's motorcycle endorsement.
(e) The court shall forward the report of a conviction under this section to the Driver License Division in accordance with Section 53-3-218.

Enacted by Chapter 220, 2025 General Session

41-1a-407 Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:
(a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and
(b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.
(2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:
(a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;

(b) the vehicle is used in official investigative work where secrecy is essential;
(c) the vehicle is used in an organized Utah Highway Patrol operation that is:
(i) conducted within a county of the first or second class as classified under Section 17-60-104, unless no more than one unmarked vehicle is used for the operation;
(ii) approved by the Commissioner of Public Safety;
(iii) of a duration of 14 consecutive days or less; and
(iv) targeted toward careless driving, aggressive driving, and accidents involving:
(A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
(B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;
(C) speeding violations in a reduced speed school zone under Section 41-6a-604;
(D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
(E) violations of Section 41-6a-702 related to lane restrictions;
(d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle;
(e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place; or
(f) the vehicle is used in routine enforcement on a state highway with four or more lanes involving:
(i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a roadway;
(ii) violations of Section 41-6a-702 related to left lane restrictions;
(iii) violations of Section 41-6a-704 related to overtaking and passing vehicles proceeding in the same direction;
(iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance; and
(v) violations of Section 41-6a-804 related to turning and changing lanes.
(3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.
(4)
(a) The commission shall issue "EX" and "UHP" plates.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.
(5) For a vehicle that qualifies for an "EX" or "UHP" license plate, the entity is not required to display the month or year registration decal described in Section 41-1a-402.
(6)
(a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).
(b)
(i) If a law enforcement officer's identity must be kept secret, the law enforcement officer's agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.
(ii) The agency head shall notify the division when the assignment is completed.
(7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.

Amended by Chapter 16, 2025 Special Session 1

41-1a-410 Eligibility for personalized plates.

(1) A person who is the registered owner of a vehicle not subject to registration under Section 41-1a-301, registered with the division, or who applies for an original registration of a vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee prescribed in Section 41-1a-1211 apply to the division for a personalized license plate.

(2) Application shall be made in accordance with Section 41-1a-411.

(3) The personalized license plate shall be affixed to the vehicle for which registration is sought in lieu of the regular license plate.

(4) A personalized license plate shall be issued only to the registered owner of the vehicle on which they are to be displayed.

Amended by Chapter 251, 2024 General Session

41-1a-411 Application for personalized plates -- Refusal authorized.

(1) An applicant for a personalized license plate or renewal of the plate shall file an application for the plate in the form and by the date the division requires, indicating the combination of letters, numbers, or both requested as a registration number.

(2)

(a) Except as provided in Subsection (3), the division may refuse to issue any combination of letters, numbers, or both that:

(i) may carry connotations offensive to good taste and decency or that would be misleading; or

(ii) disparages a group based on:

(A) race;

(B) color;

(C) national origin;

(D) religion;

(E) age;

(F) sex;

(G) gender identity;

(H) sexual orientation;

(I) citizenship status; or

(J) physical or mental disability.

(b) The division may refuse to issue a combination of letters, numbers, or both as a registration number if that same combination is already in use as a registration number on an existing license plate.

(3)

(a) Except as provided in Subsection (2) or (3)(b), the division may not refuse a combination of letters, numbers, or both as a registration number if:

(i) the license plate is an honor special group license plate as described in Section 41-1a-421, and the combination of letters, numbers, or both refers to:

(A) a year related to military service;

(B) a military branch; or

(C) an official achievement, badge, or honor received for military service; or

(ii) the combination of letters, numbers, or both as a registration number refers to an official state symbol described in Section 63G-1-601.

(b) If an applicant requests a combination containing only numbers, the division may refuse the combination if the combination includes less than four numerical digits.

Amended by Chapter 251, 2024 General Session

41-1a-412 Design of personalized plates.

The personalized license plate shall be the same color and design as a regular license plate designed for the type of vehicle being licensed and shall consist of numbers, letters, or any combination as fixed by the division, provided that there are no conflicts with existing or anticipated license plate series.

Amended by Chapter 251, 2024 General Session

41-1a-413 Personalized plates -- Sale of vehicle -- Transfer of plates -- Release of priority.

Except as provided in Subsection 41-1a-401(1)(c), if a person who has been issued a personalized license plate sells, trades, or otherwise releases ownership of the vehicle for which the personalized license plate has been issued, that person shall immediately:

(1) apply to display the license plate on a different vehicle owned by the person; or

(2) surrender the license plate to the division and release his priority to the letters and numbers displayed on the personalized license plate.

Amended by Chapter 251, 2024 General Session

41-1a-414 Parking privileges for persons with disabilities.

(1) As used in this section:

(a) "Accessible parking space" means a parking space that is clearly identified as reserved for use by a person with a disability and includes:

(i) vertical signage, including the international symbol of accessibility, that is visible from a passing vehicle; and

(ii) a clearly marked access aisle, if provided, that is adjacent to and considered part of the parking space.

(b) "Temporary wheelchair user placard" means the same as that term is defined in Section 41-1a-420.

(c) "Van accessible parking space" means an accessible parking space that is marked for use by a qualifying person with a walking disability who has a temporary wheelchair user placard or a wheelchair user placard and includes:

(i) vertical signage with the international symbol of accessibility and the words "van accessible" that is visible from a passing vehicle; and

(ii) a clearly marked access aisle that is adjacent to and considered part of the parking space.

(d) "Walking disability" means a physical disability that requires the use of a walking-assistive device or wheelchair or similar low-powered motorized or mechanically propelled vehicle that is specifically designed to assist a person who has a limited or impaired ability to walk.

(e) "Wheelchair user placard" means the same as that term is defined in Section 41-1a-420.

(2) Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.

(3)

(a) Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking space.
(b) A violation of Subsection (3)(a) is a class C misdemeanor.
(c) A person described in Subsection (3)(a) is encouraged to avoid parking in a van accessible parking space unless:
(i) the person has a walking disability and has a temporary wheelchair user placard;
(ii) the person has a wheelchair user placard; or
(iii) all other accessible parking spaces that are not van accessible parking spaces are occupied.
(4) This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.
(5) The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.
(6) In addition to required accessible parking spaces, a person may provide and designate parking spaces for veterans and service members, including those with a disability.

Amended by Chapter 294, 2024 General Session

41-1a-415 Lost or damaged license plate.

If a license plate is lost or becomes illegible, the owner of the vehicle for which the license plate was issued shall immediately apply for and obtain a replacement license plate upon the applicant furnishing information satisfactory to the division and paying the applicable fee.

Enacted by Chapter 1, 1992 General Session

41-1a-416 Original issue license plates -- Alternative stickers -- Rulemaking.

(1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate.
(2) An owner described in Subsection (1) shall:
(a) complete an application on a form provided by the division;
(b) supply and submit to the division for approval the original issue license plate that the owner intends to display on the motor vehicle; and
(c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.
(3) Before approving an application described in this section, the division shall determine that the original issue license plate:
(a) is of a format and type issued by the state for use on a motor vehicle;
(b) has numbers and characters that are unique and do not conflict with existing license plate series in this state;
(c) is legible, durable, and otherwise in a condition that serves the purposes of this chapter; and
(d) is from the same year of issue as the model year of the motor vehicle on which the original issue license plate is to be displayed.
(4)
(a) Except as provided in this section, the owner of a motor vehicle displaying an original issue license plate approved under this section is not exempt from any requirement described in this chapter.

(b) An original issue license plate approved under this section is exempt from:
(i) the provisions of Section 41-1a-401 regarding reflectorization; and
(ii) Section 41-1a-403.
(c) Notwithstanding Subsection (4)(a), if a motor vehicle displaying an original issue license plate is also a vintage vehicle as defined in Section 41-21-1, the motor vehicle qualifies for the same exemptions as a vintage vehicle.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.

Amended by Chapter 251, 2024 General Session

41-1a-418 Authorized special group license plates.
(1) In accordance with this chapter, the division shall issue to an eligible applicant a special group license plate in one of the following categories:
(a) a disability special group license plate issued in accordance with Section 41-1a-420;
(b) a special group license plate issued for a:
(i) vintage vehicle;
(ii) farm truck; or
(iii) special group license plate described in Section 41-1a-1602.
(2) The division may not issue a new type of special group license plate or symbol decal unless the division receives:
(a) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plate or symbol decal; or
(b) a legislative appropriation for the start-up fee described in Subsection (2)(a).
(3) Notwithstanding other provisions of this chapter, the division may not require a contribution as defined in Section 41-1a-1601 for a special group license plate described in Subsection (1)(a), (1)(b)(i), or (1)(b)(ii).

Amended by Chapter 247, 2025 General Session

41-1a-419 Plate design and review -- Personalized special group license plates -- Rulemaking.
(1)
(a) In accordance with Subsection (1)(c), and except as provided in Subsection (1)(b), the division shall determine the design and number of numerals or characters on a special group license plate.
(b)
(i) When the division has technology and processes in place to centrally distribute license plates, but no later than July 1, 2025, subject to Subsection (1)(c)(iii), an institution may design a collegiate special group license plate for the institution in accordance with Subsection (1)(c).
(ii) If an institution chooses to design a collegiate special group license plate for the institution, the institution is responsible for any design costs.
(c)
(i) Except as provided in Subsection (1)(c)(ii), each special group license plate shall display:
(A) the word Utah;
(B) the name or identifying slogan of the special group; and
(C) the combination of letters, numbers, or both uniquely identifying the registered vehicle.

(ii) The division, in consultation with the Utah State Historical Society, shall design the historical support special group license plate, which shall:
(A) have a black background;
(B) have white characters; and
(C) display the word Utah.
(iii) The division shall design a classic support special group license plate, which shall:
(A) have a white background;
(B) have black characters; and
(C) display the word Utah.
(iv) The design of a special group license plate is subject to approval by the license plate design review board as described in Subsection 41-1a-402(3).

(2)
(a) The division shall, after consultation with a representative designated by the sponsoring organization as defined in Section 41-1a-1601, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license plate.
(b) A special group license plate symbol decal may not be redesigned:
(i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and
(ii) more frequently than every five years.
(c) A special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division in accordance with Section 63J-1-504.

(3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without renewal as long as the vehicle is owned by the registered owner and the license plates may not be recalled by the division.

(4) A person who meets the requirements described in this part or Part 16, Sponsored Special Group License Plates, for a special group license plate may, apply for a personalized special group license plate in accordance with Sections 41-1a-410 and 41-1a-411.

(5) Subject to this chapter, the commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and
(b) establish the number of numerals or characters for special group license plates.

Amended by Chapter 247, 2025 General Session

41-1a-420 Disability special group license plates -- Application and qualifications -- Rulemaking.

(1) As used in this section:
(a) "Advanced practice registered nurse" means a person licensed to practice as an advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.
(b) "Nurse practitioner" means an advanced practice registered nurse specializing as a nurse practitioner.
(c) "Physical therapist" means a person licensed to practice as a physical therapist in this state under Title 58, Chapter 24b, Physical Therapy Practice Act.
(d) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(e) "Physician assistant" means an individual licensed to practice as a physician assistant in the state under Title 58, Chapter 70a, Utah Physician Assistant Act.

(f) "Temporary wheelchair user placard" means a temporary removable windshield placard that is issued to a qualifying person, as provided in this section, who has a walking disability that is not permanent.

(g) "Walking disability" means a physical disability that requires the use of a walking-assistive device or wheelchair or similar low-powered motorized or mechanically propelled vehicle that is designed to specifically assist a person who has a limited or impaired ability to walk.

(h) "Wheelchair user placard" means a removable windshield placard that is issued to a qualifying person, as provided in this section, who has a permanent walking disability.

(2)

(a) The division shall issue a disability special group license plate, a temporary removable windshield placard, or a removable windshield placard to an applicant who is either:

(i) a qualifying person with a disability; or

(ii) the registered owner of a vehicle that an organization uses primarily for the transportation of persons with disabilities that limit or impair the ability to walk.

(b) The division shall issue a temporary wheelchair user placard or a wheelchair user placard to an applicant who is either:

(i) a qualifying person with a walking disability; or

(ii) the registered owner of a vehicle that an organization uses primarily for the transportation of persons with walking disabilities.

(c) The division shall require that an applicant under Subsection (2)(b) certifies that the person travels in a vehicle equipped with a wheelchair lift or a vehicle carrying the person's walking-assistive device or wheelchair and requires a van accessible parking space.

(3)

(a) The person with a disability shall ensure that the initial application contains the certification of a physician, physician assistant, physical therapist, or nurse practitioner that:

(i) the applicant meets the definition of a person with a disability that limits or impairs the ability to walk as defined in the federal Uniform System for Parking for Persons with Disabilities, 23 C.F.R. Ch. II, Subch. B, Pt. 1235.2 (1991);

(ii) if the person is applying for a temporary wheelchair user placard or a wheelchair user placard, the applicant has a walking disability; and

(iii) specifies the period of time that the physician, physician assistant, physical therapist, or nurse practitioner determines the applicant will have the disability, not to exceed six months in the case of a temporary disability or a temporary walking disability.

(b) The division shall issue a disability special group license plate, a removable windshield placard, or a wheelchair user placard, as applicable, to a person with a permanent disability.

(c) The issuance of a person with a disability special group license plate does not preclude the issuance to the same applicant of a removable windshield placard or wheelchair user placard.

(d)

(i) Upon request of an applicant with a disability special group license plate, and upon payment of any applicable fee, a temporary removable windshield placard, or a removable windshield placard, the division shall issue one additional placard.

(ii) Upon request of a qualified applicant with a disability special group license plate, and upon payment of any applicable fee, the division shall issue up to two temporary wheelchair user placards or two wheelchair user placards.

(iii) Upon request of a qualified applicant with a temporary wheelchair user placard or a wheelchair user placard, and upon payment of any applicable fee, the division shall issue one additional placard.

(e) The division shall ensure that a temporary wheelchair user placard and a wheelchair user placard have the following visible features:

(i) a large "W" next to the internationally recognized disabled persons symbol; and

(ii) the words "Wheelchair User" printed on a portion of the placard.

(f) The division shall ensure that the following statement is included on a removable windshield placard issued on or after January 1, 2024: "Under state law, a disability placard may only be used by, or for the transportation of, the person to whom the disability placard is issued. A person who misuses another person's disability placard for parking privileges is guilty of a class C misdemeanor."

(g) A disability special group license plate, temporary removable windshield placard, or removable windshield placard may be used to allow one motorcycle to share a parking space reserved for persons with a disability if:

(i) the person with a disability:

(A) is using a motorcycle; and

(B) displays on the motorcycle a disability special group license plate, temporary removable windshield placard, or a removable windshield placard;

(ii) the person who shares the parking space assists the person with a disability with the parking accommodation; and

(iii) the parking space is sufficient size to accommodate both motorcycles without interfering with other parking spaces or traffic movement.

(4)

(a) When a vehicle is parked in a parking space reserved for persons with disabilities, a temporary removable windshield placard, a removable windshield placard, a temporary wheelchair user placard, or a wheelchair user placard shall be displayed so that the placard is visible from the front of the vehicle.

(b) If a motorcycle is being used, the temporary removable windshield placard or removable windshield placard shall be displayed in plain sight on or near the handle bars of the motorcycle.

(5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish qualifying criteria for persons to receive, renew, or surrender a disability special group license plate, a temporary removable windshield placard, a removable windshield placard, a temporary wheelchair user placard, or a wheelchair user placard in accordance with this section;

(b) establish the maximum number of numerals or characters for a disability special group license plate;

(c) require all temporary removable windshield placardsand temporary wheelchair user placards to include:

(i) an identification number;

(ii) an expiration date not to exceedsix months for a temporary removable windshield placard; and

(iii) the seal or other identifying mark of the division;

(d) provide an individual who qualifies for a removable windshield placard or wheelchair user placard to:

(i) pay a nominal administrative fee, not to exceed $5, to obtain a removable windshield placard or wheelchair user placard that is made of a durable material; or
(ii) obtain a removable windshield placard or wheelchair user placard at no charge and that is subject to free replacement if the placard is faded or damaged, if the individual surrenders the damaged placard;
(e) establish the standards for each placard described in Subsection (5)(d), including the seal or other identifying mark of the division; and
(f) establish standards for the statement required in Subsection (3)(f).
(6) The commission shall insert the following on motor vehicle registration certificates:
"State law prohibits persons who do not lawfully possess a disability placard or disability special group license plate from parking in an accessible parking space designated for persons with disabilities. Persons who possess a disability placard or disability special group license plate are discouraged from parking in an accessible parking space designated as van accessible unless they have a temporary wheelchair user placard or a wheelchair user placard."

Amended by Chapter 294, 2024 General Session

Part 5
Titling Requirement

41-1a-501 Certificate of title required.

Unless exempted, each owner of a motor vehicle, vessel, outboard motor, trailer, semitrailer, manufactured home, mobile home, off-highway vehicle, or roadable aircraft shall apply to the division for a certificate of title on forms furnished by the division as evidence of ownership.

Amended by Chapter 483, 2024 General Session

41-1a-503 Certificate of title or receipt of surrender of ownership documents required -- Application by owner.

(1) The owner of a manufactured home or mobile home shall apply to the division for a certificate of title unless the manufactured home or mobile home is previously registered as real property under Subsection 41-1a-506(1).
(2)
(a) An owner of a manufactured home or mobile home previously issued a certificate of title who attaches that manufactured home or mobile home to real property shall apply for a receipt of surrender of ownership documents within 45 days of attaching to the real property.
(b) Upon application, the division shall issue a receipt of surrender of ownership documents in lieu of a certificate of title.
(c) However, manufactured homes and mobile homes are not exempt from the other requirements of this part.
(3)
(a) The owner of a manufactured home or mobile home previously issued a receipt of surrender of ownership documents who separates that manufactured home or mobile home from the real property shall apply for a certificate of title within 45 days of the separation and before any transfer of ownership of that manufactured home or mobile home.

(b) Upon application, the division shall issue a certificate of title in lieu of a receipt of surrender of ownership documents.

Amended by Chapter 266, 2013 General Session

41-1a-504 Exceptions to title requirements for vehicles.

Each vehicle operated in this state is subject to the titling provisions of this part except:

(1) special mobile equipment;

(2) a vehicle owned or leased by the federal government;

(3) a trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or persons; and

(4) modular and prebuilt homes conforming to the Uniform Building Code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis.

Enacted by Chapter 1, 1992 General Session

41-1a-505 Exceptions to title requirements for vessels and outboard motors.

(1) Each vessel or outboard motor, identified by the manufacturer as a 1985 year model or newer, operated on the waters of this state is subject to the title provisions of this part except:

(a) vessels that have valid marine documents issued by the United States Coast Guard;

(b) canoes;

(c) inflatable vessels powered by an outboard motor with a manufacturer's listed horsepower of 25 or less;

(d) outboard motors with a manufacturer's listed horsepower of 25 or less;

(e) vessels and outboard motors owned and operated by nonresidents of the state;

(f) vessels or outboard motors owned and operated by the federal government; or

(g) vessels exempt from registration under Section 73-18-9.

(2) The division may not provide a title on vessels and outboard motors identified by the manufacturer as a 1984 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-506 Exceptions to title requirements for manufactured homes or mobile homes.

(1) A manufactured home or mobile home in this state is subject to the titling provisions of this part except:

(a) a manufactured home or mobile home owned and operated by the federal government; and

(b) a manufactured home or mobile home that has been converted to real property under Section 70D-2-401.

(2) A manufactured home or mobile home previously converted to real property but that has been separated from the real property is subject to the titling provisions of this part upon separation.

Amended by Chapter 266, 2013 General Session

41-1a-506.1 Exceptions to title requirements for park model recreational vehicles.

(1) A park model recreational vehicle in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.

(2) The division may provide title to a park model recreational vehicle identified by the manufacturer as a 2014 year model or older if requested by the owner of the park model recreational vehicle.

Enacted by Chapter 237, 2014 General Session

41-1a-507 Exceptions to title requirements for off-highway vehicles.

(1) Each off-highway vehicle operated in this state and identified by the manufacturer as a 1988 year model or newer is subject to the titling provisions of this part except:
  (a) off-highway vehicles owned and operated by nonresidents of the state; and
  (b) off-highway vehicles owned and operated by the federal government.
(2) The division may not provide title to an off-highway vehicle identified by the manufacturer as a 1987 year model or older unless the off-highway vehicle is:
  (a) a motorcycle; or
  (b) a street-legal all-terrain vehicle.

Amended by Chapter 242, 2024 General Session

41-1a-507.1 Exceptions to title requirements for campers.

(1) Each camper in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.
(2) The division may provide title to a camper identified by the manufacturer as a 2014 year model or older if requested by the owner of the camper.

Enacted by Chapter 61, 2014 General Session

41-1a-508 Prerequisites for titling.

(1) Except as otherwise provided, prior to titling a vehicle, vessel, or outboard motor an owner must provide evidence of:
  (a) title or ownership under Section 41-1a-509;
  (b) payment of sales taxes in accordance with Section 41-1a-510;
  (c) payment of all applicable fees under Part 12, Fee and Tax Requirements;
  (d) the identification number inspection required under Section 41-1a-511;
  (e) the odometer statement required under Section 41-1a-902; and
  (f) evidence of property tax clearance for manufactured homes and mobile homes.
(2) An application for registration or current registration is not a prerequisite for obtaining a title.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-509 Manufacturer's certificate of origin or title.

(1) If a vehicle other than an off-highway vehicle older than a 1988 model year, or a vessel or outboard motor older than a 1985 model year has not been previously titled, the application for certificate of title shall include the manufacturer's certificate of origin properly endorsed for transfer.
(2) The manufacturer's certificate of origin shall show:
  (a) the date of sale to the dealer or person first receiving it from the manufacturer;
  (b) the name of the dealer or person;

(c) a description sufficient to identify the vehicle, vessel, or outboard motor; and
(d) a certification by the dealer that the vehicle, vessel, or outboard motor was new when sold to the applicant.

(3)
(a) If the vehicle, vessel, or outboard motor is from a state or foreign country that does not issue or require certificates of title, the owner shall submit a bill of sale, sworn statement of ownership, or any other evidence of ownership required by the division.
(b) The division may refuse to issue a certificate of title or receipt of surrender of ownership documents if the applicant fails to submit the evidence of ownership required.

Amended by Chapter 266, 2013 General Session

41-1a-510 Sales tax payment required.

(1)
(a) Except as provided in Subsection (1)(b), the division before issuing a certificate of title to a vehicle, vessel, or outboard motor shall require from every applicant:
(i) a receipt from the division showing that the sales tax has been paid to the state on the sale of the vehicle, vessel, or outboard motor upon which application for certificate of title has been made; or
(ii) a certificate from the division showing that no sales tax is due.
(b) If a licensed dealer has made a report of sale, no receipt or certificate is required.

(2) The division may also issue a receipt of surrender of ownership documents for a manufactured home or mobile home if the applicant complies with Subsection (1).

Amended by Chapter 266, 2013 General Session

41-1a-511 Identification number inspection.

An application for a certificate of title for a vehicle, vessel, or outboard motor not previously titled in this state shall be accompanied by a certificate of identification number inspection obtained in accordance with Section 41-1a-802, unless the vehicle, vessel, or outboard motor is new and was acquired from an in-state dealer or in-state manufacturer.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-512 Application for title.

(1) The application for a certificate of title shall include:
(a) the signature of a person to be recorded on the certificate as owner;
(b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
(c) a description of the vehicle, vessel, or outboard motor, including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, the identification number of the vehicle, vessel, or outboard motor, as applicable, and other information the division may require;
(d) other information required by the division to enable it to determine whether the owner is entitled to a certificate of title;
(e) a statement of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor; and

(f) the names and addresses of all persons having any ownership interest in the vehicle, vessel, or outboard motor and the nature of the ownership interest.

(2) An application for a certificate of title for a new vehicle, vessel, or outboard motor purchased from a dealer shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

Amended by Chapter 51, 2002 General Session

41-1a-513 Examination of registration records and indices of stolen and recovered vehicles, vessels, and outboard motors.

The division upon receiving application for any certificate of title shall first check the identification number shown in the application against the indices of registered vehicles, vessels, and outboard motors and against indices of stolen and recovered vehicles, vessels, and outboard motors.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-514 Certificate of title -- Contents.

(1) The division upon approving an application for a certificate of title shall issue a certificate of title. The face of the certificate of title shall include:
(a) the date issued;
(b) the name and address of the owner;
(c) a description of the vehicle, vessel, or outboard motor titled, including the year, make, and identification number;
(d) a statement of the owner's title and of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor;
(e) any brand on the title; and
(f) an odometer statement, if applicable.

(2) The certificate of title shall bear the seal of the division.

(3) The certificate of title shall contain adequate space for:
(a) the assignment and warranty of title or interest by the owner;
(b) the release of interest by a recorded lien holder; and
(c) the notation of one lien or encumbrance, if any, existing at the time of transfer.

(4) The model year that is listed on the certificate of title of a replica vehicle shall be the model year that the body of the vehicle resembles.

(5) The certificate of title of a replica vehicle shall indicate that the vehicle is a replica vehicle.

Amended by Chapter 171, 2009 General Session

41-1a-515 Delivery of certificate by division.

(1) The division shall deliver the certificate of title to the owner if no lien or encumbrance is recorded on it. The division shall deliver the certificate to the person holding the first lien or encumbrance as recorded on the certificate.

(2) The certificate of title shall be delivered:
(a) in person;
(b) through the United States mail; or
(c) electronically.

(3) If delivered through the United States mail, receipt of the certificate of title is presumed four days after the mail has been posted.

Amended by Chapter 95, 2004 General Session

41-1a-516 Annual renewal of titles unnecessary -- Superseded certificates invalid.

(1) Certificates of title need not be renewed annually but shall remain valid until canceled by the division for cause or upon a transfer of any interest shown on the certificate.
(2) A certificate of title is invalid when superseded by a duplicate certificate issued under Section 41-1a-518 or when the certificate has been superseded by a certificate issued by another state or country.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-517 Change of name -- New title.

(1) If the name of any person who has made application for or obtained a certificate of title is legally changed, the person shall surrender the certificate and file an application for a new certificate of title.
(2) The division upon receipt of the required fees shall issue a new certificate of title.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-518 Duplicate titles.

(1)
  (a) If a certificate of title is lost, stolen, mutilated, or becomes illegible, the owner, legal representative, or successor in interest of the owner of the vehicle, vessel, or outboard motor for which the certificate was issued, as shown by the records of the division, shall immediately apply for and may obtain a duplicate upon furnishing information satisfactory to the division.
  (b) A certificate of title issued under this section shall have printed or stamped in ink upon its face "duplicate".
  (c) The duplicate certificate, when properly issued, supersedes and invalidates all other certificates previously issued.
(2)
  (a) When the application for a duplicate certificate of title is accompanied by a proper release of interest from the owner or owners of record and a proper release of interest from the lienholder of record and the release is accompanied by a proper application to title the vehicle, vessel, or outboard motor in the name of the new owner or owners, a duplicate certificate need not be made.
  (b) The division may issue a certificate of title in the name of the new owner or owners.
  (c) The duplicate title fees provided under Part 12, Fee and Tax Requirements, apply.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-519 Dealer requirements for certificate of title or receipt of surrender of title.

(1) If a dealer delivers a new off-highway vehicle, vessel, or outboard motor to the purchaser, the dealer shall apply for issuance of a certificate of title or receipt of surrender of ownership documents, as appropriate, in the purchaser's name within 45 days of the date of sale.
(2) A dealer who purchases or takes in trade a used off-highway vehicle, vessel, or outboard motor on which a certificate of title has previously been issued is not required to apply for a certificate of title.

Amended by Chapter 266, 2013 General Session

41-1a-520 Registration without issuing Utah title.
(1) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in the state because title is physically held by a lienholder, the division may register the vehicle without issuing a title.
(2) Upon satisfaction of the lien outstanding against the vehicle in the other jurisdiction, the registered owner shall within 10 days of receipt surrender the title from the other jurisdiction to the division and make application for a title.

Enacted by Chapter 1, 1992 General Session

41-1a-521 Release of prior certificate of title.
Every application for a certificate of title for a vehicle, vessel, or outboard motor for which a certificate of title has previously been issued in this state or another jurisdiction shall be accompanied by the certificate of title.

Enacted by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-522 Record of nonconforming vehicle -- Access -- Brand.
(1) The definitions in Section 41-3-407 apply to this section.
(2) Upon receipt of a copy of an original certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership of a nonconforming vehicle in accordance with Section 41-3-409, the division shall:
  (a) establish a record of the reported nonconforming vehicle;
  (b) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
  (c) allow access to the record upon written application to the division; and
  (d) upon request for a new certificate of title for a nonconforming vehicle, brand the certificate of title with the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" clearly and conspicuously on the face of the new certificate of title.
(3) Upon receipt of the branded certificate of title, the division shall follow the procedures established in Subsection (2).

Amended by Chapter 424, 2019 General Session

41-1a-523 Electronic titling.
(1) The commission shall develop and establish an electronic titling system to process a vehicle title through electronic means.

(2) The commission shall ensure that the electronic titling system is available:
(a) for a dealer, no later than December 31, 2025; and
(b) for an individual who is not a dealer, no later than December 31, 2026.
(3) The commission shall ensure that the electronic titling system:
(a) allows all parties to a sale or transfer of a vehicle to transfer a vehicle title by electronic means;
(b) allows a lienholder to attach or release a lien; and
(c) provides a vehicle title in a secure, digital form.

Enacted by Chapter 517, 2024 General Session

Part 6
Liens and Security Interests

41-1a-601 Lien validity -- Security interest.

(1) Except as provided under Subsection (2) or (3), a lien upon a vehicle, vessel, or outboard motor, except a lien dependent upon possession, is not valid against the creditors of an owner acquiring a lien by levy or attachment, or subsequent purchasers, or encumbrancers without notice until Sections 41-1a-602 through 41-1a-606 have been complied with.
(2) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, that are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that:
(a) buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320; and
(b) security interests of persons extending credit to buyers in the ordinary course of business, as defined in Section 70A-1a-201, take free of the security interests as provided in Section 70A-9a-320.
(3) Security interests in inventory consisting in part of vehicles subject to registration under this chapter, which are held for sale by a person in the business of selling goods of that kind, shall be perfected under Section 70A-9a-310, except that a lienholder with a security interest noted on the title shall have priority unless the lienholder has been paid in full in accordance with Section 41-3-402.

Amended by Chapter 342, 2010 General Session

41-1a-602 Application for original registration.

(1)
(a) If a vehicle is of a type subject to registration but has not been registered and no certificate of title has been issued, or if the vehicle has been registered or titled in another state or country, the owner shall file an application in the form for an original registration and issuance of an original certificate of title.
(b) If the vehicle ownership has changed, the owner shall file an application in the form for an original certificate of title.
(2) Each application shall be accompanied by all applicable taxes and fees under Part 12, Fee and Tax Requirements.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-603 Issuance of new certificate of title -- Lienholder.

(1) Upon receipt of a title application the division shall file the application, and when satisfied as to the authenticity of the application, shall issue a new certificate of title in usual form, giving the name of the owner and a statement of one lien or encumbrance, if any, certified to the division as existing against the vehicle, vessel, or outboard motor.
(2) If a certificate of title has been issued, and the same lienholder as shown by the records of the division only grants additional funds to the same owner as shown by the records of the division, no further recording is required and no subsequent certificate of title need be applied for or issued, if the original certificate or valid duplicate has remained in possession of the lienholder and the lien has not been released and the certificate has not been delivered to the owner.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-604 Filing effective to give notice of liens.

The filing and the issuance of a new certificate of title under Sections 41-1a-602 and 41-1a-603 constitute constructive notice of all liens and encumbrances against the vehicle, vessel, and outboard motor to creditors of the owner, to a person financing the inventory of a motor vehicle dealer that sells or offers the vehicle for sale, and to subsequent purchasers and encumbrancers.

Amended by Chapter 342, 2010 General Session

41-1a-605 Constructive notice.

(1) If a person files an application in the form for an original certificate of title in accordance with Section 41-1a-602 within 30 days after the owner receives a delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of the execution of the document creating the security interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise after the time of execution of the document creating the security interest.
(2) If a person files an application in the form for an original certificate of title pursuant to Section 41-1a-602 after 30 days after the owner receives delivery of the vehicle, vessel, or outboard motor, constructive notice dates from the time of filing of the document creating the security interest, and the security interest takes priority over the rights of a buyer, lessee, or lien creditor as of the time of filing.
(3) If a person relocates a motor vehicle within the state with a title issued by another state bearing a lien, the rights of the lienholder are perfected in accordance with the law of the state issuing the title.

Repealed and Re-enacted by Chapter 342, 2010 General Session

41-1a-606 Method of giving notice -- Exceptions.

The method provided in Sections 41-1a-602 through 41-1a-605, for giving notice of a lien or encumbrance upon a registered vehicle is exclusive except for liens dependent upon possession and any lien or encumbrance filed as provided under this chapter, which are exempt from the provisions of Section 70A-9a-311, and other provisions of law that otherwise require or relate

to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration under this chapter.

Amended by Chapter 342, 2010 General Session

41-1a-607 Assignment by lienholder.

(1)
(a) Any person holding a lien or encumbrance upon a vehicle, vessel, or outboard motor, other than a lien dependent solely upon possession, may assign the person's title or interest in or to the vehicle, vessel, or outboard motor to a person other than the owner without the consent of and without affecting the interest of the owner or the registration of the vehicle, vessel, or outboard motor.
(b) If assignment of the lien or encumbrance in any way modifies or affects the owner's repayment agreement, the lien or encumbrance holder shall give to the owner a written notice of the assignment.

(2) Upon request to the division and upon receipt of a certificate of title assigned by the holder of a lien or encumbrance shown on it and giving the name and address of the assignee, accompanied by the fee provided by law, the division shall issue a new certificate of title.

Amended by Chapter 302, 2025 General Session

41-1a-608 Release by lienholder to owner.

(1) A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle or vessel may release the lien or encumbrance or assign the person's interest to the owner without affecting the registration of the vehicle or vessel.

(2) The division shall issue a new certificate of title without a lien previously recorded upon receiving:
(a) a certificate of title:
(i) upon which a lienholder has released or assigned the lienholder's interest to the owner; or
(ii) not so endorsed but accompanied by a legal release from a lienholder of the lienholder's interest in or to a vehicle, vessel, or outboard motor;
(b) an application properly completed; and
(c) the proper fee.

Amended by Chapter 302, 2025 General Session

41-1a-609 Terminal rental adjustment clauses.

(1) As used in this section, "terminal rental adjustment clause" means a provision of an agreement that permits or requires the rental price to be adjusted upward or downward by reference to the amount realized by the lessor under the agreement upon sale or other disposition of the property.

(2) Notwithstanding any other provision of law, a motor vehicle or trailer lease agreement that is subject to a terminal rental adjustment clause does not create a sale or security interest.

(3) The provisions of this section do not affect:
(a) the rights and obligations of a valid security interest under this chapter; or
(b) the calculation of sales and use tax payable under Title 59, Chapter 12, Sales and Use Tax Act.

Enacted by Chapter 266, 2003 General Session

Part 7
Transfer of Ownership

41-1a-701 Transfer by owner -- Removal of plates.

(1)
(a) If the owner of a registered vehicle transfers the title or interest to the vehicle the registration of the vehicle expires.
(b) Unless an owner has included the transfer of a license plate as part of a sale, trade, or ownership release of a vehicle, the owner shall remove the license plate or plates from the transferred vehicle.

(2)
(a) If an owner does not transfer a license plate to a person as part of a sale, trade, or ownership release of a vehicle, within 20 days from the date of transfer the owner shall forward the plates to the division to be destroyed or may have the plates assigned to another vehicle, subject to the rules of the division.
(b) If an owner transfers a license plate as part of a sale, trade, or ownership release of a vehicle, the new registered owner of the transferred vehicle shall apply to the division to have the plates assigned to the new registered owner.

(3) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-702 Endorsement of assignment and warranty of title -- Co-owners.

(1)
(a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment and warranty of title.
(b) The endorsement and assignment shall include a statement of all liens or encumbrances on the vehicle, vessel, or outboard motor.
(c) Upon the endorsement and assignment of a certificate of title, the same certificate of title may not be reendorsed and reassigned to a new owner except as provided in Section 41-1a-705.

(2)
(a) If a title certificate reflects the names of two or more people as co-owners in the alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle, vessel, or outboard motor.
(b) If the title certificate reflects the names of two or more people as co-owners in the conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or outboard motor.

(3) The owner shall deliver the certificate of title containing the odometer disclosure statement required under Section 41-1a-902 and the certificate of registration to the purchaser or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard

motor, as applicable, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709.

(4) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-1a-703 New owner to secure new registration and new certificate of title.

(1) The transferee, before operating or permitting the operation of a transferred vehicle on a highway, shall:

(a) present to the division the certificate of registration and the certificate of title, properly endorsed;

(b) apply for a new certificate of title and obtain a new registration for the transferred vehicle, as upon an original registration, except as permitted under Sections 41-1a-223, 41-1a-520, and 41-1a-704; and

(c) apply to the division to have the license plate or plates assigned to the new registered owner of the transferred vehicle if the license plate or plates were included as part of the sale, trade, or ownership release of the transferred vehicle.

(2) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-704 Transfer by operation of law.

(1) Except as provided under Subsection (2), if the title or interest of an owner in or to a registered vehicle passes to another person other than by voluntary transfer:

(a) the registration of the vehicle expires; and

(b) the vehicle may not be operated upon a highway until the person entitled to possession of the vehicle applies for and obtains a valid registration or temporary permit.

(2)

(a) A vehicle under Subsection (1) may be operated on the highways by the person entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon displaying on the vehicle the license plate or plates issued to the former owner.

(b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new title holder may apply to the Motor Vehicle Enforcement Division for special plates issued under Section 41-3-505 to transporters and may operate the repossessed vehicle under the special plate for the purposes of:

(i) transporting the vehicle to a garage or warehouse; or

(ii) demonstrating the vehicle for sale.

(3) A violation of this section is an infraction.

Amended by Chapter 251, 2024 General Session

41-1a-705 Persons that may sell, offer for sale, or display for sale a vehicle, vessel, or outboard motor -- New owner shall title -- Penalties.

(1) As used in this section, "immediate family member" means a person's spouse, child, spouse of a child living in the person's home, or parent.

(2)

(a) A person may not sell, offer for sale, or display for sale or exchange any vehicle, vessel, or outboard motor unless the person is:

(i) a person licensed under Chapter 3, Motor Vehicle Business Regulation Act;
(ii) a motor vehicle auction;
(iii) the lienholder or owner of the vehicle, vessel, or outboard motor as evidenced by the person's name being printed by the division on the certificate of title;
(iv) a person who has lawfully repossessed the vehicle, vessel, or outboard motor;
(v) a holder of a statutory lien on the vehicle who is selling the vehicle, vessel, or outboard motor through a motor vehicle auction;
(vi) a person lawfully donating the vehicle, vessel, or outboard motor to a non-profit charitable organization;
(vii) a non-profit charitable organization that receives donated vehicles and sells or disposes of them; or
(viii) a person lawfully selling the person's immediate family member's vehicle, vessel, or outboard motor.

(b) Subsection (2)(a) does not apply to a personal representative, trustee, guardian, executor, administrator, sheriff, government entity, or other person who sells a vehicle, vessel, or outboard motor under the powers and duties granted or imposed by law.

(3) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the new owner of a transferred vehicle, vessel, or outboard motor shall obtain a certificate of title for the vehicle, vessel, or outboard motor transferred to the new owner.

(4) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the owner of the vehicle, vessel, or outboard motor shall title the vehicle, vessel, or outboard motor by completing an application and presenting to the division a properly endorsed certificate of title, duplicate certificate of title, or other document of authority along with any additional documents the division may require to transfer the title.

(5)

(a) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates any of the provisions of this section shall pay all fees and taxes required under this chapter that resulted from the violation.

(c) Each vehicle sold, offered for sale, or displayed for sale in violation of this section shall be a separate offense.

(6) Nothing in this section applies to a person purchasing a vehicle from a motor vehicle auction if the purchased vehicle is being transported out of the state.

Amended by Chapter 379, 2012 General Session

41-1a-706 When division to transfer and issue new certificate.

The division shall reregister a vehicle in the name of the new owner and issue a new certificate of registration and a new certificate of title:

(1) upon receipt of the:

(a) properly endorsed certificate of title;

(b) certificate of registration;

(c) proper application for registration; and

(d) required fee; and

(2) when satisfied as to the genuineness and regularity of the transfer and the right of the transferee to a certificate of title.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 218, 1992 General Session

41-1a-708 Owner not liable for negligent operation after transfer.

The owner of a vehicle or vessel who has made a bona fide sale or transfer of the owner's title or interest and who has delivered to the purchaser or transferee possession of the vehicle or vessel, the certificate of registration, and the properly endorsed certificate of title to the vehicle or vessel is not liable for any damages thereafter resulting from negligent operation of the vehicle or vessel by another.

Amended by Chapter 302, 2025 General Session

41-1a-709 Dealer transfer of used off-highway vehicle, vessel, or outboard motor.

Upon the resale or subsequent transfer by a dealer of a used off-highway vehicle, vessel, or outboard motor, the dealer shall endorse the certificate of title and forward it, accompanied by the transferee's application for a certificate of title, or if desired by the purchaser, and as applicable, a receipt of surrender of ownership documents, to the division.

Amended by Chapter 266, 2013 General Session

41-1a-710 Certificate of origin required for acquisition or resale of vehicle, vessel, or outboard motor.

(1) A dealer may not acquire a new vehicle, vessel, or outboard motor without obtaining a manufacturer's or importer's certificate of origin.
(2) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a vehicle, vessel, or outboard motor for purposes of resale without delivering a manufacturer's or importer's certificate of origin to the purchaser or the new owner.
(3) The division may prescribe uniform standards for the size and content of certificates of origin.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-711 Compliance of foreign motor vehicle required prior to sale -- Penalty.

(1) A person may not knowingly sell or offer for sale in this state any vehicle referred to in Section 41-1a-225 without providing to the purchaser at the time of purchase evidence of:
  (a) legal entry of the vehicle into the United States from the United States Customs Service; and
  (b) compliance with the United States Environmental Protection Agency and the United States Department of Transportation requirements applicable to the vehicle.
(2) It is a class A misdemeanor to violate this section.

Amended by Chapter 58, 1993 General Session

41-1a-712 Foreign vehicle disclosure requirements -- Penalties -- Civil damages.

(1) A person may not knowingly sell or offer for sale in this state any vehicle that was initially delivered for disposition or sale in a country other than the United States of America unless, prior to the sale, the person provides written notice to the purchaser on a separate form furnished by the Motor Vehicle Enforcement Division:
  (a) that indicates:
    (i) that the vehicle was initially delivered for disposition or sale in a country outside of the United States as indicated on the Manufacturer's Statement of Origin or similar ownership document; and

(ii) the country where the vehicle was initially delivered for the disposition or sale; and
(b) that contains language substantially similar to each of the following statements:
(i) "the odometer for this vehicle may have been converted to miles";
(ii) "this vehicle meets U.S. Department of Transportation safety standards"; and
(iii) "this vehicle may have manufacturer warranty exclusions if sold or offered for sale in this country."
(2) A person who violates this section is guilty of a class B misdemeanor.
(3)
(a) In addition to any other penalties, a purchaser may bring a civil action to recover damages resulting from a seller's failure to provide notice as required under this section.
(b) The amount of damages that may be recovered in a civil action are the actual damages or $1,500, whichever is greater.

Amended by Chapter 305, 2008 General Session
Amended by Chapter 382, 2008 General Session

Part 8
Identification Numbers

41-1a-801 Altered or changed identification number -- State assigned identification number.
(1) The owner of a vehicle required to be registered under this chapter, the identification number of which has been altered, removed, defaced, or has not been placed on it shall make application in the form prescribed by the division for a state assigned identification number.
(2) The owner shall furnish information that will satisfy the division that the owner is the owner of the vehicle and furnish information to identify the vehicle with the registration of the vehicle for the current year, at which time the division shall assign a state identification number for the vehicle.
(3) A record of state assigned numbers shall be maintained by the division.
(4) The state assigned identification number is the identification number of the vehicle when:
(a) the owner has stamped the state assigned identification number upon the vehicle as directed by the division;
(b) a qualified identification number inspector has inspected and found the state assigned identification number stamped upon the vehicle as directed;
(c) the owner has provided the division with a certificate of inspection; and
(d) the owner has submitted an application for a certificate of title.

Amended by Chapter 302, 2025 General Session

41-1a-802 Identification number inspectors -- Duties.
(1) The following are qualified identification number inspectors:
(a) the commission;
(b) designated officers and employees of the division;
(c) a person operating a safety inspection station under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act;
(d) an official inspection station certified inspector;
(e) a dealer licensed under Subsection 41-3-202(1), (2), (3), or (4);

(f) all peace officers or designated employees of law enforcement agencies of the state;
(g) all peace officers of the federal government, another state, the District of Columbia, or Canada; or
(h) other qualified identification number inspectors expressly authorized by the division.
(2) The qualified identification number inspectors shall, upon the application for the first title or registration in this state of any vehicle:
(a) physically inspect the identification number of the vehicle;
(b) make a record of the identification number inspection on a form approved by the division; and
(c) verify the facts in the application.
(3) If an applicant demonstrates to the satisfaction of the division that it is not practical for a vehicle identification number to be physically inspected by a qualified inspector described in Subsection (1), the division may authorize a physical inspection by an alternative identification number inspector described in Subsection (4).
(4) The following are alternative vehicle identification number inspectors:
(a) an officer or employee of an agency or instrumentality of another state, the District of Columbia, or Canada, if that agency or instrumentality enforces the motor vehicle laws of another state, the District of Columbia, or Canada;
(b) an owner, operator, or employee of a motor vehicle inspection station that is licensed or authorized by another state, the District of Columbia, or Canada to perform safety or emissions inspections;
(c) a new or used motor vehicle dealer that is licensed by another state, the District of Columbia, or Canada; or
(d) a person the division expressly authorizes in writing to perform a vehicle identification number inspection of a vehicle.

Amended by Chapter 49, 2022 General Session

41-1a-803 Identification numbers -- Assigning numbers -- Requirement for sale.
(1)
(a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's identification number.
(b) If it has no permanent manufacturer's identification number, the division shall assign an identification number to it.
(c) An identification number assigned by the division shall be permanently affixed or imprinted on the vehicle, vessel, or outboard motor as directed by the division.
(2) A person may not sell or offer for sale in this state a new vehicle, vessel, or outboard motor without an identification number.
(3)
(a) Each permanent manufacturer's identification number for a vehicle shall be clearly marked in an accessible place on a vehicle.
(b)
(i) Each permanent manufacturer's identification number for a vessel shall be clearly marked in an accessible place on the starboard outboard side of the transom or to the starboard outboard side of the hull.
(ii) If the permanent manufacturer's identification number is displayed in a location other than on or near the starboard outboard side of the transom, the manufacturer shall notify the division of its location.

(4) A person may not destroy, remove, alter, or cover an identification number.
(5) A violation of this section is an infraction, except that Subsection (4) is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-1a-804 Garagemen, repair shops, and service stations -- Duty to report number violations.

A person owning, conducting, managing, or operating a service station, marina, marine dealership, public garage, paint shop, or repair shop for vehicles, vessels, or outboard motors shall immediately notify the local peace officers of any vehicle, vessel, or outboard motor that has any identification number that has apparently been altered, obliterated, or removed.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 9
Odometers

41-1a-901 Odometer required.

Each motor vehicle required to be registered under this chapter shall be equipped with a properly functioning odometer.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-902 Odometer disclosure statement -- Contents -- Receipt -- Exceptions.

(1) Each motor vehicle certificate of title, at the time it is issued to the transferee, shall contain:
  (a) the mileage disclosed by the transferor when ownership of the motor vehicle was transferred; and
  (b) a space for the information required to be disclosed under this section at the time of future transfer of ownership.
(2) At the time of any sale or transfer of a motor vehicle, the transferor shall furnish to the transferee a written odometer disclosure statement in a form prescribed by the division. This statement shall be signed and certified as to its truthfulness by the transferor, stating:
  (a) the date of transfer;
  (b) the transferor's name and address;
  (c) the transferee's name and address;
  (d) the identity of the motor vehicle, including its make, model, year, body type, and identification number;
  (e) the odometer reading at the time of transfer, not including tenths of miles or tenths of kilometers;
  (f)
    (i) that to the best of the transferor's knowledge, the odometer reading reflects the amount of miles or kilometers the motor vehicle has actually been driven;
    (ii) that the odometer reading reflects the amount of miles or kilometers in excess of the designed mechanical odometer limit; or
    (iii) that the odometer reading is not the actual amount of miles or kilometers; and

(g) a warning to alert the transferee if a discrepancy exists between the odometer reading and the actual mileage.

(3)

(a) Each transferee of a motor vehicle shall acknowledge receipt of the odometer disclosure statement required by Subsection (2) by signing it, and the transferor shall deliver to the transferee the original odometer disclosure statement. Both the transferor and the transferee shall retain a legible copy of the odometer disclosure statement for not less than four years.

(b) A dealer who is required under Section 41-3-301 to title and register a motor vehicle sold to a customer shall surrender the original odometer disclosure statement to the division and deliver a copy to the transferee.

(4) Notwithstanding the requirements of this section, the odometer mileage need not be disclosed by a transferor of:

(a) a single motor vehicle having a manufacturer specified gross laden weight rating of more than 16,000 pounds, or a motor vehicle registered in this state for a gross laden weight of 18,000 pounds or more;

(b) a motor vehicle that is 20 years old or older;

(c) a motor vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; or

(d) a new motor vehicle prior to its first transfer for purposes other than resale.

(5) If the motor vehicle has not been titled or if the certificate of title does not contain a space for the information required, the written disclosure shall be executed as a separate document.

(6) A person may not sign an odometer disclosure statement as both the transferor and the transferee in the same transaction.

Amended by Chapter 377, 2020 General Session

41-1a-903 Leased motor vehicles -- Disclosure of odometer information.

(1)

(a) Before executing any transfer of ownership document, each lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written disclosure to the lessor regarding the mileage.

(b) This notice shall state that failure to complete or providing false information may result in fines, imprisonment, or both.

(2)

(a) In connection with the transfer of ownership of the leased motor vehicle, the lessee shall furnish to the lessor a written statement regarding the mileage of the motor vehicle.

(b) This statement must be signed by the lessee and shall contain all of the information required by Section 41-1a-902 and in addition the name and address of the lessee and the lessor.

(c) The statement shall be signed and certified as to its truthfulness by the lessee.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-904 Retention of statements by dealers -- Inspection.

(1) Each dealer required to execute and furnish an odometer mileage disclosure statement under Section 41-1a-902 shall retain at its primary place of business for four years after each transfer of a motor vehicle each statement that he receives and a legible copy of each statement that he issues in connection with those transfers.

(2) These statements shall be available for inspection by, and copies shall be furnished to, any peace officer during reasonable business hours.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-1a-905 Division to print mileage on certificate of title -- Exceptions.
(1) The division, before accepting an application for transfer of ownership of a motor vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the transfer of ownership, print the mileage on the new certificate of title.
(2) This section does not apply to motor vehicles exempted from mileage disclosure statements under Section 41-1a-902.

Amended by Chapter 295, 2010 General Session

41-1a-906 Repair or replacement of odometer -- Notice affixed to motor vehicle.
(1) Sections 41-1a-902 through 41-1a-905 do not prevent the repair or replacement of an odometer, provided the mileage indicated on the odometer remains the same as before the repair or replacement.
(2) Where the odometer is incapable of registering the same mileage as before the repair or replacement, the odometer shall be adjusted to zero and a notice in writing shall be affixed by the owner to the left door frame of the motor vehicle specifying the mileage prior to repair or replacement of the odometer and the date it was repaired or replaced.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 10
Salvage Vehicles - Junk and Dismantled Vehicles

41-1a-1001 Definitions.
As used in Sections 41-1a-1001 through 41-1a-1008:
(1) "Certified vehicle inspector" means a person employed by the Motor Vehicle Enforcement Division as qualified through experience, training, or both to identify and analyze damage to vehicles with either unibody or conventional frames.
(2) "Major component part" means:
(a) the front body component of a motor vehicle consisting of the structure forward of the firewall;
(b) the passenger body component of a motor vehicle including the firewall, roof, and extending to and including the rear-most seating;
(c) the rear body component of a motor vehicle consisting of the main cross member directly behind the rear-most seating excluding any auxiliary seating and structural body assembly rear of the cross members; and
(d) the frame of a motor vehicle consisting of the structural member that supports the auto body.
(3)

(a) "Major damage" means damage to a major component part of the motor vehicle requiring 10 or more hours to repair or replace, as determined by a collision estimating guide recognized by the Motor Vehicle Enforcement Division.
(b) For purposes of Subsection (3)(a) repair or replacement hours do not include time spent on cosmetic repairs.
(4) "Nonrepairable certificate" means a certificate of ownership issued for a nonrepairable vehicle.
(5) "Nonrepairable vehicle" means a vehicle of a type otherwise subject to registration that:
(a) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;
(b)
(i) has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; and
(ii)
(A) has been substantially stripped as a result of theft; or
(B) is missing all of the bolt-on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies; or
(c) is a substantially burned vehicle that:
(i) has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components; or
(ii) the owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally.
(6) "Owner" means the person who has the legal right to possession of the vehicle.
(7)
(a) "Salvage certificate" means a certificate of ownership issued for a salvage vehicle before a new certificate of title is issued for the vehicle.
(b) A salvage certificate is not valid for registration purposes.
(8) "Salvage vehicle" means any vehicle:
(a) damaged by collision, flood, or other occurrence to the extent that the cost of repairing the vehicle for safe operation exceeds its fair market value; or
(b) that has been declared a salvage vehicle by an insurer or other state or jurisdiction, but is not precluded from further registration and titling.

Amended by Chapter 424, 2019 General Session

41-1a-1004 Certificate of title -- Salvage vehicles -- Buyer notification of salvage or total loss vehicle.

(1) If the division is able to ascertain the fact, at the time application is made for initial registration or transfer of ownership of a salvage vehicle, the title shall be branded:
(a) rebuilt and restored to operation;
(b) in a flood and restored to operation; or
(c) not restored to operation.
(2)
(a)
(i) Except as provided in Subsection (2)(b), before the sale of a vehicle for which a salvage certificate or branded title has been knowingly issued or knowingly declared a total loss

by an insurance company, the seller shall provide the prospective purchaser with written notification that a salvage certificate or a branded title has been issued for the vehicle.

(ii) If the vehicle is a salvage vehicle or if the vehicle has been declared a total loss by an insurance company, the notification shall be as required in Section 41-1a-1005.3.

(b) The requirement to provide written notification under Subsection (2)(a) does not apply if:

(i) the prospective purchaser, motor vehicle auction, or seller is:

(A) a licensed motor vehicle dealer whose primary business is auctioning salvage motor vehicles to licensed salvage vehicle buyers; or

(B) an insurance company, if the sale of the vehicle is the result of a total loss settlement; or

(ii) the vehicle has been stolen, recovered, and declared a total loss by an insurance company but does not meet the definition of a salvage vehicle.

(3)

(a) An advertisement for the sale of a vehicle for which a salvage certificate or branded title has been issued shall disclose that a salvage certificate or branded title has been issued for the vehicle.

(b)

(i) Except as provided in Subsection (3)(b)(ii), an advertisement for a vehicle declared a total loss by an insurance company shall disclose that the vehicle has been declared a total loss by an insurance company.

(ii) A vehicle that has been stolen, recovered, and declared a total loss by an insurance company but does not meet the definition of a salvage vehicle is exempted from the advertising requirement described in Subsection (3)(b)(i).

(iii) Subsections (3)(a), (3)(b)(i), and (3)(b)(ii) do not apply to a motor vehicle auction or a consigner to a motor vehicle auction if no disclosure is required under Section 41-1a-1005.3.

(c) The advertisement disclosure under Subsection (3)(a) or (b)(i) shall:

(i) be displayed at least as prominently as the description of the advertised vehicle is displayed; and

(ii) if a salvage certificate or branded title has been issued or the vehicle has been declared a total loss by an insurance company:

(A) use the words "salvage certificate" or "branded title" in the advertisement; or

(B) use the words "insurer declared total loss."

Amended by Chapter 267, 2020 General Session

41-1a-1005 Salvage vehicle -- Declaration by insurance company -- Surrender of title -- Salvage certificate of title -- Nonrecovered vehicles.

(1)

(a)

(i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle a salvage vehicle and takes possession of the vehicle for disposal, the insurance company shall within 10 days after the day on which settlement of the loss occurs, surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.

(ii) After receiving the documents described in Subsection (1)(a)(i), the division shall issue a salvage certificate in the insurance company's name.

(iii) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days after the day on which the settlement of the loss occurs if the insurance company:
(A) declares a vehicle a salvage vehicle;
(B) issues settlement payment to the registered owner of the vehicle;
(C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and
(D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.
(iv) The division shall issue a salvage certificate in an insurance company's name no sooner than 30 days after the day on which the division receives an improperly endorsed certificate of title if the insurance company:
(A) declares a vehicle a salvage vehicle;
(B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and
(C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.
(v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that the insurance company has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a salvage certificate.

(b)
(i) If the owner of a salvage vehicle retains possession of the vehicle, the insurance company shall within 10 days after the day on which settlement of the loss occurs notify the division of the retention on a form prescribed by the division.
(ii) The insurance company shall notify the owner of the vehicle of the owner's responsibility to comply with this section.
(iii) The owner shall within 10 days after the day on which settlement of the loss occurs surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
(iv) The division shall then issue a salvage certificate in the owner's name.

(c)
(i) When a salvage vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall within 10 days after the day on which the motor vehicle is damaged surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.
(ii) After receiving the documents described in Subsection (1)(c)(i), the division shall issue a salvage certificate in the owner's name.

(d)
(i) If a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, takes possession of any salvage vehicle for which there is not already issued a branded title or salvage certificate from the division or another jurisdiction, the dealer shall within 10 days after the day on which the dealer takes possession of the vehicle surrender to the division the certificate of title or other evidence of ownership acceptable to the division.

(ii) After receiving the documents described in Subsection (1)(d)(i), the division shall issue a salvage certificate in the applicant's name.

(2) Any person, insurance company, or dealer licensed under Title 41, Chapter 3, Part 2, Licensing, who fails to obtain a salvage certificate as required in this section or who sells a salvage vehicle without first obtaining a salvage certificate is guilty of a class B misdemeanor.

(3) This section does not apply to a vehicle:

(a) that has an undamaged, wholesale value of $2,000 or less; or

(b) if a salvage certificate has been issued by another state or jurisdiction for the salvage vehicle.

(4) Upon sale or disposal of a salvage vehicle, the seller shall deliver to the purchaser the properly endorsed salvage certificate within 48 hours as required in Section 41-1a-1310, or if the seller is a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, the dealer shall comply with Section 41-3-301.

(5) Except as provided in Subsection (6), this part does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a salvage vehicle.

(6)

(a) An insurance company that pays a claim to the owner of a motor vehicle that is stolen and not recovered shall, within 10 days after the day on which settlement of the loss occurs, surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.

(b) After receiving the documents described in Subsection (6)(a), the division shall issue a certificate of title in the insurance company's name.

(c) An insurance company that pays a claim to the owner of a motor vehicle that is later recovered may sell the motor vehicle:

(i) with the certificate of title in the insurance company's name;

(ii) with a salvage certificate, if the recovered vehicle is a salvage vehicle; or

(iii) with a nonrepairable certificate, if the recovered vehicle is a nonrepairable vehicle.

Amended by Chapter 424, 2019 General Session

41-1a-1005.3 Resale of salvage and total loss vehicles.

(1) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by an owner, that is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction with the knowledge that it is a salvage vehicle or a total loss vehicle without prior written disclosure being given to any prospective purchaser.

(2) For a disclosure required by Subsection (1), the following disclosure language shall be contained in each contract for sale or lease of a salvage vehicle to a purchaser or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS KNOWINGLY RESOLD WITH A SALVAGE CERTIFICATE OR TOTAL LOSS HISTORY

DISCLOSURE STATEMENT

Vehicle Identification Number (VIN)

Year: Make: Model:

SALVAGE OR TOTAL LOSS VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

WARNING: THIS VEHICLE HAS A SALVAGE OR TOTAL LOSS HISTORY WHICH MAY MATERIALLY AFFECT THE VALUE, SAFETY AND/OR CONDITION OF THE VEHICLE.

BECAUSE OF ITS CONDITION THE MANUFACTURER'S WARRANTY OR SERVICE CONTRACT ON THIS VEHICLE MAY BE AFFECTED. THIS VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE IS REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE. YOU MAY ASK THE SELLER OF THE VEHICLE TO SEE A COPY OF THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) VEHICLE HISTORY REPORT. YOU MAY ALSO INDEPENDENTLY OBTAIN THE REPORT BY CHECKING NMVTIS ONLINE AT WWW.VEHICLEHISTORY.GOV.

_____

Signature of Purchaser Date"

Amended by Chapter 267, 2020 General Session

41-1a-1005.5 Non-repairable vehicle -- Declaration by insurance company -- Surrender of title -- Nonrepairable certificate of title.

(1)

(a)

(i) Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance company declares a vehicle as a nonrepairable vehicle and takes possession of the vehicle for disposal, the insurance company shall, within 10 days from the receipt of the title with any lien release, surrender to the division the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the insurance company's name.

(iii) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the settlement of the loss if the insurance company:

(A) declares a vehicle a nonrepairable vehicle;

(B) issues settlement payment to the registered owner of the vehicle;

(C) has contacted the owner of the vehicle at least two times requesting certificate of title or other evidence of ownership acceptable to the division and the owner has not responded to the requests; and

(D) has presented the division evidence of the settlement and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form prescribed by the division.

(iv) The division shall issue a nonrepairable certificate in an insurance company's name no sooner than 30 days from the receipt of an improperly endorsed certificate of title if the insurance company:

(A) declares a vehicle a nonrepairable vehicle;

(B) has contacted the owner of the vehicle at least two times requesting correction of the improperly endorsed certificate of title and the owner of the vehicle has not responded to the requests; and

(C) has presented the division evidence of the settlement, the improperly endorsed certificate of title, and evidence that the insurance company has complied with the requirements of this Subsection (1)(a)(iv) on a form prescribed by the division.

(v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the requirements for an insurance company to prove that it

has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a nonrepairable certificate.

(b)

(i) If the owner of a nonrepairable vehicle retains possession of the vehicle, the insurance company shall, within 10 days from the settlement of the loss, notify the division of the retention on a form prescribed by the division.

(ii) The insurance company shall notify the owner of the vehicle of the owner's responsibility to comply with this section.

(iii) The owner shall, within 10 days from the settlement of the loss, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(iv) The division shall then issue a nonrepairable certificate in the owner's name.

(c)

(i) When a nonrepairable vehicle is not the subject of an insurance settlement, a self-insurer or an owner who is uninsured shall, within 10 days of the self-insurer's or owner's determination that a vehicle is non-repairable, surrender to the division the properly endorsed certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the owner's name.

(d)

(i) If a dealer licensed under Chapter 3, Part 2, Licensing, takes possession of any nonrepairable vehicle for which there is not already issued a branded title or nonrepairable certificate from the division or another jurisdiction, the dealer shall, within 10 days, surrender to the division the certificate of title or other evidence of ownership acceptable to the division.

(ii) The division shall then issue a nonrepairable certificate in the applicant's name.

(2) Any person, insurance company, or dealer licensed under Chapter 3, Part 2, Licensing, who fails to obtain a nonrepairable certificate as required in this section or who sells a nonrepairable vehicle without first obtaining a nonrepairable certificate from the division or a branded title or non-repairable vehicle certificate from another jurisdiction is guilty of a class B misdemeanor.

(3) This section does not apply to a vehicle that has an undamaged, wholesale value of $2,000 or less.

(4) Upon sale or disposal of a nonrepairable vehicle, the seller shall deliver to the purchaser the properly endorsed nonrepairable certificate within 48 hours as required in Section 41-1a-1310.

(5) This chapter does not apply to a motor vehicle that has been stolen or taken without the consent of the owner until the motor vehicle has been recovered, and then it applies only if the motor vehicle is a nonrepairable vehicle.

(6) It is unlawful for a person to repair, reconstruct, or restore a nonrepairable vehicle.

(7) A non-repairable vehicle may be sold to a crusher or as provided in Subsection 41-3-201(3).

Enacted by Chapter 390, 2012 General Session

41-1a-1006 Vehicle damaged out-of-state -- Division to make a record.

(1) If a vehicle that is titled in this state is damaged in another state or jurisdiction but would require a salvage certificate in this state and the vehicle is not returned to the state, the owner of the vehicle must notify the purchaser and the division that if the vehicle is subsequently titled in Utah the certificate of title will be branded as a salvage vehicle.

(2) The division shall make a record of the damage.

Renumbered and Amended by Chapter 1, 1992 General Session
Amended by Chapter 239, 1992 General Session

41-1a-1008 Criminal penalty for violation.

(1) Except as provided in Subsection (2) or unless otherwise provided, it is a class A misdemeanor to knowingly violate Sections 41-1a-1001 through 41-1a-1006.

(2) Any owner, who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201, who knowingly or intentionally conceals, removes, destroys, or alters a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3 is guilty of a:

(a) class A misdemeanor; or

(b) third degree felony if the person has previously been convicted two or more times of knowingly or intentionally concealing, removing, destroying, or altering a disclosure statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3.

(3) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-6-525.

(4) Each vehicle sold, offered for sale, or displayed for sale in violation of Section 41-1a-1005.3 shall be a separate offense.

Amended by Chapter 173, 2025 General Session

41-1a-1008.5 Private cause of action.

(1) Any owner who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201 and who violates Section 41-1a-1005.3 is liable to the purchaser for:

(a) actual damages if the purchaser elects to retain the salvage vehicle, or the value of the consideration paid for the salvage vehicle if the purchaser elects rescission;

(b) the costs of the action and reasonable attorney fees;

(c) up to three times the value of the actual damages or the consideration as exemplary damages; and

(d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.

(2) Actual damages include:

(a) the difference between the actual market value of the salvage vehicle or nonconforming vehicle at the time of purchase and the contract price;

(b) towing;

(c) repair;

(d) storage expenses;

(e) rental of substitute transportation;

(f) food and lodging expenses;

(g) lost wages;

(h) finance charges;

(i) sales or use tax;

(j) other governmental fees;

(k) lease charges; and

(l) other incidental and consequential damages.

(3) The remedies provided in this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 463, 2013 General Session

41-1a-1009 Abandoned and inoperable vehicles, vessels, and outboard motors -- Determination by commission -- Disposal of vehicles.

(1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:
  (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and
  (b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer or is a derelict vessel as defined in Section 73-18-2.

(2)
  (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.
  (b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or outboard motor is required to keep copies of the signed statements and other written records required by the commission.

(3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011.

Amended by Chapter 386, 2011 General Session

41-1a-1010 Permit required to dismantle vehicle -- Duties upon receiving the permit -- Exceptions.

(1)
  (a) A person may not scrap, dismantle, destroy, or otherwise change any vehicle so that it loses its character, until the person submits to the division:
    (i) the certificate of title for the vehicle for cancellation; and
    (ii) an application for a permit to dismantle the vehicle.
  (b) Upon approval of the application, the division shall issue a permit to dismantle the vehicle.

(2) Except as provided in Subsection (3), if a permit to dismantle is issued under this section, the vehicle shall be destroyed and may not be rebuilt or reconstructed and may not be retitled or registered.

(3) A vehicle for which a permit to dismantle has been issued by the division may be retitled and the permit to dismantle rescinded if:
  (a) prior to receiving a dismantling permit the vehicle had a Utah certificate of title;
  (b) the vehicle has not been dismantled;
  (c) an investigator for the Motor Vehicle Enforcement Division of the commission determines after a physical inspection of the vehicle that it is the same vehicle for which the permit to dismantle was issued; and
  (d) the applicant pays the fee under Subsection (4).

(4) The commission may collect a fee established in accordance with Section 63J-1-504 to cover the expenses of an inspection under Subsection (3).

Amended by Chapter 183, 2009 General Session

41-1a-1011 Use of dismantling permit.

The permit to dismantle issued under Section 41-1a-1010:

(1) requires the owner to dismantle the vehicle described in the permit unless the vehicle is retitled as provided in Subsection 41-1a-1010(3); and

(2) entitles the owner of the vehicle to transport the vehicle to the place of business of a dismantler, crusher, or salvage dealer licensed under the provisions of Title 41, Chapter 3, Part 2, Licensing.

Amended by Chapter 210, 1993 General Session

41-1a-1012 Destruction or change of vessel or outboard motor -- Cancellation of certificate of title.

Within 15 days after a vessel or outboard motor is scrapped, dismantled, destroyed, or changed so that it loses its character as a vessel or outboard motor, the title holder to the vessel or outboard motor shall mail or deliver the certificate of title to the division for cancellation.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 11
Impounded Vehicles, Vessels, or Outboard Motors

41-1a-1101 Seizure -- Circumstances where permitted -- Impound lot standards.

(1) As used in this section:

(a)

(i) "Criminal offense" means a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense.

(ii) "Criminal offense" includes:

(A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah Criminal Code; and

(B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in Subsection (1)(a)(ii)(A).

(b) "Operator" means the same as that term is defined in Section 41-6a-102.

(c) "Road rage event" means the commission of a criminal offense:

(i) by an operator of a vehicle;

(ii) in response to an incident that occurs or escalates upon a roadway; and

(iii) with the intent to endanger or intimidate an individual in another vehicle.

(d) "Roadway" means:

(i) a highway; or

(ii) a private road or driveway as defined in Section 41-6a-102.

(2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:
(a) that the division or the peace officer has probable cause to believe has been stolen;
(b) on which any identification number has been defaced, altered, or obliterated;
(c) that has been abandoned in accordance with Section 41-6a-1408;
(d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;
(e) that is placed on the water with improper registration;
(f) that is being operated on a highway:
(i) with registration that has been expired for more than three months;
(ii) having never been properly registered by the current owner; or
(iii) with registration that is suspended or revoked;
(g)
(i) that the division or the peace officer has probable cause to believe has been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
(ii) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
(h) if the division or peace officer has probable cause to believe that the operator:
(i) failed to properly display the license plate on a motorcycle as described in Section 41-1a-404.1; or
(ii) used the motorcycle:
(A) to perform a wheelie in violation of Section 41-6a-606.1; or
(B) to engage in lane splitting in violation of Section 41-6a-704.1.
(3)
(a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
(i) the division or the peace officer has probable cause to believe that an operator of the vehicle engaged in a road rage event; and
(ii) the operator of the vehicle has been arrested in conjunction with the road rage event.
(b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) to the registered owner of the vehicle if the registered owner is not the individual subject to arrest under Subsection (3)(a) and is immediately available, at the location of the arrest, to take possession of the vehicle.
(4)
(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer, without a warrant:
(i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or
(ii) may seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 after the division or any peace officer makes a reasonable determination whether the vehicle would:
(A) present a public safety concern to the operator or any of the occupants in the vehicle; or
(B) prevent the division or the peace officer from addressing other public safety considerations.
(b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (4)(a):

(i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or

(ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.

(5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

(7)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.

(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.

(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).

(d)

(i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.

(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.

(8)

(a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.

(b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).

(9) A person who violates the provisions of Subsection (8) is guilty of a class C misdemeanor.

(10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:

(a) the vehicle is equipped with an odometer; and

(b) the odometer reading is accessible to the division or the peace officer.

Amended by Chapter 220, 2025 General Session

41-1a-1102 Storage -- Establishing ownership.

(1) The division may store a seized vehicle, vessel, or outboard motor in a public or private garage, state impound lot, or other approved storage facility until the vehicle's, vessel's, or outboard motor's registration has been properly completed and the appropriate fees have been paid or until the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction of the division.

(2) If the identification number has been defaced, altered, or obliterated, the vehicle, vessel, or outboard motor may not be released until the identification number has been replaced or until a new number assigned by the division has been provided and has been affixed to the vehicle, vessel, or outboard motor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1103 Sale.

(1)

(a) To determine the model year of a vehicle, vessel, or outboard motor as described in this section, the division shall use the model year assigned to a vehicle, vessel, or outboard motor based on:

(i) the vehicle identification number assigned by the division; or

(ii) if the division has not assigned a vehicle identification number, the vehicle identification number assigned by the manufacturer.

(b) To determine the age of a vehicle, vessel, or outboard motor as described in this section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard motor.

(2)

(a) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of the original notice described in Section 41-6a-1406, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall issue a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier.

(i) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days from the date of release, the division shall, 30 days from the date of the original notice described in Section 41-6a-1406, issue a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier, in accordance with this section.

(ii) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 20 days from the original notice described in Section 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify the owner or lienholder.

(3) For a vehicle, vessel, or outboard motor with a model year seven years old or newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 60 days from the date of the original notice described in Section 41-6a-1406, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor as described in Subsection (4).

(4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3) shall:

(a) be held in the form of a public auction at the place of storage; and

(b) at the discretion of the division, be conducted by:

(i) an authorized representative of the division; or
(ii) a public garage, impound lot, or impound yard that:
(A) is authorized by the division;
(B) meets the standards under Subsection 41-1a-1101(7); and
(C) complies with the requirements of Section 72-9-603.
(5) At least five days prior to the date set for sale described in Subsection (4), the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:
(a) on the division's website; and
(b) as required in Section 45-1-101.
(6) At the time of sale described in Subsection (4) the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.
(7) The proceeds from the sale of a vehicle, vessel, or outboard motor under Subsection (4) shall be distributed as provided under Section 41-1a-1104.
(8) For a vehicle, vessel, or outboard motor with a model year seven years old or newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days from the date of release, the division shall, 60 days from the date of the original notice described in Section 41-6a-1406, sell the vehicle, vessel, or outboard motor as described in Subsection (4).
(9) For a vehicle, vessel, or outboard motor with a model year of seven years old or newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor within 45 days of the original notice described in Section 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify the owner or lienholder.

Amended by Chapter 319, 2024 General Session

41-1a-1104 Disposition of proceeds from sale.
(1) If, for purposes of this part and Section 41-1a-1301, the ownership of a vehicle, vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale described in Subsection 41-1a-1103(4), over the fees for registration or transfer and penalties and costs, shall be deposited with the state treasurer in a suspense account.
(2)
(a) If the owner or the owner's heirs or assigns file a claim for the excess of the proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of the proceeds shall be refunded to the claimant.
(b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be deposited in the General Fund.

Amended by Chapter 92, 2022 General Session

41-1a-1105 Records to be kept by public garage, impound lot, or impound yard.
(1)

(a) Each person engaged in the business of operating a public garage, impound lot, or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for compensation for a period longer than 12 hours.
(b) The record shall include:
(i) the name and address of the person storing the vehicle, vessel, or outboard motor;
(ii) a brief description of the vehicle, vessel, or outboard motor, including the name or make, identification number, and license number shown by the license plate or plates; and
(iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its release from the public garage, impound lot, or impound yard, if the vehicle is equipped with an odometer.
(2) Every record kept under Subsection (1) shall be open to inspection by any peace officer.

Amended by Chapter 251, 2024 General Session

41-1a-1106 Storage of vehicles, vessels, and outboard motors -- Reports required.

If any vehicle, vessel, or outboard motor has been stored in a public garage, state impound lot, or other storage facility for 10 days and the owner is unknown to the proprietor, on the 11th day of storage the proprietor shall report the presence of the vehicle, vessel, or outboard motor to the law enforcement agency in the city or county where the garage, lot, or facility is located.

Renumbered and Amended by Chapter 1, 1992 General Session

Part 12
Fee and Tax Requirements

41-1a-1201 Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.
(2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees collected under this part shall be deposited into the Transportation Fund.
(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9), and Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created in Section 41-1a-122.
(4)
(a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.
(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.
(c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for each vintage vehicle that has a model year of 1983 or newer may be used by the commission to cover the costs incurred in enforcing and administering this part.
(5)

(a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:
(i) $30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);
(ii) $21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);
(iii) $2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
(iv) $23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
(v) $24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);
(vi) $1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii); and
(vii) $17 of the registration fee imposed under Subsection 41-1a-1206(1)(j).
(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:
(i) $23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
(ii) $23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

(6)
(a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.
(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(7)
(a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.
(b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

(9)
(a) Beginning on January 1, 2024, subject to Subsection (9)(b), $2 of each registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural Transportation Infrastructure Fund created in Section 72-2-133.
(b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous year and adding an amount equal to the greater of:
(i) an amount calculated by multiplying the amount deposited by the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
(ii) 0.
(c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the nearest 1 cent.

(10) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the deposits under this section are double the amounts due for a 12-month registration of the same vehicle.

Amended by Chapter 279, 2025 General Session

41-1a-1202 Refused or rejected application -- Refunds.

If an application to the division is accompanied by any fees required by law and the application is refused or rejected, the fees shall be returned immediately to the applicant.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1203 Application for refund.

If the division through error collects any fee not required to be paid, the fee shall be refunded to the person paying the fee upon written application for a refund made within six months after date of the payment.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1204 Automobile driver education fee -- Amount -- When paid -- Exception.

(1) Each year there is levied and shall be paid to the commission the automobile driver education fee.

(2)

(a) Except as provided in Subsections (2)(b) and (c), the fee is $2.50 upon each motor vehicle to be registered for a one-year registration period.

(b) The fee is $2.00 upon each motor vehicle to be registered under Section 41-1a-215.5 for a six-month registration period.

(c) The following registrations are exempt from the fee in Subsection (2)(a) or (b):

(i) a motorcycle registration; and

(ii) a registration of a vehicle with a Purple Heart special group license plate issued:

(A) on or before December 31, 2023; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

(3) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts are double the amounts due for a 12-month registration of the same vehicle.

Amended by Chapter 279, 2025 General Session

41-1a-1205 Disposition of driver education tax -- Expense appropriation.

(1) The automobile driver education tax collected under Section 41-1a-1204 shall be placed to the credit of the Automobile Driver Education Tax Account within the Uniform School Fund.

(2) The necessary expenses of the commission incurred in the administration and collection of the tax shall be paid from its legislative appropriation in the General Fund, which fund shall be reimbursed by a transfer for the expenses from the legislative appropriation of the Uniform School Fund.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1206 Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:
(a) $46.00 for each motorcycle;
(b) $44 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding motorcycles;
(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
(i) $31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
(ii) $28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
(d)
(i) $53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds gross laden weight; plus
(ii) $9 for each 2,000 pounds over 16,000 pounds gross laden weight;
(e)
(i) $69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross laden weight; plus
(ii) $19 for each 2,000 pounds over 16,000 pounds gross laden weight;
(f)
(i) $69.50 for each park model recreational vehicle over 14,000 pounds, but not exceeding 16,000 pounds gross laden weight; plus
(ii) $19 for each 2,000 pounds over 16,000 pounds gross laden weight;
(g) $45 for each vintage vehicle that has a model year of 1983 or newer;
(h) in addition to the fee described in Subsection (1)(b):
(i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
(A) each electric motor vehicle; and
(B) Each motor vehicle not described in this Subsection (1)(h) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;
(ii) $21.75 for each hybrid electric motor vehicle; and
(iii) $56.50 for each plug-in hybrid electric motor vehicle;
(i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year of 1983 or newer, 50 cents; and
(j) $28.50 for each roadable aircraft.
(2)
(a) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:
(i) $34.50 for each motorcycle; and
(ii) $33.50 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding motorcycles.
(b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
(i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
(A) each electric motor vehicle; and
(B) each motor vehicle not described in this Subsection (2)(b) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;

(ii) $16.50 for each hybrid electric motor vehicle; and
(iii) $43.50 for each plug-in hybrid electric motor vehicle.
(3)
(a) Beginning on January 1, 2024, at the time of registration:
(i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual shall also pay an additional $7 as part of the registration fee; and
(ii) in addition to the amounts described in Subsection (2)(a), the individual shall also pay an additional $5 as part of the registration fee.
(b)
(i) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7), by taking the registration fee rate for the previous year and adding an amount equal to the greater of:
(A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
(B) 0.
(ii) Beginning on January 1, 2024, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and adding an amount equal to the greater of:
(A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
(B) 0.
(c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the nearest 25 cents.
(4)
(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or older is $40.
(b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal of registration fees under Subsection (1).
(c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).
(d) A camper is exempt from the registration fees under Subsection (1).
(5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 14,000 pounds.
(6)
(a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.
(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.
(7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate, as provided in Section 41-1a-228, for a fee of $130.
(8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts are double the amounts due for a 12-month registration of the same vehicle.
(9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and
(b)
(i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or
(ii) the truck has a gross vehicle weight rating of 14,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(10) A violation of Subsection (9) is an infraction that shall be punished by a fine of not less than $200.

(11) A motor vehicle registered as a street-legal all-terrain vehicle is:
(a) subject to the registration and other fees described in Section 41-22-9; and
(b) not required to pay an additional registration fee under this section.

(12) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Amended by Chapter 215, 2025 General Session
Amended by Chapter 279, 2025 General Session

41-1a-1207 Reduced fees for portion of year.

If a motor vehicle exceeding 14,000 pounds gross laden weight is registered for less than a 12-month registration period, the registration fees are:

(1) for not more than three months, 30% of the regular registration fee;
(2) for in excess of three months but not more than six months, 60% of the regular registration fee;
(3) for in excess of six months and not more than nine months, 90% of the regular registration fee; and
(4) for anything in excess of nine months but not more than 12 months, the entire registration fee.

Amended by Chapter 234, 2025 General Session

41-1a-1208 Fees for duplicate certificates of registration.

A duplicate certificate of registration may be issued upon application and payment of $4 to the division.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1209 Exemptions from registration fees.

(1) A fee may not be charged for the registration of ambulances, law enforcement vehicles, fire engines, and passenger cars and trucks owned and used by the United States government or by the state of Utah or any of its political subdivisions.
(2) A fee may not be charged municipal corporations for the issuance of any certificate of title or registration or a duplicate certificate of title or registration.

Amended by Chapter 210, 2008 General Session

41-1a-1210 Fees for original and duplicate certificates of title.

A fee of $6 shall be paid to the division for the issuance of each original and duplicate certificate of title for a vehicle, vessel, or outboard motor.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1211 License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.

(1)
(a) Except as provided in Subsections (11), (12), and (13), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia.
(b) The license plate fee shall be deposited as follows:
(i) beginning on January 1, 2025, $1 from the license plate fees, other than a license plate fee for a motorcycle or trailer, into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214;
(ii) $1 into the Transportation Fund; and
(iii) the remainder of the fee charged under Subsection (1)(a) into the License Plate Restricted Account, as provided in Section 41-1a-1201.

(2)
(a) An applicant for original issuance of a personalized license plate issued under Section 41-1a-410 shall pay a $50 per set license plate application fee in addition to the fee required in Subsection (1).
(b) In addition to the fee described in Subsection (2)(a), an applicant for original issuance of a personalized license plate issued under Section 41-1a-410 shall pay a $25 processing fee.
(c) The fee described in Subsection (2)(b) shall be deposited into the License Plate Restricted Account created in Section 41-1a-122.

(3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a $5 fee for the original license plate in addition to the fee required under Subsection (1).

(4) An applicant for original issuance of a personalized special group license plate shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).

(5) An applicant for renewal of a personalized license plate issued under Section 41-1a-410 shall pay a $10 per set application fee.

(6)
(a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.
(b) The license plate fee for the replacement of any license plate as described in Subsection (6)(a) shall be deposited as follows:
(i) beginning on January 1, 2025, $1 from the license plate fees, other than a license plate fee for a motorcycle or trailer, into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214;
(ii) $1 into the Transportation Fund; and
(iii) the remainder of the fee charged under Subsection (6)(a) into the License Plate Restricted Account, as provided in Section 41-1a-1201.

(7)
(a) The division may charge a fee established under Section 63J-1-504 to recover the division's costs for the replacement of a symbol decal issued under Section 41-1a-418.
(b) The fee described in Subsection (7)(a) shall be deposited into the License Plate Restricted Account as described in Section 41-1a-1201.

(8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.
(9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if a new or replacement license plate is mailed to the applicant.
(10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.
(11)
(a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).
(b) An applicant for a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the fees under Subsections (1), (3), and (7).
(12) A person is exempt from the fee under Subsection (1) or (6) if the person:
(a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);
(b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special group license plate under the rules made by the Department of Transportation; and
(c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.
(13) An individual is exempt from the license plate fee under Subsection (1) if the individual presents official documentation that the individual is a recipient of the Purple Heart Award in one of the following forms:
(a) official documentation issued by a recognized association representing peace officers who:
(i) receive a salary from a federal, state, county, or municipal government or any other subdivision of the state; and
(ii) work in the state;
(b) a membership card in the Military Order of the Purple Heart; or
(c) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.

Amended by Chapter 251, 2024 General Session

41-1a-1212 Fee for replacement of license plate decals.
(1) A fee established in accordance with Section 63J-1-504 shall be paid to the division for the replacement of a license plate registration decal required by Section 41-1a-402 or a registration decal required by Section 41-1a-401.
(2) The fee described in Subsection (1) shall be deposited into the License Plate Restricted Account created in Section 41-1a-122.

Amended by Chapter 33, 2023 General Session

41-1a-1213 No fee for identification number inspection.
A fee may not be charged an applicant for vehicle registration under this chapter for an identification number inspection.

Repealed and Re-enacted by Chapter 222, 1993 General Session

41-1a-1218 Uninsured motorist identification fee for tracking motor vehicle insurance -- Exemption -- Deposit.

(1)
(a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration under this chapter, the applicant shall pay an uninsured motorist identification fee of:
(i) $1 on each motor vehicle or street-legal all-terrain vehicle; or
(ii) $2 on each motorboat.
(b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of a motor vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of 75 cents on each motor vehicle.
(c) The following are exempt from the fee required under Subsection (1)(a) or (b):
(i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301;
(ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and
(iii) a motor vehicle with a Purple Heart special group license plate issued:
(A) on or before December 31, 2023; or
(B) in accordance with Part 16, Sponsored Special Group License Plates.
(2) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts under this section are double the amounts due for the same vehicle registered for a 12-month period.
(3) The revenue generated under this section shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

Amended by Chapter 279, 2025 General Session

41-1a-1219 Motor carrier fee.

(1) At the time application is made for registration or renewal of registration of a motor vehicle or combination of motor vehicles over 14,000 pounds gross laden weight, the applicant shall pay a motor carrier fee of $6 for each motor vehicle or combination of motor vehicles.
(2) This fee is in addition to the registration fees under Subsections 41-1a-1206(1)(d) and (e).
(3) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts under this section are double the amounts due for the same vehicle registered for a 12-month period.

Amended by Chapter 279, 2025 General Session

41-1a-1220 Registration reinstatement fee.

(1)
(a) Except as provided in Subsection (1)(b), at the time application is made for reinstatement or renewal of registration of a motor vehicle after a revocation of the registration under Subsection 41-1a-110(2), the applicant shall pay a registration reinstatement fee of $100.
(b) The registration reinstatement fee does not apply to a motorboat.
(2) The fee imposed under Subsection (1):

(a) is in addition to any other fee imposed under this chapter; and
(b) shall be deposited in the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
(3) The division shall waive the registration reinstatement fee imposed under this section if:
(a) the registration was revoked under Subsection 41-1a-110(2)(a)(ii); and
(b) a person had owner's or operator's security in effect for the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Amended by Chapter 236, 2024 General Session

41-1a-1221 Fees to cover the cost of electronic payments.
(1) As used in this section:
(a) "Electronic payment" means use of any form of payment processed through electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.
(b) "Electronic payment fee" means the fee assessed to defray:
(i) the charge, discount fee, or processing fee charged by credit card companies or processing agents to process an electronic payment; or
(ii) costs associated with the purchase of equipment necessary for processing electronic payments.
(2)
(a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (4).
(b) The fee described in Subsection (2)(a):
(i) shall be imposed regardless of the method of payment for a particular transaction; and
(ii) need not be separately identified from the fees imposed for registration and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and (4).
(c) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the electronic fee amounts under this section are double the amounts due for the same vehicle registered for a 12-month period.
(3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.
(4) A fee imposed under this section:
(a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and
(b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 279, 2025 General Session

41-1a-1222 Local option highway construction and transportation corridor preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.
(1) As used in this section, "unincorporated" means the same as that term is defined in Section 10-1-104.
(2)
(a)
(i) Except as provided in Subsection (2)(a)(ii), a county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to $10 on each motor vehicle registration within the county.

(ii) A county legislative body may impose a local option highway construction and transportation corridor preservation fee of up to $7.75 on each motor vehicle registration for a six-month registration period under Section 41-1a-215.5 within the county.

(iii) A fee imposed under Subsection (2)(a)(i) or (ii) shall be set in whole dollar increments.

(b)

(i) If imposed under Subsection (2)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee established by the county legislative body.

(ii) If imposed under Subsection (2)(a), at the time application is made for registration or renewal of registration of a vehicle under this chapter for a 24-month period as provided in Section 41-1a-215.5, the applicant shall pay double the amount of the local option highway construction and transportation corridor preservation fee established by the county legislative body for the same vehicle registered for a 12-month period.

(c) The following are exempt from the fee required under Subsection (2)(a):

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);

(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and

(iii) a motor vehicle with a Purple Heart special group license plate issued:

(A) on or before December 31, 2023; or

(B) in accordance with Part 16, Sponsored Special Group License Plates.

(3)

(a) Except as provided in Subsection (3)(b), the revenue generated under this section shall be:

(i) deposited in the Local Highway and Transportation Corridor Preservation Fund created in Section 72-2-117.5;

(ii) credited to the county from which it is generated; and

(iii) used and distributed in accordance with Section 72-2-117.5.

(b) The revenue generated by a fee imposed under this section in a county of the first class shall be deposited or transferred as follows:

(i) 50% of the revenue shall be:

(A) deposited in the County of the First Class Highway Projects Fund created in Section 72-2-121; and

(B) used in accordance with Section 72-2-121;

(ii) 30% of the revenue shall be deposited, credited, and used as provided in Subsection (3)(a); and

(iii) 20% of the revenue shall be transferred to the legislative body of a county of the first class.

(4) Beginning in a fiscal year beginning on or after July 1, 2023, and for 15 years thereafter, the legislative body of the county of the first class shall annually transfer, from the revenue transferred to the legislative body of a county of the first class as described in Subsection (3)(b)(iii):

(a) $300,000 to Kearns; and

(b) $225,000 to Magna.

(5) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (6).

(6)

(a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (6)(b) from the county prior to April 1.
(b) The notice described in Subsection (6)(a) shall:
(i) state that the county will enact, change, or repeal a fee under this part;
(ii) include a copy of the ordinance imposing the fee; and
(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 279, 2025 General Session

41-1a-1223 Local emissions compliance fee -- Exemptions -- Transfer -- County ordinance -- Notice.

(1)
(a)
(i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:
(A) $3 on each motor vehicle registration within the county for a motor vehicle registration under Section 41-1a-215; or
(B) $2.25 on each motor vehicle registration within the county for a six-month registration period under Section 41-1a-215.5.
(ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.
(b) If imposed under Subsection (1)(a)(i), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions compliance fee established by the county legislative body.
(c) The following are exempt from the fee required under Subsection (1)(a)(i):
(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3);
(ii) a commercial vehicle with an apportioned registration under Section 41-1a-301; and
(iii) an electric motor vehicle.
(2) The revenue generated from the fees collected under this section shall be transferred to the county that imposed the fee.
(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:
(a) approving the fee;
(b) setting the amount of the fee; and
(c) providing an effective date for the fee as provided in Subsection (4).
(4)
(a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on January 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to October 1.
(b) The notice described in Subsection (4)(a) shall:
(i) state that the county will enact, change, or repeal a fee under this section;
(ii) include a copy of the ordinance imposing the fee; and
(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Amended by Chapter 83, 2020 General Session

41-1a-1224 Credit for registering an off-highway vehicle as a street-legal all-terrain vehicle.

(1) Beginning on the date that the division has implemented the division's GenTax system, the division shall provide a credit against the fees and taxes charged to a person registering a street-legal all-terrain vehicle under Title 41, Chapter 1a, Motor Vehicle Act, if:
  (a) the street-legal all-terrain vehicle was registered as an off-highway vehicle under Section 41-22-3 upon being purchased from a dealer licensed under Title 41, Chapter 3, Part 2, Licensing; and
  (b) not more than 30 days have passed since the division issued the off-highway vehicle registration specified under Subsection (1)(a).
(2) The amount of the credit provided under Subsection (1) shall be the amount of taxes and fees paid by the person to the division for the off-highway vehicle registration described in Subsection (1)(a).

Enacted by Chapter 446, 2013 General Session

41-1a-1225 Credit for registering leased vehicle purchased by the lessee.

(1) The division shall provide a credit against the fees and taxes charged to a person registering a vehicle under Title 41, Chapter 1a, Motor Vehicle Act, if:
  (a) immediately before purchasing the vehicle, the purchaser leased the vehicle and was a registrant of the vehicle; and
  (b) while leasing the vehicle and during the same registration period, the purchaser paid the fees and taxes charged for registering the vehicle under Title 41, Chapter 1a, Motor Vehicle Act.
(2) The division shall apply the credit provided under Subsection (1) by allowing the registration period described in Subsection (1)(b) to remain in effect until expiration.
(3) This section applies only to taxes and fees paid by, or on behalf of, the purchaser at the time of the registration described in Subsection (1)(b).

Enacted by Chapter 395, 2021 General Session

Part 13
Offenses and Penalties

41-1a-1301 Unpaid fees and penalty -- Lien -- Seizure and sale.

(1)
  (a) Every registration fee and penalty not paid by the due date is a lien upon all:
    (i) the unexempt personal property of the owner or operator of the vehicle, vessel, or outboard motor; and
    (ii) interest or equity of the owner or operator in all personal property, including vehicles, vessels, or outboard motors used by the owner or operator in the conduct or operation of the owner's or operator's business.
  (b) The properties and vehicles, vessels, or outboard motors may be held under warrant, issued by the commission, and sold in accordance with the law applicable to personal property taxes.
(2) Delinquency is a ground for the issuance of a writ of attachment against the owner or operator.

Amended by Chapter 302, 2025 General Session

41-1a-1302 Infraction.

A violation of any provision of this chapter is an infraction, unless otherwise provided.

Amended by Chapter 412, 2015 General Session

41-1a-1303 Driving without registration or certificate of title.

(1) Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive or move, or an owner may not knowingly permit to be driven or moved upon any highway any vehicle of a type required to be registered in this state:
  (a) that is not properly registered or for which a certificate of title has not been issued or applied for; or
  (b) for which the required fee has not been paid.
(2) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 351, 2020 General Session

41-1a-1303.5 Driving without registration or certificate of title -- Class C misdemeanor.

(1)
  (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after establishing residency, is a class C misdemeanor and, except as provided in Subsection (1)(b), has a minimum fine of $1,000.
  (b) A court may not dismiss an action brought for a violation of Subsection 41-1a-202(3) merely because the defendant has obtained the appropriate registration subsequent to violating the section. The court may, however, reduce the fine to $200 if the violator presents evidence at the time of the hearing that:
    (i) the vehicle is currently registered properly; and
    (ii) the violation has not existed for more than one year.
(2) A court may require proof of proper motor vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1304 Operating motor vehicle, trailer, or semitrailer in excess of registered gross laden weight -- Infraction.

It is an infraction for a person to operate, or cause to be operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight of which is in excess of the gross laden weight for which the motor vehicle, trailer, or semitrailer, or combination of vehicles is registered.

Amended by Chapter 412, 2015 General Session

41-1a-1305 License plate and registration card violations -- Class C misdemeanor.

It is a class C misdemeanor:
(1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device on it for holding or displaying any license plate or registration card attached for denoting registration and identity of the vehicle;
(2) to remove from any registered vehicle the license plate or registration card issued or attached to it for its registration;

(3) to place or display any license plate or registration card upon any other vehicle than the one for which it was issued by the division;
(4) to use or permit the use or display of any license plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued;
(5) to operate upon any highway of this state any vehicle required by law to be registered without having the license plate or plates securely attached, except that the registration card issued by the division to all trailers and semitrailers shall be carried in the towing vehicle;
(6) for any weighmaster to knowingly make any false entry in his record of weights of vehicles subject to registration or to knowingly report to the commission or division any false information regarding the weights;
(7) for any inspector, officer, agent, employee, or other person performing any of the functions required for the registration or operation of vehicles subject to registration, to do, permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the probable effect of the act would be to injure any person, deprive him of his property, or to injure or defraud the state with respect to its revenues relating to title or registration of vehicles;
(8) for any person to combine or conspire with another to do, attempt to do, or cause or allow any of the acts in this chapter classified as a misdemeanor;
(9) to operate any motor vehicle with a camper mounted on it upon any highway without displaying a current registration decal in clear sight upon the rear of the camper, issued by the county assessor of the county in which the camper has situs for taxation;
(10) to manufacture, use, display, or sell any facsimile or reproduction of any license plate issued by the division or any article that would appear to be a substitute for a license plate; or
(11) to fail to return to the division any registration card, license plate or plates, registration decal, permit, or title that has been canceled, suspended, voided, or revoked.

Amended by Chapter 33, 2023 General Session

41-1a-1306 Abuse of persons with disabilities parking privileges -- Revocation of special plate or transferable ID card -- Fine.

A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking privileges may have the person's disability special group license plate, temporary removable windshield placard, removable windshield placard, temporary wheelchair user placard, or wheelchair user placard revoked by the division.

Amended by Chapter 41, 2017 General Session

41-1a-1307 Operation of motor vehicles, trailers, or semitrailers without payment of fees -- Infraction.

(1) It is an infraction for a person to operate a motor vehicle, trailer, or semitrailer upon the highways without having paid the title and registration or transfer fees and taxes required by law.
(2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer operated in violation of this section shall pay a penalty equal to title and registration fees in addition to any other fee required under this chapter.
(3) A court may require proof of proper vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1309 Boarding with intent to commit injury to motor vehicle, trailer, or semitrailer -- Class C misdemeanor.

It is a class C misdemeanor for a person with intent to commit any criminal mischief, injury, or other crime to:

(1) climb into or upon a motor vehicle, trailer, or semitrailer, whether it is in motion or at rest;

(2) attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a motor vehicle, trailer, or semitrailer while the same is at rest and unattended; or

(3) set in motion any motor vehicle, trailer, or semitrailer while the same is at rest and unattended.

Amended by Chapter 229, 2007 General Session

41-1a-1310 Failure to deliver title -- Odometer offenses.

(1) It is an infraction for any person to:

(a) fail to properly endorse and deliver a valid certificate of title to a vehicle, vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with Section 41-1a-702, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709; or

(b) fail to give an odometer disclosure statement to the transferee as required by Section 41-1a-902.

(2) It is a class B misdemeanor to:

(a) operate, or cause to be operated, a motor vehicle knowing that the odometer is disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;

(b) offer for sale, sell, use, or install on any part of a motor vehicle or on an odometer in a motor vehicle any device that causes the odometer to register miles or kilometers other than the true miles or kilometers driven as registered by the odometer within the manufacturer's designed tolerance;

(c) fail to adjust an odometer or affix a notice as required by Section 41-1a-906 regarding the adjustment;

(d) remove, alter, or cause to be removed or altered any notice of adjustment affixed to a motor vehicle as required by Section 41-1a-906; or

(e) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.

(3) It is a class C misdemeanor to fail to record the odometer reading on the certificate of title at the time of transfer.

Amended by Chapter 412, 2015 General Session

41-1a-1313 Third degree felony to possess motor vehicle, trailer, semitrailer, or parts without identification number -- Presumption of knowledge.

(1) It is a third degree felony for a person to have in the person's possession any motor vehicle, trailer, or semitrailer, or any part or parts of a motor vehicle, trailer, or semitrailer, from which any identification number has been removed, defaced, destroyed, obliterated, or so covered as to be concealed, or where the identification number has been altered or changed in any manner.

(2) A person having possession of any motor vehicle, trailer, or semitrailer or part of them under this section is presumed prima facie to have knowledge of this condition.

Amended by Chapter 302, 2025 General Session

41-1a-1314 Unauthorized control for extended time.

(1) Except as provided in Subsection (3), it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.

(2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.

(3) Violation of this section is a third degree felony if:

(a) the person does not return the motor vehicle to the owner or lawful custodian within 24 hours after the exercise of unlawful control; or

(b) regardless of the mental state or conduct of the person committing the offense:

(i) the motor vehicle is damaged in an amount of $500 or more;

(ii) the motor vehicle is used to commit a felony; or

(iii) the motor vehicle is damaged in any amount to facilitate entry into it or its operation.

(4) It is not a defense to Subsection (3)(a) that someone other than the person, or an agent of the person, returned the motor vehicle within 24 hours.

(5) A violation of this section is a lesser included offense of theft under Section 76-6-404, when the theft is of an operable motor vehicle under Subsection 76-6-404(3)(a)(ii).

Amended by Chapter 111, 2023 General Session

41-1a-1315 Third degree felony -- False evidences of title and registration.

It is a third degree felony for a person with respect to a motor vehicle, trailer, or semitrailer to:

(1) fraudulently use a false or fictitious name in an application for registration, a certificate of title, or for a duplicate certificate of title;

(2) knowingly make a false statement or knowingly conceal a material fact in an application under this chapter;

(3) otherwise commit a fraud in an application under this chapter;

(4) alter with fraudulent intent a certificate of title, registration card, license plate, or permit issued by the division;

(5) forge or counterfeit a document or license plate purporting to have been issued by the division;

(6) alter, falsify, or forge an assignment upon a certificate of title;

(7) hold or use a document or license plate under this chapter knowing it has been altered, forged, or falsified; or

(8) file an application for a certificate of title providing false lien information, when the person named on the application as lienholder does not hold a valid security interest.

Amended by Chapter 259, 2009 General Session

41-1a-1316 Receiving or transferring stolen motor vehicle, trailer, or semitrailer -- Penalty.

It is a second degree felony for a person:

(1) with intent to procure or pass title to a motor vehicle, trailer, or semitrailer that the person knows or has reason to believe has been stolen or unlawfully taken to receive or transfer possession of the motor vehicle, trailer, or semitrailer from or to another; or

(2) to have in the person's possession any motor vehicle, trailer, or semitrailer that the person knows or has reason to believe has been stolen or unlawfully taken if the person is not a peace officer engaged at the time in the performance of the peace officer's duty.

Amended by Chapter 302, 2025 General Session

41-1a-1317 Selling or buying without identification numbers -- Penalty.

It is a second degree felony for a person to knowingly buy, receive, dispose of, sell, offer for sale, or have in that person's possession any motor vehicle, trailer, semitrailer, or engine removed from a motor vehicle, from which the identification number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine.

Amended by Chapter 302, 2025 General Session

41-1a-1318 Second degree felony -- Fraudulent alteration of identification number.

(1) It is a second degree felony for a person with fraudulent intent to:
  (a) deface, destroy, or alter the identification number or state assigned identification number of a motor vehicle, trailer, or semitrailer;
  (b) place or stamp, without authority by the division, something other than the original identification or state assigned identification number upon a motor vehicle, trailer, or semitrailer; or
  (c) sell or offer for sale a motor vehicle, trailer, or semitrailer bearing an altered or defaced identification or state assigned identification number other than the original or the state assigned identification number.
(2) This section does not prevent any manufacturer, importer, or any agent, other than a dealer, from placing or stamping in the ordinary course of business numbers on motor vehicles, trailers, or semitrailers registered under this chapter.
(3) This section does not prohibit the restoration by an owner of an original identification number when the restoration is made under permit issued by the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1319 Third degree felony -- Odometer violation.

It is a third degree felony for a person, with intent to defraud, to:
(1) disconnect, turn back, replace, or reset or cause to be disconnected, turned back, replaced, or reset, the odometer of any motor vehicle with the intent to reduce the true number of miles or kilometers indicated on it;
(2) knowingly sell, transfer, or exchange, or cause to be sold, transferred, or exchanged without the disclosure required by Section 41-1a-902, any motor vehicle on which the odometer has been disconnected, turned back, replaced, or reset; or
(3) give or cause to be given a false odometer mileage disclosure statement when an odometer statement is required by Section 41-1a-902.

Enacted by Chapter 1, 1992 General Session

41-1a-1320 Tax clearance required to move manufactured home or mobile home.

(1) A manufactured home or mobile home may not be transported by any person, including its owner, unless a tax clearance has been obtained from the assessor or, if the responsibility to provide a tax clearance has been reassigned under Section 17-74-102, the treasurer of the county in which the real property upon which the manufactured home or mobile home was last located showing that all property taxes, including any interest and penalties, have been paid.
(2) The tax clearance described in Subsection (1):
(a) is proof of having paid all property taxes, interest, and penalties; and
(b) shall be displayed in a conspicuous place on the rear of the manufactured home or mobile home so as to be plainly visible while in transit.
(3)
(a) Any person, including the owner, who transports a manufactured home or mobile home without a valid tax clearance is:
(i) in violation of Section 59-2-309; and
(ii) subject to the penalty provisions of Section 59-2-309.
(b) In addition to the penalty provided in Subsection (3)(a), any commercial mover who transports any manufactured home or mobile home without a valid tax clearance is guilty of a class B misdemeanor.

Amended by Chapter 16, 2025 Special Session 1

41-1a-1321 Counterfeit airbags.
(1) As used in this section:
(a) "Airbag" means an inflatable passive restraint system component for occupants of motor vehicles which is part of an automobile supplemental restraint system that:
(i) operates in the event of a crash; and
(ii) meets applicable federal safety standards for the specific make, model, and year of the motor vehicle in which the airbag is installed.
(b) "Counterfeit automobile supplemental restraint system component" means a replacement motor vehicle passive restraint system component, including an airbag, that displays an identical or substantially similar mark to the manufacturer's or supplier's genuine trademark without authorization.
(c) "Nonfunctional airbag" means a replacement airbag that:
(i) was previously deployed or damaged;
(ii) may not be sold or leased under 49 U.S.C. Sec. 30120(j);
(iii) has a fault that is detected by the vehicle diagnostic system after the installation procedure is completed; or
(iv) includes any part or object installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.
(d) "Person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or an entity or individual engaged in the repair of motor vehicles or the replacement or repair of an airbag passive restraint system.
(2) A person may not, with criminal negligence, manufacture, import, sell, offer for sale, install, or reinstall a counterfeit or nonfunctional airbag.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a second degree felony if the person causes:

(i) serious injury, as defined in Section 76-1-101.5, to an individual;
(ii) substantial injury, as defined in Section 76-1-101.5, to an individual; or
(iii) the death of an individual.

Enacted by Chapter 229, 2024 General Session

Part 14
Law Enforcement

41-1a-1401 Report of stolen and recovered vehicles, vessels, and outboard motors by officials.

(1)
(a) A peace officer, upon receiving reliable information that a vehicle, vessel, or outboard motor has been stolen, shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
(b) An officer, upon receiving information that a vehicle, vessel, or outboard motor, which he has previously reported as stolen, has been recovered, shall immediately report the recovery to the local law enforcement agency and to the Criminal Investigations and Technical Services Division.

(2) A report of a stolen vehicle, vessel, or outboard motor taken by a law enforcement agency shall include a written advisement to the reporting party of the provisions of Section 76-8-506, and a statement affirming the theft of the vehicle, vessel, or outboard motor signed by the person reporting the theft and witnessed by the person taking the report.

(3) The following information regarding the vehicle, vessel, or outboard motor shall be included in the report and shall be sent to the Criminal Investigations and Technical Services Division:
(a) the registered owner;
(b) the person reporting the theft;
(c) the year, make, model, and color;
(d) the identification number;
(e) the estimated present value;
(f) the license number and state of registration;
(g) the date, time, and place of the theft; and
(h) the name, address, telephone number, policy number, and agent's name of the insurance company insuring the vehicle, vessel, or outboard motor.

(4) If a member of any law enforcement agency confirms that a stolen vehicle, vessel, or outboard motor has been recovered, he shall send the following information regarding the recovered vehicle, vessel, or outboard motor to the Criminal Investigations and Technical Services Division:
(a) the date, time, and place of recovery;
(b) the condition of the vehicle, vessel, or outboard motor; and
(c) the names of peace officers and any other persons involved in the recovery.

(5)
(a) Upon receipt of a report of a stolen vehicle, vessel, or outboard motor, the Criminal Investigations and Technical Services Division shall place a notice of theft in the master file computer.

(b) Upon receipt of a report that a stolen vehicle, vessel, or outboard motor has been recovered, the Criminal Investigations and Technical Services Division shall remove the notice of theft of the vehicle, vessel, or outboard motor from the master file computer.

(6)

(a) Except as provided in Section 41-1a-1005, the division shall refuse to register or transfer title to a stolen vehicle until the vehicle is recovered.

(b) If the recovered vehicle is a salvage vehicle as defined in Section 41-1a-1001, then Title 41, Chapter 1a, Part 10, Salvage Vehicles - Junk and Dismantled Vehicles, applies.

Amended by Chapter 424, 2019 General Session

41-1a-1402 Report by owners or lienholders of thefts and recoveries.

(1)

(a) The owner, or person having a lien or encumbrance upon a vehicle, vessel, or outboard motor that has been stolen, may notify the law enforcement agency having jurisdiction where the theft occurred.

(b) In the event of an embezzlement the owner or person may make a report only after having procured the issuance of a warrant for the arrest of the person charged with embezzlement.

(2)

(a) If a vehicle, vessel, or outboard motor is recovered, an owner or other person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported.

(b) The law enforcement agency shall notify the Criminal Investigations and Technical Services Division, established in Section 53-10-103, of recovery.

Amended by Chapter 263, 1998 General Session

Part 15
Motor Vehicle Event Data Recorder Act

41-1a-1501 Title.

This part is known as the "Motor Vehicle Event Data Recorder Act."

Enacted by Chapter 189, 2013 General Session

41-1a-1502 Definitions.

As used in this part:

(1)

(a) "Event data" means records of one or more of the following categories of information regarding a motor vehicle that are captured by an event data recorder:

(i) whether the vehicle's air bag deployed;

(ii) vehicle speed;

(iii) vehicle steering performance;

(iv) vehicle brake performance or use; or

(v) vehicle seatbelt status or use.

(b) "Event data" does not include audio and video data.

(2) "Event data recorder" has the same meaning as defined in 49 C.F.R. Sec. 563.5 as in effect on May 14, 2013.
(3)
(a) "Owner" means:
(i) a person having all the incidents of ownership of a motor vehicle, including legal title to the motor vehicle;
(ii) a person entitled to possession of a motor vehicle as the purchaser under a security agreement; or
(iii) a person entitled to possession of a motor vehicle as a lessee under a written lease agreement if the lease agreement is intended to last for more than three months at its inception.
(b) "Owner" does not include a lienholder unless the lienholder gains possession of the motor vehicle because the person entitled to possession of a motor vehicle as the purchaser under a security agreement defaults on the loan.

Enacted by Chapter 189, 2013 General Session

41-1a-1503 Event data recorders -- Retrieval or disclosure of event data.
(1)
(a) Event data that is recorded on an event data recorder:
(i) is private;
(ii) is the personal information of the motor vehicle's owner; and
(iii) except as provided in Subsection (2), may not be retrieved by a person who is not the owner of the motor vehicle.
(b) If a motor vehicle is owned by more than one person, only one owner is required to consent to the retrieval or use of the data from a motor vehicle event data recorder.
(2) Event data that is recorded on an event data recorder may be retrieved, obtained, or used by a person who is not the owner of the motor vehicle in the following circumstances:
(a) the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data relating to an accident;
(b) the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;
(c) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
(d) a court or administrative agency having jurisdiction orders the data to be retrieved;
(e) a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person;
(f) to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including the retrieval of data from a company that provides subscription services to the owner of a motor vehicle for in-vehicle safety and security communications; or
(g) for purposes of improving motor vehicle safety, security, or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner, passenger, or human driver is not disclosed in connection with the retrieved data.

(3) Except as provided in Subsection (4), a person who has retrieved, obtained, or used event data under Subsection (2) may not release event data that is recorded on an event data recorder.
(4) A person may release event data that is recorded on an event data recorder in the following circumstances:
  (a) the owner of the motor vehicle or the owner's agent has consented to the release of the data;
  (b) the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
  (c) the data is released pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
  (d) if the identity of the owner or driver is not disclosed in connection with the retrieved data, the data is released for purposes of improving motor vehicle safety, security, or traffic management, including medical research on the human body's reaction to a motor vehicle crash.
(5)
  (a) If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting event data and that capability is part of a subscription service, the fact that the event data may be recorded or transmitted shall be disclosed in the subscription service agreement.
  (b) Notwithstanding the provisions of this section, event data from an event data recorder may be retrieved, obtained, and used by a subscription service provider for subscription services meeting the requirement of Subsection (5)(a).

Amended by Chapter 459, 2019 General Session

41-1a-1504 Effect of ownership transfer on ownership of data.
(1) Event data on a motor vehicle event data recorder does not become the property of:
  (a) an insurer solely because the insurer succeeds in ownership of a motor vehicle as a result of an accident; or
  (b) a subsequent purchaser solely because the subsequent purchaser becomes the new owner of the motor vehicle.
(2) An insurer or lessor of a motor vehicle may not require an owner to consent to the retrieval or use of the data on a motor vehicle event data recorder as a condition of providing the policy or lease.

Enacted by Chapter 189, 2013 General Session

Part 16
Sponsored Special Group License Plates

41-1a-1601 Definitions.
As used in this part:
(1) "Applicant" means a registered owner who submits an application to obtain or renew a sponsored special group license plate in accordance with this part.
(2)
  (a) "Charitable purpose" means:

(i) relief of the poor, the distressed, or the underprivileged;
(ii) advancement of religion;
(iii) advancement of education or science;
(iv) erecting or maintaining a public building, monument, or work;
(v) reducing the burdens of government;
(vi) reducing neighborhood tensions;
(vii) eliminating prejudice and discrimination;
(viii) defending human rights and civil rights secured by law; or
(ix) combating community deterioration and juvenile delinquency.

(b) "Charitable purpose" does not include providing, encouraging, or paying for the costs of obtaining an abortion.

(3) "Collegiate special group license plate" means a sponsored special group license plate issued to a contributor to an institution.

(4) "Contributor" means an applicant who contributes the required contribution to a sponsoring organization for a sponsored special group license plate.

(5) "Corporate brand sponsored special group license plate" means a sponsored special group license plate with a sponsoring organization that is a private business.

(6)

(a) "Existing special group license plate" means a special group license plate that the division issues before January 1, 2024.

(b) "Existing special group license plate" does not include a special group license plate described in Subsection 41-1a-418(1)(a) or (b).

(7) "Existing state agency recognition special group license plate" means an existing special group license plate issued to a registered owner who:

(a) has a special license that supports or furthers a government purpose;

(b) has received an honor that supports or furthers a government purpose;

(c) has achieved an accomplishment that supports or furthers a government purpose; or

(d) holds an elected office.

(8) "Institution" means:

(a) an institution of higher education as defined in Section 53H-1-101; or

(b) a private postsecondary educational institution as defined in Section 53H-1-101.

(9) "Major league sport" means the same as that term is defined in Section 11-70-101.

(10)

(a) "Private nonprofit organization" means a private nonprofit organization that:

(i) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code; and

(ii) has a charitable purpose.

(b) "Private nonprofit organization" does not include an organization that provides, encourages, or pays for the costs of obtaining an abortion.

(11) "Private nonprofit special group license plate" means a sponsored special group license plate issued to a contributor to a private nonprofit organization.

(12) "Required contribution" means:

(a) the minimum annual contribution amount established under Subsection 41-1a-1603(4)(a)(iii); or

(b) if the sponsoring organization establishes a minimum annual contribution amount in accordance with Subsection 41-1a-1603(4)(b) that is greater than the minimum required contribution amount established under Subsection 41-1a-1603(4)(a)(iii), the amount the sponsoring organization establishes.

(13) "Special group license plate" means:

(a) a collegiate special group license plate;
(b) a private nonprofit special group license plate;
(c) a corporate brand sponsored special group license plate;
(d) a major league sports team sponsored special group license plate;
(e) a sponsored special group license plate;
(f) a state agency recognition special group license plate; or
(g) a state agency support special group license plate.

(14) "Sponsored special group license plate" means a license plate:
(a) designed for and associated with a sponsoring organization; and
(b) issued to an applicant in accordance with this part.

(15) "Sponsoring organization" means an institution, a private nonprofit organization, a private business, or a state agency that is or seeks to be associated with a sponsored special group license plate created under this part.

(16) "State agency recognition special group license plate" means a sponsored special group license plate issued to an applicant who:
(a) has a special license that supports or furthers a government purpose;
(b) has received an honor that supports or furthers a government purpose;
(c) has achieved an accomplishment that supports or furthers a government purpose; or
(d) holds an elected office.

(17)
(a) "State agency support special group license plate" means:
(i) a sponsored special group license plate issued to a contributor to a state agency to support a specific state agency program; or
(ii) an existing special group license plate issued for a special interest vehicle.
(b) "State agency support special group license plate" includes a cancer support license plate created by an act of the Legislature before December 31, 2022.

Amended by Chapter 9, 2025 Special Session 1

41-1a-1602 Sponsored special group license plate program.

(1) The division shall establish and administer a sponsored special group license plate program as described in this part.

(2) The division shall issue to an applicant who satisfies the requirements of this part one of the following:
(a) a collegiate special group license plate;
(b) a private nonprofit special group license plate;
(c) a corporate brand sponsored special group license plate;
(d) a major league sports team sponsored special group license plate;
(e) a state agency support special group license plate; or
(f) a state agency recognition special group license plate.

Amended by Chapter 247, 2025 General Session

41-1a-1603 Application requirements -- Fees -- Contributions -- Rulemaking.

(1) An applicant for a sponsored special group license plate shall submit to the division:
(a) in a form and manner that the division prescribes, a complete application;
(b) payment of the fee for the issuance of the sponsored special group license plate established under Subsection (4)(a)(i);

(c) the required contribution for the sponsored special group license plate, unless the applicant previously paid the required contribution as part of a preorder application described in Subsection (3); and

(d) if the sponsoring organization elects to require verification as described in Section 41-1a-1604, a verification form obtained from the sponsoring organization.

(2) An applicant who owns a vehicle with the sponsoring organization's sponsored special group license plate shall submit to the division the required contribution to renew the sponsored special group license plate.

(3)

(a) An applicant who wishes to obtain a new type of sponsored special group license plate may preorder the new type of sponsored special group license plate by:

(i) submitting to the sponsoring organization associated with the new type of sponsored special group license plate a complete preorder form created by the division; and

(ii) making the required contribution to the sponsoring organization.

(b) After the division approves the sponsoring organization's request for the new type of sponsored special group license plate under Section 41-1a-1604, an applicant who submitted a preorder in accordance with Subsection (3)(a) may apply for the sponsored special group license plate in accordance with Subsection (1).

(4)

(a) The division shall, in accordance with Section 63J-1-504, establish:

(i) the fee to charge an applicant for the division's costs of issuing or renewing a sponsored special group license plate or symbol decal;

(ii) the fee to charge a sponsoring organization for the division's costs of designing and administering a new type of sponsored special group license plate, in accordance with Subsection 41-1a-1604(2)(c); and

(iii) subject to Subsections (4)(b) and (6), in an amount equal to at least $25, the minimum annual contribution amount an applicant is required to make to obtain or renew the sponsoring organization's sponsored special group license plate.

(b) A fee paid in accordance with Subsection (4)(a)(i) shall be deposited into the License Plate Restricted Account created in Section 41-1a-122.

(c) A sponsoring organization may establish a required contribution amount for the sponsoring organization's sponsored special group license plate that is greater than the amount established by the division under Subsection (4)(a)(ii).

(5) An applicant's contribution is a voluntary contribution for funding the sponsoring organization's activities and not a motor vehicle registration fee.

(6) Beginning on July 1, 2025, an applicant's voluntary contribution described in Subsection (4)(a)(iii) for the historical support special group license plate described in Section 41-1a-419 is $25 which the division shall allocate as follows:

(a) $2 to the Utah State Historical Society as the sponsoring organization; and

(b) $23 into the Transportation Investment Fund of 2005, created in Section 72-2-124.

(7) For a fiscal year beginning on July 1, 2025, only, the division shall transfer into the General Fund $3,500,000 from the Sponsored Special Group License Plate Fund created in Section 41-1a-1610 from funds generated by the historical support special group license plate.

(8) The division shall provide notice indicating the allocation of the voluntary contributions described in Subsection (6) for the historical support special group license plate as follows:

(a) on or before July 1, 2025, on the division website; and

(b) beginning on July 1, 2025, and until June 30, 2026, in any email notification of a registrant's pending vehicle registration expiration described in Section 41-1a-203.

(9) An applicant for a historical support special group license plate for a vehicle that is a vintage vehicle is not required to make the voluntary contribution to obtain the historical support special group license plate.
(10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to establish and administer the sponsored special group license plate program.

Amended by Chapter 247, 2025 General Session

41-1a-1604 New sponsored special group license plates -- Eligibility criteria.
(1) If a sponsoring organization satisfies the requirements of this part, the division shall approve an application for a new type of sponsored special group license plate and issue the sponsored special group license plate in accordance with this part.
(2) Subject to the other provisions of this part, a sponsoring organization requesting a new type of sponsored special group license plate shall submit to the division, in a form and manner the division prescribes:
(a) a complete application requesting the new type of sponsored special group license plate that includes:
(i) information about the sponsoring organization the division needs to process the request;
(ii) contact information for an individual representing the sponsoring organization;
(iii) if the sponsoring organization establishes a required contribution amount under Subsection 41-1a-1603(4)(b) that is greater than the minimum required contribution amount established under Subsection 41-1a-1603(4)(a)(iii), the amount of the required contribution;
(iv) account information to allow the division to disburse funds from required contributions the division collects through the sponsored special group license plate program to the sponsoring organization;
(v) a link to a functional website described in Subsection (7); and
(vi) if the sponsoring organization requires an applicant to submit a verification form described in Subsection (8)(b)(i), a statement indicating that a verification form is required;
(b) at least 500 complete preorder applications for the new type of sponsored special group license plate, including verification that each preorder application included the required contribution;
(c)
(i) the fee for the cost of initiating the new type of sponsored special group license plate established under Subsection 41-1a-1603(4)(a)(ii), which shall be deposited into the License Plate Restricted Account created in Section 41-1a-122; and
(ii) an additional fee for the cost of implementation, design, and system programming for the new type of sponsored special group license plate, which shall be deposited into the License Plate Restricted Account created in Section 41-1a-122; and
(d) if the new type of sponsored special group license plate is a private nonprofit special group license plate:
(i) a copy of the Internal Revenue Service letter approving the sponsoring organization's Section 501(c)(3) status;
(ii) an affidavit signed under penalty of perjury declaring that the sponsoring organization has a charitable purpose; and
(iii) an indication of the private nonprofit organization's charitable purpose.
(3) If an application under Subsection (2) is for a special group license plate that was discontinued in accordance with this part, each registered vehicle with the discontinued special group license plate is considered a complete preorder application for the purposes of Subsection (2)(b).

(4) The division:
(a) may share data collected under Subsection (2)(d)(iii) with the Legislature and the state auditor;
(b) may not use the information in Subsection (2)(d)(iii) in deciding whether to approve the sponsoring organization's application; and
(c) is not required to evaluate the accuracy or veracity of information the private nonprofit organization provides under Subsection (2)(d).
(5) Except as otherwise provided in this part, the division may not begin design work on or issue a new type of sponsored special group license plate unless the sponsoring organization satisfies the requirements of Subsection (2).
(6) A sponsoring organization that is a state agency may request a state agency recognition special group license plate without meeting the minimum preorder requirements of Subsection (2)(b) if:
(a) the governor certifies that there is a legitimate government operations purpose for issuing the state agency recognition special group license plate; and
(b) through appropriation or any other source, funds are available to cover the start-up and administrative costs of the state agency recognition special group license plate.
(7) A sponsoring organization of a sponsored special group license plate issued in accordance with this part shall maintain a functional website that:
(a) explains how the sponsoring organization will use the required contributions in accordance with this part;
(b) if applicable, makes available the sponsoring organization's most recent Internal Revenue Service Form 990; and
(c) provides instructions for how to obtain a verification form if the sponsoring organization elects to require verification in accordance with Subsection (8).
(8)
(a) A sponsoring organization may establish eligibility requirements for the sponsoring organization's sponsored special group license plate.
(b) If a sponsoring organization establishes eligibility requirements under this subsection, the sponsoring organization shall:
(i) inform the division that a verification form is required as part of an application for the sponsoring organization's sponsored special group license plate;
(ii) establish a process for providing a verification form to an applicant; and
(iii) provide a verification form prescribed by the division to an applicant who satisfies the sponsoring organization's eligibility requirements.
(9)
(a) A sponsored special group license plate design is subject to approval by the license plate design review board as described in Subsection 41-1a-402(3).
(b) Subject to approval by the license plate design review board as described in Subsection 41-1a-402(3), the division shall begin issuing the new type of sponsored special group license plate no later than six months after the day on which the division receives the items described in Subsection (2).
(10) The division may:
(a) consider a request for a sponsored special group license plate for two or more military branches as a request for a single type of sponsored special group license plate for the purposes of meeting the eligibility criteria described in this section; and
(b) charge an appropriate fee for ordering multiple symbol decals for each military branch.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to establish fees and the process for administering applications for new sponsored special group license plates described in Subsection (2)(c).

Amended by Chapter 251, 2024 General Session

41-1a-1605 Collegiate special group license plates.

(1) A sponsoring organization that is an institution may use funds received through the sponsored special group license plate program only for:
  (a) the institution's academic scholarships; or
  (b) the institution's intercollegiate athletics program for compensation for a student athlete's name, image, or likeness as described in Title 53H, Chapter 6, Part 2, Athletics.
(2) The state auditor may audit each institution to verify that the money an institution collects from contributors is used only for the uses described in Subsection (1).
(3) A sponsoring organization that is an institution may establish the contribution amount required to obtain the institution's collegiate special group license plate.

Amended by Chapter 9, 2025 Special Session 1

41-1a-1606 Private nonprofit special group license plates -- Corporate brand sponsored special group license plates -- Major league sports team sponsored special group license plates.

(1) A sponsoring organization that is a private nonprofit organization:
  (a) shall only use funds received through the sponsored special group license plate program for the charitable purpose described in the private nonprofit organization's application submitted to the division under Section 41-1a-1603; and
  (b) may not use funds received through the sponsored special group license plate program to pay the private nonprofit organization's employee salaries or benefits, administrative costs, or fundraising expenses.
(2) A private nonprofit organization may collect a contributor's personal information for the purposes of future fundraising and any required reporting, if the private nonprofit organization requires a verification form described in Section 41-1a-1604.
(3) The voluntary contribution for a corporate brand sponsored special group license plate shall be deposited into the Transportation Fund.
(4)
  (a) A major league sports team based in Utah may request a sponsored special group license plate as provided in this part.
  (b) The sponsoring organization for a major league sports team sponsored special group license plate may elect to use voluntary contributions for:
    (i) a charitable purpose; or
    (ii) a contribution to the Transportation Fund.
  (c) A sponsoring organization for a major league sports team sponsored special group license plate that elects to use contribution funds for a charitable purpose:
    (i) shall only use funds received through the sponsored special group license plate program for the charitable purpose of an entity registered under Section 501(c)(3) of the Internal Revenue Code as described in the sponsoring organization's application submitted to the division under Section 41-1a-1603; and

(ii) may not use funds received through the sponsored special group license plate program to pay the private nonprofit organization's employee salaries or benefits, administrative costs, or fundraising expenses.

(5) The state auditor may audit each private nonprofit organization or major league sports team sponsoring organization that elects to use funds for a charitable purpose to verify that the money the private nonprofit organization collects from contributors is used for the private nonprofit organization's charitable purpose in accordance with this part.

Amended by Chapter 247, 2025 General Session

41-1a-1607 State agency special group license plates.

(1) A sponsoring organization that is a state agency:

(a) shall only use funds received through the sponsored special group license plate program for the implementation or administration of the state agency's designated program; and

(b) may not direct funds received through the sponsored special group license plate program to a nongovernmental entity.

(2)

(a) For a classic support special group license plate described in Section 41-1a-419, the division shall require each applicant to pay a $25 contribution to obtain the classic support special group license plate.

(b) The division shall transfer revenue from the classic support special group license plate into the General Fund.

Amended by Chapter 247, 2025 General Session

41-1a-1608 Review -- Discontinuance -- Consolidation -- Report.

(1) The division shall annually review each sponsored special group license plate to determine the number of registered vehicles with each type of sponsored special group license plate during the preceding calendar year.

(2)

(a) The division shall discontinue a type of sponsored special group license plate if for three consecutive calendar years, the division's annual review shows that fewer than 500 registered vehicles have that type of sponsored special group license plate.

(b) The division shall discontinue a sponsored special group license plate under Subsection (2)(a) beginning January 1 of the calendar year following the year of the third annual review.

(3) If the division discontinues a type of sponsored special group license plate in accordance with this section, the division may not reinstate the sponsored special group license plate unless the sponsoring organization submits a request for the discontinued sponsored special group license plate in the same manner as a request for a new type of sponsored special group license plate under Section 41-1a-1604.

(4)

(a) A registered owner to whom the division issued an existing special group license plate or a sponsored special group license plate that the division discontinues in accordance with this section may continue to display the license plate upon renewing the motor vehicle's registration.

(b) A registered owner described in Subsection (4)(a) is not required to pay a required contribution to the sponsoring organization associated with the sponsored special group license plate.

(5) The division may not transfer to a new registered owner a special group license plate that is discontinued under this part.
(6) Subsection (2) does not apply to a state agency recognition special group license plate that is an existing special group license plate.
(7) If two or more special group license plates collect required contributions that are distributed to the same entity or fund, the sponsoring organization or organizations may request to consolidate the license plate types for purposes of meeting the minimum threshold described in this section.
(8) On or before November 1 of each year, the State Tax Commission shall provide a report to the Revenue and Taxation Interim Committee, including:
  (a) data on the amount of revenue allocated from each license plate issued under this part;
  (b) the recipients of allocated revenue from each license plate, including the amount to each recipient;
  (c) the number of each type of license plate in circulation; and
  (d) any other information or data the State Tax Commission finds to be relevant.

Amended by Chapter 247, 2025 General Session

41-1a-1609 Transition of special group license plates created by legislative acts.
(1) Subject to Subsections (2) and (3), the division shall continue to distribute a special group license plate created by an act of the Legislature.
(2) The procedure described in Section 41-1a-1608 regarding discontinuance of a special group license plate applies to a special group license plate created by an act of the Legislature.
(3)
  (a) Notwithstanding Subsections (1) and (2), an existing recognition special group license plate that is an honorary consul designated by the United States Department of State is discontinued.
  (b) A person with an existing recognition special group license plate that is an honorary consul designated by the United States Department of State shall return the honorary consul recognition special group license plate to the division and may not display the honorary consul special group license plate.
  (c) Upon renewal of the vehicle registration related to a vehicle with an honorary consul recognition special group license plate, the division shall issue a new license plate to replace the honorary consul special group license plate.

Enacted by Chapter 33, 2023 General Session

41-1a-1610 Sponsored Special Group License Plate Fund.
(1) As used in this section, "fund" means the Sponsored Special Group License Plate Fund created in Subsection (2).
(2) There is created an expendable special revenue fund known as the "Sponsored Special Group License Plate Fund."
(3) The fund consists of all required contributions the division collects under this part.
(4) The division shall, at least annually, disburse to each sponsoring organization any money, less any fees or actual administrative costs associated with issuing a sponsoring organization's sponsored special group license plate, from the fund.

Enacted by Chapter 33, 2023 General Session

Chapter 3
Motor Vehicle Business Regulation Act

Part 1
Administration

41-3-101 Short title.

This chapter is known as the Motor Vehicle Business Regulation Act.

Enacted by Chapter 234, 1992 General Session

41-3-102 Definitions.

As used in this chapter:

(1) "Administrator" means the motor vehicle enforcement administrator.

(2)

(a) "Affiliate" means a person that:

(i) manufactures, distributes, sells, or leases new motor vehicles; and

(ii) directly or indirectly, through one or more intermediaries:

(A) possesses control over a person specified;

(B) is controlled by a person specified; or

(C) shares common control with a person specified.

(b) As used in this Subsection (2), "control" includes the power to direct or cause the direction of the management and policies of any person through ownership, contractual rights, or other means.

(3) "Agent" means a person other than a holder of any dealer's or salesperson's license issued under this chapter, that for salary, commission, or compensation of any kind, negotiates in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any other person in any 12-month period.

(4) "Auction" means a dealer engaged in the business of auctioning motor vehicles, either owned or consigned, to the general public.

(5) "Authorized service center" means an entity that:

(a) is in the business of repairing exclusively the motor vehicles of the same line-make as the motor vehicles a single direct-sale manufacturer manufactures;

(b) the direct-sale manufacturer described in Subsection (5)(a) authorizes to complete warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for sale, or offers for sale or exchange; and

(c) conducts business primarily from an enclosed commercial repair facility that is permanently located in the state.

(6) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting the body of motor vehicles for compensation.

(7) "Commission" means the State Tax Commission.

(8) "Crusher" means a person that crushes or shreds motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to reduce the useable materials and metals to a more compact size for recycling.

(9)
(a) "Dealer" means a person:
(i) for which the business in whole or in part involves selling new, used, or new and used motor vehicles or off-highway vehicles; and
(ii) that sells, displays for sale, or offers for sale or exchange three or more new or used motor vehicles or off-highway vehicles in any 12-month period.
(b) "Dealer" includes a representative or consignee of any dealer.
(10) "Direct-sale manufacturer" means a person:
(a) that is both a manufacturer and a dealer;
(b) that is:
(i) an electric vehicle manufacturer; or
(ii) a low-volume manufacturer;
(c) that is not a franchise holder;
(d) that is domiciled in the United States; and
(e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale manufacturer from a physical location in the United States.
(11) "Direct-sale manufacturer salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer who employs the individual.
(12)
(a) "Dismantler" means a person engaged in the business of dismantling motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, for the resale of parts or for salvage.
(b) "Dismantler" includes a person that dismantles three or more motor vehicles in any 12-month period.
(13) "Distributor" means a person that has a franchise from a manufacturer of motor vehicles to distribute motor vehicles within this state and that in whole or in part sells or distributes new motor vehicles to dealers or that maintains distributor representatives.
(14) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.
(15) "Distributor representative" means a person and each officer and employee of the person engaged as a representative of a distributor or distributor branch of motor vehicles to make or promote the sale of the distributor or the distributor branch's motor vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the distributor branch.
(16) "Division" means the Motor Vehicle Enforcement Division created in Section 41-3-104.
(17) "Electric vehicle manufacturer" means a person that, in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line-make that are:
(a) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another non-fossil fuel source;
(b)
(i) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or
(ii) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
(c) manufactured by the person.
(18) "Factory branch" means a branch office maintained by a person that manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or that directs or supervises the factory branch's representatives.

(19) "Factory representative" means a person and each officer and employee of the person engaged as a representative of a manufacturer of motor vehicles or by a factory branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for supervising or contacting the dealers or prospective dealers of the manufacturer or the factory branch.

(20) "Fleet transaction" means a licensee's sale of one or more motor vehicles to a manufacturer-approved current fleet customer under the manufacturer's fleet program.

(21)

(a) "Franchise" means a contract or agreement between a dealer and a manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which the dealer is authorized to sell any specified make or makes of new motor vehicles.

(b) "Franchise" includes a contract or agreement described in Subsection (21)(a) regardless of whether the contract or agreement is subject to Title 13, Chapter 14, New Automobile Franchise Act, Title 13, Chapter 35, Powersport Vehicle Franchise Act, or neither.

(22)

(a) "Franchise holder" means a manufacturer that:

(i) previously had a franchised dealer in the United States;

(ii) currently has a franchised dealer in the United States;

(iii) is a successor to another manufacturer that previously had or currently has a franchised dealer in the United States;

(iv) that is a material owner of, is an affiliate of, or has any ownership by:

(A) another manufacturer that previously or currently has a franchised dealer; or

(B) another franchise holder;

(v) is under legal or common ownership, or practical control, with another manufacturer that previously had or currently has a franchised dealer in the United States;

(vi) is in a partnership, joint venture, or similar arrangement for production of a commonly owned line-make with another manufacturer that previously had or currently has a franchised dealer in the United States; or

(vii) is a manufacturer otherwise described in Subsection (22)(b) if, after July 1, 2018, the manufacturer, or the manufacturer through an affiliate, acquires or expands an interest in:

(A) any other manufacturer that is not exclusively an electric vehicle manufacturer; or

(B) a dealership that deals exclusively in electric vehicles manufactured by any other manufacturer.

(b) "Franchise holder" does not include a manufacturer described in Subsection (22)(a), if as of July 1, 2018, the manufacturer had legal or practical common ownership or common control of:

(i) a dealership of the manufacturer's line-make in this state; or

(ii) a franchised dealer of the manufacturer's line-make in this state.

(23) "Low-volume manufacturer" means a manufacturer who:

(a) in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line make that are:

(i)

(A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or

(B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

(ii) manufactured by the person; and

(b) constructs no more than 325 new motor vehicles in any 12-month period.

(24) "Line-make" means motor vehicles that are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer.

(25) "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles, ownership of which is customarily transferred by a manufacturer's statement or certificate of origin, or a person that constructs three or more new motor vehicles in any 12-month period.

(26) "Material owner" means a person that possesses, directly or indirectly, the power to direct, or cause the direction of, the management, policies, or activities of another person:

(a) through ownership of voting securities;

(b) by contract or credit arrangement; or

(c) in another way not described in Subsections (26)(a) and (b).

(27)

(a) "Motor vehicle" means a vehicle that is:

(i) self-propelled;

(ii) a trailer;

(iii) a travel trailer;

(iv) a semitrailer;

(v) an off-highway vehicle; or

(vi) a small trailer.

(b) "Motor vehicle" does not include:

(i) mobile homes as defined in Section 41-1a-102;

(ii) trailers of 750 pounds or less unladen weight;

(iii) a farm tractor or other machine or tool used in the production, harvesting, or care of a farm product; and

(iv) park model recreational vehicles as defined in Section 41-1a-102.

(28) "Motorcycle" means the same as that term is defined in Section 41-1a-102.

(29) "New motor vehicle" means a motor vehicle that:

(a) has never been titled or registered; and

(b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven less than 7,500 miles.

(30) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(31) "Pawnbroker" means a person whose business is to lend money on security of personal property deposited with the pawnbroker.

(32)

(a) "Principal place of business" means a site or location in this state:

(i) devoted exclusively to the business for which the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses incidental to the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop;

(ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary and to admit a definite description with space adequate to permit the display of three or more new, or new and used, or used motor vehicles and sufficient parking for the public; and

(iii) that includes a permanent enclosed building or structure large enough to accommodate the office of the establishment and to provide a safe place to keep the books and other records of the business, at which the principal portion of the business is conducted and the books and records kept and maintained.

(b) "Principal place of business" means, with respect to a direct-sale manufacturer, the direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection (32)(a).

(33) "Remanufacturer" means a person that:

(a) reconstructs used motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to change the body style and appearance of the motor vehicle;
(b) constructs or assembles motor vehicles from used or new and used motor vehicle parts; or
(c) reconstructs, constructs, or assembles three or more motor vehicles in any 12-month period.
(34) "Salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles.
(35) "Semitrailer" means the same as that term is defined in Section 41-1a-102.
(36) "Showroom" means a site or location in the state that a direct-sale manufacturer uses for the direct-sale manufacturer's business, including the display and demonstration of new motor vehicles that are exclusively of the same line-make that the direct-sale manufacturer manufactures.
(37) "Small trailer" means a trailer that has an unladen weight of:
(a) more than 750 pounds; and
(b) less than 2,000 pounds.
(38) "Special equipment" includes a truck mounted crane, cherry picker, material lift, post hole digger, and a utility or service body.
(39) "Special equipment dealer" means a new or new and used motor vehicle dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle weight of 12,000 or more pounds and installing special equipment on the incomplete motor vehicle.
(40) "Trailer" means the same as that term is defined in Section 41-1a-102.
(41) "Transporter" means a person engaged in the business of transporting motor vehicles as described in Section 41-3-202.
(42) "Travel trailer" means the same as that term is defined in Section 41-1a-102.
(43) "Used motor vehicle" means a vehicle that:
(a) has been titled and registered to a purchaser other than a dealer; or
(b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven 7,500 or more miles.
(44) "Wholesale motor vehicle auction" means a dealer primarily engaged in the business of auctioning consigned motor vehicles to dealers or dismantlers that are licensed by this or any other jurisdiction.

Amended by Chapter 280, 2025 General Session

41-3-103 Exceptions to "dealer" definition -- Dealer licensed in other state -- Direct-sale manufacturer -- Direct-sale manufacturer salesperson.

Under this chapter:
(1)
(a) An insurance company, bank, finance company, company registered as a title lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred Deposit Lending Registration Act, public utility company, commission impound yard, federal or state governmental agency, or any political subdivision of any of them or any other person coming into possession of a motor vehicle as an incident to its regular business, that sells the motor vehicle under contractual rights that it may have in the motor vehicle is not considered a dealer.

(b) A person who sells or exchanges only those motor vehicles that the person has owned for over 12 months is not considered a dealer.

(2)

(a) A person engaged in leasing motor vehicles is not considered as coming into possession of the motor vehicles incident to the person's regular business.

(b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is considered as coming into possession of the motor vehicles incident to the person's regular business and must be licensed as a used motor vehicle dealer.

(3) A person currently licensed as a dealer or salesperson by another state or country and not currently under license suspension or revocation by the administrator may only sell motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their places of business.

(4) Except as otherwise expressly provided:

(a) a direct-sale manufacturer is subject to the same provisions under this chapter as a new motor vehicle dealer; and

(b) a direct-sale manufacturer salesperson is subject to the same provisions under this chapter as a salesperson.

(5) Notwithstanding any provision of this chapter to the contrary, a direct-sale manufacturer:

(a) may, without a franchise, sell, display for sale, or offer for sale or exchange a motor vehicle:

(i) if the direct-sale manufacturer is an electric vehicle manufacturer; or

(ii) if the direct-sale manufacturer is a low-volume manufacturer; and

(b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that is not of the same line-make the direct-sale manufacturer manufactures.

Amended by Chapter 63, 2023 General Session

41-3-104 Division creation -- Administrator appointed.

(1) There is created within the commission the Motor Vehicle Enforcement Division with the powers and duties provided in this chapter.

(2) The division shall be administered by the motor vehicle enforcement administrator.

(3) The administrator shall be appointed by the executive director and is subject to the executive director's supervision and direction.

Amended by Chapter 232, 2025 General Session

41-3-105 Administrator's powers and duties -- Administrator and investigators to be law enforcement officers.

(1) The administrator may make rules to carry out the purposes of this chapter and Sections 41-1a-1001 through 41-1a-1006 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)

(a) The administrator may employ clerks, deputies, and assistants necessary to discharge the duties under this chapter and may designate the duties of those clerks, deputies, and assistants.

(b) The administrator, assistant administrator, and all investigators shall be law enforcement officers certified by peace officer standards and training as required by Section 53-13-103.

(3)

(a) The administrator may investigate any suspected or alleged violation of:

(i) this chapter;
(ii) Chapter 1a, Motor Vehicle Act;
(iii) any law concerning motor vehicle fraud; or
(iv) any rule made by the administrator.
(b) The administrator may bring an action in the name of the state against any person to enjoin a violation found under Subsection (3)(a).
(4)
(a) The administrator may prescribe forms to be used for applications for licenses.
(b) The administrator may require information from the applicant concerning the applicant's fitness to be licensed.
(c) Each application for a license shall contain:
(i) if the applicant is an individual, the name and residence address of the applicant and the trade name, if any, under which the applicant intends to conduct business;
(ii) if the applicant is a partnership, the name and residence address of each partner, whether limited or general, and the name under which the partnership business will be conducted;
(iii) if the applicant is a corporation, the name of the corporation, and the name and residence address of each of its principal officers and directors;
(iv) a complete description of the principal place of business, including:
(A) the municipality, with the street and number, if any;
(B) if located outside of any municipality, a general description so that the location can be determined; and
(C) any other places of business operated and maintained by the applicant in conjunction with the principal place of business;
(v) if the application is for a new motor vehicle dealer's license, the name of each motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of the manufacturer or distributor who has enfranchised the applicant, and the name and address of each individual who will act as a salesperson under authority of the license;
(vi) at least five years of business history;
(vii) the federal tax identification number issued to the dealer;
(viii) the sales and use tax license number issued to the dealer under Title 59, Chapter 12, Sales and Use Tax Act; and
(ix) if the application is for a direct-sale manufacturer's license:
(A) the name of each line-make the applicant will sell, display for sale, or offer for sale or exchange;
(B) the name and address of each individual who will act as a direct-sale manufacturer salesperson under authority of the license;
(C) a complete description of the direct-sale manufacturer's authorized service center, including the address and any other place of business the applicant operates and maintains in conjunction with the authorized service center;
(D) a sworn statement that the applicant complies with each qualification for a direct-sale manufacturer under this chapter;
(E) a sworn statement that if at any time the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the applicant will inform the division in writing within 10 business days after the day on which the noncompliance occurs; and
(F) an acknowledgment that if the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the applicant's direct-sale manufacturer license in accordance with Section 41-3-209.

(5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement Administrator, State of Utah," to authenticate the acts of the administrator's office.
(6)
(a) The administrator may require that a licensee erect or post signs or devices on the licensee's principal place of business and any other sites, equipment, or locations operated and maintained by the licensee in conjunction with the licensee's business.
(b) The signs or devices shall state the licensee's name, principal place of business, type and number of licenses, and any other information that the administrator considers necessary to identify the licensee.
(c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, determining allowable size and shape of signs or devices, lettering and other details of signs or devices, and location of signs or devices.
(7) The administrator, the officers and inspectors of the division designated by the commission, and peace officers shall:
(a) make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this chapter, or Chapter 1a, Motor Vehicle Act;
(b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is being operated in violation of any provision of Chapter 1a, Motor Vehicle Act, require the driver of the vehicle to stop, exhibit the person's driver license and the registration card issued for the vehicle, and submit to an inspection of the vehicle, the license plate, and registration card;
(c) serve all warrants relating to the enforcement of the laws regulating the operation of motor vehicles, trailers, and semitrailers;
(d) investigate traffic accidents and secure testimony of any witnesses or persons involved; and
(e) investigate reported thefts of motor vehicles, trailers, and semitrailers.
(8) The administrator shall provide security for an area within the commission designated as a secure area under Section 76-8-311.1.
(9) The Office of the Attorney General shall provide prosecution of this chapter.

Amended by Chapter 251, 2024 General Session

41-3-107 Attorney general -- Duty to render opinions and to represent or appear for administrator .

The attorney general shall:
(1) represent the administrator and the division;
(2) give opinions on all questions of law relating to the interpretation of this chapter or arising out of the administration of this chapter; and
(3) appear on behalf of the administrator or the division in all actions brought by or against the administrator or the division, whether under the provisions of this chapter or otherwise.

Amended by Chapter 507, 2024 General Session

41-3-108 Copies of records and papers -- Admissibility in evidence.

Certified copies of all records and papers prepared in the office of the administrator under seal of the administrator are admissible in evidence in any case in the same manner as the original.

Amended by Chapter 4, 1993 General Session

41-3-109 Adjudicative proceedings -- Hearings.

The commission, the division, and the administrator shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted under the authority of this chapter and Sections 41-1a-1001 through 41-1a-1008.

Amended by Chapter 507, 2024 General Session

41-3-110 Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

(1) As used in this section, "account" means the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by this section.

(2) There is created within the General Fund a restricted account known as the Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

(3)

(a) The account shall be funded from the fees deposited into the account in accordance with Section 41-3-601.

(b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them into the account.

(4) The Legislature may appropriate the funds in the account to the commission to cover the costs of the division.

(5) In accordance with Section 63J-1-602.1, appropriations made to the commission from the account are nonlapsing.

Amended by Chapter 136, 2019 General Session

Part 2
Licensing

41-3-201 Licenses required -- Restitution -- Education.

(1) As used in this section, "new applicant" means a person who is applying for a license that the person has not been issued during the previous licensing year.

(2) A person may not act as any of the following without having procured a license issued by the administrator:

(a) a dealer;

(b) salvage vehicle buyer;

(c) salesperson;

(d) manufacturer;

(e) transporter;

(f) dismantler;

(g) distributor;

(h) factory branch and representative;

(i) distributor branch and representative;

(j) crusher;

(k) remanufacturer; or

(l) body shop.

(3)

(a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.
(b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction except to a licensed salvage vehicle buyer.
(c) A person may offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction:
(i) to an out-of-state or out-of-country purchaser not licensed under this section, but that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business;
(ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed under this section that:
(A) has a valid business license in Utah; and
(B) has a Utah sales tax license; and
(iii) to a crusher.
(d)
(i) An operator of a motor vehicle auction shall verify that an in-state purchaser not licensed under this section has the licenses required in Subsection (3)(c)(ii).
(ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction in any 12-month period to an in-state purchaser that does not have a salvage vehicle buyer license issued in accordance with Subsection 41-3-202(17).
(iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales tax license and not to each person with the authority to use a sales tax license.
(iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a vehicle under Subsection (3)(c)(ii).
(e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an operator of a motor vehicle auction shall:
(i)
(A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler license issued in accordance with Section 41-3-202; or
(B) beginning on or after the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, make application electronically, in a form and time period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in the name of the purchaser;
(ii) give to the purchaser a disclosure printed on a separate piece of paper that states:
"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE
Vehicle Identification Number (VIN)
Year: Make: Model:
SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE
WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS

VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

_____

Signature of Purchaser Date"; and

(iii) if applicable, provide evidence to the Motor Vehicle Division of:

(A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

(B) the identification number inspection required under Section 41-1a-511; and

(C) the odometer disclosure statement required under Section 41-1a-902.

(f) The Motor Vehicle Division shall include a link to the disclosure statement described in Subsection (3)(e)(ii) on its website.

(g) The commission may impose an administrative entrance fee established in accordance with the procedures and requirements of Section 63J-1-504 not to exceed $10 on a person not holding a license described in Subsection (3)(e)(i) that enters the physical premises of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an auction.

(h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has been certificated out-of-state.

(4)

(a) An operator of a motor vehicle auction shall keep a record of the sale of each salvage vehicle.

(b) A record described under Subsection (4)(a) shall contain:

(i) the purchaser's name and address; and

(ii) the year, make, and vehicle identification number for each salvage vehicle sold.

(c) An operator of a motor vehicle auction shall:

(i) provide the record described in Subsection (4)(a) electronically in a method approved by the division to the division within two business days of the completion of the motor vehicle auction;

(ii) retain the record described in this Subsection (4) for five years from the date of sale; and

(iii) make a record described in this Subsection (4) available for inspection by the division at the location of the motor vehicle auction during normal business hours.

(5)

(a) An operator of a motor vehicle auction shall store a salvage vehicle sold at auction in a secure facility until the salvage vehicle is claimed as provided in this section.

(b) Beginning at the time of purchase and until the salvage vehicle is claimed, the motor vehicle auction operator may collect a daily storage fee for the secure storage of each salvage vehicle sold at auction.

(c) Except as provided in Subsection (5)(d), before releasing possession of a salvage vehicle purchased at a motor vehicle auction to a person not licensed under this part or certified as a tow truck operator under Title 72, Chapter 9, Part 6, Tow Truck Provisions, and if the person claiming the vehicle is a person other than the purchaser of the vehicle, the motor vehicle auction operator shall create a record that shall contain:

(i) the name and address, as verified by government issued identification, of the person claiming the vehicle;

(ii) the year, make, and vehicle identification number of the claimed vehicle;

(iii) a written statement from the person claiming the vehicle indicating the location where the salvage vehicle will be delivered; and

(iv) verification that the claimant has authorization from the purchaser to claim the vehicle.

(d) If the salvage vehicle is claimed by a transporter or a tow truck operator, the transporter or the tow truck operator shall submit to the motor vehicle auction operator a written record on any release forms indicating the location where the salvage vehicle will be delivered if delivered within the state.

(e) An operator of a motor vehicle auction shall:

(i) retain the record described in Subsection (5)(c) for five years from the date of sale; and

(ii) make the record available for inspection by the division at the location of the motor vehicle auction during normal business hours.

(6)

(a) If applicable, an operator of a motor vehicle auction shall comply with the reporting requirements of the National Motor Vehicle Title Information System overseen by the United States Department of Justice if the person sells a vehicle with a salvage certificate to an in-state purchaser under Subsection (3)(c)(ii).

(b) The Motor Vehicle Division shall include a link to the National Motor Vehicle Title Information System on its website.

(7)

(a) An operator of a motor vehicle auction that sells a salvage vehicle to a person that is an out-of-country buyer shall:

(i) stamp on the face of the title so as not to obscure the name, date, or mileage statement the words "FOR EXPORT ONLY" in all capital, black letters; and

(ii) stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY."

(b) The words "FOR EXPORT ONLY" shall be:

(i) at least two inches wide; and

(ii) clearly legible.

(8) A dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop shall obtain a supplemental license, in accordance with Section 41-3-201.7 for each additional place of business maintained by the licensee.

(9)

(a) A person who has been convicted of any law relating to motor vehicle commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a salvage or nonrepairable certificate unless full restitution regarding those convictions has been made.

(b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (9)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (9)(a).

(10)

(a) The division may not issue a license to a new applicant for a new or used motor vehicle dealer license, a direct-sale manufacturer license, a new or used motorcycle dealer license, or a small trailer dealer license unless the new applicant completes an eight-hour orientation class approved by the division that includes education on motor vehicle laws and rules.

(b) The approved costs of the orientation class shall be paid by the new applicant.

(c) The class shall be completed by the new applicant and the applicant's partners, corporate officers, bond indemnitors, and managers.

(d)

(i) The division shall approve:

(A) providers of the orientation class; and

(B) costs of the orientation class.
(ii) A provider of an orientation class shall submit the orientation class curriculum to the division for approval prior to teaching the orientation class.
(iii) A provider of an orientation class shall include in the orientation materials:
(A) ethics training;
(B) motor vehicle title and registration processes;
(C) Department of Insurance requirements relating to motor vehicles;
(D) Department of Public Safety requirements relating to motor vehicles;
(E) federal requirements related to motor vehicles as determined by the division; and
(F) any required disclosure compliance forms as determined by the division.
(11) A person or purchaser described in Subsection (3)(c)(ii):
(a) may not purchase more than five salvage vehicles with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 in any 12-month period;
(b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange more than two vehicles with a salvage certificate as defined in Section 41-1a-1001 in any 12-month period to a person not licensed under this section; and
(c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a person not licensed under this section.
(12) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (11)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (11)(a).

Amended by Chapter 36, 2023 General Session

41-3-201.5 Brokering of a new motor vehicle without a license prohibited.
(1)
(a) A person may not, for a fee, commission, or other form of compensation, arrange, offer to arrange, or broker a transaction involving the sale or lease of more than two:
(i) new or used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(1); or
(ii) used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(2).
(b) Each transaction a person arranges, offers to arrange, or brokers involving the sale or lease of a motor vehicle for a fee, commission, or other form of compensation is a separate violation under this section if:
(i) the person has for a fee, commission, or other form of compensation, arranged, offered to arrange, or brokered the sale or lease of more than two new or used motor vehicles within the previous 12 consecutive month period; and
(ii) the person is not licensed under Subsection 41-3-202(1).
(2) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 393, 2010 General Session

41-3-201.7 Supplemental license for additional place of business restrictions -- Exception.
(1)

(a) Subject to the requirements of Subsection (2), the administrator may issue a supplemental license for an additional place of business under Subsection 41-3-201(8) to a dealer if the dealer is:
(i) licensed in accordance with Section 41-3-202;
(ii) bonded in accordance with Section 41-3-205; and
(iii) in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105.
(b) The administrator may issue a supplemental license for a permanent additional place of business to a used motor vehicle dealer if:
(i) the dealer independently satisfies the bond requirements under Section 41-3-205 for the permanent additional place of business;
(ii) the dealer is in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105; and
(iii) the permanent additional place of business meets all the requirements for a principal place of business.

(2)
(a) Except as provided in Subsections (2)(c) and (3), a supplemental license for an additional place of business issued pursuant to Subsection 41-3-201(8) for a new motor vehicle dealer may not be issued for an additional place of business that is beyond the geographic specifications outlined as the area of responsibility in the dealer's franchise agreement.
(b) A new motor vehicle dealer shall provide the administrator with a copy of the portion of the new motor vehicle dealer's franchise agreement identifying the dealer's area of responsibility before being issued a supplemental license for an additional place of business.
(c) The restrictions under Subsections (2)(a) and (b) do not apply to a new motor vehicle dealer if:
(i) the license for an additional place of business is being issued for the sale of used motor vehicles; or
(ii) the dealer is a direct-sale manufacturer.

(3) The provisions of Subsection (2) do not apply if the additional place of business is a trade show or exhibition if:
(a) there are five or more dealers participating in the trade show or exhibition; and
(b) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.

(4) A supplemental license for a temporary additional place of business issued to a used motor vehicle dealer may not be for longer than 10 consecutive days.

Amended by Chapter 387, 2018 General Session

41-3-202 Licenses -- Classes and scope.

(1) A new motor vehicle dealer's license permits the licensee to:
(a) offer for sale, sell, or exchange new motor vehicles if the licensee possesses a franchise from the manufacturer of the motor vehicle offered for sale, sold, or exchanged by the licensee;
(b) offer for sale, sell, or exchange used motor vehicles;
(c) operate as a body shop; and
(d) dismantle motor vehicles.

(2) A used motor vehicle dealer's license permits the licensee to:
(a) offer for sale, sell, or exchange used motor vehicles;
(b) operate as a body shop; and

(c) dismantle motor vehicles.

(3) A direct-sale manufacturer's license permits the licensee to:

(a) offer for sale, sell, or exchange new motor vehicles of the same line-make that the direct-sale manufacturer manufactures;

(b) offer for sale, sell, or exchange used motor vehicles;

(c) operate as a body shop; and

(d) dismantle motor vehicles.

(4) A new motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:

(a) offer for sale, sell, or exchange new motorcycles, off-highway vehicles, or small trailers if the licensee possesses a franchise from the manufacturer of the motorcycle, off-highway vehicle, or small trailer offered for sale, sold, or exchanged by the licensee;

(b) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, or small trailers; and

(c) dismantle motorcycles, off-highway vehicles, or small trailers.

(5) A used motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:

(a) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, and small trailers; and

(b) dismantle motorcycles, off-highway vehicles, or small trailers.

(6)

(a) Except as provided in Subsection (6)(b), a salesperson's license permits the licensee to act as a motor vehicle salesperson and is valid for employment with only one dealer at a time.

(b) A licensee that has been issued a salesperson's license and that is employed by a dealer that operates as a wholesale motor vehicle auction may be employed by more than one dealer that operates as a wholesale motor vehicle auction at a time.

(7)

(a) A direct-sale manufacturer salesperson's license permits the licensee to act as a direct-sale manufacturer salesperson for one direct-sales manufacturer.

(b) A direct-sale manufacturer salesperson licensee may not simultaneously hold a salesperson's license.

(8)

(a) A manufacturer's license permits the licensee to construct or assemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, at an established place of business and to remanufacture motor vehicles.

(b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on manufactured motor vehicles.

(c) The licensee may franchise and appoint dealers to sell manufactured motor vehicles by notifying the division of the franchise or appointment.

(9)

(a) A transporter's license permits the licensee to transport or deliver motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from a manufacturing, assembling, or distributing point or from a dealer, to dealers, distributors, or sales agents of a manufacturer or remanufacturer, to or from detail or repair shops, and to financial institutions or places of storage from points of repossession.

(b) The division may not issue or renew a transporter license to an applicant who is not:

(i) licensed under this chapter as a body shop;

(ii) a detail or repair shop;

(iii) a tow truck motor carrier subject to Title 72, Chapter 9, Motor Carrier Safety Act;

(iv) a repossession company;
(v) licensed under this chapter as a dealer; or
(vi) a finance company.
(c) The division may not issue or renew a transporter license unless the applicant provides proof of insurance or other form of security meeting the minimum requirements of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.
(10) A dismantler's license permits the licensee to dismantle motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reselling parts or for salvage, or selling dismantled or salvage vehicles to a crusher or other dismantler.
(11) A distributor or factory branch and distributor branch's license permits the licensee to sell and distribute new motor vehicles, parts, and accessories to their franchised dealers.
(12) A representative's license, for factory representatives or distributor representatives permits the licensee to contact the licensee's authorized dealers for the purpose of making or promoting the sale of motor vehicles, parts, and accessories.
(13)
(a)
(i) A remanufacturer's license permits the licensee to construct, reconstruct, assemble, or reassemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from used or new motor vehicles or parts.
(ii) Evidence of ownership of parts and motor vehicles used in remanufacture shall be available to the division upon demand.
(b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on remanufactured motor vehicles.
(14) A crusher's license permits the licensee to engage in the business of crushing or shredding motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reducing the useable materials and metals to a more compact size for recycling.
(15) A body shop's license permits the licensee:
(a) to rebuild, restore, repair, or paint the body of motor vehicles; and
(b) to dismantle motor vehicles.
(16) A special equipment dealer's license permits the licensee to:
(a) buy incomplete new motor vehicles with a gross vehicle weight of 12,000 or more pounds from a new motor vehicle dealer and sell the new vehicle with the special equipment installed without a franchise from the manufacturer;
(b) offer for sale, sell, or exchange used motor vehicles;
(c) operate as a body shop; and
(d) dismantle motor vehicles.
(17)
(a) A salvage vehicle buyer license permits the licensee to bid on or purchase a vehicle with a salvage certificate as defined in Section 41-1a-1001 at any motor vehicle auction.
(b) The division may only issue a salvage vehicle buyer license to a motor vehicle dealer, dismantler, or body shop who qualifies under rules made by the division and is licensed in any state as a motor vehicle dealer, dismantler, or body shop.
(c) The division may not issue more than two salvage vehicle buyer licenses to any one dealer, dismantler, or body shop.
(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules establishing qualifications of an applicant for a salvage vehicle buyer license. The criteria shall include:
(i) business history;

(ii) salvage vehicle qualifications;
(iii) ability to properly handle and dispose of environmental hazardous materials associated with salvage vehicles; and
(iv) record in demonstrating compliance with the provisions of this chapter.

Amended by Chapter 424, 2019 General Session

41-3-202.2 Provisional license.

(1) As used in this section:
(a) "Provisional license" means a provisional version of a particular class of standard license.
(b) "Standard license" means a license that the administrator is authorized to issue under Section 41-3-202 for a class for which a principal place of business is required under Section 41-3-204.
(2) The administrator may issue a provisional license for any class of standard license the administrator issues under Section 41-3-202.
(3) A person may apply to the administrator for a provisional license using the same procedure described in this chapter and under other applicable state law for a standard license of the same class as the provisional license.
(4) Subject to Subsection (5), the administrator shall grant a provisional license to an applicant who:
(a) demonstrates that the applicant meets all of the qualifications described in this chapter and under other applicable state law for a standard license of the same class as the provisional license, except for the requirement that the applicant maintain a principal place of business as required by Section 41-3-204;
(b) complies with procedures established by the administrator; and
(c) pays a fee established by the administrator.
(5) In addition to demonstrating the qualifications described in Subsection (4), an applicant for a provisional license shall:
(a) submit to the administrator a site acquisition plan that describes the applicant's anticipated principal place of business; and
(b) demonstrate that the applicant's site acquisition plan describes a principal place of business that would comply with the requirements described in this chapter and under other applicable state law for the principal place of business of a licensee with a standard license of the same class as the provisional license.
(6) A provisional license does not allow a person to act as a licensee with a standard license.
(7) Subject to Subsections (8) and (9), once a person with a provisional license demonstrates to the administrator that the person meets all of the qualifications under this chapter and under other applicable state law for a standard license of the same class as the provisional license, the administrator shall grant the person a standard license of the same class as the provisional license without requiring that the person:
(a) submit an additional application; or
(b) pay an additional fee.
(8)
(a) A provisional license is valid for three months.
(b) The commission may extend the term of a provisional license for an additional three months at the commission's discretion.
(9) The commission may create application procedures for a provisional license in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(10) The commission may require and determine the amount of an application fee for a provisional license in compliance with Section 63J-1-504.

Enacted by Chapter 124, 2017 General Session

41-3-203 Licenses -- Form -- Seal -- Custody of salesperson's license -- Display of salesperson and dealer licenses -- Licensee's pocket card.

(1)
(a) The administrator shall prescribe the form of each license and the seal of the administrator's office shall be imprinted on each license.
(b) The administrator shall deliver or mail the license of each salesperson to the dealer employing the salesperson and the dealer shall keep the license in the dealer's custody and control and conspicuously display the license in the dealer's place of business.
(c) Each licensee shall display conspicuously the licensee's own license in the licensee's place of business.
(d) In addition to the other provisions of this section, each direct-sale manufacturer licensee shall display conspicuously the licensee's own license in each of the licensee's:
(i) showrooms; and
(ii) authorized service centers.

(2)
(a) The administrator shall prepare and deliver a pocket card, certifying that the person whose name is on the card is licensed under this chapter.
(b) Each salesperson's card shall also contain the name and address of the dealer employing the salesperson.
(c) Each salesperson shall on request display the salesperson's pocket card.

Amended by Chapter 387, 2018 General Session

41-3-204 Licenses -- Principal place of business as prerequisite -- Change of location -- Relinquishment on loss of principal place of business.

(1)
(a) The following licensees must maintain a principal place of business:
(i) dealers;
(ii) special equipment dealers;
(iii) manufacturers;
(iv) transporters;
(v) remanufacturers;
(vi) dismantlers;
(vii) crushers;
(viii) body shops; and
(ix) distributors who:
(A) are located within the state; or
(B) have a branch office within the state.
(b) The administrator may not issue a license under Subsection (1)(a) to an applicant who does not have a principal place of business.
(c) If a licensee changes the location of the licensee's principal place of business, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.

(d) In addition to the other requirements of this section, if a direct-sale manufacturer licensee changes the location of an authorized service center of the licensee, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.

(2)

(a) If a licensee loses possession of a principal place of business, the license is automatically suspended and he shall immediately notify the administrator and upon demand by the administrator deliver the license, pocket cards, special plates, and temporary permits to the administrator.

(b) The administrator shall hold the licenses, cards, plates, and permits until the licensee obtains:

(i) a principal place of business; and

(ii) if the licensee is a direct-sale manufacturer, an authorized service center.

Amended by Chapter 387, 2018 General Session

41-3-205 Licenses -- Bonds required -- Maximum liability -- Action against surety -- Loss of bond.

(1)

(a) Before a dealer's, special equipment dealer's, crusher's, or body shop's license is issued, the applicant shall file with the administrator a corporate surety bond in the amount of:

(i) $50,000 until June 30, 2006, and $75,000 on or after July 1, 2006, for a motor vehicle dealer's license;

(ii) $20,000 until June 30, 2006, and $75,000 on or after July 1, 2006, for a special equipment dealer's license;

(iii) $10,000 for a motorcycle, off-highway vehicle, or small trailer dealer's or crusher's license; or

(iv) $20,000 for a body shop's license.

(b) The corporate surety shall be licensed to do business within the state and have a rating of at least B+ by the A.M. Best Company.

(c) The form of the bond:

(i) shall be approved by the attorney general;

(ii) shall be conditioned upon the applicant's conducting business as a dealer without:

(A) fraud;

(B) fraudulent representation;

(C) violating Subsection 41-3-301(1) which requires a dealer to submit or deliver a certificate of title or manufacturer's certificate of origin; or

(D) violating Subsection 41-3-402(1) which requires payoff of liens on motor vehicles traded in; and

(iii) may be continuous in form.

(d) The total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.

(2)

(a) A cause of action under Subsection (1) may not be maintained against a surety unless:

(i) a claim is filed in writing with the administrator within one year after the cause of action arose; and

(ii) the action is commenced within two years after the claim was filed with the administrator.

(b) The surety or principal shall notify the administrator if a claim on the bond is successfully prosecuted or settled against the surety or principal.

(3)

(a) A surety or principal may not make a payment on a surety bond to any claimant until six months have expired from the date when the first claim on the bond was filed with the surety or principal in writing.

(b) After six months have expired following the filing of the first bond claim, the surety or principal shall:

(i) assess the validity of all claims on the bond; and

(ii) submit a distribution assessment determined in accordance with Subsection (3)(c) regarding the bond proceeds to the claimants of valid claims for approval.

(c)

(i) If the total verifiable claims on the bond are less than the bond amount, then each bond claimant shall be entitled to the full amount of a valid claim.

(ii) If the total verifiable claims exceed the bond amount, then the proceeds shall be distributed pro rata to the bond claimants of valid claims.

(d) If the distribution assessment under Subsection (3)(b) is not unanimously approved by the claimants of all valid claims on the bond, the principal or surety shall file an interpleader action in the state district court where the defaulting dealer was licensed.

(4)

(a) A person making a claim on the bond shall be awarded attorney fees in cases successfully prosecuted or settled against the surety or principal if the bond has not been depleted.

(b) A surety or principal may not be awarded attorney fees that exceed $2,500 for an interpleader action filed under Subsection (3)(d).

(5)

(a)

(i) If a dealer, body shop, or crusher loses possession of the bond required by this chapter, the dealer, body shop, or crusher license is automatically suspended.

(ii) All licenses, pocket cards, temporary permits, and special plates issued to the licensee shall be immediately returned to the administrator.

(b) A dealer, body shop, or crusher may not continue to use or permit to be used licenses, pocket cards, temporary permits, or special plates until the required bond is on file with the administrator and the license has been reinstated.

(6) A representative or consignee of a dealer is not required to file a bond if the dealer for whom the representative or consignee acts fully complies with the provisions of this chapter.

Amended by Chapter 342, 2010 General Session

41-3-205.5 Licenses -- Criminal background check required on salesperson's licenses -- Payment of cost.

(1)

(a) Every applicant for a salesperson's license shall submit fingerprints with a completed application to the division.

(b) An individual required to renew a salesperson license on or before June 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.

(2) The division shall submit fingerprints for each applicant described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.

(3) The Bureau of Criminal Identification shall:

(a) check the information submitted by the division for an applicant under Subsection (2) against the applicable state and regional criminal records databases; and
(b) release to the division all information obtained under Subsection (3)(a) relating to the applicant.
(4)
(a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (2) and notify the division when a new entry is made in the applicable state and regional database against an individual whose fingerprints are held in the file regarding any matter involving an arrest under state law involving:
(i) motor vehicles;
(ii) controlled substances;
(iii) fraud; or
(iv) an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b).
(b) Upon request by the division, the Bureau of Criminal Identification shall inform the division whether a person whose arrest was reported to the division under Subsection (4)(a) was subsequently convicted of the charge for which the person was arrested.
(5) In addition to any fees imposed under this chapter, the division shall:
(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and
(b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.
(6) The division shall use information received from the Bureau of Criminal Identification under this section to determine whether a license should be denied, suspended, or revoked under Section 41-3-209.

Amended by Chapter 291, 2025 General Session

41-3-206 Duration of licenses -- Expiration date -- Renewal.
(1) Except as provided in Subsection (2), each license issued under this chapter expires on June 30 of each year and may be renewed upon application and payment of a fee required under Section 41-3-601, if the license has not been suspended or revoked.
(2) A motor vehicle salesperson's license expires as provided under Subsection (1) or when the salesperson terminates employment with the dealer with whom he is licensed, whichever comes first.
(3)
(a) The division may not renew a license for a new or used motor vehicle dealer's license, a direct-sale manufacturer's license, a new or used motorcycle dealer's license, or a small trailer dealer's license unless the renewal applicant completes a three-hour class approved by the division that includes education on new motor vehicle laws and rules.
(b) The approved costs of the class shall be paid by the renewal applicant.
(c) The class shall be completed by the renewal applicant or any designated representative of the renewal applicant dealer.
(d) The division shall approve:
(i) the class providers; and
(ii) costs of the class.

Amended by Chapter 387, 2018 General Session

41-3-207 New motor vehicle dealer's license -- Change, addition, or loss of franchise -- Notification -- Relinquishment of license and relicensing as used motor vehicle dealer -- Continuance in business to dispose of stock.

(1) If a dealer changes to, adds, cancels, or loses a franchise for the sale of new motor vehicles the dealer shall immediately notify the administrator.

(2)

(a) If the dealer has cancelled or lost a franchise, the administrator shall determine whether the dealer should be licensed as a used motor vehicle dealer.

(b) If the administrator determines that the dealer should be licensed as a used motor vehicle dealer, the administrator shall issue to the dealer a used motor vehicle dealer's license.

(c) A dealer relicensed as a used motor vehicle dealer may continue to sell new motor vehicles for up to six months from the date of the relicensing, to enable the dealer to dispose of the dealer's existing stock of new motor vehicles.

Amended by Chapter 302, 2025 General Session

41-3-207.5 Liquidation of inventory for suspended used motor vehicle dealers.

(1) A used motor vehicle dealer whose used motor vehicle dealer's license has been suspended may liquidate any remaining inventory by selling the remaining used motor vehicles to:

(a) a licensed auto auction;

(b) another licensed motor vehicle dealer; or

(c) to any person, but only after the used motor vehicle has been titled in the name of the owner, partner, or corporate officer of the used motor vehicle dealer for at least 12 months.

(2) A dealer may sell inventory under Subsections (1)(a) and (b) for up to 90 days from the date the dealer's used motor vehicle dealer's license was suspended.

Enacted by Chapter 388, 2008 General Session

41-3-208 Salesperson's license -- Relinquishment upon loss or change of employment -- Notice to salesperson -- New license required.

(1) If a salesperson is discharged from or leaves the salesperson's employer, the dealer who last employed the salesperson shall return the salesperson's license to the administrator.

(2) The salesperson shall be notified at the salesperson's last known place of residence that the salesperson's license has been returned to the administrator.

(3) A person may not act as a motor vehicle salesperson until a new license is procured.

Amended by Chapter 302, 2025 General Session

41-3-209 Administrator's findings -- Suspension and revocation of license.

(1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.

(2)

(a) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.

(b) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of the applicant or license holder's partners, officers, or directors:
(i) lack of a principal place of business or authorized service center as required by this chapter;
(ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;
(iii) lack of a bond in effect as required by this chapter;
(iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;
(v) nonpayment of required fees;
(vi) making a false statement on any application for a license under this chapter or for a special license plate;
(vii) a violation of any state or federal law involving motor vehicles;
(viii) a violation of any state or federal law involving controlled substances;
(ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;
(x) a violation of any state or federal law involving fraud;
(xi) a violation of any state or federal law involving an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b);
(xii) having had a license issued under this chapter revoked within five years from the date of application; or
(xiii) failure to comply with any applicable qualification or requirement imposed under this chapter.
(c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.
(3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.
(4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:
(a) suspend the license on terms and for a period of time the administrator finds reasonable; or
(b) revoke the license.
(5)
(a) After suspending or revoking a license, the administrator may take reasonable action to:
(i) notify the public that the licensee is no longer in business; and
(ii) prevent the former licensee from violating the law by conducting business without a license.
(b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.
(c) Any business being conducted incidental to the business for which the former licensee was licensed may continue to operate subject to the preventive action taken under this subsection.

Amended by Chapter 291, 2025 General Session

41-3-210 License holders -- Prohibitions, allowances, and requirements.
(1) The holder of any license issued under this chapter may not:

(a) intentionally publish, display, or circulate any advertising that is misleading or inaccurate in any material fact or that misrepresents any of the products sold, manufactured, remanufactured, handled, or furnished by a licensee;
(b) intentionally publish, display, or circulate any advertising without identifying the seller as the licensee by including in the advertisement the full name under which the licensee is licensed or the licensee's number assigned by the division;
(c) violate this chapter or the rules made by the administrator;
(d) violate any law of the state respecting commerce in motor vehicles or any rule respecting commerce in motor vehicles made by any licensing or regulating authority of the state;
(e) engage in business as a new motor vehicle dealer, special equipment dealer, used motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as required in this chapter;
(f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or body shop without maintaining a principal place of business;
(g) unless the licensee is a special equipment dealer who sells a new special equipment motor vehicle with a gross vehicle weight of 12,000 or more pounds after installing special equipment on the motor vehicle:
  (i) engage in a business respecting the selling or exchanging of new or new and used motor vehicles for which the licensee is not licensed; and
  (ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor vehicle for which the licensee does not have a franchise;
(h) dismantle or transport to a crusher for crushing or other disposition any motor vehicle without first obtaining a dismantling or junk permit under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;
(i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle dealer fail to give notice of sales or transfers as required in Section 41-3-301;
(j) advertise or otherwise represent, or knowingly allow to be advertised or represented on the licensee's behalf or at the licensee's place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is required and the buyer is advised or induced to finance a down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle;
(k) as a crusher, crush or shred a motor vehicle brought to the crusher without obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is a certificate of title endorsed according to law or a dismantling or junk permit issued under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;
(l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply with construction, safety, or vehicle identification number standards fixed by law or rule of any licensing or regulating authority;
(m) as anyone other than a salesperson or a direct-sale manufacturer salesperson licensed under this chapter, be present on a dealer display space and contact prospective customers to promote the sale of the dealer's vehicles;
(n) subject to Subsection (14), sell, display for sale, or offer for sale motor vehicles at any location other than the principal place of business, or additional places of business licensed under this chapter;
(o)
  (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of business or additional place of business that shares any common area with a business or activity not directly related to motor vehicle commerce; or

(ii) maintain any places of business that share any common area with another dealer, dismantler, body shop, or manufacturer;

(p) withhold delivery of license plates obtained by the licensee on behalf of a customer for any reason, including nonpayment of any portion of the vehicle purchase price or down payment;

(q) issue a temporary permit for any vehicle that has not been sold by the licensee;

(r) alter a temporary permit in any manner;

(s) operate any principal place of business or additional place of business in a location that does not comply with local ordinances, including zoning ordinances;

(t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the licensee does not:

(i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license under Section 41-3-202; and

(ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged by the licensee;

(u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire with any person who has not obtained a salesperson's or a direct-sale manufacturer salesperson's license to solicit for prospective purchasers;

(v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer without having:

(i) an authorized service center; or

(ii) a principal place of business; or

(w) possess a franchise that is not expressed in writing, if the franchise allows the sale or exchange of a new trailer that:

(i) is not designed for human habitation;

(ii) has a gross vehicle weight rating of less than 26,000 pounds; and

(iii) is not designed to carry a motorboat as defined in Section 73-18-2.

(2)

(a) If a new motor vehicle is constructed in more than one stage, such as a motor home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange the vehicle as the make designated by the final stage manufacturer, except in those specific situations where the licensee:

(i) possesses a franchise from the initial or first stage manufacturer, presumably the manufacturer of the motor vehicle's chassis; or

(ii) manufactured the initial or first stage of the motor vehicle.

(b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer under Section 41-3-301.

(3) Each licensee, except salespersons, shall maintain and make available for inspection by peace officers and employees of the division:

(a) a record of every motor vehicle bought, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

(b) a record of every used part or used accessory bought or otherwise acquired;

(c) a record of every motor vehicle bought or otherwise acquired and wrecked or dismantled by the licensee;

(d) all buyers' orders, contracts, odometer statements, temporary permit records, financing records, and all other documents related to the purchase, sale, or consignment of motor vehicles; and

(e) a record of the name and address of the person to whom any motor vehicle or motor vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a description of the motor vehicle by year, make, and vehicle identification number.

(4) Each licensee required by this chapter to keep records shall:

(a) be kept by the licensee at least for five years; and

(b) furnish copies of those records upon request to any peace officer or employee of the division during reasonable business hours.

(5)

(a) A manufacturer, distributor, distributor representative, or factory representative may not induce or attempt to induce by means of coercion, intimidation, or discrimination any dealer to:

(i) accept delivery of any motor vehicle, parts, or accessories or any other commodity or commodities, including advertising material not ordered by the dealer;

(ii) order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicle as publicly advertised by the manufacturer;

(iii) order from any person any parts, accessories, equipment, machinery, tools, appliances, or any other commodity;

(iv) enter into an agreement with the manufacturer, distributor, distributor representative, or factory representative of any of them, or to do any other act unfair to the dealer by threatening to cancel any franchise or contractual agreement between the manufacturer, distributor, distributor branch, or factory branch and the dealer;

(v) refuse to deliver to any dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by the manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within 60 days after the dealer's order is received;

(vi) unfairly, without regard to the equities of the dealer, cancel the franchise of any motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause and written notice is a violation of this subsection and is an unfair cancellation; or

(vii) waive or forbear the right of the dealer, if the dealer offers for sale, sells, or exchanges cargo/utility trailers, to protest the establishment or relocation of a dealer who offers for sale, sells, or exchanges cargo/utility trailers of the same line-make in the relevant market area of the established dealer.

(b) For the purpose of Subsection (5)(a)(vii):

(i) "Cargo/utility trailer" means a trailer that:

(A) is not designed for human habitation;

(B) has a gross vehicle weight rating of less than 26,000 pounds; and

(C) is not designed to carry a motorboat as defined in Section 73-18-2.

(ii) "Relevant market area" means:

(A) for a dealership located in a county that has a population of less than 225,000, the county in which the dealership is located and the area within a 15-mile radius of the dealership; or

(B) for a dealership located in a county that has a population of 225,000 or more, the area within a 10-mile radius of the dealership.

(6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, or by allowing use of his facilities or dealer license number, or by any other means.

(7)

(a) The holder of any new motor vehicle dealer or direct-sale manufacturer license issued under this chapter may not sell any new motor vehicle to:
(i) another dealer licensed under this chapter who does not hold a valid franchise for the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor vehicle to the purchasing dealer; or
(ii) any motor vehicle leasing or rental company located within this state, or who has any branch office within this state, unless the dealer licenses and titles the new motor vehicle to the purchasing, leasing, or rental company.
(b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle with a gross vehicle weight of 12,000 or more pounds to a special equipment dealer licensed under this chapter.
(8) A dealer licensed under this chapter may not take on consignment any new motor vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or any other state.
(9) A body shop licensed under this chapter may not assist an unlicensed body shop in unlawful activity through active or passive means or by allowing use of its facilities, name, body shop number, or by any other means.
(10) A used motor vehicle dealer licensed under this chapter may not advertise, offer for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a title only to the vehicle and representing it as a used motor vehicle.
(11)
(a) Except as provided in Subsection (11)(c), or in cases of undue hardship or emergency as provided by rule by the division, a dealer or salesperson licensed under this chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer for lease a motor vehicle.
(b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) shall constitute a separate offense.
(c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a trade show or exhibition if:
(i) there are five or more dealers participating in the trade show or exhibition; and
(ii) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.
(12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act.
(13)
(a) A dismantler or dealer engaged in the business of dismantling motor vehicles for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler or dealer for transporting parts or salvage on the highways.
(b) The identification required under Subsection (13)(a) shall:
(i) include the name, address, and license number of the dismantler or dealer; and
(ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly legible letters and numerals not less than two inches in height.
(14)
(a) Subject to Subsection (14)(b), a licensed vehicle dealer may:
(i) sell a vehicle to a buyer without the buyer being required to appear in person at one of the dealer's licensed places of business;

(ii) collect a buyer's signature or electronic signature on a purchase contract and related purchase documents;
(iii) collect payment electronically; and
(iv) deliver:
(A) a new motor vehicle to a buyer at the buyer's home or place of business, or at one of the dealer's licensed places of business; or
(B) a used motor vehicle to a buyer at a location mutually agreed upon by the buyer and the dealer.
(b) A vehicle purchase contract is not executed until the contract is countersigned by the licensed dealer at one of the dealer's licensed places of business.
(c) Except as provided in this Subsection (14), Subsection (1)(n) is construed to prevent a dealer, salesperson, or any other representative of a dealership from selling, displaying, or offering a motor vehicle for sale from the dealer's, salesperson's, or any other representative's home or other unlicensed location.

Amended by Chapter 370, 2023 General Session

41-3-211 Unlawful acts or practices.
(1) A licensee may not knowingly or intentionally engage in any of the following unlawful acts or practices:
(a) provide a financial institution or person being contacted to provide financing for the purchase of a motor vehicle, a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document that does not accurately state:
(i) the terms of the motor vehicle purchase; or
(ii) if the vehicle is a rebuilt vehicle;
(b) sell a motor vehicle to a purchaser that is subject to financing that is not the motor vehicle described in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document as of the time the contract of sale, document of sale, contract, request for proposal, or other document provided to the financial institution or person providing financing;
(c) make payments on any loan or lease on a motor vehicle subject to a loan or lease that is subject to the payoff requirements of Subsection 41-3-402(1); or
(d) except as provided in Subsection (3), require a purchaser to pay as a condition of the sale:
(i) an amount higher than the negotiated purchase price; or
(ii) any fee or charge in addition to the negotiated purchase price.
(2) The provisions of Subsection (1)(c) do not prohibit a dealer from making one or more loan or lease payments for a motor vehicle if making the payments is:
(a) stated in writing in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document; or
(b) stated in the notice to the lienholder of the trade-in of the vehicle as required by Subsection 41-3-402(5).
(3) Subsection (1)(d) does not prohibit a licensee from charging any of the following in addition to the negotiated purchase price detailed on the transaction disclosure form required pursuant to Section 41-3-401.6:
(a) a temporary permit fee pursuant to Section 41-1a-211;
(b) a fee required in Chapter 1a, Part 5, Titling Requirement;
(c) motor vehicle registration fees required under this title;
(d) a dealer documentary service fee as described in rules made in accordance with Sections 41-3-301 and 41-3-302;

(e) sales and use taxes as required by Title 59, Chapter 12, Sales and Use Tax Act;
(f) for the purchase of a semi-tractor with a gross vehicle weight rating of over 14,000 pounds, an increase to the negotiated purchase price paid by the licensee that is imposed by the manufacturer after the negotiated purchase price is determined by the licensee and the purchaser; or
(g) any other tax or fee required by federal or state law to be paid by the purchaser of a motor vehicle.

(4)
(a) Except as provided in Subsection (4)(b), a person who violates the provisions of this section is subject to the penalties provided in Section 41-3-701 and Subsection 41-3-702(1)(a).
(b) A person who violates Subsection (1)(d) is subject to the penalties provided in Subsection 41-3-702(1)(c).

(5)
(a) Subsection (1)(d) does not apply to a sale at auction and does not prohibit a licensee who conducts an auction from charging the winning bidder fees related to the auction or other vehicle-related services.
(b) Subsection (1)(d) does not apply to the sale of motor vehicles in a fleet transaction.

Amended by Chapter 63, 2023 General Session

Part 3
Temporary Permits

41-3-301 Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.

(1)
(a) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name.
(b) If a temporary permit is not issued, the certificate of title or manufacturer's certificate of origin shall be delivered to the vendee, endorsed according to law, within 48 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's certificate of origin shall be delivered within 21 days.
(c)
(i) A motor vehicle consigned to an auction and sold is considered sold by the consignor to the auction and then sold by the auction to the consignee.
(ii) Both the consignor and auction are subject to this section.
(d)
(i)
(A) A motor vehicle consigned to a wholesale motor vehicle auction and sold to a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or dismantler.
(B) Both the consignor and the wholesale motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b).

(C) The consignor, or the wholesale motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law. By endorsing the certificate of title as agent of the consignor, the wholesale motor vehicle auction does not become the owner, seller, or assignor of title.

(ii)

(A) A wholesale motor vehicle auction may purchase or sell motor vehicles in its own name.

(B) If a wholesale motor vehicle auction purchases or sells a motor vehicle in its own name, the wholesale motor vehicle auction is subject to Subsections (1)(a) and (1)(b).

(2)

(a)

(i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the Motor Vehicle Division.

(ii) The notice shall contain:

(A) the date of the sale;

(B) the names and addresses of the dealer and the purchaser;

(C) a description of the motor vehicle;

(D) the motor vehicle's odometer reading at the time of the sale; and

(E) other information required by the division.

(b) If no temporary permit is issued, the notice shall be filed with the division within 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale, unless the purchaser is a dealer or dismantler.

(c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a) and (2)(b) may be filed in electronic form or on magnetic media.

Amended by Chapter 382, 2008 General Session

41-3-302 Temporary permits -- Purchasers of motor vehicles -- Penalty for use after expiration -- Sale and rescission.

(1)

(a)

(i) A dealer or the division may issue a temporary permit.

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall makes rules for the issuance of a temporary permit under Subsection (1)(a)(i).

(iii) The division shall furnish the forms for temporary permits issued by dealers under Subsection (1)(a)(i).

(b) A dealer may issue a temporary permit to a bona fide purchaser of a motor vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the dealer.

(c) The dealer is responsible and liable for the registration fee of each motor vehicle for which the permit is issued.

(d) All issued temporary permits that are outstanding after 45 days from the date they are issued are delinquent and a penalty equal to the registration fee shall be collected from the issuing dealer.

(2) If a temporary permit is issued by a dealer under this section and the sale of the motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing dealer is not liable for the registration fee or penalty.

Amended by Chapter 382, 2008 General Session

41-3-303 Temporary permits -- Inspections required before issuance.

(1) Except as provided in Subsections (2) and (3), a dealer licensed in accordance with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302 unless the motor vehicle passed an emissions inspection test if required by Section 41-6a-1642.

(2) A dealer may issue a temporary permit without proof of an emissions inspection if:

(a) the motor vehicle is exempt from an emissions inspection under Section 41-6a-1642;

(b) the purchaser is a resident of a county that does not require emissions inspections; or

(c) the motor vehicle is otherwise exempt from emissions inspections.

(3) A dealer may sell a motor vehicle as is without an emissions inspection if the dealer does not issue a temporary permit.

Amended by Chapter 406, 2017 General Session

41-3-304 Temporary permits -- Temporary sports event registration certificate -- Suspension or revocation of dealer's authority to issue -- Return of temporary permits to division -- Refunds -- Appeal.

(1) The division may suspend or revoke a dealer's authority to issue a temporary permit or a temporary sports event registration certificate under this part if the division determines the dealer has failed to comply with this chapter or with any rules made by the commission under this part.

(2)

(a) Suspension or revocation of authority to issue a temporary permit or a temporary sports event registration certificate takes effect immediately upon written notification to the dealer by the division.

(b) Upon notification, the dealer shall immediately return all temporary permits to the division.

(c) Subject to Subsection (2)(d), if the authority to issue a temporary permit under Section 41-3-302 is revoked or suspended for more than 30 days, the dealer may apply for a refund of the money paid to the division only for temporary permits described in Section 41-3-302 that are returned prior to issuance.

(d) Temporary permits being returned may not have ever been issued, written on, or separated from their stubs, and shall be in useable condition.

(3) If the division suspends or revokes a dealer's authority to issue a temporary permit or a temporary sports event registration certificate as provided in this section, each of the following is a violation of this chapter and grounds for automatic suspension of the dealer's license:

(a) failure to return a temporary permit to the division as provided in this section; or

(b) issuing a:

(i) temporary permit; or

(ii) temporary sports event registration certificate.

(4)

(a) A dealer may appeal the division's suspension or revocation by filing a written appeal with the administrator within 10 days of the suspension or revocation.

(b) Upon receiving the dealer's written appeal, the administrator shall set a hearing for not more than 20 days from the date the written appeal is received.
(c) A hearing or appeal under this section shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

41-3-305 In-transit permits -- Limits -- Tax provision.
(1) Under rules made by the administrator, in-transit permits may be issued by the division or its authorized representatives.
(2) In-transit permits allow use of the highways for a time period not to exceed 96 hours.
(3) Before issuing any in-transit permit, the division or its authorized representative shall be satisfied that the person applying for the permit is the owner of the motor vehicle or the owner's representative, and if the owner or driver is a Utah resident, that the motor vehicle complies with the security requirements of Sections 31A-22-302 and 31A-22-303.
(4) The division or its authorized representative may issue in-transit permits without requiring a property tax clearance for the motor vehicle on which the permit is to be used.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-306 Temporary sports event registration -- Definitions -- Issuance -- Fees -- Expiration -- Rulemaking authority.
(1) As used in this section:
(a) "Distributor-provided vehicle" means a motor vehicle:
(i) that has never been titled or registered in any state; and
(ii) the use of which is donated by a distributor licensed under Part 2, Licensing, through a dealer licensed under Part 2, Licensing.
(b)
(i) "Event period" means a time period:
(A) during which a sports event takes place;
(B) not to exceed 180 consecutive calendar days; and
(C) specified by the division on a temporary sports event registration certificate.
(ii) "Event period" may include one or more of the following time periods if the division determines that good cause exists for including the time period within the event period:
(A) a reasonable time period before a sports event as determined by the division; or
(B) a reasonable time period after a sports event as determined by the division.
(c)
(i) Notwithstanding Section 41-3-102 and except as provided in Subsection (1)(c)(ii), "motor vehicle" means a motor vehicle that is subject to the uniform fee imposed by Section 59-2-405.1.
(ii) "Motor vehicle" does not include a state-assessed commercial vehicle as defined in Section 59-2-102.
(d)
(i) "Sports event" means an amateur or professional:
(A) sports:
(I) game;
(II) race; or
(III) contest; or

(B) athletic:
(I) game;
(II) race; or
(III) contest.
(ii) "Sports event" includes a game, race, or contest described in Subsection (1)(d)(i) that is:
(A) an independent game, race, or contest; or
(B) a part of another event or activity regardless of whether the other event or activity is an event or activity relating to sports or athletics.
(e) "Temporary sports event registration certificate" means a motor vehicle certificate of registration issued by the division to a dealer in accordance with this section.
(2) Beginning on September 1, 2001, the division may register a motor vehicle for an event period by issuing to a dealer licensed under Part 2, Licensing, a temporary sports event registration certificate if the division determines that:
(a) the motor vehicle is a distributor-provided vehicle;
(b) the motor vehicle will be used for a sports event within the state during the event period; and
(c) the dealer provides the division an application stating:
(i) the person to whom the distributor is donating use of the motor vehicle;
(ii) the motor vehicle identification number;
(iii) the motor vehicle:
(A) make;
(B) model; and
(C) year;
(iv) the name of the sports event;
(v) the beginning date and ending date of the sports event; and
(vi) any other information the division requires.
(3) If the division issues a temporary sports event registration certificate to a dealer licensed under Part 2, Licensing:
(a) the division:
(i) shall specify the event period on the temporary sports event registration certificate; and
(ii) may specify any other information on the temporary sports event registration certificate as determined by the division; and
(b) the dealer shall for each motor vehicle for which the division issues a temporary sports event registration certificate:
(i) pay the:
(A) registration fees required by Chapter 1a, Part 12, Fee and Tax Requirements; and
(B) uniform fee required by Section 59-2-405.1; and
(ii) place the temporary sports event registration certificate in the rear license plate holder of the motor vehicle.
(4) A temporary sports event registration certificate issued by the division under this section is valid for the event period specified on the temporary sports event registration certificate.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:
(a) specifying the information to be provided to the division by a dealer or a person using a distributor-provided vehicle in connection with the issuance of a temporary sports event registration certificate;
(b) specifying the form for a temporary sports event registration certificate; or
(c) defining the terms:
(i) "reasonable time period before a sports event"; and

(ii) "reasonable time period after a sports event."

Amended by Chapter 382, 2008 General Session

Part 4
Disclosure Requirements

41-3-401 Disclosure of financing arrangements relating to the sale of motor vehicles.

(1)

(a) A dealer may not issue a temporary permit or release possession of a motor vehicle that the dealer has sold to someone other than another dealer unless the document of sale contains one of the disclosures listed in Subsection (2).

(b) The disclosures shall be set forth clearly and conspicuously on the first or front page of the sale document at the time of sale, executed by the purchaser, and for Subsection (2)(b), executed by the seller also.

(2)

(a) The form to be used when financing is the purchaser's responsibility shall read as follows:

"THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT ACKNOWLEDGES THAT THE SELLER OF THE MOTOR VEHICLE HAS MADE NO PROMISES, WARRANTIES, OR REPRESENTATIONS REGARDING SELLER'S ABILITY TO OBTAIN FINANCING FOR THE PURCHASE OF THE MOTOR VEHICLE. FURTHERMORE, PURCHASER UNDERSTANDS THAT IF FINANCING IS NECESSARY IN ORDER FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THIS CONTRACT ALL THE FINANCING ARRANGEMENTS ARE THE SOLE RESPONSIBILITY OF THE PURCHASER.

_____

(Signature of the purchaser)"

(b) The form to be used when the seller agrees to seek arrangements for financing shall read as follows:

"(1) THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE SELLER'S REPRESENTATION THAT THE SELLER CAN PROVIDE FINANCING ARRANGEMENTS FOR THE PURCHASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARE AS FOLLOWS:

INTEREST RATE BETWEEN _____ % AND _____ % PER ANNUM, TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN $ _____ PER MONTH AND $ _____ PER MONTH BASED ON A DOWN PAYMENT OF $ _____.

(2) (a) IF SELLER IS NOT ABLE TO ARRANGE FINANCING WITHIN THE TERMS DISCLOSED, THEN SELLER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF SALE MAIL NOTICE TO THE PURCHASER THAT HE HAS NOT BEEN ABLE TO ARRANGE FINANCING.

(b) PURCHASER THEN HAS 14 DAYS FROM THE DATE OF SALE TO ELECT, IF PURCHASER CHOOSES, TO RESCIND THE CONTRACT OF SALE PURSUANT TO SECTION 41-3-401.

(c) IN ORDER TO RESCIND THE CONTRACT OF SALE, THE PURCHASER SHALL:

(i) RETURN TO SELLER THE MOTOR VEHICLE HE PURCHASED;

(ii) PAY THE SELLER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN; AND

(iii) COMPENSATE SELLER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE.

(3) IN RETURN, SELLER SHALL GIVE BACK TO THE PURCHASER ALL PAYMENTS OR OTHER CONSIDERATION PAID BY THE PURCHASER, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE PURCHASER RESCINDS THE TRANSACTION, THEN THE SELLER SHALL RETURN TO THE PURCHASER A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE PURCHASE PRICE GIVEN BY THE SELLER FOR THE TRADE-IN, AS NOTED IN THE DOCUMENT OF SALE.

(5) IF PURCHASER DOES NOT ELECT TO RESCIND THE CONTRACT OF SALE AS PROVIDED IN SUBSECTION (2)(b) OF THIS FORM:

(a) THE PURCHASER IS RESPONSIBLE FOR ADHERENCE TO THE TERMS AND CONDITIONS OF THE CONTRACT OR RISKS BEING FOUND IN DEFAULT OF THE TERMS AND CONDITIONS;

(b) THE TERMS AND CONDITIONS OF THE DISCLOSURES SET FORTH IN SECTION (1) OF THIS FORM ARE NOT BINDING ON THE SELLER; AND

(c) IF FINANCING IS NECESSARY FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THE CONTRACT OF SALE, THE PURCHASER IS SOLELY RESPONSIBLE FOR MAKING ALL THE FINANCING ARRANGEMENTS.

(6) SIGNING THIS DISCLOSURE DOES NOT PROHIBIT THE PURCHASER FROM SEEKING HIS OWN FINANCING.

_____

(Signature of the purchaser)

_____

(Signature of the seller)"

(3)

(a)

(i) In addition to the penalties in this chapter, if the disclosures in Subsection (2) are not properly executed or if the seller is unable to provide the financing arrangements for the purchaser as provided in Subsection (2)(b) within seven calendar days immediately following the sale date disclosed on the document of sale, then in either case the purchaser may return the purchased motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the purchase, including any motor vehicle or property used as a trade-in.

(ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the seller shall return to the purchaser the amount of money equivalent to the allowance towards the purchase price given by the dealer for the motor vehicle or property traded in, as noted in the document of sale.

(b) If the purchaser qualifies for the remedies set forth in Subsection (3)(a) and if the purchaser elects to rescind by returning the purchased motor vehicle to the dealer within the prescribed time frame, then the purchaser is liable to the dealer:

(i) for all physical damage to the motor vehicle while in the possession of the purchaser; and

(ii) in an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the purchaser first acquired possession and the date when the purchaser returned the motor vehicle to the dealer.

(c) The purchaser is not entitled to the remedy set forth in Subsections (3)(a) and (b) if the purchaser materially misrepresents in writing any information requested by the dealer in an application for financing, financial statement, or similar document customarily used to elicit personal and financial data upon which a credit decision is normally predicated.

(4)

(a) A dealer who has complied with Subsection (2)(b), but who has not been able to secure financing as set forth in the disclosure, shall within seven days of the date of sale mail written notice to the purchaser:

(i) disclosing that the dealer has not been able to secure financing as set forth in the disclosure; and

(ii) instructing the purchaser of his right to rescind the contract of sale within 14 calendar days of the date of sale, as provided for in Subsection (2).

(b)

(i) The dealer shall mail notification to the purchaser within seven calendar days following the date of sale as set forth in the contract of sale.

(ii) This notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date of sale and addressed to the purchaser at the address contained in the document of sale.

(iii) If the purchaser's address is not contained on the document of sale, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.

(iv) If a dealer gives notice in the manner prescribed, the purchaser has 14 calendar days from the date of sale to elect to rescind the contract of sale, in accordance with Subsection (2).

(c)

(i) If a dealer executes the disclosure required by Subsection (2)(b), but is not able to secure financing as set forth in the disclosure, and the dealer fails to give written notice to the purchaser within seven days, as provided for in Subsections (4)(a) and (b), then the purchaser may rescind within seven days of the date he first learns that the dealer has not been able to secure financing as set forth in the disclosure.

(ii) Except as provided in this Subsection (4)(c), the purchaser's option to rescind shall be exercised in the manner prescribed in Subsection (3).

(d) If the purchaser does not exercise the option to rescind within the specified time limits in Subsections (3) and (4)(c):

(i) the purchaser is responsible for adherence to the terms and conditions of the contract of sale;

(ii) the dealer is not subject to the financing terms set forth in the disclosure; and

(iii) if financing is necessary for the purchaser to complete the payment terms of the contract of sale, the purchaser is solely responsible for making all the financing arrangements.

(5) A dealer's failure to execute the disclosure required by Subsection (2), or its failure to provide written notice to the purchaser within the time frame specified in this section, subject the dealer to the sanctions in Section 41-3-701.

(6) Either the purchaser or a dealer may bring an action to enforce his rights under this section. The prevailing party in the action is entitled to reasonable attorneys' fees as part of the costs of suit.

(7) A motor vehicle returned by the purchaser to the dealer in accordance with the rescission provisions of this section is not considered sold for purposes of notice of sale under Section 41-3-301 and for purposes of sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 71, 2003 General Session

41-3-401.5 Disclosure of financing arrangements relating to the lease of a motor vehicle.

(1)

(a) A dealer may not issue a temporary permit or release possession of a motor vehicle wherein the dealer has contracted to enter into a lease agreement to someone other than another dealer unless the contract to enter into a lease agreement contains the disclosure listed in Subsection (2).

(b) The disclosure shall be set forth clearly and conspicuously on the first or front page of the contract to enter into a lease agreement, executed by the prospective lessee and the dealer.

(2) The form to be used when the dealer contracts to enter into a lease agreement for the potential lease of a motor vehicle shall read as follows:

"(1) THE PROSPECTIVE LESSEE OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT TO ENTER INTO A LEASE AGREEMENT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE DEALER'S REPRESENTATION THAT THE DEALER CAN SECURE FROM A FINANCIAL INSTITUTION FINANCING ARRANGEMENTS FOR THE LEASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARRANGEMENT ARE TO BE AS FOLLOWS:

TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN $_____ PER MONTH AND $ _____ PER MONTH BASED ON A DOWN PAYMENT AND/OR NET TRADE-IN ALLOWANCE OF $ _____.

(2) (a) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, THEN THE DEALER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT MAIL NOTICE TO THE PROSPECTIVE LESSEE THAT THE DEALER HAS NOT BEEN ABLE TO SECURE FINANCING ARRANGEMENTS IN ACCORDANCE WITH THE DISCLOSED TERMS AND THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS THEREFORE RESCINDED.

(b) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, SUCH FAILURE DOES NOT UNDER ANY CIRCUMSTANCES REQUIRE THE DEALER TO PROVIDE THE FINANCING NECESSARY FOR THE PROSPECTIVE LESSEE TO LEASE THE VEHICLE.

(c) IF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THE PROSPECTIVE LESSEE HAS 48 HOURS FROM RECEIPT OF THE NOTICE TO:

(i) RETURN TO THE DEALER THE MOTOR VEHICLE THE PROSPECTIVE LESSEE AGREED TO LEASE;

(ii) PAY THE DEALER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN WHILE IN THE PROSPECTIVE LESSEE'S POSSESSION; AND

(iii) COMPENSATE THE DEALER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE WHILE THE VEHICLE WAS IN THE PROSPECTIVE LESSEE'S POSSESSION.

(3) IN RETURN, UPON RECEIPT OF THE ITEMS SET FORTH IN (2)(c)(i), (ii), and (iii) THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE ALL PAYMENTS OR

OTHER CONSIDERATION PAID BY THE PROSPECTIVE LESSEE, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THEN THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE LEASE PRICE GIVEN BY THE DEALER FOR THE TRADE-IN, AS NOTED IN THE CONTRACT TO ENTER INTO A LEASE AGREEMENT.

_____
(Signature of the Prospective Lessee)

_____
(Signature of the Dealer)"

(3)

(a)

(i) In addition to the penalties in this chapter, if the disclosure in Subsection (2) is not properly executed or if the dealer is unable to secure financing arrangements for the lessee as provided in Subsection (2) within seven calendar days immediately following the date disclosed on the contract to enter into a lease agreement, then in either case the prospective lessee may return the motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the contract to enter into a lease agreement, including any motor vehicle or property used as a trade-in.

(ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the dealer shall return to the prospective lessee the amount of money equivalent to the allowance towards the lease price given by the dealer for the motor vehicle or property traded in, as noted in the contract to enter into a lease agreement.

(b) If the dealer provides the notice as set forth in Subsection (2)(a) of the disclosure statement, the contract to enter into a lease agreement is rescinded.

(c) If a contract to enter into a lease agreement is rescinded under Subsection (3)(b):

(i) the prospective lessee shall return the leased vehicle within 48 hours of receiving a notice that the dealer is unable to secure financing arrangements for the lease; and

(ii) the prospective lessee is liable to the dealer:

(A) for all physical damage to the motor vehicle while in the possession of the prospective lessee; and

(B) in an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the prospective lessee first acquired possession and the date when the prospective lessee returned the motor vehicle to the dealer.

(4)

(a) A dealer who has complied with Subsection (2), but who has not been able to secure financing arrangements as set forth in the disclosure, shall within seven days of the date of the contract to enter into a lease agreement mail written notice to the prospective lessee:

(i) disclosing that the dealer has not been able to secure financing arrangements as set forth in the disclosure; and

(ii) instructing the prospective lessee of the prospective lessee's responsibility to return the vehicle within 48 hours of receiving the notice, as provided for in Subsection (2).

(b)

(i) The dealer shall mail notification to the prospective lessee within seven calendar days following the date that the contract to enter into a lease agreement was executed.

(ii) A notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date that the contract to enter into a lease agreement was executed and addressed to the prospective lessee at the address contained in the contract to enter into a lease agreement.

(iii) If the prospective lessee's address is not contained on the contract to enter into a lease agreement, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.

(iv) If a dealer gives notice in the manner prescribed, the prospective lessee has 48 hours from receipt of the notice to return the vehicle to the dealer.

(c) If a dealer executes the disclosure required by Subsection (2), but is not able to secure financing arrangements as set forth in the disclosure, and the dealer fails to give written notice to the prospective lessee within seven days, as provided for in Subsections (4)(a) and (b), then the prospective lessee shall return the vehicle within 48 hours of the date the prospective lessee first learns that the dealer has not been able to secure financing arrangements as set forth in the disclosure.

(5)

(a) Either the prospective lessee or a dealer may bring an action to enforce contractual or statutory rights under this section.

(b) The prevailing party in an action under Subsection (5)(a) is entitled to reasonable attorney fees as part of the costs of the action.

(6) A motor vehicle returned by the prospective lessee to the dealer in accordance with the rescission provisions of this section is not considered leased for purposes of sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 100, 2008 General Session

41-3-401.6 Transaction disclosure form.

(1)

(a) Before a sale is finalized, a licensee shall provide the transaction disclosure form described in Subsection (3).

(b) The licensee and the purchaser shall each execute the transaction disclosure form to memorialize the negotiated terms and prices of the sale.

(c) The licensee shall provide the purchaser a copy of the transaction disclosure form.

(2) The commission shall create the transaction disclosure form as described in Subsection (3).

(3) The transaction disclosure form shall include:

(a) the negotiated sale price of the vehicle;

(b) the negotiated value of the trade-in vehicle, if applicable;

(c) an itemized list of the following legally required taxes and fees:

(i) a temporary permit fee pursuant to Section 41-1a-211;

(ii) a fee required in Chapter 1a, Part 5, Titling Requirement;

(iii) motor vehicle registration fees required under this title;

(iv) a dealer documentary service fee as described in rules made in accordance with Sections 41-3-301 and 41-3-302;

(v) sales and use taxes required by Title 59, Chapter 12, Sales and Use Tax Act; and

(vi) any other taxes or fees required by federal or state law to be paid by the purchaser of a motor vehicle;

(d) the subtotal of the amounts described in Subsections (3)(a) through (c);

(e) any other optional charges as negotiated by the licensee and purchaser; and

(f) the total amount for which the licensee agrees to seek arrangements for financing, if applicable.

(4) A transaction disclosure form described in this section is not required for a sale at auction or a fleet transaction.

Enacted by Chapter 63, 2023 General Session

41-3-402 Payoff of liens on motor vehicles traded in.

(1) If a dealer takes a trade-in from a retail customer as part of the sale or lease of a motor vehicle and there is an outstanding loan balance owing on the trade-in, then the dealer:

(a) within 21 calendar days of the date of sale or lease, or within 15 calendar days of receiving payment in full for the motor vehicle it sold, whichever date is earlier, shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle, unless the underlying contract of sale or lease contract has been rescinded before expiration of the 21 days; and

(b) shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle prior to selling the motor vehicle unless Subsection (2) is complied with.

(2)

(a) A dealer shall, at the time of sale of a motor vehicle with a trade-in, notify in writing the person trading in the vehicle that the person remains responsible for any unpaid loan, lease, or other obligation related to the vehicle being traded in.

(b) The person trading in the vehicle must separately acknowledge receipt of the notice and acknowledge in writing the person's continuing obligation related to the vehicle being traded in.

(3) The notice and acknowledgment required under Subsection (2) may be combined with an authorization for payoff and shall contain the following:

(a) the customer's name;

(b) the customer's address;

(c) the dealer's name;

(d) the dealer's address;

(e) notice to the customer that the motor vehicle the customer is trading in is subject to an unpaid loan, lease, or other obligation;

(f) notice to the customer that the customer remains responsible for the unpaid loan, lease, or other obligation despite the trade-in of the motor vehicle; and

(g) acknowledgment by signature of the customer that the customer remains responsible for payment of the unpaid loan, lease, or other obligation.

(4)

(a) A dealer shall, within seven calendar days of the date of a trade-in, notify a lienholder on the motor vehicle that the vehicle has been traded in.

(b) The notice under Subsection (4)(a) is not required if the lien is fully satisfied within seven calendar days of the date of a trade-in.

(5) The notice to the lienholder required by Subsection (4) may be combined with an authorization for payoff or a notice to the person trading in the motor vehicle subject to the lien and shall contain the following:

(a) notice that a motor vehicle subject to the lienholder's lien has been traded in;

(b) notice that the person trading in the motor vehicle subject to the lien has been provided with a notice as required by Subsection (3);

(c) the date the motor vehicle was traded in; and

(d)
(i) a statement that payment for the lien accompanies the notice; or
(ii) a statement that payment will be made within the time frame required under Subsection (1).
(6) A lienholder shall deliver to the dealer a properly executed title that releases the lien within nine calendar days after the day on which the funds are received if the lienholder:
(a) has possession of the title for the motor vehicle; and
(b) has been paid in full.
(7)
(a) A lienholder who does not have possession of the title but has its account paid in full by a dealer shall provide the dealer with a written statement that the lienholder no longer claims a lien against the motor vehicle.
(b) The statement described in Subsection (7)(a) shall be provided within the time limit required by Subsection (6).
(8) If the final day for performing an act under this section falls on a Saturday, Sunday, or a legal holiday, then the time for performance is extended to the immediately following business day.
(9) A dealer's failure to comply with the provisions of this section subjects the dealer to the sanctions set forth in Section 41-3-701.
(10) A person who trades in a motor vehicle to a dealer and who thereafter sustains loss or damage as a result of a dealer's failure to pay off a properly recorded lien on the traded in motor vehicle within the time specified by Subsection (1), may bring an action against the offending dealer to recover damages proximately caused by the dealer's failure to comply with the provisions of this section, together with costs and reasonable attorney fees.

Amended by Chapter 342, 2010 General Session

41-3-403 Dealer noncompliance -- Rights of purchaser -- Penalties.
(1)
(a) Subject to the provisions of Subsection (4), if a dealer fails to comply with Subsection 41-3-301(1), the purchaser may return the purchased motor vehicle to the dealer and receive a complete refund of all money and other consideration given for the purchase, including any motor vehicles or property traded in.
(b) If the motor vehicle or property traded in has been sold by the dealer, he shall return to the purchaser the amount of money equivalent to the value of the motor vehicle or property as allowed toward the purchase.
(c) Demand for the return may be made directly by the customer, his attorney, or the administrator.
(d) Any loan payments or interest due between the sale date and the return date on either the motor vehicle purchased or a motor vehicle traded in, are the responsibility of the dealer.
(2) Failure of a dealer to comply with this section:
(a) is a violation of Subsection 41-3-301(1);
(b) is a ground for immediate dealer license suspension; and
(c) allows the customer a cause of action against the dealer to recover all consideration owed under Subsection (1).
(3) A motor vehicle returned under the provisions of this section is not considered to be sold for purposes of:
(a) notice of sale under Subsection 41-3-301(2); and
(b) sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

(4) If a dealer fails to comply with Subsection 41-3-301(1), the dealer shall accept the return of a purchased motor vehicle under this section if the purchaser:
  (a) returns the motor vehicle to the dealer and requests in writing that the purchase be rescinded, prior to the time the dealer submits a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name;
  (b) furnishes to the dealer a written odometer disclosure statement in accordance with Section 41-1a-902; and
  (c) pays the dealer an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the purchaser first acquired possession and the date when the purchaser returned the motor vehicle to the dealer.

Amended by Chapter 210, 2004 General Session

41-3-404 Right of action against dealer, salesperson, crusher, body shop, or surety on bond.
(1) A person may maintain an action against a dealer, crusher, or body shop on the corporate surety bond if:
  (a) the person suffers a loss or damage because of:
    (i) fraud;
    (ii) fraudulent representation; or
    (iii) a violation of Section 41-3-210; and
  (b) the loss or damage results from the action of:
    (i) a licensed dealer;
    (ii) a licensed dealer's salesperson acting on behalf of the dealer or within the scope of the salesperson's employment;
    (iii) a licensed crusher; or
    (iv) a body shop.
(2) Successive recovery against a surety on a bond is permitted, but the total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.
(3) A cause of action may not be maintained against any surety under any bond required under this chapter except as provided in Section 41-3-205.

Amended by Chapter 239, 1999 General Session

41-3-405 Sale of third party warranty or service contract -- Remission of fee.
(1) If a dealer licensed under this chapter sells a third party warranty or service contract to a customer, the dealer shall within 15 days remit the fee paid by the customer to the warranty or service contract company.
(2) Failure of a dealer to remit the fee within 15 days is a ground for dealer license suspension and allows the customer a cause of action against the dealer for damages that otherwise would have been covered by the warranty or service contract.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-406 Short title.

Sections 41-3-406 through 41-3-414 are known as the "Motor Vehicle Buyback Disclosure Act."

Enacted by Chapter 163, 1993 General Session

41-3-407 Definitions.

As used in Sections 41-3-406 through 41-3-414:

(1) "Buyback vehicle" means a motor vehicle with an alleged nonconformity that has been replaced or repurchased by a manufacturer as the result of a court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer.

(2) "Consumer" means an individual who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle other than for the purposes of resale, or sublease, during the duration of the period defined under Section 13-20-5.

(3) "Manufacturer" means any manufacturer, importer, distributor, or anyone who is named as the warrantor on an express written warranty on a motor vehicle.

(4)

(a) "Motor vehicle" includes:

(i) a motor home, as defined in Section 13-20-2, but only the self-propelled vehicle and chassis; and

(ii) a motor vehicle, as defined in Section 41-1a-102.

(b) "Motor vehicle" does not include:

(i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space;

(ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;

(iii) mobile home as defined in Section 41-1a-102; or

(iv) any motor vehicle with a gross laden weight of over 14,000 pounds, except a motor home as defined under Subsection (4)(a)(i).

(5) "Nonconforming vehicle" means a buyback vehicle that has been investigated and evaluated pursuant to Title 13, Chapter 20, New Motor Vehicle Warranties Act, or a similar law of another state or federal government.

(6)

(a) "Nonconformity" means a defect, malfunction, or condition that fails to conform to the express warranty, or substantially impairs the use, safety, or value of a motor vehicle.

(b) "Nonconformity" does not include a defect, malfunction, or condition that results from an accident, abuse, neglect, modification, or alteration of a motor vehicle by a person other than the manufacturer, its authorized agent, or a dealer.

(7) "Seller" means any person selling, auctioning, leasing, or exchanging a motor vehicle.

(8) "Violation" means each failure to comply with the obligations imposed by Sections 41-3-406 through 41-3-413. In the case of multiple failures to comply resulting from a single transaction, each failure to comply is a separate violation.

Amended by Chapter 234, 2025 General Session

41-3-408 Resale of buyback or nonconforming vehicles -- Disclosure statements.

(1)

(a) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by a manufacturer or dealer with the knowledge that it is a buyback vehicle or a nonconforming

vehicle without prior written disclosure in a clear and conspicuous manner, in accordance with this section.

(b) This section also applies to buyback vehicles or nonconforming vehicles originally returned to a manufacturer or its agent in another state and subsequently resold, leased, or offered or displayed for resale or lease in this state.

(c) An owner of a motor vehicle who is not a manufacturer or dealer, but who has been given information as required by Subsection (1)(a) or (b) shall give the information, in writing, to any prospective purchaser of the vehicle.

(2)

(a) The following disclosure language shall be contained in each contract for the sale or lease of a buyback vehicle or a nonconforming vehicle to a consumer or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN):

Year: Make: Model:

Prior Title Number: State of Title:

Odometer Reading:

This is a used motor vehicle. It was previously returned to the manufacturer or its agent in exchange for a replacement motor vehicle or a refund because it was alleged or found to have the following nonconformities:

1.

2.

3.

4.

5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD

_____ _____

(Buyer's Signature) Date"

(b) The text of the disclosure shall be printed in 12 point boldface type except the heading, which shall be in 16 point extra boldface type.

(c) The entire notice shall be boxed.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) A seller must obtain the consumer's acknowledgment of this written disclosure prior to completing a sale, lease, or other transfer of title as evidenced by the consumer's signature within the box containing the disclosure.

(f) Within 30 days after the sale, lease, or other transfer of title of a nonconforming vehicle, the seller shall deliver to the Motor Vehicle Division a copy of the signed written disclosure required for the sale, lease, or other transfer of title of the nonconforming vehicle. The Motor Vehicle Division shall include the disclosure in the nonconforming vehicle's records.

(3)

(a) There shall be affixed to the lower corner of the windshield furthest removed from the driver's side of a nonconforming vehicle, a disclosure statement form which shall be readily visible from the exterior of the vehicle. The form shall be in the following configuration and shall state:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN):

Year: _____ Make: _____ Model: _____

Prior Title Number: _____ State of Title: _____

Odometer Reading: _____

Warning: This motor vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s), malfunction(s), or conditions:

1.
2.
3.
4.
5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD"

(b) The disclosure statement shall be at least 4-1/2 inches wide and 5 inches long.

(c) The heading shall be boldface type in capital letters not smaller than 18 point in size and the body copy shall be regular or medium face type not smaller than 12 point in size.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) The motor vehicle and title identification information must be inserted in the spaces provided.

Amended by Chapter 306, 2007 General Session

41-3-409 Certificate of title -- Brand -- Reporting requirements.

A manufacturer, its agent, or a dealer who accepts the return of a nonconforming vehicle, shall:

(1) immediately upon receipt, cause the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" to be clearly and conspicuously stamped on the face of the original certificate of title, the Manufacturer's Statement of Origin, or other evidence of ownership; and

(2) within 10 days of receipt of the certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership, submit a copy of the face of that stamped document to the Motor Vehicle Division of the Tax Commission.

Enacted by Chapter 163, 1993 General Session

41-3-410 State civil enforcement.

(1) If a person violates Sections 41-3-406 through 41-3-409, the attorney general may bring an action to:

(a) temporarily or permanently restrain or enjoin the violation;

(b) recover any amounts for the benefit of injured consumers for which the violator is liable under Section 41-3-411;

(c) recover a civil penalty of up to $10,000 for each violation that is committed; and

(d) obtain any other equitable relief the court determines to be proper, in addition to damages and civil penalties.

(2) An action under Subsection (1) must be brought within two years from the date on which the violation is discovered and disclosed to the attorney general.

Enacted by Chapter 163, 1993 General Session

41-3-411 Private remedy.

(1) Any seller who violates Sections 41-3-406 through 41-3-409 is liable to the purchaser for:
  (a) actual damages if the purchaser elects to retain the buyback vehicle, or the value of the consideration paid for the buyback vehicle if the purchaser elects rescission;
  (b) the costs of the action and reasonable attorney fees;
  (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
  (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.
(2) Actual damages include the difference between the actual market value of the buyback vehicle or nonconforming vehicle at the time of purchase and the contract price, towing, repair, and storage expenses, rental of substitute transportation, food and lodging expenses, lost wages, finance charges, sales or use tax, other governmental fees, lease charges, and other incidental and consequential damages.
(3) Lack of privity is not a bar to any action under this section.
(4)
  (a) A permanent injunction, final judgment, or final order of the court obtained by the attorney general under Section 41-3-410 is prima facie evidence, in an action brought under this section, that the defendant has violated Sections 41-3-406 through 41-3-409.
  (b) This section does not apply to consent orders or stipulated judgments in which there is no admission of liability by the defendant.
(5) Any action to enforce liability under this section must be brought within two years from the date of discovery by the consumer of the facts underlying the cause of action.

Enacted by Chapter 163, 1993 General Session

41-3-412 Unfair trade practices.

A violation of Sections 41-3-406 through 41-3-409 is an unfair or deceptive practice under Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Enacted by Chapter 163, 1993 General Session

41-3-413 Criminal penalties -- Nonexclusive.

(1) Knowing or intentional concealment, removal, destruction, or alteration of a disclosure statement or of a certificate of title branded under Section 41-1a-522 is a second degree felony.
(2) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-6-525.
(3) The remedies provided in Sections 41-3-410 through this section are not exclusive but are in addition to any other remedies provided by law.

Amended by Chapter 173, 2025 General Session

41-3-414 Application.

Sections 41-3-406 through 41-3-414 apply to automobiles repurchased on or after July 1, 1993.

Enacted by Chapter 163, 1993 General Session

Part 5
Special Dealer License Plates

41-3-501 Special plates -- Dealers -- Dismantlers -- Manufacturers -- Remanufacturers -- Transporters -- Restrictions on use.

(1) Except as provided under this chapter, a dealer may operate or move a motor vehicle displaying a dealer plate issued by the division upon the highways without registering it under Title 41, Chapter 1a, Motor Vehicle Act, if the dealer owns or possesses the motor vehicle by consignment for resale.

(2) A dismantler may operate or move a motor vehicle displaying a dismantler plate issued by the division without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, upon the highways solely to transport the motor vehicle:

(a) from the place of purchase or legal acquisition to the place of business for dismantling; or

(b) to the place of business of a licensed crusher for disposal.

(3) A manufacturer or remanufacturer may operate or move a manufactured or remanufactured motor vehicle displaying a manufacturer plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely to:

(a) deliver the motor vehicle to a dealer;

(b) demonstrate a motor vehicle to a dealer or prospective dealer; or

(c) conduct manufacturer tests of a motor vehicle.

(4)

(a) A transporter may operate or move a motor vehicle displaying a transporter plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely:

(i) from the point of repossession to a financial institution or to the place of storage, so that a financial institution may provide for operation of a repossessed motor vehicle by a prospective purchaser;

(ii) to and from a detail or repair shop for the purpose of detailing or repairing the motor vehicle; or

(iii) to a delivery point in, out, or through the state.

(b) This subsection does not include loaded motor vehicles subject to the gross laden weight provision of Title 41, Chapter 1a, Motor Vehicle Act.

(5) Dealer plates may not be used:

(a) on a motor vehicle leased or rented for compensation;

(b) in lieu of registration, on a motor vehicle sold by the dealer; or

(c) on a loaded commercial vehicle over 26,000 pounds gross laden weight unless a special loaded demonstration permit is obtained from the division in accordance with Section 41-3-502.

Amended by Chapter 424, 2019 General Session

41-3-502 Special plates -- Permit to use dealer plate to demonstrate loaded motor vehicle.

(1) Under rules established by the administrator, the division may issue a permit to a dealer to use a dealer plate to demonstrate a loaded commercial vehicle over 26,000 pounds to a bona fide prospective purchaser.
(2) To obtain a permit, the dealer or his authorized representative shall apply on a form prescribed by the division.
(3) If approved and issued, the permit shall be:
  (a) carried in the commercial vehicle for which the division issued the permit during the demonstration trip; and
  (b) returned to the division properly completed and signed within 10 days after the day on which the permit expires.

Amended by Chapter 424, 2019 General Session

41-3-503 Special plates -- Issuance.
(1) Subject to the provisions of Subsections (3), (4), and (5), the division may issue special plates under Section 41-3-501 as necessary to conduct the business of the dealer, dismantler, manufacturer, remanufacturer, or transporter applying for the plates.
(2) Each plate issued shall contain a number or symbol distinguishing it from every other plate.
(3) Except as provided under Subsection (4), the division may issue five special dealer plates to each dealer licensed under this chapter plus one additional special dealer plate for every 25 motor vehicles the dealer sells each year.
(4) A dealer licensed under this chapter who does not sell at least three new or used motor vehicles in any 12-month period may not be issued or have renewed any special dealer plates.
(5)
  (a)
    (i) The division shall determine, at least annually, the number of special dealer plates to be issued or renewed to each dealer before issuing or renewing any special dealer plates.
    (ii) In determining the number of special plates to be issued to a dealer, the division shall use the past motor vehicle sales history of the dealer.
  (b) If no sales history is available, the division may use generally accepted motor vehicle sales projections based on:
    (i) written forecasts submitted by the dealer to motor vehicle manufacturers, financial institutions, or bonding and insurance companies;
    (ii) the dealer's inventory of motor vehicles available for sale; or
    (iii) written verification of credit extended to the dealer by financial institutions for financing the dealer's inventory of motor vehicles available for sale.
(6)
  (a) The division may recall, redesign, and reissue special plates under this part, as needed to administer the provisions of this title.
  (b) All special plates shall be designed in conformity with Sections 41-1a-401, 41-1a-402, and 41-1a-403.

Amended by Chapter 424, 2019 General Session

41-3-504 Special plates -- Display.
Special plates issued to dealers, dismantlers, manufacturers, remanufacturers, and transporters for the purpose of operating or moving motor vehicles on the highway under the provisions of this chapter shall be:

(1) prominently displayed on the rear of the motor vehicle where clearly visible;
(2) free from foreign materials;
(3) clearly legible; and
(4) securely fastened in a horizontal position.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-505 Special plates -- Application -- Security requirements.
(1) A dealer, dismantler, manufacturer, remanufacturer, or transporter may apply to the division upon the appropriate form for one or more special plates.
(2) The applicant shall also submit proof of the applicant's status as a licensed dealer, dismantler, manufacturer, remanufacturer, or transporter as required by the division.
(3) The applicant shall also establish to the satisfaction of the division that the applicant complies with the security requirements of Sections 31A-22-302 and 31A-22-303.

Amended by Chapter 302, 2025 General Session

41-3-506 Special plates -- Expiration.
(1) A special plate issued expires:
  (a) on June 30 each year; or
  (b) upon the cancellation, suspension, or revocation of the licensee's license.
(2) Under Subsection (1)(b), the plates shall be returned to the licensee upon reinstatement of the licensee's license.
(3) A new plate or plates, or renewal decal, for the ensuing year may be obtained by the licensee submitting a new application to the division and paying the dealer, dismantler, manufacturer, or transporter plate fee provided by law.

Amended by Chapter 302, 2025 General Session

41-3-507 Special plates -- Record to be kept by users -- Reporting and replacing lost or stolen plates.
(1) Each dealer, dismantler, manufacturer, remanufacturer, and transporter shall keep a written record of each special plate issued to the licensee.
(2) The record shall contain the name and address of any person to whom the plate has been assigned to be used.
(3) The record shall:
  (a) account at all times for every special plate issued to the licensee; and
  (b) be open to inspection by any peace officer or any officer or employee of the division.
(4)
  (a)
    (i) A licensee shall report immediately the licensee's lost or stolen special plate to the division.
    (ii) If a dealer does not report a lost or stolen special plate to the division in accordance with Subsection (4)(a)(i), the division shall add any replacement special plate to the total special plates the division issues the dealer under Section 41-3-503.
  (b) A licensee may replace a lost or stolen special plate only after:
    (i) the special plate has expired; or
    (ii)
      (A) the licensee provides a police report to the division; and

(B) the plate is listed as stolen in the National Crime Information Center.

Amended by Chapter 424, 2019 General Session

41-3-508 Special plates -- Suspension or revocation -- Grounds -- Procedure -- Appeal -- Confiscation.

(1) The division may suspend or revoke the special plate or plates issued to a dealer, dismantler, manufacturer, remanufacturer, or transporter if it determines that the person:
  (a) is not lawfully entitled to them;
  (b) has made or knowingly permitted illegal use of the plates;
  (c) has committed fraud in the registration of motor vehicles; or
  (d) failed to give notices of sales or transfers required under this chapter.

(2)
  (a) Suspension or revocation of special plates takes effect immediately upon written notification to the licensee by the division.
  (b) Upon notification, the licensee shall immediately return all special plates to the division.
  (c) Failure to return the plates or permitting their continued use is a violation of this chapter.

(3)
  (a) If a licensee desires to appeal the division's suspension or revocation, the licensee shall file a written notice of appeal with the administrator within 10 days of the suspension or revocation.
  (b) Upon receipt of the notice, the administrator shall schedule a hearing for not more than 20 days from the date the written appeal is received.
  (c) The licensee may not continue to use or possess any special plates that have been suspended or revoked.
  (d) The hearing and subsequent appeal process are in accordance with the procedures in this chapter.

(4)
  (a) A peace officer may confiscate any special plate that the peace officer has reason to believe is being used illegally.
  (b) A special plate confiscated under this chapter or Title 41, Chapter 1a, Motor Vehicle Act, may not be returned to the licensee if the administrator determines that the plate was being used illegally.

Amended by Chapter 302, 2025 General Session

Part 6
Fees

41-3-601 Fees.

(1) The administrator shall collect fees determined by the commission under Section 63J-1-504 for each of the following:
  (a) new motor vehicle dealer's license;
  (b) used motor vehicle dealer's license;
  (c) new motorcycle, off-highway vehicle, and small trailer dealer;
  (d) used motorcycle, off-highway vehicle, and small trailer dealer;
  (e) motor vehicle salesperson's license;

(f) motor vehicle salesperson's transfer or reissue fee;
(g) motor vehicle manufacturer's license;
(h) motor vehicle transporter's license;
(i) motor vehicle dismantler's license;
(j) motor vehicle crusher's license;
(k) motor vehicle remanufacturer's license;
(l) body shop's license;
(m) distributor or factory branch and distributor branch's license;
(n) representative's license;
(o) dealer plates;
(p) dismantler plates;
(q) manufacturer plates;
(r) transporter plates;
(s) damaged plate replacement;
(t) in-transit permits;
(u) loaded demonstration permits;
(v) additional place of business;
(w) special equipment dealer's license;
(x) temporary permits; and
(y) temporary sports event registration certificates.

(2)
(a) To pay for training certified vehicle inspectors and enforcement under Sections 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the administrator shall collect inspection fees determined by the commission under Section 63J-1-504.
(b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to be used toward the costs of the division.

(3)
(a) At the time of application, the administrator shall collect a fee of $200 for each salvage vehicle buyer license.
(b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

(4) A fee imposed under Subsection (1)(x) or (y):
(a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110; and
(b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

41-3-602 Disposition of fees and penalties.

Except as provided in Sections 41-3-601 and 41-3-604, all fees and penalties collected under this chapter shall be paid to the state treasurer who shall deposit them in the General Fund.

Amended by Chapter 185, 2007 General Session
Amended by Chapter 281, 2007 General Session

41-3-604 Fee to cover the cost of electronic payments.

(1) As used in this section:
(a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

(b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

(2)

(a) The division may collect a fee to cover the cost of electronic payments on the following transactions:

(i) each purchase or renewal of a license under Section 41-3-202;

(ii) each purchase of a book of temporary permits under Section 41-3-302;

(iii) each penalty issued for a delinquent temporary permit under Section 41-3-302;

(iv) each purchase of an in-transit permit under Section 41-3-305;

(v) each purchase of a loaded demonstration permit under Section 41-3-502;

(vi) each purchase of a license plate under Section 41-3-503; and

(vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.

(b) The fee described in Subsection (2)(a):

(i) shall be imposed regardless of the method of payment for a particular transaction; and

(ii) need not be separately identified from the fees and penalty described in Subsections (2)(a)(i) through (vii).

(3) The division shall establish the fee under Subsection (2)(a) according to the procedures and requirements of Section 63J-1-504.

(4) A fee imposed under this section:

(a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and

(b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

Part 7
Penalties

41-3-701 Violations as misdemeanors.

(1) Except as otherwise provided in this chapter, any person who violates this chapter is guilty of a class B misdemeanor.

(2)

(a)

(i) Except as provided in Subsection (2)(a)(ii), a person who violates Section 41-3-201 is guilty of a class A misdemeanor.

(ii) A person who violates the requirement to title a vehicle with a salvage certificate within seven days of purchasing the vehicle at a motor vehicle auction under Subsection 41-3-201(3)(e) is guilty of a class C misdemeanor.

(b) Once a person has met the criteria for the offense of acting as a dealer without a license, each additional motor vehicle the person sells, displays for sale, offers for sale or exchange, or leases in that 12-month period without becoming licensed under Section 41-3-202 is a separate violation.

(3) A person who violates Section 41-3-301 10 or more times is guilty of a class A misdemeanor, unless the selling dealer complies with the requirements of Section 41-3-403.

(4) A person who violates Section 41-3-207.5 is guilty of a class A misdemeanor.

Amended by Chapter 424, 2019 General Session

41-3-702 Civil penalty for violation.

(1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:

(a) Level I:

(i) failing to display business license;

(ii) failing to surrender license of salesperson because of termination, suspension, or revocation;

(iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;

(iv) issuing a temporary permit improperly;

(v) failing to maintain records;

(vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;

(vii) special plate violation;

(viii) failing to maintain a sign at a principal place of business; or

(ix) failing to store a salvage vehicle purchased at a motor vehicle auction in a secure location until the purchaser or a transporter has provided the proper documentation to take possession of the salvage vehicle.

(b) Level II:

(i) failing to report sale;

(ii) dismantling without a permit;

(iii) manufacturing without meeting construction or vehicle identification number standards;

(iv) withholding customer license plates;

(v) selling a motor vehicle on consecutive days of Saturday and Sunday; or

(vi) failing to record and report the sale of a salvage vehicle at a motor vehicle auction as described in Section 41-3-201.

(c) Level III:

(i) operating without a principal place of business;

(ii) selling a new motor vehicle as a dealer who is not a direct-sale manufacturer without holding the franchise;

(iii) crushing a motor vehicle without proper evidence of ownership;

(iv) selling from an unlicensed location;

(v) altering a temporary permit;

(vi) refusal to furnish copies of records;

(vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;

(viii) advertising violation;

(ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;

(x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers;

(xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705; or

(xii) a violation of Subsection 41-3-211(1)(d).

(2)

(a) The schedule of civil penalties for violations of Subsection (1) is:

(i) Level I: $25 for the first offense, $100 for the second offense, and $250 for the third and subsequent offenses;

(ii) Level II: $100 for the first offense, $250 for the second offense, and $1,000 for the third and subsequent offenses; and

(iii) Level III: $250 for the first offense, $1,000 for the second offense, and $5,000 for the third and subsequent offenses.

(b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months before the commission of the current offense may be considered.

(3) Knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt is a civil violation in addition to a criminal violation under Section 41-1a-1008.

(4) The civil penalty for a violation under Subsection (3) is:

(a) not less than $1,000, or treble the actual damages caused by the person, whichever is greater; and

(b) reasonable attorney fees and costs of the action.

(5) A civil action may be maintained by a purchaser or by the administrator.

Amended by Chapter 63, 2023 General Session

41-3-703 Violations as felonies.

(1) A person may not forge, falsify, or counterfeit any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction.

(2) A person may not hold or use any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction knowing it to have been forged, falsified, or counterfeited.

(3) A violation of Subsection (1) or (2) is a third degree felony.

Enacted by Chapter 165, 1998 General Session

41-3-704 Penalty waiver.

Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the civil penalties imposed by the division under this chapter.

Enacted by Chapter 53, 2012 General Session

Part 8
Consignment Sales Act

41-3-801 Short title.

This part shall be known as the "Consignment Sales Act."

Enacted by Chapter 167, 1993 General Session

41-3-802 Definitions.

As used in this part:

(1)

(a) "Consignee" means a dealer who accepts vehicles for sale under an agreement that the dealer will pay the consignor for any sold vehicle and will return any unsold vehicles.

(b) "Consignee" does not include a wholesale motor vehicle auction.

(2) "Consignor" means a person who places a vehicle with a consignee for consignment sale.

Amended by Chapter 7, 1995 General Session

41-3-803 Consignment sales.

(1) A consignor may take possession of the consignor's consigned vehicle at any time the consigned vehicle is in the possession of a consignee, provided that the consignor:
  (a) has notified the consignee in writing that the consignor will take possession of the consigned vehicle; and
  (b) has paid all outstanding charges owing to the consignee that have been agreed to by the consignor in accordance with Subsection (2).
(2) The agreed upon charges under Subsection (1)(b) shall be:
  (a) stated on a form designed by the department; and
  (b) included with the written consignment agreement.
(3) A consignee who sells a consigned vehicle shall report to the consignor in writing the exact selling price of the consigned vehicle under either of the following circumstances:
  (a) the consignor and consignee agree in writing that the consignor shall receive a percentage of the selling price upon the sale of the vehicle; or
  (b) the consignor and consignee renegotiate in writing the selling price of the vehicle.
(4) When a consignee sells a consigned vehicle:
  (a) the consignee, within seven calendar days of the date of sale, must give written notice to the consignor that the consigned vehicle has been sold; and
  (b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall remit the payment received to the consignor, unless the agreement to purchase the consigned vehicle has been rescinded before expiration of the 21 days.
(5) If the agreement to purchase the consigned vehicle has for any reason been rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall within five calendar days thereafter give written notice to the consignor that the agreement to purchase has been rescinded.
(6) Vehicles on consignment shall be driven with the consignee's dealer plates. All other license plates or registration indicia must be removed from the vehicle.
(7) Prior to driving a consigned vehicle on the consignee's dealer plates, the consignee and the consignor shall execute a written consignment agreement that states:
  (a) the party responsible for damage or misuse to a consigned vehicle; and
  (b) the permitted uses a consignee may make of a consigned vehicle.
(8) The consignee shall keep the written consignment agreement on file at the consignee's principal place of business.

Amended by Chapter 302, 2025 General Session

Chapter 4
Financing Dealers and Purchasers

41-4-1 Agreements to finance through designated source which lessen competition or create monopoly declared void.

It shall be unlawful for any person who is engaged, either directly or indirectly, in the manufacture or distribution of motor vehicles, to sell or enter into a contract to sell motor vehicles, whether patented or unpatented, to any person who is engaged or intends to engage in the business of selling such motor vehicles at retail in this state, on the condition or with an agreement or understanding, either express or implied, that such person so engaged in selling motor vehicles at retail shall in any manner finance the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or shall sell and assign the conditional sales contracts, chattel mortgages or leases arising from the sale of motor vehicles or any one or number thereof only to a designated person or class of persons, when the effect of the condition, agreement or understanding so entered into may be to lessen or eliminate competition, or create or tend to create a monopoly in the person or class of persons who are designated, by virtue of such condition, agreement or understanding to finance the purchase or sale of motor vehicles or to purchase such conditional sales contracts, chattel mortgages or leases, and any such condition, agreement or understanding is hereby declared to be void and against the public policy of this state.

No Change Since 1953

41-4-2 Threat to discontinue sales to retail seller prima facie evidence of violation.

Any threat, expressed or implied, made directly or indirectly to any person engaged in the business of selling motor vehicles at retail in this state by any person engaged, either directly or indirectly, in the manufacture or distribution of motor vehicles, that such person will discontinue or cease to sell, or refuse to enter into a contract to sell, or will terminate a contract to sell motor vehicles, whether patented or unpatented, to such person who is so engaged in the business of selling motor vehicles at retail, unless such person finances the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages or leases arising from the retail sales of motor vehicles or any one or number thereof only to a designated person or class of persons shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 41-4-1.

Amended by Chapter 365, 2024 General Session

41-4-3 Threat to discontinue sales to person engaged in business of financing who is affiliated with manufacturer or distributor.

Any threat, expressed or implied, made directly or indirectly, to any person engaged in the business of selling motor vehicles at retail in this state by any person, or any agent of any such person, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this state and is affiliated with or controlled by any person engaged, directly or indirectly, in the manufacture or distribution of motor vehicles, that such person so engaged in such manufacture or distribution shall terminate a contract with or cease to sell motor vehicles to such person engaged in the sale of motor vehicles at retail in this state unless such person finances the purchase or sale of any one or number of motor vehicles only or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages, or leases arising from the retail sale of

motor vehicles or any one or any number thereof only to such person so engaged in financing the purchase or sale of motor vehicles or in buying conditional sales contracts, chattel mortgages or leases on motor vehicles, shall be presumed to be made at the direction of and with the authority of such person so engaged in such manufacture or distribution of motor vehicles, and shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 41-4-1.

Amended by Chapter 365, 2024 General Session

41-4-4 Giving of gratuity by manufacturer or wholesaler to one financing sales which lessens competition, unlawful.

It shall be unlawful for any person who is engaged, directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, to pay or give, or contract to pay or give any thing or service of value to any person who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state if the effect of any such payment or the giving of any such thing or service of value may be to lessen or eliminate competition, or tend to create or create a monopoly in the person or class of persons who receive or accept such thing or service of value.

No Change Since 1953

41-4-5 Unlawful for person financing sales to accept gratuity.

It shall be unlawful for any person who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this state to accept or receive, or contract or agree to accept or receive, either directly or indirectly, any payment, thing, or service of value from any person who is engaged, either directly or indirectly, in the manufacture or wholesale distribution only of motor vehicles, whether patented or unpatented, if the effect of the acceptance or receipt of any such payment, thing, or service of value may be to lessen or eliminate competition, or to create or tend to create a monopoly in the person who accepts or receives such payment, thing, or service of value, or contracts or agrees to accept or receive the same.

No Change Since 1953

41-4-6 Accepting gratuity, unlawful thereafter to finance sales.

It shall be unlawful for any person who hereafter so accepts or receives, either directly or indirectly, any payment, thing, or service of value, as set forth in Section 41-4-5, or hereafter so contracts, either directly or indirectly, to receive any such payment or thing or service of value to thereafter finance or attempt to finance the purchase or sale of any motor vehicle or buy or attempt to buy any conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail in this state.

No Change Since 1953

41-4-7 Violation by corporation -- Penalty.

For a violation of any of the provisions of this act by any corporation or association mentioned herein, it shall be the duty of the attorney general or the district attorney of the proper county, to institute proper suits or quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the state.

No Change Since 1953

41-4-8 Violation by foreign corporation -- Penalty.

Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises, or functions of a corporation in this state, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business in this state, and it shall be the duty of the attorney general to enforce this provision by bringing proper proceedings by injunction or otherwise. The Division of Corporations and Commercial Code shall be authorized to revoke the license of any such corporation or association heretofore authorized by it to do business in this state.

Amended by Chapter 66, 1984 General Session

41-4-9 Persons violating provisions -- Penalty.

Any person who violates any of the provisions of this act, any person who is a party to any agreement or understanding, or to any contract prescribing any condition prohibited by this act, and any employee, agent or officer of any such person who shall participate, in any manner, in making, executing, enforcing, performing or in urging, aiding or abetting in the performance of any such contract, condition, agreement or understanding and any person who pays or gives or contracts to pay or give any thing or service of value prohibited by this act, and any person who receives or accepts or contracts to receive or accept any thing or service of value prohibited by this act, shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than $50 nor more than $5,000, or be imprisoned not less than six months nor more than one year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

No Change Since 1953

41-4-10 Agreements in violation of provisions are void.

Any contract or agreement in violation of the provisions of this act, shall be absolutely void and shall not be enforceable either in law or equity.

No Change Since 1953

41-4-11 Provisions cumulative.

The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

No Change Since 1953

41-4-12 Actions for damages.

In addition to the criminal and civil penalties herein provided, any person who is injured in the person's business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover twofold the damages sustained, and the costs of suit. Whenever it shall appear to the court before which any proceeding under this act is pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

Amended by Chapter 365, 2024 General Session

41-4-13 Definitions.

(1) The term "person," as used in this act, means any individual, firm, corporation, partnership, association, trustee, receiver or assignee for the benefit of creditors.
(2) The terms "sell," "sold," "buy," and "purchase," as used in this act, include exchange, barter, gift, and offer or contract to sell or buy.

No Change Since 1953

41-4-14 Severability clause.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

No Change Since 1953

Chapter 6a
Traffic Code

Part 1
General Provisions

41-6a-101 Title.

This chapter is known as the "Traffic Code."

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-102 Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
(2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
(4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
(5) "Authorized emergency vehicle" includes:
(a) a fire department vehicle;
(b) a police vehicle;
(c) an ambulance; and
(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
(6) "Autocycle" means the same as that term is defined in Section 53-3-102.
(7)
(a) "Bicycle" means a wheeled vehicle:
(i) propelled by human power by feet or hands acting upon pedals or cranks;
(ii) with a seat or saddle designed for the use of the operator;
(iii) designed to be operated on the ground; and
(iv) whose wheels are not less than 14 inches in diameter.
(b) "Bicycle" includes an electric assisted bicycle.
(c) "Bicycle" does not include scooters and similar devices.
(8)
(a) "Bicycle lane" means a portion of a highway that has been designated by a highway authority through striping, signage, pavement markings, or barriers for the preferential or exclusive use of bicycle, electric assisted bicycle, and motor assisted scooter traffic.
(b) "Bicycle lane" does not include shared lanes intended for both motor vehicle and bicycle travel.
(9)
(a) "Bus" means a motor vehicle:
(i) designed for carrying more than 15 passengers and used for the transportation of persons; or
(ii) designed and used for the transportation of persons for compensation.
(b) "Bus" does not include a taxicab.
(10)
(a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
(b) "Circular intersection" includes:
(i) roundabouts;
(ii) rotaries; and
(iii) traffic circles.
(11) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
(a) provides assistance only when the rider is pedaling; and
(b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
(12) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
(a) may be used exclusively to propel the bicycle; and
(b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
(13) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
(a) provides assistance only when the rider is pedaling;

(b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
(c) is equipped with a speedometer.
(14) "Commissioner" means the commissioner of the Department of Public Safety.
(15) "Controlled-access highway" means a highway, street, or roadway:
(a) designed primarily for through traffic; and
(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.
(16) "Crosswalk" means:
(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:
(i)
(A) the curbs; or
(B) in the absence of curbs, from the edges of the traversable roadway; and
(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
(17) "Department" means the Department of Public Safety.
(18) "Direct supervision" means oversight at a distance within which:
(a) visual contact is maintained; and
(b) advice and assistance can be given and received.
(19) "Divided highway" means a highway divided into two or more roadways by:
(a) an unpaved intervening space;
(b) a physical barrier; or
(c) a clearly indicated dividing section constructed to impede vehicular traffic.
(20) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.
(21)
(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
(i) has a power output of not more than 750 watts;
(ii) has fully operable pedals;
(iii) has permanently affixed cranks that were installed at the time of the original manufacture;
(iv) is fully operable as a bicycle without the use of the electric motor; and
(v) is one of the following:
(A) a class 1 electric assisted bicycle;
(B) a class 2 electric assisted bicycle;
(C) a class 3 electric assisted bicycle; or
(D) a programmable electric assisted bicycle.
(b) "Electric assisted bicycle" does not include:
(i) a moped;
(ii) a motor assisted scooter;
(iii) a motorcycle;
(iv) a motor-driven cycle; or

(v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
(A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
(B) is equipped with a continuous rated motor power of 750 watts or greater;
(C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
(D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.

(22)
(a) "Electric personal assistive mobility device" means a self-balancing device with:
(i) two nontandem wheels in contact with the ground;
(ii) a system capable of steering and stopping the unit under typical operating conditions;
(iii) an electric propulsion system with average power of one horsepower or 750 watts;
(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
(v) a deck design for a person to stand while operating the device.
(b) "Electric personal assistive mobility device" does not include a wheelchair.

(23) "Electric unicycle" means a self-balancing personal transportation device that:
(a) has a single wheel;
(b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and
(c) is designed for the operator to face in the direction of travel while operating the device.

(24) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

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

(26) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.

(27) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

(28)
(a) "Golf cart" means a device that:
(i) is designed for transportation by players on a golf course;
(ii) has not less than three wheels in contact with the ground;
(iii) has an unladen weight of less than 1,800 pounds;
(iv) is designed to operate at low speeds; and
(v) is designed to carry not more than six persons including the driver.
(b) "Golf cart" does not include:
(i) a low-speed vehicle or an off-highway vehicle;
(ii) a motorized wheelchair;
(iii) an electric personal assistive mobility device;
(iv) an electric assisted bicycle;
(v) a motor assisted scooter;
(vi) a personal delivery device, as defined in Section 41-6a-1119; or

(vii) a mobile carrier, as defined in Section 41-6a-1120.

(29) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

(30) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

(31) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

(a) manufactured to meet Federal Motor Vehicle Safety Standards; and

(b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.

(32) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

(33) "Highway authority" means the same as that term is defined in Section 72-1-102.

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

(35)

(a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

(36) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

(37)

(a) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

(b) "Lane filtering" does not include lane splitting.

(38)

(a) "Lane splitting" means, when operating a motorcycle other than an autocycle, the act of riding a motorcycle between clearly marked lanes for traffic traveling in the same direction of travel while traffic is in motion.

(b) "Lane splitting" does not include lane filtering.

(39) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

(40) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

(41) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

(42)

(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and

(ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

(43) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

(44)

(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

(i) designed for off-highway use; and

(ii) registered as an off-highway vehicle under Section 41-22-3.

(45) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (45)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(46) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

(47)

(a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

(48)

(a) "Motor assisted scooter" means a self-propelled device with:

(i) at least two wheels in contact with the ground;
(ii) a braking system capable of stopping the unit under typical operating conditions;
(iii) an electric motor not exceeding 2,000 watts;
(iv) either:
(A) handlebars and a deck design for a person to stand while operating the device; or
(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
(v) a design for the ability to be propelled by human power alone; and
(vi) a maximum speed of 20 miles per hour on a paved level surface.
(b) "Motor assisted scooter" does not include:
(i) an electric assisted bicycle; or
(ii) a motor-driven cycle.
(49)
(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
(b) "Motor vehicle" does not include:
(i) vehicles moved solely by human power;
(ii) motorized wheelchairs;
(iii) an electric personal assistive mobility device;
(iv) an electric assisted bicycle;
(v) a motor assisted scooter;
(vi) a personal delivery device, as defined in Section 41-6a-1119; or
(vii) a mobile carrier, as defined in Section 41-6a-1120.
(50) "Motorcycle" means:
(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
(b) an autocycle.
(51)
(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:
(i) an engine with less than 150 cubic centimeters displacement; or
(ii) a motor that produces not more than five horsepower.
(b) "Motor-driven cycle" does not include:
(i) an electric personal assistive mobility device;
(ii) a motor assisted scooter; or
(iii) an electric assisted bicycle.
(52) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
(53) "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
(54) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
(55) "Operate" means the same as that term is defined in Section 41-1a-102.
(56) "Operator" means:
(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
(b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
(57) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or other device operated, alone or coupled with another device, on stationary rails.
(58)
(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
(b) "Park" or "parking" does not include:

(i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or

(ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

(59) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

(60) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

(61) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

(62) "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(63) "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

(64) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(65) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.

(66) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

(67) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(68) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

(69) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

(70) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

(71)

(a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

(72) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(73)
(a) "School bus" means a motor vehicle that:
(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
(ii) is used to transport school children to or from school or school activities.
(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.
(74) "Self-balancing electric skateboard" means a device similar to a skateboard that:
(a) has a single wheel;
(b) is powered by an electric motor; and
(c) is designed for the operator to face perpendicular to the direction of travel while operating the device.
(75)
(a) "Semitrailer" means a vehicle with or without motive power:
(i) designed for carrying persons or property and for being drawn by a motor vehicle; and
(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
(b) "Semitrailer" does not include a pole trailer.
(76) "Shoulder area" means:
(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
(77) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
(78)
(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
(b) "Soft-surface trail" does not mean a trail:
(i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or
(ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.
(79) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
(80) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
(81) "Stop" when required means complete cessation from movement.
(82) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
(a) necessary to avoid conflict with other traffic; or
(b) in compliance with the directions of a peace officer or traffic-control device.
(83) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

(84) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
(85) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
(86) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
(87) "Traffic" means pedestrians, bicyclists, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
(88) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
(89) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.
(90) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
(91)
(a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
(b) "Trailer" does not include a pole trailer.
(92) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
(93) "Truck tractor" means a motor vehicle:
(a) designed and used primarily for drawing other vehicles; and
(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
(94) "Two-way left turn lane" means a lane:
(a) provided for vehicle operators making left turns in either direction;
(b) that is not used for passing, overtaking, or through travel; and
(c) that has been indicated by a lane traffic-control device that may include lane markings.
(95) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.
(96) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.
(97) "Wheelie" means a maneuver performed while operating a motorcycle whereby the front wheel of the motorcycle is raised off of the ground.

Amended by Chapter 220, 2025 General Session
Amended by Chapter 471, 2025 General Session

Part 2
Applicability and Obedience to Traffic Laws

41-6a-201 Chapter relates to vehicles on highways -- Exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

(1) when a different place is specifically identified;
(2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and elsewhere throughout the state; or
(3) on private roads within the confines of a campus of a private institution of higher education that has a certified private law enforcement agency, as authorized by Subsection 53-19-202(1)(b).

Amended by Chapter 517, 2024 General Session

41-6a-202 Violations of chapter -- Penalties -- Acceptance of plea of guilty.
(1) As used in this section, "serious bodily injury" is as defined in Section 41-6a-401.3.
(2) A violation of any provision of this chapter is an infraction, unless otherwise provided.
(3) A violation of any provision of Part 2, Applicability and Obedience to Traffic Laws, Part 11, Bicycles and Other Vehicles, Regulation of Operation, Part 17, Miscellaneous Rules, and Part 18, Motor Vehicle Safety Belt Usage Act, of this chapter is an infraction, unless otherwise provided.
(4)
  (a) If a person has received a citation for a moving traffic violation under this chapter that resulted in a collision and any person involved in the collision sustained serious bodily injury or death as a proximate result of the collision, a court may not accept a plea of guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to the plea:
    (i) in open court;
    (ii) in writing; or
    (iii) by another means of communication which the court finds adequate to record the prosecutor's agreement.
  (b) A peace officer that issues a citation for a moving traffic violation under this chapter shall record on the citation whether the moving traffic violation resulted in a collision in which any person involved in the collision sustained serious bodily injury or death as a proximate result of the traffic collision.
(5)
  (a) If a person receives a citation for a violation described in Subsection (5)(b), the person is not guilty of an infraction and is not required to pay a fee or fine if the person presents to the court clerk evidence that the person did not own the vehicle at the time of the alleged violation.
  (b) Subsection (5)(a) applies to a person accused of a violation under this chapter or a violation of a traffic ordinance of a political subdivision for which the sole method of identifying the person alleged to be responsible for the violation is through registration or title records of the Division of Motor Vehicles.
  (c) The court shall consider a bill of sale for the vehicle in question as evidence described in Subsection (5)(a) if the bill of sale:
    (i) is executed by both the buyer and the seller; and
    (ii) indicates that the vehicle was sold on a date before the date of the citation described in Subsection (5)(a).

Amended by Chapter 416, 2023 General Session

41-6a-203 Attempt, conspiracy, or other violations of chapter.

(1) A person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of an act that is a crime under this chapter, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of the offense.
(2) A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter is guilty of the offense.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-204 Requiring or knowingly permitting driver to unlawfully operate vehicle.

A person employing or otherwise directing the operator of a vehicle may not require or knowingly permit the operation of the vehicle on a highway in a manner contrary to law.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-205 Government-owned vehicles subject to chapter.

Except as specifically exempted, the provisions of this chapter applicable to an operator of a vehicle on the highway apply to an operator of a vehicle owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-206 Conflict with Federal Motor Carrier Safety Regulations.

Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this chapter pertaining to commercial motor carriers.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-207 Uniform application of chapter -- Effect of local ordinances.

(1) The provisions of this chapter are applicable throughout this state and in all of its political subdivisions and municipalities.
(2) A local highway authority may not enact or enforce any rule or ordinance in conflict with the provisions of this chapter.
(3) A local highway authority may adopt:
  (a) ordinances consistent with this chapter; and
  (b) additional traffic ordinances not in conflict with this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-208 Regulatory powers of local highway authorities -- Traffic-control device affecting state highway -- Necessity of erecting traffic-control devices.

(1) As used in this section:
  (a)
    (i) "Ground transportation vehicle" means a motor vehicle used for the transportation of persons, used in ride or shared ride, on demand, or for hire transportation of passengers or baggage over public highways.
    (ii) "Ground transportation vehicle" includes a:
      (A) shared ride vehicle;
      (B) bus;

(C) courtesy vehicle;
(D) hotel vehicle;
(E) limousine;
(F) minibus;
(G) special transportation vehicle;
(H) specialty vehicle;
(I) taxicab;
(J) van; or
(K) trailer being towed by a ground transportation vehicle.

(b) "Idle" means the operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.

(2) The provisions of this chapter do not prevent a local highway authority for a highway under its jurisdiction and within the reasonable exercise of police power, from:

(a) regulating or prohibiting stopping, standing, or parking;
(b) regulating traffic by means of a peace officer or a traffic-control device;
(c) regulating or prohibiting processions or assemblages on a highway;
(d) designating particular highways or roadways for use by traffic moving in one direction under Section 41-6a-709;
(e) establishing speed limits for vehicles in public parks, which supersede Section 41-6a-603 regarding speed limits;
(f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;
(g) restricting the use of a highway under Section 72-7-408;
(h) requiring the registration and inspection of bicycles, including requiring a registration fee;
(i) regulating or prohibiting:
(i) certain turn movements of a vehicle; or
(ii) specified types of vehicles;
(j) altering or establishing speed limits under Section 41-6a-603;
(k) requiring written accident reports under Section 41-6a-403;
(l) designating no-passing zones under Section 41-6a-708;
(m) prohibiting or regulating the use of controlled-access highways by any class or kind of traffic under Section 41-6a-715;
(n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
(o) establishing minimum speed limits under Subsection 41-6a-605(3);
(p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6a-1001;
(q) restricting pedestrian crossings at unmarked crosswalks under Section 41-6a-1010;
(r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
(s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;
(t) prohibiting drivers of ambulances from exceeding maximum speed limits;
(u) adopting other traffic ordinances as specifically authorized by this chapter; or
(v) adopting an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority.

(3) A local highway authority may not:

(a) in accordance with Title 72, Chapter 3, Part 1, Highways in General, erect or maintain any official traffic-control device at any location which regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway;
(b) prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle;
(c) enact an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle's engine to idle unless the ordinance:
(i) is primarily educational;
(ii) provides that a person must be issued at least one warning citation before imposing a fine;
(iii) has the same fine structure as a parking violation;
(iv) provides for the safety of law enforcement personnel who enforce the ordinance; and
(v) provides that the ordinance may be enforced on:
(A) public property; or
(B) private property that is open to the general public unless the private property owner:
(I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or
(II) adopts an idle reduction education policy approved by the local highway authority;
(d) enact an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:
(i) if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division in accordance with Section 53-8-204; and
(ii)
(A) based on the manufacture date of the vehicle; or
(B) based on the number of miles the vehicle has accumulated;
(e) enact an ordinance, regulation, rule, fee, or criminal or civil fine pertaining to a registration violation under Section 41-1a-201 or a registration decal issued under Section 41-1a-402 that conflicts with or is more stringent than the registration requirements under Title 41, Motor Vehicles;
(f) enact an ordinance that:
(i) is inconsistent with the provisions of this chapter; or
(ii) prohibits the use of a bicycle on any public street or highway, except as allowed by Section 41-6a-714, unless the local highway authority has:
(A) documented that the local highway authority has reviewed the safety history of the highway and considered other reasonable alternatives, including signage and routes; and
(B) clearly marked a safe alternative route for the prohibited section of highway; or
(g) enact an ordinance, regulation, or rule that requires the owner or driver of a ground transportation vehicle to maintain liability insurance coverage in an amount that is greater than the minimum amount of liability coverage a transportation network company or transportation network driver is required to maintain under Subsection 13-51-108(1)(b).
(4) An ordinance enacted under Subsection (2)(d), (e), (f), (g), (i), (j), (l), (m), (n), or (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.
(5) An ordinance enacted by a local highway authority that violates Subsection (3) is not effective.

Amended by Chapter 294, 2019 General Session

41-6a-209 Obedience to peace officer or other traffic controllers -- Speeding in construction zones.

(1) A person may not willfully fail or willfully refuse to comply with any lawful order or direction of a:
  (a) peace officer;
  (b) firefighter;
  (c) flagger at a highway construction or maintenance site using devices and procedures conforming to the standards adopted under Section 41-6a-301; or
  (d) uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.

(2)
  (a) If a person commits a speeding violation in a highway construction or maintenance site where workers are present, the court shall impose a fine for the offense that is at least double the fine in the uniform recommended fine schedule established under Section 76-3-301.5.
  (b) The highway construction or maintenance site under Subsection (2)(a) shall be clearly marked and have signs posted that warn of the doubled fine.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-210 Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.

(1)
  (a) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not:
    (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or
    (ii) knowingly or intentionally attempt to flee or elude a law enforcement officer by vehicle or other means.
  (b)
    (i) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.
    (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than $1,000.
  (c) A law enforcement officer may impound a vehicle of a person who violates Subsection (1)(a).

(2)
  (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.
  (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than $5,000.

(3)
  (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.
  (b)
    (i) The court shall forward the report of the conviction to the division.
    (ii) If the person is the holder of a driver license from another jurisdiction, the division shall notify the appropriate officials in the licensing state.

Amended by Chapter 134, 2024 General Session

41-6a-212 Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.

(1) As used in this section, "marked authorized emergency vehicle" means an authorized emergency vehicle that:
  (a) has emergency lights that comply with Section 41-6a-1601 affixed to the top of the vehicle; or
  (b) is displaying an identification mark designating the vehicle as the property of an entity that is authorized to operate emergency vehicles in a conspicuous place on both sides of the vehicle.

(2) Subject to Subsections (3) through (6), the operator of an authorized emergency vehicle may exercise the privileges granted under this section when:
  (a) responding to an emergency call;
  (b) in the pursuit of an actual or suspected violator of the law; or
  (c) responding to but not upon returning from a fire alarm.

(3) The operator of an authorized emergency vehicle may:
  (a) park or stand, irrespective of the provisions of this chapter;
  (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  (c) exceed the maximum speed limits, unless prohibited by a local highway authority under Section 41-6a-208; or
  (d) disregard regulations governing direction of movement or turning in specified directions.

(4)
  (a) Except as provided in Subsection (4)(b), privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:
    (i) the operator of the vehicle sounds an audible signal under Section 41-6a-1625; or
    (ii) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle.
  (b) An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.

(5)
  (a) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:
    (i) the operator of the vehicle:
      (A) sounds an audible signal under Section 41-6a-1625; and
      (B) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle;
    (ii) the operator of the authorized emergency vehicle has been trained in accordance with the written policy described in Subsection (5)(b); and
    (iii) the pursuit policy of the public agency described in Subsection (5)(b) is in conformance with standards established under Subsection (6).
  (b)
    (i) Each public agency that owns, operates, or causes to be operated an authorized emergency vehicle shall have a written policy that describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit.
    (ii) The policy described in Subsection (5)(b)(i) shall conform with the minimum standards set forth pursuant to Subsection (6).

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety shall make rules providing minimum standards for all emergency pursuit policies that are adopted by public agencies authorized to operate emergency pursuit vehicles.

(7)

(a) Except as provided in Subsection (7)(b), the privileges granted under this section do not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator under the circumstances.

(b) The operator of a marked authorized emergency vehicle owes no duty of care under this Subsection (7) to a person who is:

(i)

(A) a suspect in the commission of a crime; and

(B) evading, fleeing, or otherwise attempting to elude the operator of a marked authorized emergency vehicle; or

(ii) in a motor vehicle with the suspect described in Subsection (7)(b)(i), unless it is proven by a preponderance of the evidence that:

(A) the person's presence in the vehicle was involuntary; and

(B) the person's participation in evading, fleeing, or attempting to elude was involuntary.

(c)

(i) Notwithstanding Subsection (7)(b), an operator of a marked authorized emergency vehicle may be held liable for a fleeing suspect's injuries if the operator of a marked authorized emergency vehicle had actual intent to cause harm to the fleeing suspect in an act that was unrelated to the legitimate object of the arrest.

(ii) "Actual intent" under this Subsection (7)(c) means a malicious motive to cause injury, not merely an intent to do the act resulting in the injury.

(d) If an operator of a marked authorized emergency vehicle complies with the requirements described in Subsections (5) and (6) while operating the marked authorized emergency vehicle, the operator shall be deemed to have met the operator's duty to act as a reasonably prudent emergency vehicle operator under the circumstances.

(8)

(a) For each instance involving an authorized emergency vehicle in pursuit that results in injury or property damage, the head of the law enforcement agency involved in the pursuit shall evaluate the situation to determine whether the operator of the authorized emergency vehicle complied with the agency's policies.

(b) After the evaluation described in Subsection (8)(a), the head of the law enforcement agency shall document and appropriately remedy through agency administrative action any violations of the agency's policies.

(c) Any document produced under Subsection (8)(b) shall be subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(9) Except for Sections 41-6a-210, 41-6a-502, and 41-6a-528, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work on the surface of a highway.

Amended by Chapter 151, 2018 General Session

41-6a-213 Persons riding or driving animals subject to chapter -- Exceptions.

(1) Except as provided under Subsection (2), a person who is riding an animal or who is driving an animal-drawn vehicle on a roadway is subject to this chapter.

(2) Driver license sanctions for alcohol or drug related traffic offenses do not apply to a person specified under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-214 Quasi-public roads and parking areas -- Local ordinances.

(1) As used in this section, "quasi-public road or parking area" means a privately owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.

(2)

(a) Any municipality or county may by ordinance provide that a quasi-public road or parking area within the municipality or county is subject to this chapter.

(b) An ordinance may not be enacted under this section without:

(i) a public hearing; and

(ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.

(3) This section:

(a) supercedes conflicting provisions under Section 41-6a-215;

(b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area; or

(c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-215 Right of real property owner to regulate traffic.

Except as provided under Section 41-6a-214, this chapter does not prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from:

(1) prohibiting the use;

(2) requiring other conditions not specified in this chapter; or

(3) otherwise regulating the use as preferred by the owner.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-216 Removal of plants or other obstructions impairing view -- Notice to owner -- Penalty.

(1) The owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an operator of a vehicle on a highway.

(2) When a highway authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

(3) The failure of the owner to remove the traffic hazard within 10 days is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-217 Volunteers may be authorized to enforce certain parking provisions.

(1) Any law enforcement agency authorized to enforce parking laws in this state may appoint volunteers to issue citations for violations of:
  (a) the provisions of Subsections 41-1a-414(3) and (4) related to parking for a person with a disability;
  (b) any municipal or county accessible parking privileges ordinance for a person with a disability; or
  (c) the provisions of Subsection 41-6a-1307(4) related to parking in a school bus parking zone.
(2) A volunteer appointed under this section must be at least 21 years of age.
(3) The law enforcement agency appointing a volunteer may establish any other qualification for the volunteer that the agency finds desirable.
(4) A volunteer may not issue citations until the volunteer has received training from the appointing law enforcement agency.
(5) A citation issued by a volunteer under this section has the same force and effect as a citation issued by a peace officer for the same offense.

Renumbered and Amended by Chapter 2, 2005 General Session

Part 3
Traffic-Control Devices

41-6a-301 Standards and specifications for uniform system of traffic-control devices and school crossing guards.
(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules consistent with this chapter adopting standards and establishing specifications for a uniform system of traffic-control devices used on a highway.
(2) The standards and specifications adopted under Subsection (1) shall:
  (a) include provisions for school crossing zones and use of school crossing guards; and
  (b) correlate with, and where possible conform to, the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

Amended by Chapter 382, 2008 General Session

41-6a-302 Placing and maintenance on state highways -- Restrictions on local authorities.
In accordance with Section 72-3-109, a highway authority shall place and maintain traffic-control devices:
(1) in conformance with the standards and specifications adopted under Section 41-6a-301 on all highways under the highway authority's jurisdiction; and
(2) as the highway authority finds necessary to:
  (a) carry out the provisions of:
    (i) this chapter; or
    (ii) a local traffic ordinance if the highway authority is a local highway authority; or
  (b) regulate, warn, or guide traffic.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-303 Definition of reduced speed school zone -- Operation of warning lights -- School crossing guard requirements -- Responsibility provisions -- Rulemaking authority.

(1) As used in this section "reduced speed school zone" means a designated length of a highway extending from a school zone speed limit sign with warning lights operating to an end school zone sign.

(2) The Department of Transportation for state highways and local highway authorities for highways under their jurisdiction:

(a) shall establish reduced speed school zones at elementary schools after written assurance by a local highway authority that the local highway authority complies with Subsections (3) and (4); and

(b) may establish reduced speed school zones for secondary schools at the request of the local highway authority.

(3) For all reduced speed school zones on highways, including state highways within the jurisdictional boundaries of a local highway authority, the local highway authority shall:

(a)

(i) provide shuttle service across highways for school children; or

(ii) provide, train, and supervise school crossing guards in accordance with this section;

(b) provide for the:

(i) operation of reduced speed school zones, including providing power to warning lights and turning on and off the warning lights as required under Subsections (4) and (5); and

(ii) maintenance of reduced speed school zones except on state highways as provided in Section 41-6a-302; and

(c) notify the Department of Transportation of reduced speed school zones on state highways that are in need of maintenance.

(4) While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:

(a) the warning lights operating on each school zone speed limit sign; and

(b) a school crossing guard present if the reduced speed school zone is for an elementary school.

(5) The warning lights on a school zone speed limit sign may not be operating except as provided under Subsection (4).

(6)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules establishing criteria and specifications for the:

(i) establishment, location, and operation of school crosswalks, school zones, and reduced speed school zones;

(ii) training, use, and supervision of school crossing guards at elementary schools and secondary schools; and

(iii) content and implementation of child access routing plans under Section 53G-4-402.

(b) If a school crosswalk is established at a signalized intersection in accordance with the requirements of this section, a local highway authority may reduce the speed limit at the signalized intersection to 20 miles per hour for a highway under its jurisdiction.

(7) Each local highway authority shall pay for providing, training, and supervising school crossing guards in accordance with this section.

(8) Each local highway authority shall ensure that any training described in this section complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Amended by Chapter 415, 2018 General Session

41-6a-304 Obeying devices -- Effect of improper position, illegibility, or absence -- Presumption of lawful placement and compliance with chapter.

(1)
(a) Except as otherwise directed by a peace officer or other authorized personnel under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control device placed or held in accordance with this chapter.
(b) A violation of Subsection (1)(a) is an infraction.

(2)
(a) Any provision of this chapter, for which a traffic-control device is required, may not be enforced if at the time and place of the alleged violation the traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
(b) The provisions of this chapter are effective independently of the placement of a traffic-control device unless the provision requires the placement of a traffic-control device prior to its enforcement.

(3) A traffic-control device placed or held in a position approximately conforming to the requirements of this chapter is presumed to have been placed or held by the official act or direction of a highway authority or other lawful authority, unless the contrary is established by competent evidence.

(4) A traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements of the device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

Amended by Chapter 412, 2015 General Session

41-6a-305 Traffic-control signal -- At intersections -- At place other than intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative defense.

(1)
(a) Green, red, and yellow are the only colors that may be used in a traffic-control signal, except for a:
(i) pedestrian traffic-control signal that may use white and orange; and
(ii) rail vehicle that may use white.
(b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as provided in this section.

(2)
(a)
(i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a circular green signal may:
(A) proceed straight through the intersection;
(B) turn right; or
(C) turn left.
(ii) The operator of a vehicle facing a circular green signal, including an operator turning right or left:
(A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
(B) may not turn right or left if a sign at the intersection prohibits the turn.

(b) The operator of a vehicle facing a green arrow signal shown alone or in combination with another indication:
(i) may cautiously enter the intersection only to make the movement indicated by the arrow or other indication shown at the same time; and
(ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
(c) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.
(3)
(a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal is warned that the allowable movement related to a green signal is being terminated.
(b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.
(4)
(a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a steady circular red or red arrow signal:
(i) may not enter the intersection unless entering the intersection to make a movement is permitted by another indication; and
(ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until an indication to proceed is shown.
(b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.
(c)
(i)
(A) The operator of a vehicle facing a steady circular red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street, after stopping as required by Subsection (4)(a).
(B) If permitted by a traffic control device on the state highway system, the operator of a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from a one-way street into a one-way street after stopping as required by Subsection (4)(a).
(ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:
(A) another vehicle moving through the intersection in accordance with an official traffic-control signal; and
(B) a pedestrian lawfully within an adjacent crosswalk.
(5)
(a) This section applies to a highway or rail line where a traffic-control signal is erected and maintained.
(b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.
(6) The operator of a vehicle approaching an intersection that has an inoperative traffic-control signal shall:
(a) stop before entering the intersection; and

(b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

(7)

(a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

(i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or stop line;

(ii) determines that:

(A) the traffic-control signal has not detected the operator's presence by waiting a reasonable period of time of not less than 90 seconds at the intersection or stop line before entering the intersection;

(B) no other vehicle that is entitled to have the right-of-way under applicable law is sitting at, traveling through, or approaching the intersection; and

(C) no pedestrians are attempting to cross at or near the intersection in the direction of travel of the operator; and

(iii) cautiously enters the intersection and proceeds across the roadway.

(b) The affirmative defense under this section does not apply at an active railroad grade crossing as defined in Section 41-6a-1005.

(8) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-306 Pedestrian traffic-control signals -- Rights and duties.

(1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian traffic-control signal has the right-of-way and may proceed across the roadway in the direction of the signal.

(2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island.

(3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian traffic-control signal may not enter the roadway in the direction of the signal.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-307 Flashing red or yellow signals -- Rights and duties of operators -- Railroad grade crossings excluded.

(1) Except as provided under Section 41-6a-1203 regarding railroad grade crossings, the:

(a) operator of a vehicle facing an illuminated flashing red stop signal used in a traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering;

(b) right to proceed is subject to the rules applicable after making a stop at a stop sign; and

(c) operator of a vehicle facing an illuminated flashing yellow caution signal may cautiously proceed through the intersection or cautiously proceed past the signal.

(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-308 Lane use control signals -- Colors.

(1) The operator of a vehicle facing a traffic-control signal placed to control individual lane use shall obey the signal as follows:
  (a) Green signal -- vehicular traffic may travel in any lane over which a green signal is shown.
  (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is being made.
  (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over which a red signal is shown.
  (d) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of approaching and making a left turn.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-309 Prohibition of unauthorized signs, signals, lights, or markings -- Commercial advertising -- Public nuisance -- Removal.

(1) Except as provided in Section 41-6a-310, a person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which:
  (a) purports to be or which resembles a traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light;
  (b) attempts to direct the movement of traffic;
  (c) hides from view or interferes with the effectiveness of a traffic-control device or any railroad sign or signal; or
  (d) blinds or dazzles an operator on any adjacent highway.
(2) Except as provided under Section 72-7-504 regarding logo advertising, a person may not place or maintain any commercial advertising on any traffic-control device.
(3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property adjacent to a highway providing directional information in a manner that may not be mistaken for a traffic-control device.
(4) Every prohibited sign, signal, or light, or marking is a public nuisance and the highway authority having jurisdiction over the highway may remove it or cause it to be removed without notice.
(5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-310 Private vehicle as emergency vehicle -- Rules.

(1) The commissioner of the Department of Public Safety may make rules, consistent with this chapter, governing the use, in emergencies, of signal lights on privately owned vehicles.
(2) The rules under Subsection (1) may authorize a privately owned vehicle to be designated for part-time emergency use.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-311 Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.

(1) Except as provided in Subsection (3), a person may not alter, deface, damage, knock down, or remove any:
  (a) traffic-control device;

(b) traffic-monitoring device; or
(c) railroad traffic-control device.
(2) Except as provided in Subsection (3), a person may not:
(a) knowingly use a traffic signal preemption device to interfere with the authorized operation or the authorized cycle of a traffic-control signal; or
(b) operate a motor vehicle on a highway while in possession of a traffic signal preemption device.
(3) The provisions of Subsections (1) and (2) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.
(4) A violation of Subsection (1) or (2) is a class C misdemeanor.
(5) It is an affirmative defense to a charge under Subsection (2)(b) that the traffic signal preemption device was inoperative and could not be readily used at the time of the citation or arrest.

Amended by Chapter 412, 2015 General Session

Part 4
Accident Responsibilities

41-6a-401 Accident involving property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.
(1) As used in this section:
(a) "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.
(b) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
(2)
(a) The operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:
(i) may move the vehicle as soon as possible:
(A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest suitable cross street, or other suitable location that does not obstruct traffic; or
(B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and
(ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.
(b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.
(c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.

(3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:
(a) give to the persons involved:
(i) the operator's name, address, and the registration number of the vehicle being operated; and
(ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and
(b) upon request and if available, exhibit the operator's license to:
(i) any investigating peace officer present;
(ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
(iii) the owner of property damaged in the accident, if present.
(4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of $2,500 or more.
(5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
(a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
(b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
(6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
(7) An operator of a vehicle that has knowledge or has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty of a class B misdemeanor.

Amended by Chapter 149, 2019 General Session
Amended by Chapter 383, 2019 General Session

41-6a-401.3 Accident involving injury -- Stop at accident -- Penalty.
(1) As used in this section:
(a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
(b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
(2)
(a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:
(i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

(3)

(a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):

(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and

(ii) shall be fined not less than $750.

(b) A person who violates the provisions of Subsection (2):

(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and

(ii) shall be fined not less than $750.

Amended by Chapter 241, 2011 General Session

41-6a-401.5 Accident involving death -- Stop at accident -- Penalty.

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2)

(a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:

(i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

(3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than $750.

Amended by Chapter 241, 2011 General Session

41-6a-401.7 Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.

(1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall:

(a) give to the persons involved:

(i) the operator's name, address, and the registration number of the vehicle being operated; and

(ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;

(b) upon request and if available, exhibit the operator's license to:

(i) any investigating peace officer present;

(ii) the person struck;

(iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and

(iv) the owner of property damaged in the accident, if present; and

(c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
(i) it is apparent that treatment is necessary; or
(ii) transportation is requested by the injured person.
(2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
(3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
(a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
(b) the occupant is capable of giving an immediate notice.
(4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
(a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
(b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
(5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
(6) A violation of Subsection (4) is a class C misdemeanor.

Amended by Chapter 1, 2015 Special Session 1

41-6a-401.9 Authority to remove and dispose of vehicles and cargoes of vehicles involved in accidents.
(1) As a result of a motor vehicle accident, a law enforcement agency with jurisdiction may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal property that:
(a) has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system;
(b) is blocking the roadway; or
(c) is otherwise endangering public safety.
(2) The Department of Transportation, a law enforcement agency, or an authorized tow truck motor carrier shall not be held responsible for any damages or claims that result from exercising any authority or the failure to exercise any authority granted under this section provided they are acting in good faith.

Amended by Chapter 363, 2011 General Session

41-6a-402 Accident reports -- Duty of operator and investigative officer to file.
(1) The department may require any operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of $2,500 or more to file within 10 days after the request:
(a) a report of the accident to the department in a manner specified by the department; and

(b) a supplemental report when the original report is insufficient in the opinion of the department.

(2) The department may require witnesses of accidents to file reports to the department.

(3)

(a) An accident report is not required under this section from any person who is physically incapable of making a report, during the period of incapacity.

(b) If the operator is physically incapable of making an accident report under this section and the operator is not the owner of the vehicle, the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.

(4)

(a) The department shall, upon request, supply to law enforcement agencies, justice court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.

(b) A request for an accident report form under Subsection (4)(a) shall be made in a manner specified by the division.

(c) The accident reports shall contain:

(i) sufficient detail to disclose the cause of the accident;

(ii) a description of conditions then existing;

(iii) subject to Subsection (4)(d), the name, address, and phone number of each person involved in the accident, including a witness of the accident;

(iv) the vehicles involved in the accident; and

(v) all of the information required that is available.

(d)

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

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

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

(ii) The record described in Subsection (4)(d)(i) is discoverable in a lawsuit by a party that was involved in the accident, if the lawsuit arises from the accident.

(5)

(a) A person shall file an accident report if required under this section.

(b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.

(c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.

(6)

(a) A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file an electronic copy of the report of the accident with the department within 10 days after completing the investigation.

(b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.

(7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section 41-6a-404.

(8)

(a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of

a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.

(b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.

(9) A violation of this section is an infraction.

Amended by Chapter 402, 2023 General Session

41-6a-403 Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.

(1)

(a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.

(b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2.

(2) The peace officer shall record on a form approved by the department:

(a) the information provided by the operator;

(b) whether the operator provided insufficient or no information;

(c) whether the officer finds reasonable cause to believe that any information given is not correct; and

(d) whether other information available to the peace officer indicates that owner's or operator's security is in effect.

(3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt.

(4)

(a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:

(i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or

(ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident.

(b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department.

(c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.

(d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).

(5)

(a) The owner of a vehicle with an unexpired license plate for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.

(b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.
(7) A person is guilty of a class B misdemeanor, and shall be fined not less than $100, who:
(a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;
(b) falsely represents to the department that security required under this chapter is in effect; or
(c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

Amended by Chapter 251, 2024 General Session

41-6a-404 Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.
(1) As used in this section:
(a)
(i) "Accident report" means the written report required of the investigating peace officer, including accompanying data and any later supplements, which describes the site, location, and manner of occurrence of an accident, the persons and vehicles involved, and any other pertinent data that may be useful in the determination of the causes of the accident.
(ii) "Accident report" may include:
(A) a police report;
(B) a motor vehicle collision report;
(C) a reportable accident report;
(D) a driving under the influence report;
(E) an animal control report;
(F) any witness statement or witness recording;
(G) an ambulance medical record or bill;
(H) any accompanying photograph, body camera video, dash camera video, and supplemental report; and
(I) other information, recording, and drawing generated in the investigation of an accident.
(b) "Accompanying data" means all materials gathered by the investigating peace officer in an accident investigation including:
(i) the identity of witnesses and, if known, contact information;
(ii) witness statements;
(iii) photographs;
(iv) surveillance, body camera, dash camera, and any other video footage;
(v) diagrams; and
(vi) field notes.
(c) "Agent" means:
(i) a person's attorney that has been formally engaged in anticipation of litigation or trial, or in active litigation or trial, whether the representation is for a civil or criminal matter;
(ii) a person's insurer;
(iii) a general acute hospital, as defined in Section 26B-2-201, that:
(A) has an emergency room; and
(B) is providing or has provided emergency services to the person in relation to the accident; or

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

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

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

(2)

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

(i) are without prejudice to the reporting individual;

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

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

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

(3)

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

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

(ii) a person suffering loss or injury in the accident;

(iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);

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

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

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

(vii) a licensed private investigator who:

(A) represents an individual described in Subsections (3)(a)(i) through (iii); and

(B) demonstrates that the representation of the individual described in Subsections (3)(a)(i) through (iii) is directly related to the accident that is the subject of the accident report.

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

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

(A) disclose an accident report; or

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

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

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

(c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle

involved in an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.

(d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv) may only include:

(i) the name, age, sex, and city of residence of each person involved in the accident;

(ii) the make and model year of each vehicle involved in the accident;

(iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;

(iv) the location of the accident; and

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

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

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

(ii) the date of the accident; and

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

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

(4)

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

(b)

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

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

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

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

(C) the owners of the vehicles involved; and

(D) the investigating peace officers.

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

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

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

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

(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) or (ii); or
(iv) an insurer that provides motor vehicle insurance to a person described in Subsection (8)(a)(i) or (iii).
(b) A disclosure under Subsection (8)(a) does not change the classification of the record as a protected record under Section 63G-2-305.
(9)
(a) A person may not knowingly obtain an accident report described in this part if the person is not described in Subsection (3).
(b) A person may not knowingly use information in an accident report to market services, including marketing for legal representation.
(c) A person who violates this Subsection (9) is guilty of a class A misdemeanor.

Amended by Chapter 372, 2025 General Session

41-6a-405 Garage keeper to report damaged vehicle without damage sticker.
(1)
(a) The person in charge of any garage or repair shop shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:
(i) involved in an accident for which an accident report may be requested under Section 41-6a-402; or
(ii) struck by any bullet.

(b) The report required under Subsection (1)(a) shall include the:
(i) vehicle identification number;
(ii) registration number; and
(iii) name and address of the owner or operator of the vehicle.
(2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under Subsection (1) is not required.
(3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-406 Statistical information regarding accidents -- Annual publication.
(1) The department may analyze all accident reports.
(2)
(a) The department shall tabulate and publish statistical information as to the number and circumstances of traffic accidents.
(b) The publication under Subsection (2)(a) shall be at least annually.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-407 Livestock on highway -- Restrictions -- Collision, action for damages.
(1) As used in this section, "open range" means the same as that term is defined in Section 4-24-102.
(2)
(a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.
(b) Subsection (2)(a) does not apply to open range livestock drifting onto any highway moving to or from their accustomed ranges.
(3)
(a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.
(b) Subsection (3)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.
(4) A violation of Subsection (2) or (3) is an infraction.
(5) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.
(6) In any civil action brought for damages caused by a collision with open range livestock on a highway, where open range livestock drift onto any highway to or from the open range livestock's accustomed range, there is a rebuttable presumption that the collision was due to the negligence of the driver.
(7) In an action described in Subsection (6), damages for livestock are limited to the replacement cost of the livestock.

Amended by Chapter 127, 2025 General Session

41-6a-408 Peace officer investigating accident to notify owner if livestock or broken fence involved -- Exempt from liability.

(1) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to:
  (a) locate the owner of the livestock;
  (b) inform the owner of the injured or dead animal; and
  (c)
    (i) make arrangements with the owner of the livestock to deliver, mail, email, fax, or otherwise provide the owner of the livestock a copy of the accident report prepared in accordance with Section 41-6a-404; or
    (ii) advise the owner of the livestock where a copy of the accident report prepared in accordance with Section 41-6a-404 may be obtained.
(2) A peace officer investigating an accident resulting in a broken fence, if it appears the fence contains or controls the movement of livestock, shall make reasonable efforts as soon as possible to locate the owner of the property and inform the owner of the broken fence.
(3)
  (a) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property.
  (b) Subsection (3)(a) does not preclude disciplinary action by the law enforcement agency against a peace officer for failure to perform duties required by this section.

Amended by Chapter 220, 2010 General Session

41-6a-409 Prohibition of flat response fee for motor vehicle accident.

(1) As used in this section, "government entity" means the Department of Transportation, the Utah Highway Patrol Division, or a local government entity or agency.
(2) A government entity:
  (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and
  (b) may only charge the individual for the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident, limited to:
    (i) medical costs for transporting an individual from the scene of a motor vehicle accident or treating a person injured in a motor vehicle accident;
    (ii) subject to Subsection (6), the cost for repair or replacement of damaged public property, if the individual is legally liable for the damage;
    (iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and
    (iv) towing costs.
(3) If a government entity imposes a charge on more than one individual for the actual cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the government entity shall apportion the charges so that the government entity does not receive more for responding to the motor vehicle accident than the actual response cost or a reasonable estimate of the cost.
(4) Nothing in this section prohibits a government entity from contracting with an independent contractor to recover costs related to damage to public property.
(5) If a government entity enters into a contract with an independent contractor to recover costs related to damage to public property, the government entity may only pay the independent

contractor out of any recovery received from the person who caused the damage or the responsible party.

(6)

(a) The costs of repair or replacement of damaged public property described in Subsection (2)(b)(ii) include the full cost to:

(i) repair the damaged public property; or

(ii) replace the damaged public property with a replacement that is functionally equivalent to the property that was damaged.

(b) Except for the replacement of a damaged motor vehicle, the costs described in Subsection (6)(a) may not be reduced based on the depreciated value of the damaged public property at the time the damage occurs.

Amended by Chapter 239, 2021 General Session

Part 5
Driving Under the Influence and Reckless Driving

41-6a-501 Definitions.

(1) As used in this part:

(a) "Actual physical control" is determined by a consideration of the totality of the circumstances, but does not include a circumstance in which:

(i) the person is asleep inside the vehicle;

(ii) the person is not in the driver's seat of the vehicle;

(iii) the engine of the vehicle is not running;

(iv) the vehicle is lawfully parked; and

(v) under the facts presented, it is evident that the person did not drive the vehicle to the location while under the influence of alcohol, a drug, or the combined influence of alcohol and any drug.

(b) "Assessment" means an in-depth clinical interview with a licensed mental health therapist:

(i) used to determine if a person is in need of:

(A) substance abuse treatment that is obtained at a substance abuse program;

(B) an educational series; or

(C) a combination of Subsections (1)(b)(i)(A) and (B); and

(ii) that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104.

(c) "Driving under the influence court" means a court that is approved as a driving under the influence court by the Judicial Council according to standards established by the Judicial Council.

(d) "Drug" or "drugs" means:

(i) a controlled substance as defined in Section 58-37-2;

(ii) a drug as defined in Section 58-17b-102; or

(iii) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.

(e) "Educational series" means an educational series obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104.

(f) "Extreme DUI" means an offense of driving under the influence under Section 41-1a-502 where there is admissible evidence that the individual:
(i) had a blood or breath alcohol level of .16 or higher;
(ii) had a blood or breath alcohol level of .05 or higher in addition to any measurable controlled substance; or
(iii) had a combination of two or more controlled substances in the individual's body that were not:
(A) recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(B) prescribed.
(g) "Negligence" means simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.
(h) "Novice learner driver" means an individual who:
(i) has applied for a Utah driver license;
(ii) has not previously held a driver license in this state or another state; and
(iii) has not completed the requirements for issuance of a Utah driver license.
(i) "Screening" means a preliminary appraisal of a person:
(i) used to determine if the person is in need of:
(A) an assessment; or
(B) an educational series; and
(ii) that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104.
(j) "Serious bodily injury" means bodily injury that creates or causes:
(i) serious permanent disfigurement;
(ii) protracted loss or impairment of the function of any bodily member or organ; or
(iii) a substantial risk of death.
(k) "Substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104.
(l) "Substance abuse treatment program" means a state licensed substance abuse program.
(m)
(i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in Section 41-6a-102; and
(ii) "Vehicle" or "motor vehicle" includes:
(A) an off-highway vehicle as defined under Section 41-22-2; and
(B) a motorboat as defined in Section 73-18-2.
(2) As used in Sections 41-6a-502 and 41-6a-520.1:
(a) "Conviction" means any conviction arising from a separate episode of driving for a violation of:
(i) driving under the influence under Section 41-6a-502;
(ii)
(A) for an offense committed before July 1, 2008, alcohol, any drug, or a combination of both-related reckless driving under Sections 41-6a-512 and 41-6a-528; or
(B) for an offense committed on or after July 1, 2008, impaired driving under Section 41-6a-502.5;
(iii) driving with any measurable controlled substance that is taken illegally in the body under Section 41-6a-517;
(iv) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving under Section 41-6a-502.5 adopted in compliance with Section 41-6a-510;

(v) Section 76-5-207;
(vi) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
(vii) negligently operating a vehicle resulting in injury under Section 76-5-102.1;
(viii) a violation described in Subsections (2)(a)(i) through (vii), which judgment of conviction is reduced under Section 76-3-402;
(ix) refusal of a chemical test under Subsection 41-6a-520.1(1); or
(x) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815.

(b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i) through (x) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:
(i) enhancement of penalties under this part; and
(ii) expungement under Title 77, Chapter 40a, Expungement of Criminal Records.

(c) An admission to a violation of Section 41-6a-502 in juvenile court is the equivalent of a conviction even if the charge has been subsequently dismissed in accordance with the Utah Rules of Juvenile Procedure for the purposes of enhancement of penalties under:
(i) this part;
(ii) negligently operating a vehicle resulting in injury under Section 76-5-102.1; and
(iii) automobile homicide under Section 76-5-207.

(3) As used in Section 41-6a-505, "controlled substance" does not include an inactive metabolite of a controlled substance.

Amended by Chapter 197, 2024 General Session

41-6a-502 Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration -- Penalities -- Reporting of convictions.

(1) An actor commits driving under the influence if the actor operates or is in actual physical control of a vehicle within this state if the actor:
(a) has sufficient alcohol in the actor's body that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the actor incapable of safely operating a vehicle; or
(c) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation or actual physical control.

(2)
(a) A violation of Subsection (1) is a class B misdemeanor.
(b) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a class A misdemeanor if the actor:
(i) has a passenger younger than 16 years old in the vehicle at the time of the offense;
(ii) is 21 years old or older and has a passenger younger than 18 years old in the vehicle at the time of the offense;
(iii) at the time of the offense, also violated:

(A) Section 41-6a-712 or 41-6a-714; or
(B) Section 41-6a-709, if the violation occurs on a one-way highway, other than a roundabout, that has more than one lane of traffic; or
(iv) has one prior conviction within 10 years of:
(A) the current conviction under Subsection (1); or
(B) the commission of the offense upon which the current conviction is based.
(c) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a third degree felony if:
(i) the actor has two or more prior convictions each of which is within 10 years of:
(A) the current conviction; or
(B) the commission of the offense upon which the current conviction is based; or
(ii) the current conviction is at any time after:
(A) a felony conviction; or
(B) any conviction described in Subsection (2)(c)(ii)(A) for which judgment of conviction is reduced under Section 76-3-402.
(3) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.
(4) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.
(5) A court shall, monthly, send to the Division of Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving under the influence, in whole or in part, of a prescribed controlled substance.
(6) An offense described in this section is a strict liability offense.
(7) A guilty or no contest plea to an offense described in this section may not be held in abeyance.
(8) An actor is guilty of a separate offense under Subsection (1) for each passenger in the vehicle that is younger than 16 years old at the time of the offense.

Amended by Chapter 197, 2024 General Session

41-6a-502.5 Impaired driving -- Penalty -- Reporting of convictions -- Sentencing requirements.

(1) With the agreement of the prosecutor, a plea to a class B misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008, may be entered as a conviction of impaired driving under this section if:
(a) the defendant completes court ordered probation requirements; or
(b)
(i) the prosecutor agrees as part of a negotiated plea; and
(ii) the court finds the plea to be in the interest of justice.
(2) A conviction entered under this section is a class B misdemeanor.
(3)
(a)
(i) If the entry of an impaired driving plea is based on successful completion of probation under Subsection (1)(a), the court shall enter the conviction at the time of the plea.
(ii) If the defendant fails to appear before the court and establish successful completion of the court ordered probation requirements under Subsection (1)(a), the court shall enter an amended conviction of Section 41-6a-502.

(iii) The date of entry of the amended order under Subsection (3)(a)(ii) is the date of conviction.
(b) The court may enter a conviction of impaired driving immediately under Subsection (1)(b).
(4) For purposes of Section 76-3-402, the entry of a plea to a class B misdemeanor violation of Section 41-6a-502 as impaired driving under this section is a reduction of one degree.
(5)
(a) The court shall notify the Driver License Division of each conviction entered under this section.
(b) Beginning on July 1, 2012, a court shall, monthly, send to the Division of Professional Licensing, created in Section 58-1-103, a report containing the name, case number, and, if known, the date of birth of each person convicted during the preceding month of a violation of this section for whom there is evidence that the person was driving while impaired, in whole or in part, by a prescribed controlled substance.
(6)
(a) The provisions in Subsections 41-6a-505(1), (3), (5), and (7) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series, or obtain substance abuse treatment or do a combination of those things, apply to a conviction entered under this section.
(b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under this section as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections 41-6a-505(1), (3), (5), and (7).
(7)
(a) Except as provided in Subsection (7)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for impaired driving in this state if the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court.
(b) The provisions of Subsection (7)(a) do not apply to a report concerning:
(i) a CDL license holder; or
(ii) a violation that occurred in a commercial motor vehicle.
(8) The provisions of this section are not available:
(a) to a person who has a prior conviction as that term is defined in Subsection 41-6a-501(2); or
(b) to a person charged with extreme DUI.

Amended by Chapter 197, 2024 General Session

41-6a-504 Defense not available for driving under the influence violation.

The fact that a person charged with violating Section 41-6a-502 is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating Section 41-6a-502.

Enacted by Chapter 2, 2005 General Session

41-6a-505 Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.

(1) As part of any sentence for a first conviction of extreme DUI:
(a) the court shall:
(i)
(A) impose a jail sentence of not less than five days; or

(B) impose a jail sentence of not less than two days in addition to home confinement of not fewer than 30 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;

(ii) order the individual to participate in a screening;

(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (1)(a)(ii);

(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (1)(b);

(v) impose a fine of not less than $700;

(vi) order probation for the individual in accordance with Section 41-6a-507;

(vii)

(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or

(B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party;

(viii)

(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or

(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party;

(ix) unless the court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice, order the installation of an ignition interlock system as described in Section 41-6a-518; and

(x) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card; and

(b) the court may:

(i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;

(ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or

(iii) order a combination of Subsections (1)(b)(i) and (ii).

(2)

(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (1)(a).

(b) If an individual described in Subsection (1) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (2)(a).

(3) As part of any sentence for any first conviction of Section 41-6a-502 not described in Subsection (1):

(a) the court shall:

(i)

(A) impose a jail sentence of not less than two days; or

(B) require the individual to work in a compensatory-service work program for not less than 48 hours;

(ii) order the individual to participate in a screening;

(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (3)(a)(ii);
(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (3)(b);
(v) impose a fine of not less than $700;
(vi)
(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
(B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
(vii)
(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
(b) the court may:
(i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
(ii) order probation for the individual in accordance with Section 41-6a-507;
(iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older;
(iv) order a combination of Subsections (3)(b)(i) through (iii); or
(v) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.
(4)
(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (3)(a).
(b) If an individual described in Subsection (4)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (4)(a).
(5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction amounts to extreme DUI:
(a) the court shall:
(i)
(A) impose a jail sentence of not less than 20 days;
(B) impose a jail sentence of not less than 10 days in addition to home confinement of not fewer than 60 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; or
(C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce recidivism and is in the interests of public safety;
(ii) order the individual to participate in a screening;
(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (5)(a)(ii);

(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(b);
(v) impose a fine of not less than $800;
(vi) order probation for the individual in accordance with Section 41-6a-507;
(vii) order the installation of an ignition interlock system as described in Section 41-6a-518;
(viii)
(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
(B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party;
(ix)
(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
(x) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card; and
(b) the court may:
(i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
(ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
(iii) order a combination of Subsections (5)(b)(i) and (ii).
(6)
(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (5)(a) after the individual has served a minimum of:
(i) five days of the jail sentence for a second offense; or
(ii) 10 days of the jail sentence for a third or subsequent offense.
(b) If an individual described in Subsection (6)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (6)(a).
(7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based and that does not qualify under Subsection (5):
(a) the court shall:
(i)
(A) impose a jail sentence of not less than 10 days; or
(B) impose a jail sentence of not less than 5 days in addition to home confinement of not fewer than 30 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;
(ii) order the individual to participate in a screening;
(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (7)(a)(ii);
(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (7)(b);

(v) impose a fine of not less than $800;
(vi) order probation for the individual in accordance with Section 41-6a-507;
(vii)
(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
(B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
(viii)
(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
(b) the court may:
(i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
(ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older;
(iii) order a combination of Subsections (7)(b)(i) and (ii); or
(iv) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.

(8)
(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (7)(a) after the individual has served a minimum of:
(i) five days of the jail sentence for a second offense; or
(ii) 10 days of the jail sentence for a third or subsequent offense.
(b) If an individual described in Subsection (8)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (8)(a).

(9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation for a conviction of extreme DUI, the court shall:
(a) impose a fine of not less than $1,500;
(b) impose a jail sentence of not less than 120 days;
(c) order home confinement of not fewer than 120 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;
(d) order supervised probation; and
(e) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.

(10)
(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
(i) shall impose an order requiring the individual to obtain a screening and assessment for alcohol and substance abuse, and treatment as appropriate; and
(ii) may impose an order requiring the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older.

(b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended prison sentence described in Subsection (9).

(11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation with a sentence not described in Subsection (9), the court shall impose:

(a) a fine of not less than $1,500;

(b) a jail sentence of not less than 60 days;

(c) home confinement of not fewer than 60 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; and

(d) supervised probation.

(12)

(a)

(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the requirements of this section.

(ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).

(b) A court, with stipulation of both parties and approval from the judge, may convert a jail sentence required in this section to electronic home confinement.

(c) A court may order a jail sentence imposed as a condition of misdemeanor probation under this section to be served in multiple two-day increments at weekly intervals if the court determines that separate jail increments are necessary to ensure the defendant can serve the statutorily required jail term and maintain employment.

(13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:

(a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and

(b) one or more of the following:

(i) the installation of an ignition interlock system as a condition of probation for the individual in accordance with Section 41-6a-518;

(ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device or remote alcohol monitor as a condition of probation for the individual; or

(iii) the imposition of home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

Amended by Chapter 471, 2025 General Session

41-6a-506 Electronic monitoring requirements for certain driving under the influence violations.

(1) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.

(2) The electronic monitoring device shall be used under conditions which require:

(a) the person to wear an electronic monitoring device at all times;

(b) that a device be placed in the home or other specified location of the person, so that the person's compliance with the court's order may be monitored; and

(c) the person to pay the costs of the electronic monitoring.

(3) The court shall order the appropriate entity described in Subsection (5) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.
(4) The court may:
(a) require the person's electronic home monitoring device to include a substance abuse testing instrument;
(b) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;
(c) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and
(d) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.
(5) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.
(6) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (4)(d).

Enacted by Chapter 2, 2005 General Session

41-6a-507 Supervised probation for certain driving under the influence violations.
(1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
(a) the court shall specify the period of the probation;
(b) the person shall pay all of the costs of the probation; and
(c) the court may order any other conditions of the probation.
(2)
(a) Subject to Subsection (2)(b), the court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.
(b) If a court determines that a person is subject to supervised probation provided by the Division of Adult Probation and Parole created in Section 64-14-202 for an offense other than the offense for which probation is ordered under Section 41-6a-505 or 41-6a-517, the court may order supervised probation to be provided by the Division of Adult Probation and Parole.
(3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.
(4)
(a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.
(b) The probation provider described in Subsection (2) shall cover the costs of waivers by the court under Subsection (4)(a).

Amended by Chapter 214, 2025 General Session

41-6a-508 Arrest without a warrant for a driving under the influence violation.
A peace officer may, without a warrant, arrest a person for a violation of Section 41-6a-502 when the peace officer has probable cause to believe the violation has occurred, although not

in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

Enacted by Chapter 2, 2005 General Session

41-6a-509 Driver license suspension or revocation for a driving under the influence violation.

(1)

(a) The Driver License Division shall, if the person is 21 years old or older at the time of arrest:

(i) suspend for a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502 or 76-5-102.1; or

(ii) revoke for a period of two years the license of a person if:

(A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation.

(b)

(i) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), the Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to complete 120 days of the interlock restriction.

(ii) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock restriction, the Driver License Division:

(A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days from the date the ignition interlock system was removed from the vehicle; and

(B) may not reduce the 120-day suspension for any days the person was compliant with the interlock restriction under Subsection 53-3-223(10)(a).

(c)

(i) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), the Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to complete three years of the interlock restriction under Subsection 41-6a-521(7).

(ii) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), and the person fails to complete the full three years of interlock restriction, the Driver License Division:

(A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days from the date the ignition interlock system was removed from the vehicle; and

(B) may not reduce the 120-day suspension for any days the person was compliant with the interlock restriction under Subsection 41-6a-521(7).

(2) The Driver License Division shall, if the person is 19 years old or older but under 21 years old at the time of arrest:

(a) suspend the person's driver license until the person is 21 years old or for a period of one year, whichever is longer, if the person is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was committed on or after July 1, 2011;

(b) deny the person's application for a license or learner's permit until the person is 21 years old or for a period of one year, whichever is longer, if the person:

(i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense committed on or after July 1, 2011; and

(ii) has not been issued an operator license;

(c) revoke the person's driver license until the person is 21 years old or for a period of two years, whichever is longer, if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation; or

(d) deny the person's application for a license or learner's permit until the person is 21 years old or for a period of two years, whichever is longer, if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

(ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation; and

(iii) the person has not been issued an operator license.

(3) The Driver License Division shall, if the person is under 19 years old at the time of arrest:

(a) suspend the person's driver license until the person is 21 years old if the person is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207;

(b) deny the person's application for a license or learner's permit until the person is 21 years old if the person:

(i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207; and

(ii) has not been issued an operator license;

(c) revoke the person's driver license until the person is 21 years old if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation; or

(d) deny the person's application for a license or learner's permit until the person is 21 years old if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

(ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation; and

(iii) the person has not been issued an operator license.

(4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (9).

(5) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(6) If a conviction recorded as impaired driving is amended to a driving under the influence conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:

(a) may not subtract from any suspension or revocation any time for which a license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

(b) shall start the suspension or revocation time under Subsection (1) on the date of the amended conviction.

(7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;
(c) completes an assessment, if it is found appropriate by a screening under Subsection (7)(b);
(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (7)(c);
(e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (7)(c) or the court does not order substance abuse treatment;
(f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
(h)
(i) is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
(ii) is under 18 years old and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

(8) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (7), the court shall forward the order shortening the person's suspension period to the Driver License Division in a manner specified by the division prior to the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

(9)
(a)
(i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.
(ii) The additional suspension or revocation period provided in this Subsection (9) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207.
(b) If the court suspends or revokes the person's license under this Subsection (9), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

(10)
(a) The court shall notify the Driver License Division if a person fails to complete all court ordered:
(i) screenings;
(ii) assessments;
(iii) educational series;
(iv) substance abuse treatment; and
(v) hours of work in a compensatory-service work program.
(b) Subject to Subsection 53-3-218(3), upon receiving the notification described in Subsection (10)(a), the division shall suspend the person's driving privilege in accordance with Subsection 53-3-221(2).

(11)

(a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division may shorten the suspension or revocation period imposed under Subsection (1) before completion of the suspension or revocation period if the person:

(i) is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;

(ii)

(A) is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program, a drug court program, or a veterans treatment court program; and

(B) has elected to become an interlock restricted driver as a condition of probation during the remainder of the person's suspension or revocation period in accordance with Section 41-6a-518; or

(iii) has had their operator license suspended under Subsection (1)(a)(i), and the court does not have a problem solving court program approved by the Judicial Council or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the person:

(A) has installed an ignition interlock device in any vehicle owned or driven by the person in accordance with Section 53-3-1007; and

(B) did not inflict bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.

(b) If a court shortens a person's license suspension or revocation period in accordance with the requirements of this Subsection (11), the court shall forward the order shortening the person's suspension or revocation period to the Driver License Division in a manner specified by the division.

(c) The court shall notify the Driver License Division, in a manner specified by the Driver License Division, if a person fails to complete or comply with a condition that allowed the court to shorten the person's license suspension or revocation period under Subsection (11)(a).

(d)

(i)

(A) Upon receiving the notification described in Subsection (11)(c), for a first offense, the division shall suspend the person's driving privilege for a period of 120 days from the date of notice.

(B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be subtracted from the 120-day suspension period for which a driving privilege was previously suspended under this section or Section 53-3-223, if the previous suspension was based on the same occurrence upon which the conviction under Section 41-6a-502 is based.

(ii)

(A) Upon receiving the notification described in Subsection (11)(c), for a second or subsequent offense, the division shall revoke the person's driving privilege for a period of two years from the date of notice.

(B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall be subtracted from the two-year revocation period for which a driving privilege was previously revoked under this section or Section 53-3-223, if the previous revocation was based on the same occurrence upon which the conviction under Section 41-6a-502 is based.

(12) If a court designates a person as an interdicted person as provided in Section 41-6a-505, the court shall:

(a) require the person to surrender the person's identification card or driver license;

(b) notify the Driver License Division that the person is an interdicted person; and

(c) provide the person's identification card or driver license to the Driver License Division.

Amended by Chapter 471, 2025 General Session

41-6a-510 Local DUI and related ordinances and reckless driving and impaired driving ordinances -- Consistent with code.

(1) An ordinance adopted by a local authority that governs the following matters shall be consistent with the provisions in this code which govern the following matters:
  (a) a person's operating or being in actual physical control of a motor vehicle while having alcohol in the blood or while under the influence of alcohol or any drug or the combined influence of alcohol and any drug; or
  (b) in relation to any of the matters described in Subsection (1)(a), the use of:
    (i) a chemical test or chemical tests;
    (ii) evidentiary presumptions;
    (iii) penalties; or
    (iv) any combination of the matters described in Subsection (1).
(2) An ordinance adopted by a local authority that governs reckless driving, impaired driving, or operating a vehicle in willful or wanton disregard for the safety of persons or property shall be consistent with the provisions of this code which govern those matters.

Amended by Chapter 226, 2008 General Session

41-6a-511 Courts to collect and maintain data.

(1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this part.
(2)
  (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.
  (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).
(3) The department shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.
(4)
  (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:
    (i) the data collected by the courts under Subsections (1) and (2);
    (ii) the DUI crash and arrest data collected from law enforcement agencies under Section 53-10-118 by the Department of Public Safety's Criminal Investigations and Technical Services Division; and
    (iii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
      (A) law enforcement;
      (B) adjudication;
      (C) sanctions;
      (D) driver license control; and
      (E) alcohol education, assessment, and treatment.

(b) The report shall be provided in writing to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

Amended by Chapter 252, 2025 General Session
Amended by Chapter 267, 2025 General Session

41-6a-512 Factual basis for alcohol or drug-related reckless driving plea.

(1)
(a) The prosecution shall state for the record a factual basis for a plea, including whether or not there had been consumption of alcohol, drugs, or a combination of both, by the defendant in connection with the violation when the prosecution agrees to a plea of guilty or no contest to a charge of a violation of the following in satisfaction of, or as a substitute for, an original charge of a violation of Section 41-6a-502 for an offense committed before July 1, 2008:
(i) reckless driving under Section 41-6a-528; or
(ii) an ordinance enacted under Section 41-6a-510.
(b) The statement under Subsection (1)(a) is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.

(2) The court shall advise the defendant before accepting the plea offered under this section of the consequences of a violation of Section 41-6a-528.

(3) The court shall notify the Driver License Division of each conviction of Section 41-6a-528 entered under this section.

(4)
(a) The provisions in Subsections 41-6a-505(1), (3), (5), and (7) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series or obtain substance abuse treatment or do a combination of those things, apply to a conviction for a violation of Section 41-6a-528 under Subsection (1).
(b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 41-6a-528 under Subsection (1), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections 41-6a-505(1), (3), (5), and (7).

Amended by Chapter 79, 2021 General Session

41-6a-513 Acceptance of plea of guilty to DUI -- Restrictions -- Verification of prior violations -- Prosecutor to examine defendant's record.

(1) An entry of a plea of guilty or no contest to a criminal charge under Section 41-6a-502 is invalid unless the prosecutor agrees to the plea:
(a) in open court;
(b) in writing; or
(c) by another means of communication which the court finds adequate to record the prosecutor's agreement.

(2)
(a) Prior to agreeing to a plea of guilty or no contest under Subsection (1), the prosecutor shall examine the criminal history or driver license record of the defendant to determine if the defendant's record contains a conviction, arrest, or charge for:

(i) more than one prior violation within the previous 10 years of any offense that, if the defendant were convicted, would qualify as a conviction as defined in Subsection 41-6a-501(2);
(ii) a felony violation of:
(A) Section 41-6a-502; or
(B) Section 76-5-102.1; or
(iii) a violation of Section 76-5-207.
(b) If the defendant's record contains a conviction or unresolved arrest or charge for an offense listed in Subsection (2)(a), a plea may only be accepted if:
(i) approved by:
(A) a district attorney;
(B) a deputy district attorney;
(C) a county attorney;
(D) a deputy county attorney;
(E) the attorney general; or
(F) an assistant attorney general; and
(ii) the attorney giving approval under Subsection (2)(b)(i) has felony jurisdiction over the case.

Amended by Chapter 116, 2022 General Session

41-6a-514 Procedures -- Adjudicative proceedings.

The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

41-6a-515 Standards for chemical breath or oral fluids analysis -- Evidence.

(1) The commissioner of the department shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.
(2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:
(a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and
(b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
(3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-515.5 Sobriety program for DUI.

(1) As used in this section:

(a) "24-7 sobriety program" means a 24 hours a day, seven days a week sobriety and drug monitoring program that:
(i) requires an individual to abstain from alcohol or drugs for a period of time;
(ii) requires an individual to submit to random drug testing; and
(iii) requires the individual to be subject to testing to determine the presence of alcohol:
(A) twice a day at a central location where timely sanctions may be applied;
(B) by continuous remote sensing or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or
(C) by an alternate method that is approved by the National Highway Traffic Safety Administration.
(b)
(i) "Testing" means a procedure for determining the presence and level of alcohol or a drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration.
(ii) "Testing" includes any combination of the use of:
(A) remote and in-person breath testing;
(B) drug patch testing;
(C) urinalysis testing;
(D) saliva testing;
(E) continuous remote sensing;
(F) transdermal alcohol monitoring; or
(G) alternate body fluids approved for testing by the commissioner of the department.
(2) The department may establish a 24-7 sobriety program with a law enforcement agency that is able to meet the 24-7 sobriety program qualifications and requirements under this section.
(3)
(a) The 24-7 sobriety program shall include use of multiple testing methodologies for the presence of alcohol or drugs that:
(i) best facilitates the ability to apply timely sanctions for noncompliance;
(ii) is available at an affordable cost; and
(iii) provides for positive, behavioral reinforcement for program compliance.
(b) The commissioner shall consider the following factors to determine which testing methodologies are best suited for each participant:
(i) whether a device is available;
(ii) whether the participant is capable of paying the fees and costs associated with each testing methodology;
(iii) travel requirements based on each testing methodology and the participant's circumstances;
(iv) the substance or substances for which testing will be required; and
(v) other factors the commissioner considers relevant.
(4)
(a) The 24-7 sobriety program shall be supported by evidence of effectiveness and satisfy at least two of the following categories:
(i) the program is included in the federal registry of evidence-based programs and practices;
(ii) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or
(iii) the program has been documented as effective by informed experts and other sources.
(b) If a law enforcement agency participates in a 24-7 sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this section.

(c) A 24-7 sobriety program shall have at least one testing location and two daily testing times approximately 12 hours apart.

(d) An individual who is ordered by a judge to participate in the 24-7 sobriety program for a first conviction as defined in Subsection 41-6a-501(2) shall be required to participate in a 24-7 sobriety program for at least 30 days.

(e) If an individual who is ordered by a judge to participate in the 24-7 sobriety program has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based, the individual shall be required to participate in a 24-7 sobriety program for at least one year.

(5)

(a) If a law enforcement agency participates in a 24-7 sobriety program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this section, except that the law enforcement agency's designee may not determine whether an individual is required to participate in the 24-7 sobriety program.

(b) Subject to the requirement in Subsection (4)(c), the law enforcement agency shall establish the testing locations and times for the county.

(6)

(a) The commissioner of the department shall establish a data management technology plan for data collection on 24-7 sobriety program participants.

(b) All required data related to participants in the 24-7 sobriety program shall be received into the data management technology plan.

(c) The data collected under this Subsection (6) is owned by the state.

(7)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement this section.

(b) The rules under Subsection (7)(a) shall:

(i) provide for the nature and manner of testing and the procedures and apparatus to be used for testing;

(ii) establish reasonable participation and testing fees for the program, including the collection of fees to pay the cost of installation, monitoring, and deactivation of any testing device;

(iii) establish a process for determining indigency and waiving of a portion of the participation and testing fees for indigent individuals in accordance with Subsection (8);

(iv) require and provide for the approval of a 24-7 sobriety program data management technology plan that shall be used by the department and participating law enforcement agencies to manage testing, data access, fees and fee payments, and any required reports; and

(v) establish a model sanctioning schedule for program noncompliance.

(8)

(a) The department may waive the department's portion of the participation and testing fees, entirely or in part, for individuals who meet the requirements for indigency provided in Section 78B-22-202.

(b) The department may not waive the portion of the participation and testing fees that are retained by a participating law enforcement agency or testing program site.

(c) The department may periodically adjust participation and testing fees to offset lost program revenue resulting from any fee waivers.

(d) If an individual for whom the department waived fees under this Subsection (8) fails to successfully complete all of the requirements of the 24-7 sobriety program, a court may order the individual to pay the department for any waived fees.

Amended by Chapter 197, 2024 General Session

41-6a-515.6 Field sobriety test training.

Each law enforcement agency shall ensure that each peace officer receives training on the current standard field sobriety testing guidelines established by the National Highway Traffic Safety Administration and in accordance with Section 53-25-102.

Amended by Chapter 106, 2024 General Session

41-6a-516 Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence.

(1)

(a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 41-6a-520 are admissible as evidence.

(b)

(i) In a criminal proceeding, noncompliance with Section 41-6a-520 does not render the results of a chemical test inadmissible.

(ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

(2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-517 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(b) "Practitioner" means the same as that term is defined in Section 58-37-2.

(c) "Prescribe" means the same as that term is defined in Section 58-37-2.

(d) "Prescription" means the same as that term is defined in Section 58-37-2.

(2)

(a) Except as provided in Subsection (2)(b), in cases not amounting to a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(b) Subsection (2)(a) does not apply to a person that has 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;

(b) prescribed by a practitioner for use by the accused;

(c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(d) otherwise legally ingested.
(4)
(a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.
(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
(6) The Driver License Division shall, if the person is 21 years old or older on the date of arrest:
(a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
(b) revoke, for a period of two years, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
(7) The Driver License Division shall, if the person is 19 years old or older but under 21 years old on the date of arrest:
(a) suspend, until the person is 21 years old or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or
(b) revoke, until the person is 21 years old or for a period of two years, whichever is longer, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
(8) The Driver License Division shall, if the person is under 19 years old on the date of arrest:
(a) suspend, until the person is 21 years old, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
(b) revoke, until the person is 21 years old, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.
(9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
(10) The Driver License Division shall:
(a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or
(b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
(i) the person was 20 years old or older but under 21 years old at the time of arrest; and

(ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.

(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;

(c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);

(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);

(e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

(f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);

(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and

(h)

(i) is 18 years old or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

(ii) is under 18 years old and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).

(12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period to the Driver License Division in a manner specified by the division prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a).

(13)

(a) The court shall notify the Driver License Division if a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment.

(b) Subject to Subsection 53-3-218(3), upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsection 53-3-221(2).

(14) The court:

(a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and

(b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years old or older.

(15)

(a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

(b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division, in a manner specified by the division, the order shortening the person's suspension period.

(c) The court shall notify the Driver License Division, in a manner specified by the division, if a person fails to complete all requirements of a 24-7 sobriety program.

(d)

(i)

(A) Upon receiving the notification described in Subsection (15)(c), for a first offense, the division shall suspend the person's driving privilege for a period of 120 days from the date of notice.

(B) For a suspension described in Subsection (15)(d)(i)(A), no days shall be subtracted from the 120-day suspension period for which a driving privilege was suspended under this section or under Section 53-3-223, if the previous suspension was based on the same occurrence upon which the conviction under this section is based.

(ii)

(A) Upon receiving the notification described in Subsection (15)(c), for a second or subsequent offense, the division shall revoke the person's driving privilege for a period of two years from the date of notice.

(B) For a revocation described in Subsection (15)(d)(ii)(A), no days shall be subtracted from the two-year revocation period for which a driving privilege was previously revoked under this section or under Section 53-3-223, if the previous revocation was based on the same occurrence upon which the conviction under this section is based.

Amended by Chapter 328, 2023 General Session

41-6a-518 Ignition interlock devices -- Use and monitoring -- Probationer to pay cost -- Indigency -- Fee.

(1) As used in this section:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Employer verification" means written verification from the employer that:

(i) the employer is aware that the employee is an interlock restricted driver;

(ii) the vehicle the employee is operating for employment purposes is not made available to the employee for personal use;

(iii) the business entity that employs the employee is not entirely or partly owned or controlled by the employee;

(iv) the employer's auto insurance company is aware that the employee is an interlock restricted driver; and

(v) the employee has been added to the employer's auto insurance policy as an operator of the vehicle.

(c) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started or continuously operated without first determining the driver's breath alcohol concentration.

(d) "Probation provider" means the supervisor and monitor of the ignition interlock system required as a condition of probation who contracts with the court in accordance with Subsections 41-6a-507(2) and (3).

(2)

(a) In addition to any other penalties imposed under Sections 41-6a-502 and 41-6a-505, and in addition to any requirements imposed as a condition of probation, unless the court determines

and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice, the court shall require that any person who is convicted of violating Section 41-6a-502 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified ignition interlock system installed and calibrated so that the motor vehicle will not start or continuously operate if the operator's blood alcohol concentration exceeds .02 grams or greater.

(b) If a person convicted of violating Section 41-6a-502 was younger than 21 years old when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.

(c)

(i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a prior conviction as defined in Section 41-6a-501, the court shall order the installation of the interlock ignition system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person.

(ii) A person who operates a motor vehicle without an ignition interlock device as required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.

(d) The division shall post the ignition interlock restriction on the electronic record available to law enforcement.

(e) This section does not apply to a person convicted of a violation of Section 41-6a-502 whose violation does not involve alcohol.

(3)

(a) If the court imposes the use of an ignition interlock system as a condition of probation, the court shall:

(i) stipulate on the record the requirement for and the period of the use of an ignition interlock system;

(ii) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense;

(iii) immediately notify the Driver License Division and the person's probation provider of the order;

(iv) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order; and

(v) order the probationer to have the ignition interlock system installed and regularly monitored by an ignition interlock system provider licensed under Title 53, Chapter 3, Part 10, Ignition Interlock System Program Act.

(b) A court may not order a probationer to use a specific ignition interlock system provider.

(4)

(a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.

(b) The probation provider shall notify the court of failure to comply under Subsection (4)(a).

(c) For failure to comply under Subsection (4)(a) or upon receiving the notification under Subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.

(d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.

(5)

(a) Any probationer required to install an ignition interlock system shall, every 60 days or more frequently as the court may order, have the system monitored by the manufacturer or dealer of the system or the manufacturer's or dealer's authorized agent:
(i) to determine the ignition interlock system's proper use and accuracy; and
(ii) to collect information on all attempts to start the motor vehicle with a measurable breath alcohol concentration that were prevented by the ignition interlock system, including the date and time of each attempt.
(b)
(i) A report of the monitoring described in Subsection (5)(a) shall be issued by the manufacturer or dealer or the manufacturer's or dealer's authorized agent to the court or the person's probation provider.
(ii) The report shall be issued within 14 days following each monitoring.
(6)
(a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing, maintaining, and monitoring the system.
(b) A probationer may not be excluded from this section for inability to pay the costs, unless:
(i) the probationer files an affidavit of indigency in accordance with Section 78A-2-302; and
(ii) the court enters a finding that the probationer is indigent.
(c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.
(d) The ignition interlock provider shall cover the costs of waivers by the court under this Subsection (6).
(7)
(a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle without installation of an ignition interlock system only if:
(i) the motor vehicle is used in the course and scope of employment;
(ii) the employer has been notified that the employee is restricted; and
(iii) the employee has employer verification in the employee's possession while operating the employer's motor vehicle.
(b)
(i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.
(ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.
(c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this Subsection (7).
(8)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock systems.
(b) The standards under Subsection (8)(a) shall require that the system:
(i) not impede the safe operation of the motor vehicle;
(ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle;

(iii) require a deep lung breath sample as a measure of breath alcohol concentration;
(iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds .02 grams or greater;
(v) work accurately and reliably in an unsupervised environment;
(vi) resist tampering and give evidence if tampering is attempted;
(vii) operate reliably over the range of motor vehicle environments;
(viii) collect information on all attempts to start a motor vehicle that were prevented by an ignition interlock system, including the date and time of each attempt; and
(ix) be manufactured by a party who will provide liability insurance.
(c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon in certification of ignition interlock systems by other states.
(d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.
(e)
(i) In accordance with Section 63J-1-504, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems distributed in the state for the costs incurred in certifying.
(ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the manufacturers on a fair and reasonable basis.
(f) The commissioner shall require a provider of an ignition interlock system certified in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10, Ignition Interlock System Program Act.
(9) A violation of this section is a class C misdemeanor.
(10) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the state or its employees in connection with the installation, use, operation, maintenance, or supervision of an interlock ignition system as required under this section.

Amended by Chapter 384, 2023 General Session
Amended by Chapter 415, 2023 General Session

41-6a-518.1 Tampering with an ignition interlock system.
(1) As used in this section:
(a) "ignition interlock system" has the same meaning as defined in Section 41-6a-518; and
(b) "interlock restricted driver" has the same meaning as defined in Section 41-6a-518.2.
(2)
(a) A person may not:
(i) circumvent or tamper with the operation of an ignition interlock system;
(ii) knowingly furnish an interlock restricted driver a motor vehicle without an ignition interlock system unless authorized under Subsection 41-6a-518(7);
(iii) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of allowing an interlock restricted driver to operate a motor vehicle; or
(iv) advertise for sale, offer for sale, sell, or lease an ignition interlock system unless the system has been certified by the commissioner as required under Subsection 41-6a-518(8).
(b) An interlock restricted driver may not:
(i) rent, lease, or borrow a motor vehicle without an ignition interlock system; or

(ii) request another person to blow into an ignition interlock system in order to allow the interlock restricted driver to operate the motor vehicle.

(c) A violation of any provision under this Subsection (2) is a class B misdemeanor.

(3) It is an affirmative defense to a charge of a violation of this section if:

(a) the starting of a motor vehicle, or the request to start a motor vehicle, that is equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle; and

(b) the interlock restricted driver does not operate the motor vehicle.

Enacted by Chapter 341, 2006 General Session

41-6a-518.2 Interlock restricted driver -- Penalties for operation without ignition interlock system -- Exemptions.

(1) As used in this section:

(a) "Ignition interlock system" means a constant monitoring device or any similar device that:

(i) is in working order at the time of operation or actual physical control; and

(ii) is certified by the Commissioner of Public Safety in accordance with Subsection 41-6a-518(8).

(b)

(i) "Interlock restricted driver" means a person who has been ordered by a court or the Board of Pardons and Parole as a condition of probation or parole not to operate a motor vehicle without an ignition interlock system.

(ii) "Interlock restricted driver" includes, for the time periods described in Subsection (2), a person who:

(A) has been convicted of a violation under Section 41-6a-502, Subsection 41-6a-520.1(1), or Section 76-5-102.1;

(B) has been convicted of an offense which would be a conviction as defined under Section 41-6a-501, and that offense is committed within 10 years from the date that one or more prior offenses was committed if the prior offense resulted in a conviction as defined in Section 41-6a-501;

(C) has been convicted of a violation of this section;

(D) has been convicted of a violation of Section 41-6a-502, Subsection 41-6a-520.1(1), or Section 76-5-102.1 and was under 21 years old at the time the offense was committed;

(E) has been convicted of a felony violation of Section 41-6a-502, Subsection 41-6a-520.1(1), or Section 76-5-102.1;

(F) has been convicted of a violation of Section 76-5-207; or

(G) has had the person's driving privilege revoked through an administrative action for refusal to submit to a chemical test under Section 41-6a-520.

(iii) "Interlock restricted driver" does not include a person:

(A) whose current conviction described in Subsection (1)(b)(ii)(B) is a conviction under Section 41-6a-502 that does not involve alcohol or a conviction under Section 41-6a-517 and whose prior convictions described in Subsection (1)(b)(ii)(B) are all convictions under Section 41-6a-502 that did not involve alcohol or convictions under Section 41-6a-517;

(B) whose conviction described in Subsection (1)(b)(ii)(A) or (E) is a conviction under Section 41-6a-502 that does not involve alcohol and the convicting court notifies the Driver License Division at the time of sentencing that the conviction does not involve alcohol; or

(C) whose conviction described in Subsection (1)(b)(ii)(A), (B), or (D) is a conviction under Section 41-6a-502 that does not involve alcohol and the ignition interlock restriction is removed as described in Subsection (8).

(2)

(a) The ignition interlock restriction period for an ignition interlock restricted driver under Subsection (1)(b)(ii) begins on:

(i) for a violation described in Subsections (1)(b)(ii)(A) through (F), the date of conviction; or

(ii) for a person described in Subsection (1)(b)(ii)(G), the effective date of the revocation.

(b) The ignition interlock restriction period for an ignition interlock restricted driver under Subsection (1)(b)(ii) ends:

(i) for a violation described in Subsection (1)(b)(ii)(A), 18 months from the day the ignition interlock restricted driver:

(A) provides proof of installation of the ignition interlock system; and

(B) reinstates their driving privilege;

(ii) for a violation described in Subsections (1)(b)(ii)(B) through (D) and Subsection (1)(b)(ii)(G), two years from the date the ignition interlock restricted driver:

(A) provides proof of installation of the ignition interlock system; and

(B) reinstates their driving privilege;

(iii) for a violation described in Subsection (1)(b)(ii)(E), three years from the date the ignition interlock restricted driver:

(A) provides proof of installation of the ignition interlock system; and

(B) reinstates their driving privilege; and

(iv) for a violation described in Subsection (1)(b)(ii)(F), four years from the date the ignition interlock restricted driver:

(A) provides proof of installation of the ignition interlock system; and

(B) reinstates their driving privilege.

(c) If an ignition interlock system is removed from the vehicle before the restriction period under Subsection (2)(b) has ended, the ignition interlock restriction period is extended by the number of days the ignition interlock system was removed from the person's vehicle.

(d) An ignition interlock restricted driver may petition the Driver License Division for removal of the ignition interlock restriction related to a first offense under Section 41-6a-502, and the Driver License Division may grant the petition, if:

(i) the ignition interlock restricted driver was 21 years old or older at the time of the offense;

(ii) the individual does not have a prior conviction, as defined in Section 41-6a-501, that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based;

(iii) at least two years have elapsed since the date of the conviction under Section 41-6a-502; and

(iv) during the time frame from the date of conviction under Section 41-6a-502 to the date the person petitions the Driver License Division for removal of the ignition interlock restriction:

(A) the ignition interlock restricted driver certifies to the division that the ignition interlock restricted driver has not operated a motor vehicle;

(B) there is no evidence of a traffic or driving related violation on the ignition interlock restricted driver's driving record; and

(C) there is no evidence of a motor vehicle crash involving the interlock restricted driver where the interlock restricted driver was operating a motor vehicle.

(3) The division shall post the ignition interlock restriction on a person's electronic record that is available to law enforcement.

(4) For purposes of this section, a plea of guilty or no contest to a violation of Section 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(5) An interlock restricted driver who operates or is in actual physical control of a vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.
(6) It is an affirmative defense to a charge of a violation of Subsection (5) if:
(a) the interlock restricted driver operated or was in actual physical control of a vehicle owned by the interlock restricted driver's employer;
(b) the interlock restricted driver had given written notice to the employer of the interlock restricted driver's interlock restricted status prior to the operation or actual physical control under Subsection (6)(a);
(c) the interlock restricted driver had on the interlock restricted driver's person, or in the vehicle, at the time of operation or physical control employer verification, as defined in Subsection 41-6a-518(1); and
(d) the operation or actual physical control described in Subsection (6)(a) was in the scope of the interlock restricted driver's employment.
(7) The affirmative defense described in Subsection (6) does not apply to:
(a) an employer-owned motor vehicle that is made available to an interlock restricted driver for personal use; or
(b) a motor vehicle owned by a business entity that is entirely or partly owned or controlled by the interlock restricted driver.
(8)
(a) An individual with an ignition interlock restriction may petition the division for removal of the restriction if the individual's offense did not involve alcohol.
(b) If the division is able to establish that an individual's offense did not involve alcohol, the division may remove the ignition interlock restriction.
(9)
(a)
(i) An individual with an ignition interlock restriction may petition the division for removal of the restriction if the individual has a medical condition that prohibits the individual from providing a deep lung breath sample.
(ii) In support of a petition under Subsection (9)(a)(i), the individual shall provide documentation from a physician that describes the individual's medical condition and whether the individual's medical condition would prohibit the individual from being able to provide a deep breath lung sample.
(b) If the division is able to establish that an individual is unable to provide a deep breath lung sample as a result of a medical condition, the division may remove the ignition interlock restriction.

Amended by Chapter 197, 2024 General Session

41-6a-519 Municipal attorneys for specified offenses may prosecute for certain DUI offenses and driving while license is suspended or revoked.

The following class A misdemeanors may be prosecuted by attorneys of cities and towns and other prosecutors authorized elsewhere in this code to prosecute these alleged violations:
(1) alleged class A misdemeanor violations of Section 41-6a-502; and

(2) alleged violations of Section 53-3-227, which consist of the person operating a vehicle while the person's driving privilege is suspended or revoked for:
(a) a violation of Section 41-6a-502;
(b) a local ordinance which complies with the requirements of Section 41-6a-510, 41-6a-520, or 76-5-207; or
(c) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances identified in Subsection (2)(a) or (b).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-520 Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.

(1)
(a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:
(i) having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, or 53-3-231;
(ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6a-502; or
(iii) having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517.
(b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a)(i) through (iii).
(c)
(i) The peace officer determines which of the tests are administered and how many of them are administered.
(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.
(d)
(i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.
(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2)
(a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in criminal prosecution, revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device if the person:

(i) has been placed under arrest;
(ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and
(iii) refuses to submit to any chemical test requested.
(b)
(i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.
(ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.
(c) As a matter of procedure, the peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:
(i) the peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1)(a)(i) through (iii); and
(ii) the person had refused to submit to a chemical test or tests under Subsection (1).
(3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.
(4)
(a) The person to be tested may, at the person's own expense, have a physician or a physician assistant of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.
(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.
(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.
(5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.
(6) Notwithstanding the provisions in this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 415, 2023 General Session

41-6a-520.1 Refusing a chemical test.
(1) An actor commits refusing a chemical test if:
(a) a peace officer issues the warning required in Subsection 41-6a-520(2)(a);
(b) a court issues a warrant to draw and test the blood; and
(c) after Subsections (1)(a) and (b), the actor refuses to submit to a test of the actor's blood.
(2)
(a) A violation of Subsection (1) is a class B misdemeanor.
(b) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a class A misdemeanor if the actor:
(i) has a passenger younger than 16 years old in the vehicle at the time the officer had grounds to believe the actor was driving under the influence;

(ii) is 21 years old or older and has a passenger younger than 18 years old in the vehicle at the time the officer had grounds to believe the actor was driving under the influence;
(iii) also violated Section 41-6a-712 or 41-6a-714 at the time of the offense; or
(iv) has one prior conviction within 10 years of:
(A) the current conviction under Subsection (1); or
(B) the commission of the offense upon which the current conviction is based.
(c) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a third degree felony if:
(i) the actor has two or more prior convictions, each of which is within 10 years of:
(A) the current conviction; or
(B) the commission of the offense upon which the current conviction is based; or
(ii) the current conviction is at any time after:
(A) a felony conviction; or
(B) any conviction described in Subsection (2)(c)(ii)(A) for which judgment of conviction is reduced under Section 76-3-402.
(3) As part of any sentence for a conviction of violating this section, the court shall impose the same sentencing as outlined for driving under the influence violations in Section 41-6a-505, based on whether this is a first, second, or subsequent conviction, with the following modifications:
(a) any jail sentence shall be 24 consecutive hours more than is required under Section 41-6a-505;
(b) any fine imposed shall be $100 more than is required under Section 41-6a-505; and
(c) the court shall order one or more of the following:
(i) the installation of an ignition interlock system as a condition of probation for the individual, in accordance with Section 41-6a-518;
(ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the individual; or
(iii) the imposition of home confinement through the use of electronic monitoring, in accordance with Section 41-6a-506.
(4)
(a) The offense of refusing a chemical test under this section does not merge with any violation of Section 32B-4-409, 41-6a-502, 41-6a-517, or 41-6a-530.
(b) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense of refusal to submit to a chemical test under this section may not be held in abeyance.
(5) An actor is guilty of a separate offense under Subsection (1) for each passenger in the vehicle that is younger than 16 years old at the time the officer had grounds to believe the actor was driving under the influence.

Amended by Chapter 197, 2024 General Session

41-6a-521 Revocation hearing for refusal -- Appeal.
(1)
(a) A person who has been notified of the Driver License Division's intention to revoke the person's license under Section 41-6a-520 is entitled to a hearing.
(b) A request for the hearing shall be made in writing within 10 calendar days after the day on which notice is provided.
(c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.

(d) If the person does not make a request for a hearing before the Driver License Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state is revoked beginning on the 45th day after the date of arrest:
(i) for a person 21 years old or older on the date of arrest, for a period of:
(A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months; or
(B) 36 months if the person previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
(I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
(II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
(III) conviction for an offense under Section 76-5-102.1; or
(IV) conviction for an offense under Section 76-5-207; or
(ii) for a person under 21 years old on the date of arrest:
(A) except as provided in Subsection (1)(d)(ii)(B), until the person is 21 years old or for a period of two years, whichever is longer; or
(B) until the person is 21 years old or for a period of 36 months, whichever is longer, if the person previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
(I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or
(II) conviction for an offense under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
(III) conviction for an offense under Section 76-5-102.1; or
(IV) conviction for an offense under Section 76-5-207.

(2)
(a) Except as provided in Subsection (2)(b), if a hearing is requested by the person, the hearing shall be conducted by the Driver License Division in:
(i) the county in which the offense occurred; or
(ii) a county which is adjacent to the county in which the offense occurred.
(b) The Driver License Division may hold a hearing in some other county if the Driver License Division and the person both agree.

(3) The hearing shall be documented and shall cover the issues of:
(a) whether a peace officer had reasonable grounds to believe that a person was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
(b) whether the person refused to submit to the test or tests under Section 41-6a-520.

(4)
(a) In connection with the hearing, the division or its authorized agent:
(i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; and
(ii) shall issue subpoenas for the attendance of necessary peace officers.
(b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.

(5)
(a) If after a hearing, the Driver License Division determines that the person was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the person fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the person's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held:

(i) for a person 21 years old or older on the date of arrest, for a period of:
(A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or
(B) 36 months if the person previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
(I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
(II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
(III) conviction for an offense under Section 76-5-102.1; or
(IV) conviction for an offense under Section 76-5-207; or
(ii) for a person under 21 years of age on the date of arrest:
(A) except as provided in Subsection (5)(a)(ii)(B), until the person is 21 years old or for a period of two years, whichever is longer; or
(B) until the person is 21 years old or for a period of 36 months, whichever is longer, if the person previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
(I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
(II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
(III) conviction for an offense under Section 76-5-102.1; or
(IV) conviction for an offense under Section 76-5-207.
(b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
(c) The fee shall be cancelled if the person obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.
(6)
(a) Any person whose license has been revoked by the Driver License Division under this section following an administrative hearing may seek judicial review.
(b) Judicial review of an informal adjudicative proceeding is a trial.
(c) Venue is in the district court in the county in which the offense occurred.
(7) If the Driver License Division revokes a person's driving privilege under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the person may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the revocation if the person:
(a) has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
(b) installs an ignition interlock device in any vehicle owned or driven by the person in accordance with Section 53-3-1007;
(c) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27);
(d) pays the appropriate original license fees under Section 53-3-105; and
(e) completes the license application process including successful completion of required testing.
(8)
(a) A person who elects to become an ignition interlock restricted driver under Subsection (7) shall remain an ignition interlock restricted driver for a period of three years.
(b) If the person described under Subsection (8)(a) removes an ignition interlock device from a vehicle owned or driven by the person prior to the expiration of the three-year ignition

interlock restriction period and does not install a new ignition interlock device from the same or a different ignition interlock provider within 24 hours:

(i) the person's driving privilege shall be revoked under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months from the date the ignition interlock device was removed from the vehicle;

(ii) no days may be subtracted from the 18-month revocation period under Subsection (8)(b)(i) for any days the person was in compliance with the interlock restriction under Subsection (7);

(iii) the person is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and

(iv) the person may not elect to become an ignition interlock restricted driver under this section.

(9)

(a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the division shall reinstate a person's driving privilege before completion of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:

(i) the reporting court notifies the Driver License Division that the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;

(ii) the person has served at least 90 days of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and

(iii) the person has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).

(b) If a person's driving privilege is reinstated under Subsection (9)(a), the person is required to:

(i) install an ignition interlock device in any vehicle owned or driven by the person in accordance with Section 53-3-1007;

(ii) pay the license reinstatement application fees described in Subsections 53-3-105(26) and (27);

(iii) pay the appropriate original license fees under Section 53-3-105; and

(iv) complete the license application process including successful completion of required testing.

(c) If the reporting court notifies the Driver License Division that a person has failed to complete all requirements of the 24-7 sobriety program, the division:

(i) shall revoke the person's driving privilege under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice; and

(ii) may not subtract any days from the 18-month revocation period for:

(A) days during which the person's driving privilege previously was revoked; or

(B) days during which the person was compliant with the 24-7 sobriety program.

Amended by Chapter 153, 2024 General Session

41-6a-521.1 Driver license denial or revocation for a criminal conviction for a refusal to submit to a chemical test violation.

(1) Except as provided in Subsection (7) or (8), the Driver License Division shall, if the person is 21 years old or older at the time of arrest:

(a) revoke for a period of 18 months the operator's license of a person convicted for the first time under Subsection 41-6a-520.1(1); or

(b) revoke for a period of 36 months the license of a person if:

(i) the person has a prior conviction as defined under Section 41-6a-501; and

(ii) the current refusal to submit to a chemical test violation under Subsection 41-6a-520.1(1) is committed within a period of 10 years from the date of the prior violation.

(2) The Driver License Division shall, if the person is under 21 years old at the time of arrest:

(a) revoke the person's driver license until the person is 21 years old or for a period of two years, whichever is longer;

(b) revoke the person's driver license until the person is 21 years old or for a period of 36 months, whichever is longer, if:

(i) the person has a prior conviction as defined under Section 41-6a-501; and

(ii) the current refusal to submit to a chemical test violation under Subsection 41-6a-520.1(1) is committed within a period of 10 years from the date of the prior violation; or

(c) if the person has not been issued an operator license:

(i) deny the person's application for a license or learner's permit until the person is 21 years old or for a period of two years, whichever is longer; or

(ii) deny the person's application for a license or learner's permit until the person is 21 years old or for a period of 36 months, whichever is longer, if:

(A) the person has a prior conviction as defined under Section 41-6a-501; and

(B) the current refusal to submit to a chemical test violation under Subsection 41-6a-520.1(1) is committed within a period of 10 years from the date of the prior violation.

(3) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (5).

(4) The Driver License Division shall subtract from any revocation period the number of days for which a license was previously revoked under Section 41-6a-521 if the previous revocation was based on the same occurrence upon which the record of conviction under Subsection 41-6a-520.1(1) is based.

(5)

(a)

(i) In addition to any other penalties provided in this section, a court may order the driver license of a person who is convicted of a violation of Subsection 41-6a-520.1(1) to be revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.

(ii) The additional revocation period provided in this Subsection (5) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Subsection 41-6a-520.1(1).

(b) If the court suspends or revokes the person's license under this Subsection (5), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

(6)

(a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered:

(A) screening;

(B) assessment;

(C) educational series;

(D) substance abuse treatment; and

(E) hours of work in a compensatory-service work program; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification described in Subsection (6)(a), the Driver License Division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(7)
(a) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), the Driver License Division may not revoke the operator's license as described in Subsection (1)(a) unless the person fails to complete three years of the interlock restriction under Subsection 41-6a-521(7).
(b) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7) and the person fails to complete the full three years of interlock restriction, the Driver License Division:
(i) shall revoke the operator's license as described in Subsection (1)(a), effective on the date the ignition interlock was removed from the vehicle; and
(ii) may not subtract any days from the revocation period under Subsection (7)(b)(i) for days during which the person was compliant with the interlock restriction under Subsection 41-6a-521(7).
(8)
(a) The Driver License Division may shorten a person's revocation period imposed under Subsection (1) before the completion of the person's revocation period if:
(i) the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5; and
(ii) the reporting court:
(A) shortens the person's operator's license revocation period due to the person's participation in or successful completion of a 24-7 sobriety program; and
(B) forwards the order shortening the person's operator's license revocation period to the Driver License Division in the manner specified by the Driver License Division.
(b) A reporting court shall notify the Driver License Division, in the manner specified by the Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety program.
(c) Upon receiving a notification described in Subsection (8)(b), for a first offense, the Driver License Division:
(i) shall revoke the person's operator's license for a period of 18 months from the date of the notice; and
(ii) may not subtract any days from the revocation period under Subsection (8)(c)(i) for which the operator's license was previously revoked under this section or Section 41-6a-521, or suspended under Section 53-3-223, if the previous suspension was based on the same occurrence upon which the conviction under this section is based.
(d) Upon receiving a notification described in Subsection (8)(b), for a second or subsequent offense, the Driver License Division:
(i) shall revoke the person's operator's license for a period of three years from the date of the notice; and
(ii) may not subtract any days from the revocation period under Subsection (8)(d)(i) for which the operator's license was previously revoked under this section or Section 41-6a-521, or suspended under Section 53-3-223, if the previous revocation was based on the same occurrence upon which the conviction under this section is based.

Amended by Chapter 384, 2023 General Session
Amended by Chapter 415, 2023 General Session

41-6a-522 Person incapable of refusal.

Subject to Section 77-23-213 for blood tests, a person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is

considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

Amended by Chapter 35, 2018 General Session

41-6a-523 Persons authorized to draw blood -- Immunity from liability.

(1)
(a) Only the following, acting at the request of a peace officer, may draw blood to determine its alcohol or drug content:
(i) a physician;
(ii) a physician assistant;
(iii) a registered nurse;
(iv) a licensed practical nurse;
(v) a paramedic;
(vi) as provided in Subsection (1)(b), emergency medical service personnel other than paramedics; or
(vii) a person with a valid permit issued by the Department of Public Safety under Section 53-2d-103.
(b) The Bureau of Emergency Medical Services may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 53-2d-101, are authorized to draw blood under Subsection (1)(a)(vi), based on the type of license under Section 53-2d-402.
(c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

(2) The following are immune from civil or criminal liability arising from drawing a blood sample from a person whom a peace officer has reason to believe is driving in violation of this chapter, if the sample is drawn in accordance with standard medical practice, and pursuant to a warrant or with the consent of the individual:
(a) a person authorized to draw blood under Subsection (1)(a);
(b) if the blood is drawn at a hospital or other medical facility, the medical facility; or
(c) if the blood is drawn at a law enforcement facility in a secure area not accessible by the public, the law enforcement agency.

Amended by Chapter 340, 2025 General Session

41-6a-524 Refusal as evidence.

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

(1) under the influence of:
(a) alcohol;
(b) any drug; or
(c) a combination of alcohol and any drug;
(2) having any measurable controlled substance or metabolite of a controlled substance in the person's body; or
(3) having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under Section 41-6a-529.

Amended by Chapter 181, 2017 General Session

41-6a-525 Reporting test results -- Immunity from liability.

(1) As used in this section, "health care provider" means a person licensed under:
  (a) Title 58, Chapter 31b, Nurse Practice Act;
  (b) Title 58, Chapter 67, Utah Medical Practice Act; or
  (c) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
(2) A health care provider who is providing medical care to any person involved in a motor vehicle crash may notify, as soon as reasonably possible, the nearest peace officer or law enforcement agency if the health care provider has reason to believe, as a result of any test performed in the course of medical treatment, that the:
  (a) person's blood alcohol concentration meets or exceeds the limits under Subsection 41-6a-502(1)(a);
  (b) person is younger than 21 years of age and has any measurable blood, breath, or urine alcohol concentration in the person's body; or
  (c) person has any measurable controlled substance or metabolite of a controlled substance in the person's body which could be a violation of Subsection 41-6a-502(1)(b) or Section 41-6a-517.
(3) The report under Subsection (2) shall consist of the:
  (a) name of the person being treated;
  (b) date and time of the administration of the test; and
  (c) results disclosed by the test.
(4) A health care provider participating in good faith in making a report or assisting an investigator from a law enforcement agency pursuant to this section is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.
(5) A report under Subsection (2) may not be used to support a finding of probable cause that a person who is not a driver of a vehicle has committed an offense.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.

(1) As used in this section:
  (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.
  (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.
  (c) "Limousine" has the same meaning as defined in Section 32B-1-102.
  (d)
    (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.
    (ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.
    (iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
  (e) "Waters of the state" has the same meaning as defined in Section 73-18-2.
(2) A person may not drink an alcoholic beverage while operating a golf cart, a motor vehicle, a motor assisted scooter, or a class 2 electric assisted bicycle, or while a passenger in a motor

vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.

(3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, on a golf cart, on a motor assisted scooter, or on a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container that contains an alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

(4) Subsections (2) and (3) do not apply to a passenger:

(a) in the living quarters of a motor home or camper;

(b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or

(c) in a motorboat on the waters of the state.

(5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.

(6) A violation of Subsection (2) or (3) is a class C misdemeanor.

Amended by Chapter 84, 2020 General Session

41-6a-527 Seizure and impoundment of vehicles by peace officers -- Impound requirements -- Removal of vehicle by owner.

(1) If a peace officer arrests, cites, or refers for administrative action the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-520.1, 41-6a-530, 41-6a-606, 53-3-231, Subsections 53-3-227(3)(a)(i) through (vii), Subsection 53-3-227(3)(a)(x), or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).

(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:

(a) the registered owner:

(i) requests to remove the vehicle from the scene; and

(ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;

(b) the registered owner identifies a driver with a valid operator's license who:

(i) complies with all restrictions of his operator's license; and

(ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-520.1, 41-6a-530, 53-3-231, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to operate the vehicle; and

(c) the vehicle itself is legally operable.

(3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

Amended by Chapter 415, 2023 General Session

41-6a-528 Reckless driving -- Penalty.

(1) A person is guilty of reckless driving who operates a vehicle in willful or wanton disregard for the safety of persons or property.

(2) For purposes of this section, "willful or wanton disregard for the safety of persons or property" includes:

(a) traveling on a highway at a speed of 105 miles per hour or greater; or
(b) committing three or more traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.
(3) A person who violates Subsection (1) is guilty of a class B misdemeanor.

Amended by Chapter 176, 2022 General Session

41-6a-529 Definitions -- Alcohol restricted drivers.
(1) As used in this section and Section 41-6a-530, "alcohol restricted driver" means a person who:
(a) within the last two years:
(i) has been convicted of:
(A) a misdemeanor violation of Section 41-6a-502 or 76-5-102.1;
(B) alcohol, any drug, or a combination of both-related reckless driving under Section 41-6a-512;
(C) impaired driving under Section 41-6a-502.5;
(D) local ordinances similar to Section 41-6a-502 or 76-5-102.1, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving adopted in compliance with Section 41-6a-510;
(E) a violation described in Subsections (1)(a)(i)(A) through (D), which judgment of conviction is reduced under Section 76-3-402; or
(F) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502 or 76-5-102.1, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815; or
(ii) has had the person's driving privilege suspended under Section 53-3-223 for an alcohol-related offense based on an arrest which occurred on or after July 1, 2005;
(b) within the last three years has been convicted of a violation of this section or Section 41-6a-518.2;
(c) within the last five years:
(i) has had the person's driving privilege revoked through an administrative action for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred on or after July 1, 2005;
(ii) has been convicted of a misdemeanor conviction for refusal to submit to a chemical test under Subsection 41-6a-520.1(1); or
(iii) has been convicted of a class A misdemeanor violation of Section 41-6a-502 or 76-5-102.1 committed on or after July 1, 2008;
(d) within the last 10 years:
(i) has been convicted of an offense described in Subsection (1)(a)(i) which offense was committed within 10 years of the commission of a prior offense described in Subsection (1)(a)(i) for which the person was convicted;
(ii) has been convicted of a felony violation of refusal to submit to a chemical test under Subsection 41-6a-520.1(1); or
(iii) has had the person's driving privilege revoked for refusal to submit to a chemical test and the refusal is within 10 years after:
(A) a prior refusal to submit to a chemical test under Section 41-6a-520; or

(B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not based on the same arrest as the refusal;
(e) at any time has been convicted of:
(i) a violation of Section 76-5-207 for an offense that occurred on or after July 1, 2005; or
(ii) a felony violation of Section 41-6a-502 or 76-5-102.1 for an offense that occurred on or after July 1, 2005;
(f) at the time of operation of a vehicle is under 21 years old; or
(g) is a novice learner driver.
(2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Amended by Chapter 415, 2023 General Session

41-6a-530 Alcohol restricted drivers -- Prohibited from operating a vehicle while having any measurable or detectable amount of alcohol in the person's body -- Penalties.
(1) An alcohol restricted driver who operates or is in actual physical control of a vehicle in this state with any measurable or detectable amount of alcohol in the person's body is guilty of a class B misdemeanor.
(2) A "measurable or detectable amount" of alcohol in the person's body may be established by:
(a) a chemical test;
(b) evidence other than a chemical test; or
(c) a combination of Subsections (2)(a) and (b).
(3) For any person convicted of a violation of this section, the court shall order the installation of an ignition interlock system as a condition of probation in accordance with Section 41-6a-518 or describe on the record or in a minute entry why the order would not be appropriate.

Amended by Chapter 261, 2007 General Session

41-6a-531 Access to DUI investigative reports.
(1) As used in this section:
(a) "Agent" means a person's attorney that has been formally engaged.
(b) "DUI investigative report" means all materials that a peace officer gathers as part of investigating an offense described in Subsection 41-6a-501 including:
(i) the identity of witnesses and, if known, contact information;
(ii) witness statements;
(iii) photographs and videotapes;
(iv) diagrams;
(v) field notes;
(vi) test results; and
(vii) any Targeted Responsibility for Alcohol Connected Emergencies investigation report.
(2)
(a) Upon request, a law enforcement agency shall disclose an unredacted DUI investigative report to:
(i) a person who suffers loss or injury related to the person's actions that gave rise to the investigation; or

(ii) an agent, parent, or legal guardian of the person described in Subsection (2)(a)(i).

(b) A law enforcement agency responding to a request under Subsection (2)(a) may:

(i) withhold a portion of the DUI investigative report if disclosure would materially prejudice an ongoing criminal investigation or criminal prosecution;

(ii) redact or withhold any privileged information;

(iii) redact an individual's phone number or address, if disclosure of the individual's phone number or address may endanger an individual's physical safety; or

(iv) provide the DUI investigative report subject to an agreement that limits the recipient's use of the DUI investigative report to use solely for the purpose of pursuing a civil claim related to the incident.

(3) A law enforcement agency may charge a reasonable fee to cover the cost incurred by disclosing a DUI investigative report in accordance with this section.

Enacted by Chapter 94, 2024 General Session

Part 6
Speed Restrictions

41-6a-601 Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits -- Emergency power of the governor.

(1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

(a) approaching and crossing an intersection or railroad grade crossing;

(b) approaching and going around a curve;

(c) approaching a hill crest;

(d) traveling upon any narrow or winding roadway;

(e) traveling in, through, or approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions; and

(f) the speed causes the person to fail to maintain control of the vehicle or stay within a single lane of travel.

(2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the following speeds are lawful:

(a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;

(b) 25 miles per hour in any urban district; and

(c) 55 miles per hour in other locations.

(3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(4)

(a) A violation of Subsection (1) is an infraction.

(b) For an individual convicted of a speed violation where the individual was operating at a speed of 100 miles per hour or more, the court shall impose a fine not less than 150% of the suggested fine in the uniform fine schedule authorized in Section 76-3-301.5 and in effect at the time of the citation.

(5) The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Amended by Chapter 176, 2022 General Session

41-6a-602 Speed limits established on state highways.

(1)
  (a) The Department of Transportation shall determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.
  (b) For each highway or section of highway, each speed limit shall be based on a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the "Manual on Uniform Traffic Control Devices."
  (c) The traffic engineering and safety studies shall include:
    (i) the design speed;
    (ii) prevailing vehicle speeds;
    (iii) accident history;
    (iv) highway, traffic, and roadside conditions; and
    (v) other highway safety factors.

(2) The Department of Transportation may establish different speed limits on a highway or section of highway based on:
  (a) time of day;
  (b) highway construction;
  (c) type of vehicle;
  (d) weather conditions; and
  (e) other highway safety factors.

(3)
  (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not exceed 65 miles per hour.
  (b) Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other limited access highway may not exceed 75 miles per hour.
  (c)
    (i) The Department of Transportation may establish a posted speed limit on a freeway or other limited access highway that exceeds the maximum speed limit in Subsection (3)(b) if the speed limit is based on a highway traffic engineering and safety study.
    (ii) If the Department of Transportation establishes a posted speed limit that exceeds the limit under Subsection (3)(b), the Department of Transportation shall evaluate the results and impacts of increasing a speed limit under this Subsection (3)(c).
  (d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).

(4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:
  (a) the county for state highways in an unincorporated area of the county;
  (b) the municipality for state highways within the municipality's incorporated area;
  (c) the Department of Public Safety; and
  (d) the Transportation Commission.

(5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Amended by Chapter 42, 2022 General Session

41-6a-603 Speed limits established by counties and municipalities.

(1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act.

(2) Each speed limit shall be established in accordance with the provisions of Subsections 41-6a-602(2), (3), and (5).

Amended by Chapter 42, 2022 General Session

41-6a-604 Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.

(1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303.

(2)

(a) A violation of Subsection (1) is a class C misdemeanor and the minimum fine:

(i) for a first offense shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	$ 260
30 - 39 MPH	$ 420
40 MPH and greater	$ 760

(ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	$ 320
30 - 39 MPH	$ 560
40 MPH and greater	$ 960

(b)

(i) Except as provided under Subsection (2)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.

(ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:

(A) first offense with a vehicle speed of 30 miles per hour or more; or

(B) second and subsequent offense within three years of a previous conviction or bail forfeiture.

(iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.

(3) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

(4) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Amended by Chapter 346, 2024 General Session

41-6a-604.5 Speeding in a school zone complaint procedure.

(1)
(a) A school crossing guard who observes an operator of a vehicle violating Section 41-6a-604 may prepare a report of the alleged violation, in a manner specified by the law enforcement agency with jurisdiction, for the law enforcement agency no more than two working days after the alleged violation occurred.
(b) The report under Subsection (1)(a) shall contain:
(i) the date, time, and location of the violation;
(ii) the license plate number and state;
(iii) a description of the offending vehicle;
(iv) as much as practical, a description of the operator of the offending vehicle;
(v) a description of the incident involving the violation;
(vi) information on how to contact the school crossing guard who witnessed the offense; and
(vii) the signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.

(2)
(a) Upon receiving a report in accordance with Subsection (1), the law enforcement agency shall promptly send a notification letter to the last-known registered owner of the vehicle.
(b) The notification letter shall include:
(i) the applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced speed school zone in violation of state law;
(ii) a complete explanation of the applicable provisions of Section 41-6a-604; and
(iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.
(c) A law enforcement agency shall make reporting forms for a report under Subsection (1) available:
(i) to a school crossing guard; and
(ii) in school administrative offices.

(3) A law enforcement agency that receives a report under Subsection (1) may have a peace officer initiate an investigation of the reported violation.

Enacted by Chapter 124, 2009 General Session

41-6a-605 Minimum speed regulations.

(1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:
(a) a reduced speed is necessary for safe operation;
(b) upon a grade; or
(c) in compliance with a traffic-control device.

(2) Operating a motor vehicle on a limited access highway at less than the speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane is evidence of a violation of Subsection (1).

(3)
(a) If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the highway authority may post a minimum speed limit.

(b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:
(i) when necessary for safe operation; or
(ii) in accordance with Section 41-6a-205.
(c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-606 Speed contest or exhibition on highway -- Barricade or obstruction -- -- Spectators of a speed contest -- Seizure of non-street legal vehicles.
(1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a highway.
(2) A person may not, in any manner, obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).
(3)
(a) A person who violates Subsection (1) is guilty of a class A misdemeanor.
(b) A person who violates Subsection (2) is guilty of a class B misdemeanor.
(4)
(a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1) shall have the person's driver license suspended under Subsection 53-3-220(1)(a)(xv) for a period of:
(i) 60 days for a first offense; and
(ii) 90 days for a second offense within three years of a prior offense.
(b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.
(5) A motor vehicle that is not street legal that is operated or used in a manner that violates this section is subject to seizure in accordance with Title 77, Chapter 11a, Part 2, Seizure of Property and Contraband.

Amended by Chapter 448, 2023 General Session

41-6a-606.1 Prohibition on performing wheelie -- Penalty.
(1) An individual operating a motorcycle on a highway may not perform a wheelie.
(2)
(a) A person who violates Subsection (1) is guilty of an infraction.
(b) If an individual is convicted of a violation of Subsection (1), the Driver License Division shall:
(i) suspend the individual's motorcycle endorsement for a period of 90 days; or
(ii) if the individual does not have a valid motorcycle endorsement, suspend the individual's driver license for a period of 90 days.
(c) If an individual with a motorcycle endorsement is convicted of a second violation of Subsection (1), the Driver License Division shall suspend the individual's motorcycle endorsement for a period of 180 days.
(d) If an individual with a motorcycle endorsement is convicted of a third or subsequent violation of Subsection (1), the Driver License Division shall revoke the individual's motorcycle endorsement.

(3) The court shall forward the report of a conviction for a violation of Subsection (1) to the Driver License Division in accordance with Section 53-3-218.
(4) A law enforcement officer may impound a vehicle of a person who violates Subsection (1).

Enacted by Chapter 220, 2025 General Session

41-6a-607 Speed violation -- Complaint -- Civil negligence.
(1) For a charge of violation of a speed provision under this part, the citation or information shall specify the:
  (a) speed at which the defendant is alleged to have operated a vehicle; and
  (b) speed limit applicable to the section of the highway where the violation is alleged to have occurred.
(2) The provisions of this part declaring prima facie speed limitations do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-608 Photo radar -- Restrictions on use.
(1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.
(2) Photo radar may not be used except:
  (a)
    (i) in school zones; or
    (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
  (b) when a peace officer is present with the photo radar unit;
  (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
  (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
  (e) when the citation is accompanied by the photograph produced by photo radar.
(3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
(4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
(5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
  (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
  (b) the total fine revenue generated by using photo radar;
  (c) the number of citations issued by the use of photo radar; and
  (d) the amount paid to the person providing the photo radar unit.
(6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-609 Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.

(1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(2)

(a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.

(b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the arrest or citation.

(4) This section does not apply to law enforcement personnel acting in their official capacity.

(5) A person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

Part 7
Driving on Right Side of Highway and Passing

41-6a-701 Duty to operate vehicle on right side of roadway -- Exceptions.

(1) On all roadways of sufficient width, a person operating a vehicle shall operate the vehicle on the right half of the roadway, except:

(a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;

(b) when an obstruction requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);

(c) when overtaking and passing a bicycle or moped proceeding in the same direction at a speed less than the reasonable speed of traffic that is present requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2);

(d) on a roadway divided into three marked lanes for traffic under the applicable rules; or

(e) on a roadway designed and signposted for one-way traffic.

(2)

(a) A person operating a vehicle as described under Subsection (1) shall yield the right-of-way to a vehicle:

(i) traveling in the proper direction on a roadway; and

(ii) that is within a distance constituting an immediate hazard.

(b) When overtaking and passing a bicycle or moped under Subsection (1)(c), a person operating a vehicle shall not pass a bicycle or moped proceeding in the same direction if the pass cannot be made safely, including under any of the following conditions:

(i) when approaching or upon the crest of a grade or upon a curve in the highway where the operator's view is in any way obstructed;

(ii) when approaching within 100 feet of, or traversing, any intersection or railroad grade crossing unless otherwise indicated by an official traffic control device;
(iii) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel; or
(iv) when the pass cannot be made in accordance with Section 41-6a-706.5.
(3) A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when:
(a) overtaking and passing another vehicle proceeding in the same direction;
(b) preparing to turn left; or
(c) taking a different highway or an exit on the left.

Amended by Chapter 293, 2013 General Session

41-6a-702 Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.
(1) As used in this section and Section 41-6a-704, "general purpose lane" means a highway lane open to vehicular traffic but does not include a designated:
(a) high occupancy vehicle (HOV) lane; or
(b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.
(2) On a freeway or section of a freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's vehicle or combination of vehicles has a gross vehicle weight rating of 18,001 or more pounds.
(3) Subsection (2) does not apply to a person operating a vehicle who is:
(a) preparing to turn left or taking a different highway split or an exit on the left;
(b) responding to emergency conditions;
(c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
(d) following direction signs that direct use of a designated lane.
(4)
(a) A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under its jurisdiction for the:
(i) safety of the public;
(ii) efficient maintenance of a highway; or
(iii) use of high occupancy vehicles.
(b) The lane designation under Subsection (4)(a) is effective when appropriate signs or roadway markings giving notice are erected on the highway or portion of the highway.
(5)
(a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.
(b)
(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.

(ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.
(iii) The Department of Transportation may, through rules made under Subsection (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will allow the Department of Transportation to continue to meet its goals for operational management of the lane designated under Subsection (4)(a)(iii).
(6) A public transportation vehicle may operate in a lane designated under Subsection (4)(a)(iii) regardless of the number of occupants as permitted by federal law and regulation.
(7) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an infraction.

Amended by Chapter 74, 2020 General Session

41-6a-703 Passing vehicles proceeding in opposite directions.
(1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in an opposite direction from another vehicle shall pass the other vehicle to the right.
(2) On a roadway having width for not more than one line of traffic in each direction, the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main traveled portion of the roadway.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-704 Overtaking and passing vehicles proceeding in same direction.
(1) As used in this section:
(a)
(i) "Off-ramp" means the portion of a roadway that connects a freeway or limited access highway to an intersection.
(ii) "Off-ramp" does not include the portion of a roadway that connects two controlled access highways, two limited access highways, or a controlled access highway and a limited access highway.
(b)
(i) "On-ramp" means the portion of a roadway that connects an intersection to a freeway or limited access highway.
(ii) "On-ramp" does not include the portion of a roadway that connects two controlled access highways, two limited access highways, or a controlled access highway and a limited access highway.
(2)
(a) Except as provided in Section 41-6a-718, on any highway:
(i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:
(A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and
(B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;
(ii) the operator of an overtaken vehicle:
(A) shall give way to the right in favor of the overtaking vehicle; and

(B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (2)(a)(i)(A).

(3) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:

(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and

(b) may not impede the movement or free flow of traffic in the left general purpose lane.

(4) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (3).

(5) The provisions of Subsection (3) do not apply to an operator of a vehicle traveling in the left general purpose lane when:

(a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (2)(a)(i);

(b) preparing to turn left or taking a different highway or an exit on the left;

(c) responding to emergency conditions;

(d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or

(e) following the direction of a traffic-control device that directs the use of a designated lane.

(6) An individual may engage in lane filtering only when the following conditions exist:

(a) the individual is operating a motorcycle;

(b) the individual is:

(i) on a roadway that is divided into two or more adjacent traffic lanes in the same direction of travel; or

(ii) on an off-ramp that is divided into two or more adjacent traffic lanes in the same direction of travel;

(c) the individual is:

(i) on a roadway with a speed limit of 45 miles per hour or less; or

(ii) on an off-ramp;

(d) the individual is not on an on-ramp;

(e) the vehicle being overtaken in the same lane is stopped;

(f) the motorcycle is traveling at a speed of 15 miles per hour or less; and

(g) the movement may be made safely.

(7) A violation of Subsection (2), (3), or (6) is an infraction.

Amended by Chapter 456, 2024 General Session

41-6a-704.1 Prohibition on lane splitting -- Penalty.

(1) An individual may not engage in lane splitting.

(2) A violation of Subsection (1) is an infraction.

(3) If an individual is convicted of a violation of Subsection (1), the Driver License Division shall:

(a) suspend the individual's motorcycle endorsement for a period of 90 days; or

(b) if the individual does not have a valid motorcycle endorsement, suspend the individual's driver license for a period of 90 days.

(4) If an individual with a motorcycle endorsement is convicted of a second violation of Subsection (1), the Driver License Division shall suspend the individual's motorcycle endorsement for a period of 180 days.

(5) If an individual with a motorcycle endorsement is convicted of a third or subsequent violation of Subsection (1), the Driver License Division shall revoke the individual's motorcycle endorsement.

(6) The court shall forward the report of a conviction for a violation of Subsection (1) to the Driver License Division in accordance with Section 53-3-218.

(7) A law enforcement officer may impound a vehicle of a person who violates Subsection (1).

Enacted by Chapter 220, 2025 General Session

41-6a-705 Passing on right -- When permissible.

(1) Subject to Section 41-6a-718, the operator of a vehicle may overtake and pass on the right of another vehicle only:

(a) when the vehicle overtaken is making or preparing to make a left turn; or

(b) on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The operator of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement with safety.

(3) Except for a person operating a bicycle, the operator of a vehicle may not overtake and pass another vehicle if the movement is made by driving off the roadway.

(4) A violation of this section is an infraction.

Amended by Chapter 219, 2023 General Session

41-6a-706 Limitation on passing -- Prohibitions.

(1) Subject to the provisions of Section 41-6a-707, on a two-way highway, a person may not operate a vehicle to the left side of the center of the roadway to pass another vehicle proceeding in the same direction unless the left side is:

(a) clearly visible; and

(b) free of oncoming traffic for a sufficient distance to permit the passing movement to be completed without interfering with the operation of any vehicle approaching from the opposite direction in accordance with Subsection (2).

(2) The person operating the overtaking vehicle shall return the vehicle to an authorized lane of travel:

(a) as soon as practical; and

(b) if the passing movement involves the use of a lane authorized for vehicles approaching in the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-706.5 Definitions -- Operation of motor vehicle near a vulnerable user of a highway prohibited -- Endangering a vulnerable user of a highway prohibited.

(1) As used in this section, "vulnerable user of a highway" means:
(a) a pedestrian, including a person engaged in work upon a highway or upon utilities facilities along a highway or providing emergency services within the right-of-way of a highway;
(b) a person riding an animal; or
(c) a person operating any of the following on a highway:
(i) a farm tractor or implement of husbandry, without an enclosed shell;
(ii) a skateboard;
(iii) roller skates;
(iv) in-line skates;
(v) a bicycle;
(vi) an electric-assisted bicycle;
(vii) an electric personal assistive mobility device;
(viii) a moped;
(ix) a motor assisted scooter;
(x) a motor-driven cycle;
(xi) a motorcycle;
(xii) a manual wheelchair; or
(xiii) a golf cart.
(2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:
(a) operate a motor vehicle within three feet of a vulnerable user of a highway;
(b) distract or attempt to distract a vulnerable user of a highway for the purpose of causing violence or injury to the vulnerable user of a highway;
(c) force or attempt to force a vulnerable user of a highway off of the roadway for a purpose unrelated to public safety; or
(d) cause a motor vehicle to emit an excessive amount of exhaust in a manner that distracts or endangers a vulnerable user of a highway.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is an infraction.
(b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a highway is a class C misdemeanor.

Amended by Chapter 84, 2020 General Session

41-6a-707 Limitations on driving on left side of road -- Exceptions.
(1) A person may not operate a vehicle on the left side of the roadway:
(a) when approaching or on a crest of a grade or a curve on the highway where the person's view is obstructed within a distance which creates a hazard if another vehicle approached from the opposite direction;
(b) when approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by a traffic-control device or a peace officer; or
(c) when the view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.
(2) Subsection (1) does not apply:
(a) on a one-way roadway;
(b) under the conditions described in Subsection 41-6a-701(1)(b); or
(c) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
(3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-708 Signs and markings on roadway -- No-passing zones -- Exceptions.

(1)
(a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.
(b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.

(2) A person operating a vehicle may not drive on the left side of:
(a) the roadway within the no-passing zone; or
(b) any pavement striping designed to mark the no-passing zone.

(3) Subsection (2) does not apply:
(a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or
(b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.

(4) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-709 One-way traffic.

(1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.

(2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.

(3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.

(4) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-710 Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply and any violation of this section is an infraction:

(1)
(a) Except as provided in Subsection (1)(c), a person operating a vehicle:
(i) shall keep the vehicle as nearly as practical entirely within a single lane; and
(ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.
(b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.
(c) Subsection (1)(a) does not apply to an individual operating a motorcycle engaging in lane filtering as described in Section 41-6a-704.

(2)
(a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:
(i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:

(A) clear of traffic within a safe distance; and
(B) not a two-way left turn lane;
(ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or
(iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.
(b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:
(i) the center lane is:
(A) on a roadway divided into three or more lanes that provides for two-way movement of traffic; and
(B) clear of traffic within a safe distance;
(ii) there is only one lane of travel in the direction the person operating the vehicle is traveling; and
(iii) the person operating the vehicle is overtaking and passing a bicycle or moped that is moving at less than the reasonable speed of traffic that is present.
(3)
(a) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.
(b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).
(4)
(a) A person operating a motor vehicle may not drive within a bicycle lane except:
(i) to cross a bicycle lane when turning into an intersection, street, alley, driveway, or other parking area;
(ii) when responding to striping, traffic control devices, or emergency conditions; or
(iii) while operating:
(A) an authorized emergency vehicle;
(B) a snow removal vehicle;
(C) a vehicle providing municipal-type services, as defined in Section 19-3-303;
(D) a school bus or transit vehicle, as defined in Section 17B-2a-802, to load or unload passengers; or
(E) a vehicle used by a postal service, as defined in Section 76-6-1001.
(b) A person operating a motor vehicle within a bicycle lane as described in Subsection (4)(a)(i) shall yield the right of way to all bicycle traffic within the lane.

Amended by Chapter 527, 2025 General Session

41-6a-711 Following another vehicle -- Safe distance -- Exceptions -- Penalty.
(1) As used in this section, "connected platooning system" means a system that uses vehicle-to-vehicle communication to electronically coordinate the speed and braking of a lead vehicle with the speed and braking of one or more following vehicles.
(2) The operator of a vehicle:
(a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:
(i) speed of the vehicles;
(ii) traffic upon the highway; and
(iii) condition of the highway; and

(b) shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.
(3) Subsection (2)(b) does not apply to:
(a) funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour; or
(b) the operator of a vehicle that is:
(i) part of a connected platooning system; and
(ii) not the lead vehicle.
(4) A violation of Subsection (2) is an infraction.

Amended by Chapter 263, 2018 General Session

41-6a-712 Divided highway -- Use of right-hand side -- Crossing only where permitted.
(1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.
(2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:
(a) authorized by a traffic-control device or a peace officer; or
(b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-713 Driving over gore area or island prohibited -- Exceptions -- Penalties.
(1)
(a) A person may not operate a vehicle over, across, or within any part of a gore area or an island.
(b) Subsection (1)(a) does not apply to:
(i) a person operating a vehicle that is disabled; or
(ii) an operator of an authorized emergency vehicle under conditions described under Section 41-6a-208.
(2) A person who violates Subsection (1) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-714 Freeway and controlled-access highways -- Driving onto and from highways where permitted.
(1) A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by the highway authority having jurisdiction over the highway.
(2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-715 Controlled-access highways -- Prohibiting use by class or type of traffic -- Traffic-control devices.

(1) A highway authority may regulate or prohibit the use of a controlled-access highway within the highway authority's jurisdiction by any class or type of traffic that the highway authority determines is incompatible with the normal and safe movement of traffic.
(2) For the safe movement of traffic during predicted or existing adverse weather conditions, a highway authority may restrict traffic on a highway to vehicles with specific equipment or capabilities.
(3) A highway authority shall erect and maintain traffic-control devices to inform the public of any regulations, prohibitions, or restrictions implemented in accordance with this section.
(4) The Department of Transportation may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this section, including:
  (a) describing regulations or prohibitions on the use of a controlled-access highway in accordance with Subsection (1); and
  (b) describing what specific equipment or capabilities are required for vehicles during predicted or existing adverse weather conditions in accordance with Subsection (2).
(5) For a highway within the jurisdiction of a county or municipal highway authority, the highway authority may enact ordinances to implement provisions of this section, including:
  (a) describing regulations or prohibitions on the use of a controlled-access highway in accordance with Subsection (1); and
  (b) describing what specific equipment or capabilities are required for vehicles during predicted or existing adverse weather conditions in accordance with Subsection (2).
(6) When a highway authority has provided notice to the public through a traffic-control device in accordance with Subsection (3), an individual is guilty of an infraction if:
  (a) the individual fails to follow regulations or prohibitions on the use of a controlled-access highway as described in Subsection (1); and
  (b) the individual operates a vehicle without specific equipment or capabilities during predicted or adverse weather conditions as described in Subsection (2).

Amended by Chapter 435, 2025 General Session

41-6a-716 Driving on tollway without paying toll prohibited.
(1) As used in this section, "tollway" has the same meaning as defined in Section 72-6-118.
(2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the department or other entity for that tollway under Section 72-6-118.
(3) A person who violates Subsection (2) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-717 Use of runaway vehicle ramps.
(1) A person may not use a runaway vehicle ramp unless the person is in an emergency situation requiring the use of the ramp to stop the person's vehicle.
(2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the runaway vehicle ramp.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-718 Operation of a snowplow -- Approaching a snowplow -- Prohibition to pass.
(1)

(a) A snowplow operator shall ensure that a snowplow in operation on a highway displays flashing yellow lights.
(b) An individual operating a snowplow as an agent of a highway authority, while engaged in the removal of snow or ice on a highway, may not be charged with a violation under this chapter related to parking, standing, turning, backing, lighting, or yielding the right-of-way.
(c) Notwithstanding the exemptions described in Subsection (1)(b), an individual operating a snowplow shall operate the snowplow with reasonable care.
(2) If a snowplow is displaying flashing yellow lights, an individual operating a vehicle in the vicinity of the snowplow may not pass or overtake a snowplow on a side of the snowplow where a plow blade is deployed.
(3) If three or more snowplows are operating in echelon formation, an individual operating a vehicle in the vicinity of the snowplows may not overtake or pass the snowplows on either side of the snowplows.
(4) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 454, 2024 General Session

Part 8
Turning and Signaling for Turns

41-6a-801 Turning -- Manner -- Traffic-control devices.

The operator of a vehicle shall make turns as follows, and a violation of this section is an infraction:
(1) Right turns: both a right turn and an approach for a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
(2) Left turns:
(a) the operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction;
(b) whenever practicable, shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by a traffic-control device; and
(c) may be made on a highway across solid double yellow line pavement markings indicating a two-direction, no-passing zone.
(3) Two-way left turn lanes:
(a) where a two-way left turn lane is provided, a left turn may not be made from any other lane;
(b) a vehicle may not be driven in the two-way left turn lane except when preparing for or making:
(i) a left turn from or into the roadway; or
(ii) a U-turn except when prohibited by a traffic-control device;
(c)
(i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making the turn;
(ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching the last vehicle in the two-way left turn lane;

(d) the operator of a vehicle that has turned left into the two-way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(c)(ii) applies; and
(e) the operator of a vehicle may not travel straight through an intersection in a two-way left turn lane.
(4)
(a) A highway authority in its jurisdiction may provide exceptions to the provisions of this section by erecting traffic-control devices directing a different course to be traveled by turning vehicles.
(b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control device erected under Subsection (4)(a).

Amended by Chapter 412, 2015 General Session

41-6a-802 Turning around -- Where prohibited -- Visibility.
(1) As used in this section, "railroad grade crossing" means the area between the passive or active warning signs where a railroad track and roadway intersect.
(2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:
(a) unless the movement can be made safely and without interfering with other traffic;
(b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction; and
(c) on a railroad track or railroad grade crossing.
(3) A violation of Subsection (2) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-803 Moving a vehicle -- Safety.
(1) A person may not move a vehicle which is stopped, standing, or parked until the movement may be made with reasonable safety.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-804 Turning or changing lanes -- Safety -- Signals -- Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.
(1)
(a) A person may not turn a vehicle, merge into a continuing lane from a lane of travel that is ending, or otherwise move right or left on a roadway or change lanes until:
(i) the movement can be made with reasonable safety; and
(ii) an appropriate signal has been given as provided under this section.
(b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.
(2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
(3)

(a) A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.
(b) If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:
(i) left turn: hand and arm extended horizontally;
(ii) right turn: hand and arm extended upward; and
(iii) stop or decrease speed: hand and arm extended downward.
(c)
(i) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.
(ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).
(4) A person required to make a signal under this section may not flash a signal:
(a) on one side only on a disabled vehicle;
(b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear; or
(c) on one side only of a parked vehicle.
(5) A violation of this section is an infraction.

Amended by Chapter 99, 2021 General Session

Part 9
Right-of-Way

41-6a-901 Right-of-way between vehicles -- Unregulated intersection.
(1) The operator of a vehicle approaching an intersection not regulated by a traffic-control device shall yield the right-of-way to any vehicle that has entered the intersection from a different highway.
(2) Except as specified in Subsection (3) and unless otherwise directed by a peace officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right when:
(a) more than one vehicle enters or approaches an intersection from different highways at approximately the same time; and
(b) the intersection:
(i) is not regulated by a traffic-control device;
(ii) is not regulated because the traffic-control signal is inoperative; or
(iii) is regulated from all directions by stop signs.
(3) The operator of a vehicle approaching an intersection not regulated by a traffic-control device:
(a) from a highway that does not continue beyond the intersection, shall yield the right-of-way to the operator of any vehicle on the intersecting highway; and
(b) from a highway that is not paved, shall yield the right-of-way to the operator of any vehicle on a paved intersecting highway.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-902 Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.

(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6a-906.
(2)
(a) Except as provided in Section 41-6a-1105, or when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
(i) at a clearly marked stop line;
(ii) before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
(iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.
(b) After having stopped at a stop sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.
(c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.
(3)
(a) The operator of a vehicle approaching a yield sign shall:
(i) slow down to a speed reasonable for the existing conditions; and
(ii) if required for safety, stop as provided under Subsection (2).
(b)
(i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.
(ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk.
(4)
(a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:
(i) with a vehicle in the intersection or junction of roadways; or
(ii) with a pedestrian at an adjacent crosswalk.
(b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.
(5) A violation of Subsection (2) or (3) is an infraction.

Amended by Chapter 119, 2021 General Session

41-6a-903 Yield right-of-way -- Vehicle turning left -- Entering or crossing highway other than from another roadway -- Merging lanes.

(1) The operator of a vehicle:
(a) intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close to the turning vehicle as to constitute an immediate hazard;
(b) about to enter or cross a highway from any place other than another highway shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed; and
(c) traveling in a lane that is about to merge into a continuing lane, shall yield the right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an immediate hazard.

(2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-903.1 Right-of-way -- Zipper merge.

(1) As used in this section:
(a) "Merge point" means the point at which two traffic lanes merge into one traffic lane.
(b) "Zipper method" means a method of merging vehicles at a merge point that involves the operators of the merging vehicles:
(i) using both lanes of traffic until the vehicles reach the merge point; and
(ii) once the vehicles reach the merge point, alternating yielding the right-of-way into the single traffic lane.
(2) An operator of a vehicle shall use the zipper method when merging at a congested merge point.
(3) A violation of this section is an infraction.

Enacted by Chapter 47, 2022 General Session

41-6a-904 Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- Duties of respective operators.

(1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Section 41-6a-212 or 41-6a-1625, shall:
(a) yield the right-of-way and immediately move to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection; and
(b) then stop and remain stopped until the authorized emergency vehicle has passed.
(2)
(a) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:
(i) reduce the speed of the vehicle;
(ii) provide as much space as practical to the stationary authorized emergency vehicle; and
(iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.
(b)
(i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, the requirements in Subsection (2)(a) apply.
(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.
(3)
(a) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:
(i) reduce the speed of the vehicle;
(ii) provide as much space as practical to the stationary tow truck or highway maintenance vehicle; and

(iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance vehicle, if practical and with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the tow truck or highway maintenance vehicle.

(b)

(i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, the requirements in Subsection (3)(a) apply.

(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

(4)

(a) The operator of a vehicle, upon approaching a stationary vehicle adjacent to a highway that is not parked in an apparent legal parking area that has flashing hazard lights illuminated, shall:

(i) reduce the speed of the vehicle;

(ii) provide as much space as practical to the stationary vehicle; and

(iii) if traveling in a lane adjacent to the stationary vehicle, if practical and with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the stationary vehicle.

(b)

(i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a stationary vehicle as described in Subsection (4)(a), the requirements in Subsection (4)(a) apply.

(ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary vehicle as described in Subsection (4)(a), shall, if practical, with due regard to safety and traffic conditions, make a lane change out of the HOV lane into a lane not adjacent to the stationary vehicle.

(5) When an authorized emergency vehicle is using audible or visual signals under Section 41-6a-212 or 41-6a-1625, the operator of a vehicle may not:

(a) follow closer than 500 feet behind the authorized emergency vehicle;

(b) pass the authorized emergency vehicle, if the authorized emergency vehicle is moving; or

(c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

(6) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.

(7)

(a)

(i) In addition to the penalties prescribed under Subsection (9), a person who violates this section shall attend a four hour live classroom defensive driving course approved by:

(A) the Driver License Division; or

(B) a court in this state.

(ii) Upon completion of the four hour live classroom course under Subsection (7)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of the classroom course.

(b) The Driver License Division shall suspend a person's driver license for a period of 90 days if the person:

(i) violates a provision of Subsections (1) through (3); and

(ii) fails to meet the requirements of Subsection (7)(a)(i), within 90 days of sentencing for or pleading guilty to a violation of this section.

(c) Notwithstanding the provisions of Subsection (7)(b), the Driver License Division shall shorten the 90-day suspension period imposed under Subsection (7)(b) effective immediately upon receiving a certificate of attendance of the four hour live classroom course required under Subsection (7)(a)(i), if the certificate of attendance is received before the completion of the suspension period.

(d) A person whose license is suspended under Subsection (7)(b) and a person whose suspension is shortened as described under Subsection (7)(c) shall pay the license reinstatement fees under Subsection 53-3-105(26).

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Driver License Division shall make rules to implement the provisions of this part.

(9) A violation of Subsection (1), (2), (3), (4), or (5) is an infraction.

Amended by Chapter 219, 2023 General Session

41-6a-905 Vehicle or pedestrian working upon highway -- Right-of-way.

The operator of a vehicle shall yield the right-of-way to an:

(1) authorized vehicle or pedestrian actually engaged in work on a highway within a highway construction or maintenance area indicated by a traffic-control device; or

(2) authorized vehicle obviously and actually engaged in work on a highway when the vehicle displays lights in accordance with Section 41-6a-1617.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-906 Designation of through highways -- Stop signs, yield signs, and traffic-control devices -- Designation of intersections as locations for preferential right-of-way treatment.

(1) A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other traffic-control devices to designate:

(a) through highways; or

(b) intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

(2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-907 Vehicles emerging from alleys, buildings, private roads, or driveways must stop prior to sidewalk area or street.

(1) The operator of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop:

(a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building, private road, or driveway; or

(b) if there is no sidewalk area, at the point nearest the street to be entered where the operator has a view of approaching traffic.

(2) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

Part 10
Pedestrians' Rights and Duties

41-6a-1001 Pedestrians subject to traffic-control devices -- Other controls.

(1) A pedestrian shall obey the instructions of a traffic-control device specifically applicable to the pedestrian unless otherwise directed by a peace officer.

(2) A pedestrian is subject to traffic and pedestrian-control signals under Sections 41-6a-305 and 41-6a-306.

(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1002 Pedestrians' right-of-way -- Duty of pedestrian.

(1)

(a) Except as provided under Subsection (2), the operator of a vehicle shall yield the right-of-way by slowing down or stopping if necessary:

(i) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway upon which the vehicle is traveling; or

(ii) when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) Subsection (1)(a) does not apply under conditions of Subsection 41-6a-1003(2).

(c) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if the crosswalk is occupied by a person.

(3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Amended by Chapter 122, 2018 General Session

41-6a-1003 Pedestrians yielding right-of-way -- Limits on pedestrians.

(1) A pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.

(2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, a pedestrian may not cross at any place except in a marked crosswalk.

(4)

(a) A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic-control device.

(b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the pedestrian shall cross only as directed by the appropriate traffic-control device.

(5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1004 Emergency vehicle -- Necessary signals -- Duties of operator -- Pedestrian to yield.

(1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon the immediate approach of an authorized emergency vehicle using audible or visual signals in accordance with Section 41-6a-212 or 41-6a-1625.
(2) This section does not relieve the operator of an authorized emergency vehicle from:
  (a) the duty to drive with regard for the safety of all persons using the highway; nor
  (b) from the duty to exercise care to avoid colliding with a pedestrian.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1005 Limitation on pedestrians related to railroad grade crossings or bridges.

(1) As used in this section, "active railroad grade crossing" means a railroad grade crossing when:
  (a) the gate or barrier is closed or is being opened or closed;
  (b) warning lights are flashing;
  (c) audible warning devices are being sounded; or
  (d) other traffic control devices signal the approach of a railroad train.
(2) A pedestrian may not pass through, around, over, or under or remain on a crossing gate or barrier at an active railroad grade crossing or bridge.
(3) A pedestrian may not enter or remain within the area between a railroad track and a railroad sign or signal if the railroad grade crossing is active.
(4) A pedestrian may not occupy or remain on a railroad grade crossing when the railroad sign or signal is not active except to cross the railroad crossing on a designated walkway.
(5) A pedestrian may not remain in an area between railroad signs or signals, railroad gates, or rail crossing arms if the railroad grade crossing is active.
(6) A violation of Subsection (2), (3), (4), or (5) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1006 Vehicles to exercise due care to avoid pedestrians -- Audible signals and caution.

(1) The operator of a vehicle shall:
  (a) exercise care to avoid colliding with a pedestrian;
  (b) give an audible signal when necessary; and
  (c) exercise appropriate precaution if the operator of the vehicle observes a child or an obviously confused, incapacitated, or intoxicated person.
(2) This section supersedes any conflicting provision of:
  (a) this chapter; or
  (b) a local ordinance in accordance with Section 41-6a-208.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1007 Operators to yield right-of-way to blind pedestrian -- Duties of blind pedestrian -- Use of cane -- Failure to yield -- Liability.

(1)

(a) The operator of a vehicle shall yield the right-of-way to a blind or visually impaired pedestrian:
(i) carrying a clearly visible white cane; or
(ii) accompanied by a guide dog specially trained for that purpose and equipped with a harness.
(b)
(i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons.
(ii) Blind or visually impaired persons shall:
(A) exercise due care in approaching and crossing roadways; and
(B) yield the right-of-way to authorized emergency vehicles giving an audible warning signal.
(2) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1008 Vehicle crossing sidewalk -- Operator to yield.

The operator of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1009 Use of roadway by pedestrians -- Prohibited activities.

(1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.
(2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.
(3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:
(a) walk as near as practicable to the outside edge of the roadway; and
(b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.
(4)
(a) An individual may not impede or block traffic within any of the following:
(i) an interstate system, as defined in Section 72-1-102;
(ii) a freeway, as defined in Section 41-6a-102;
(iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways Act;
(iv) a state route, or "SR," as defined in Section 72-1-102; or
(v) a highway, as defined in Section 72-1-102, that:
(A) is paved and has a speed limit of 35 miles per hour or higher;
(B) has a median, whether elevated or flat; or
(C) has a fixed guideway as defined in Section 59-12-102 or any other railway that shares the highway right-of-way.
(b) The locations described in Subsection (4)(a) include:
(i) shoulder areas, as defined in Section 41-6a-102;
(ii) on-ramps;
(iii) off-ramps; and
(iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.
(c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.

(d) Conduct that may impede or block traffic includes:
(i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a person within a motor vehicle while that motor vehicle is within an area described in Subsection (4)(a); or
(ii) while a driver or passenger of a motor vehicle within an area described in Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a pedestrian.
(e) Conduct that impedes or blocks traffic does not include:
(i) the conduct described in Section 41-6a-209 or other lawful direction of a peace officer;
(ii) conduct or actions resulting from a traffic accident, medical emergency, or similar exigent circumstance, including:
(A) exchanging insurance information; or
(B) exchanging contact information; or
(iii) conduct or actions that occur while the motor vehicle is legally parked.
(f) A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.
(g)
(i) The state, a county, or a municipality shall create a permitting process for granting a person an exemption from this Subsection (4).
(ii) Upon receipt of a valid permit application, the state, a county, or a municipality shall grant a person a temporary exemption from this Subsection (4) for a specified location or time.
(h) Nothing in this section prohibits a temporary spontaneous demonstration.
(5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or sidewalk area.
(6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.
(7) A pedestrian may not walk along or on a no-access freeway facility except during an emergency.
(8)
(a) As used in this Subsection (8):
(i) "Aggressive manner" means intentionally:
(A) persisting in approaching or following an individual after the individual has negatively responded to the solicitation;
(B) engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;
(C) engaging in conduct that would intimidate a reasonable individual into giving money or goods;
(D) blocking the path of an individual; or
(E) physically contacting an individual or the individual's personal property without that individual's consent.
(ii) "Bank" is as defined in Section 13-42-102.
(iii) "Sidewalk" is as defined in Section 41-6a-102.
(b) An individual may not solicit money or goods from another individual in an aggressive manner:
(i) during the business hours of a bank if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's entrance or exit; or

(ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

(9)

(a) Except as provided in Subsection (9)(b), a violation of this section is an infraction.

(b) A third or subsequent violation of Subsection (4) in a one-year period is a class C misdemeanor.

Amended by Chapter 122, 2018 General Session

41-6a-1010 Unmarked crosswalk locations -- Restrictions on pedestrian.

(1) A highway authority in its respective jurisdiction may, after an engineering and traffic investigation, designate unmarked crosswalk locations where:

(a) pedestrian crossing is prohibited; or

(b) pedestrians shall yield the right-of-way to vehicles.

(2) The restrictions in Subsection (1) are effective only when traffic-control devices indicating the restrictions are in place.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1011 Pedestrian vehicles.

(1) As used in this section:

(a)

(i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.

(ii) A "pedestrian vehicle" may not:

(A) exceed 48 inches in width;

(B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and

(C) be capable of developing a speed in excess of 30 miles per hour.

(b) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about as a pedestrian.

(2) A pedestrian vehicle operated by a person with a physical disability is exempt from vehicle registration, inspection, and operator license requirements.

(3)

(a) A person with a physical disability may operate a pedestrian vehicle with a motor of not more than .5 brake horsepower capable of developing a speed of not more than eight miles per hour:

(i) on the sidewalk; and

(ii) in all places where pedestrians are allowed.

(b) A permit, license, registration, authority, application, or restriction may not be required or imposed on a person with a physical disability who operates a pedestrian vehicle under this Subsection (3).

(c) The provisions of this Subsection (3) supercede the provision of Subsection (2).

Amended by Chapter 258, 2015 General Session

Part 11

Bicycles and Other Vehicles, Regulation of Operation

41-6a-1101 Parents and guardians may not authorize child's violation of chapter.

The parent or guardian of a child may not authorize or knowingly permit the child to violate any of the provisions of this chapter.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1102 Bicycle and device propelled by human power and moped riders subject to chapter -- Exception.

(1) Except as provided under Subsection (2) or as otherwise specified under this part, a person operating a bicycle, a vehicle or device propelled by human power, an electric unicycle, or a moped has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.
(2) A person operating a nonmotorized bicycle or a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug-related traffic offenses.

Amended by Chapter 452, 2025 General Session

41-6a-1103 Carrying more persons than design permits prohibited -- Exception.

(1) Except as provided in Subsection (2), a bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped.
(2) An adult rider may carry a child securely attached to the adult rider's person in a back pack or sling.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1104 Persons on bicycles, mopeds, skates, and sleds not to attach to moving vehicles -- Exception.

(1) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or a person to any moving vehicle on a highway.
(2) This section does not prohibit attaching a trailer or semitrailer to a bicycle or moped if that trailer or semitrailer has been designed for attachment.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1105 Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.

(1) A person operating a bicycle or a moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:
  (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
  (b) preparing to make a left turn at an intersection or into a private road or driveway;
  (c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or
  (d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:

(i) fixed or moving objects;
(ii) parked or moving vehicles;
(iii) bicycles;
(iv) pedestrians;
(v) animals;
(vi) surface hazards; or
(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.

(3)
(a) A person riding a bicycle or moped on a roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.
(b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.

(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic-control device to use the path and not the roadway.

(5)
(a) As used in this Subsection (5), "immediate hazard" means a vehicle approaching an intersection at a proximity and rate of speed sufficient to indicate to a reasonable person that there is a danger of collision or accident.
(b) Except as provided in Subsection (6), an individual operating a bicycle approaching a stop sign may proceed through the intersection without stopping at the stop sign if:
(i) the individual slows to a reasonable speed; and
(ii) yields the right-of-way to:
(A) any pedestrian within the intersection or an adjacent crosswalk;
(B) other traffic within the intersection; and
(C) oncoming traffic that poses an immediate hazard during the time the individual is traveling through the intersection.

(6) Subsection (5)(b) does not apply to an intersection with an active railroad grade crossing as defined in Section 41-6a-1005.

Amended by Chapter 119, 2021 General Session

41-6a-1106 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.

(1) A person operating a bicycle or a vehicle or device propelled by human power shall:
(a) yield the right-of-way to any pedestrian; and
(b) give an audible signal before overtaking and passing a pedestrian.

(2) A person 18 years of age or older may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by a traffic-control device or ordinance.

(3) A person may not operate a bicycle or a vehicle or device propelled by human power in a negligent manner so as to collide with a:
(a) pedestrian; or
(b) person operating a:

(i) bicycle; or
(ii) vehicle or device propelled by human power.
(4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.
(5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Amended by Chapter 175, 2018 General Session

41-6a-1107 Bicycles -- Parking on sidewalk, roadway -- Prohibitions.
(1) A person may park a bicycle on a sidewalk unless prohibited or restricted by a traffic-control device.
(2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic.
(3) A bicycle may be parked on the roadway at any location where parking is allowed:
(a) at any angle to the curb or edge of the roadway; and
(b) abreast of another bicycle or bicycles near the side of the roadway.
(4) A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle.
(5) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of Part 14, Stopping, Standing, and Parking, regarding the parking of vehicles.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1108 Bicycles and mopeds -- Turns -- Designated lanes.
(1) A person riding a bicycle or moped and intending to turn left shall comply with Section 41-6a-801 or Subsection (2).
(2)
(a) A person riding a bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway.
(b) After proceeding across the intersecting roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical.
(c) After stopping, the bicyclist or moped operator shall yield to any traffic proceeding in either direction along the roadway he had been using.
(d) After yielding and complying with any traffic-control device or peace officer regulating traffic, the bicyclist or moped operator may proceed in the new direction.
(3)
(a) Notwithstanding Subsections (1) and (2), a highway authority in its respective jurisdiction may place traffic-control devices that require and direct turning bicyclists and moped operators to travel a specific course.
(b) When the devices are placed under Subsection (3)(a), a person may not turn a bicycle other than as directed by the devices.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1109 Bicycles and mopeds -- Turn signals -- Exceptions.

(1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6a-804 regarding turn signals and turning.
(2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.
(3) A person operating a bicycle or moped who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1110 Bicycle and moped inspections -- At request of officer.

A peace officer may at any time require a person riding a bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate if the officer has reasonable cause to believe that:

(1) the bicycle or moped is unsafe or not equipped as required by law; or
(2) the bicycle or moped's equipment is not in proper adjustment or repair.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1111 Bicycle racing -- When approved -- Prohibitions -- Exceptions -- Authorized exemptions from traffic laws.

(1) Bicycle racing on highways is prohibited under Section 41-6a-606, except as authorized in this section.
(2)
  (a) Bicycle racing on a highway is permitted when a racing event is approved by a highway authority on a highway under its jurisdiction.
  (b) Approval of bicycle highway racing events may be granted only under conditions:
    (i) which assure reasonable safety for all race participants, spectators, and other highway users; and
    (ii) which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
(3) Participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable:
  (a) by agreement with the approving highway authority; and
  (b) if traffic control is adequate to assure the safety of all highway users.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1112 Bicycles and mopeds -- Carrying bundle -- One hand on handlebars.

(1) A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle or moped.
(2) A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1113 Bicycle -- Prohibited equipment -- Brakes required.

(1) A bicycle may not be equipped with, and a person may not use on a bicycle, a siren or whistle.

(2) Every bicycle shall be equipped with a brake or brakes which enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1114 Bicycles -- Lamps and reflective material required.

(1) A bicycle in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with a:

(a) forward facing lamp that emits a white light visible from a distance of at least 500 feet to the front; and

(b)

(i) rear facing red reflector that is visible for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or

(ii) rear facing red lamp that is designed for use on a bicycle and that emits flashing or nonflashing light visible from a distance of 500 feet to the rear.

(2) A bicycle when in use or a person operating a bicycle at the times described in Section 41-6a-1603 shall be equipped with:

(a) reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle; or

(b) a lamp that emits light visible from both sides from a distance of at least 500 feet.

(3) A bicycle or a person operating a bicycle may be equipped with lamps or reflectors in addition to those required by Subsections (1) and (2).

Amended by Chapter 140, 2013 General Session

41-6a-1115 Motor assisted scooters -- Conflicting provisions -- Restrictions -- Penalties.

(1)

(a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle.

(b) For a person operating a motor assisted scooter, the following provisions do not apply:

(i) seating positions under Section 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(c) A person may operate a motor assisted scooter across a roadway in a crosswalk, except that the person may not operate the motor assisted scooter in a negligent manner in the crosswalk:

(i) so as to collide with a:

(A) pedestrian; or

(B) person operating a bicycle or vehicle or device propelled by human power; or

(ii) at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

(2) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.

(3) A person may not operate a motor assisted scooter:

(a) in a public parking structure;

(b) on public property posted as an area prohibiting bicycles;
(c) while carrying more persons at one time than the number for which it is designed;
(d) that has been structurally or mechanically altered from the original manufacturer's design, except for an alteration by, or done at the request of, a person who rents the motor assisted scooter to lower the maximum speed for the motor assisted scooter; or
(e) at a speed of greater than 15 miles per hour or in violation of Subsection 41-6a-1115.1(3).
(4) Except where posted or prohibited by local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.
(5) An owner may not authorize or knowingly permit a person under the age of 18 to operate a motor assisted scooter in violation of this section.
(6) A person who violates this section is guilty of an infraction.

Amended by Chapter 428, 2019 General Session

41-6a-1115.1 Scooter-share programs -- Local ordinances regulating motor assisted scooters.

(1) For the purposes of this section:
(a) "Local authority" means a county, city, or town.
(b) "Scooter-share operator" means a person offering a shared scooter for hire.
(c) "Scooter-share program" means the offering of a shared scooter for hire.
(d) "Shared scooter" means a motor assisted scooter offered for hire.
(2) A local authority may regulate the operation of a motor assisted scooter within its jurisdiction.
(3) A local authority may authorize the operation of a motor assisted scooter on sidewalks and regulate the operation, including the maximum speed on the sidewalks.
(4) A regulation adopted by a local authority pursuant to this section regarding the operation of a motor assisted scooter shall be consistent with the regulation of bicycles and this title.
(5)
(a) A local authority may regulate the operation of a scooter-share program within its jurisdiction. Regulation of scooter-share programs shall be consistent with this Subsection (5).
(b) A shared scooter shall bear a single unique alphanumeric identification visible from a distance of five feet, that may not be obfuscated by branding or other markings, and that shall be used throughout the state, including by local authorities, to identify the shared scooter.
(c) A scooter-share operator shall maintain the following insurance coverage dedicated exclusively for operation of shared scooters:
(i) commercial general liability insurance coverage with a limit of at least $1,000,000 each occurrence and $5,000,000 aggregate;
(ii) automobile insurance coverage with a limit of at least $1,000,000 each occurrence and $1,000,000 aggregate;
(iii) umbrella or excess liability coverage with a limit of at least $5,000,000 each occurrence and $5,000,000 aggregate; and
(iv) when the scooter-share operator employs an individual, workers' compensation coverage of no less than required by law.
(d) Penalties for a moving or parking violation involving a motor assisted scooter or a shared scooter shall be assessed to the person responsible for the violation, and may not exceed penalties assessed to a rider of a bicycle.
(e) A scooter-share operator may be required to pay fees, provided that the total amount of the fees collected may not exceed the reasonable and necessary cost to the local authority of

administering scooter-share programs, including a reasonable fee for the use of the right-of-way, commensurate and proportional to fees charged for similar uses.

(f) A scooter-share operator may be required to indemnify the local authority for claims, demands, costs, including reasonable attorney fees, losses, or damages brought against the local authority, and arising out of a negligent act, error, omission, or willful misconduct by the scooter-share operator or the scooter-share operator's employees, except to the extent the claims, demands, costs, losses, or damages arise out of such local authority's negligence or willful misconduct.

(g) In the interests of safety and right-of-way management, a local authority may designate locations where scooter-share operators may not stage shared scooters, provided that at least one location shall be permitted on each side of each city block in commercial zones and business districts.

(h) A local authority may require scooter-share operators, as a condition for operating a scooter-share program, to provide to the local authority anonymized fleet and ride activity data for completed trips starting or ending within the jurisdiction of the local authority on a vehicle of the scooter-share operator or of any person or company controlled by, controlling, or under common control with the scooter-share operator, provided that, to ensure individual privacy the trip data:

(i) is provided via an application programming interface, subject to the scooter-share operator's license agreement for such interface, in compliance with a national data format specification;

(ii) provided shall be treated as trade secret and proprietary business information, and may not be shared to third parties without the scooter-share operator's consent, and may not be treated as owned by the local authority; and

(iii) shall be considered private information, and may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act, pursuant to a public records request received by the local authority without prior aggregation or obfuscation to protect individual privacy.

(i) In regulating a shared scooter or a scooter-share program, a local authority may not impose any unduly restrictive requirement on a scooter-share operator, including:

(i) requiring operation below cost; or

(ii) subjecting riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motor assisted scooters or bicycles.

Amended by Chapter 438, 2024 General Session

41-6a-1115.5 Electric assisted bicycles -- Restrictions -- Penalties.

(1) Except as otherwise provided in this section, an electric assisted bicycle is subject to the provisions under this chapter for a bicycle.

(2) An individual may operate an electric assisted bicycle on a path or trail designated for the use of a bicycle.

(3)

(a) A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.

(b) When enacting ordinances or making rules related to the use of a pathway or soft-surface trail, and during the planning or construction of a pathway or soft-surface trail, a local authority

or state agency shall consider accommodations and increased trail access by a person with a mobility disability.

(4) An individual under 16 years old may not operate a class 3 electric assisted bicycle.

(5) An individual under 14 years old may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless the individual is under the direct supervision of the individual's parent or guardian.

(6) An individual under eight years old may not operate an electric assisted bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.

(7) The owner of an electric assisted bicycle may not authorize or knowingly permit an individual to operate an electric assisted bicycle in violation of this section.

(8)

(a) Beginning January 1, 2017, each Utah-based manufacturer of an electric assisted bicycle and each distributor of an electric assisted bicycle in Utah shall permanently affix a label in a prominent location on the electric assisted bicycle.

(b) Each manufacturer and each distributer shall ensure that the label is printed in Arial font, in 9-point type or larger, and includes the:

(i) appropriate electric assisted bicycle classification number described in Section 41-6a-102;

(ii) top assisted speed; and

(iii) wattage of the motor.

(c) A Utah-based manufacturer or seller shall ensure that a programmable electric assisted bicycle is equipped with a conspicuous label indicating the class or classes of electric assisted bicycle of which the programmable electric assisted bicycle is capable of operating.

(d) Beginning May 1, 2024, a seller of any new or used vehicle with less than four wheels that is powered by an electric motor that is not an electric assisted bicycle shall clearly and conspicuously provide the following disclosure to a prospective purchaser at the time of sale and in any advertising materials, online website, or social media post promoting the vehicle: "THIS VEHICLE IS NOT AN "ELECTRIC ASSISTED BICYCLE" AS DEFINED BY UTAH MOTOR VEHICLE CODE AND IS INSTEAD A TYPE OF MOTOR VEHICLE AND SUBJECT TO APPLICABLE MOTOR VEHICLE LAWS IF USED ON PUBLIC ROADS OR PUBLIC LANDS. YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS VEHICLE. TO DETERMINE IF COVERAGE IS PROVIDED YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(e) For a disclosure described in Subsection (8)(d), the seller shall ensure that the disclosure appears in bold, capital letters at least the same font size as the description of the vehicle.

(f) A person's actions to knowingly advertise, offer for sale, or sell a vehicle that is not an electric assisted bicycle as an electric bicycle, electric assisted bicycle, electric bike, or e-bike without making the disclosure described in Subsection (8)(d) constitutes prima facie evidence of a deceptive trade practice under Section 13-11a-3.

(9) An individual who violates this section is guilty of an infraction.

(10) A class 2 electric assisted bicycle is subject to the restrictions of Section 41-6a-526.

Amended by Chapter 445, 2024 General Session

41-6a-1116 Electric personal assistive mobility devices -- Conflicting provisions -- Restrictions -- Penalties.

(1)

(a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:
(i) seating positions under Section 41-6a-1501;
(ii) required lights, horns, and mirrors under Section 41-6a-1506;
(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
(iv) driver licensing requirements under Section 53-3-202.
(2) A person under 15 years old may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.
(3) A person may not operate an electric personal assistive mobility device:
(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic, except when operating in a lane designated for bicycle traffic;
(b) on a highway with a posted speed limit greater than 35 miles per hour, except when operating in a lane designated for bicycle traffic; or
(c) that has been structurally or mechanically altered from the original manufacturer's design.
(4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.
(5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:
(a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or
(b) endanger the safety of other persons or property.
(6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.
(7)
(a) An electric personal assistive mobility device may be operated on:
(i) a path or trail designed for the use of a bicycle; or
(ii) on a highway where a bicycle is allowed, including any lane designated for bicycle traffic regardless of the posted speed limit or number of general purpose lanes.
(b) A person operating an electric personal assistive mobility device in an area described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.
(8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:
(a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and
(b) front, rear, and side reflectors.
(9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.
(10) Only one person may operate an electric personal assistive mobility device at a time.
(11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.
(12) A person who violates this section is guilty of an infraction.

Amended by Chapter 452, 2025 General Session

41-6a-1116.5 Local ordinances regulating electric personal assistive mobility devices.

A local authority may adopt an ordinance to regulate or restrict the use of electric personal assistive mobility devices.

Enacted by Chapter 86, 2007 General Session

41-6a-1117 Mini-motorcycle restrictions -- Exceptions.

(1) A person may not operate a mini-motorcycle on any public property, highway, path, or sidewalk unless:
  (a) the mini-motorcycle is registered for highway use in accordance with Title 41, Chapter 1a, Motor Vehicle Act; and
  (b) the operator is licensed to operate a motorcycle in accordance with Title 53, Chapter 3, Uniform Driver License Act.
(2) An owner may not authorize or knowingly permit a person to operate a mini-motorcycle in violation of this section.
(3) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1118 Mobility vehicles.

(1) As used in this section:
  (a) "Division" means the Driver License Division created in Section 53-3-103.
  (b) "Mobility vehicle" means a vehicle that:
    (i) is certified by the division for use by a person with a physical disability; and
    (ii) complies with the requirements specified by the division in rules made under Subsection (3).
  (c) "Mobility vehicle certification" means evidence that a vehicle meets the requirements for certification by the division as a mobility vehicle.
  (d) "Mobility vehicle permit" means a permit issued by the division granting authority and specifying the conditions for a person with a physical disability to operate a mobility vehicle on a public highway.
  (e) "Physical disability" means a substantial impairment in one or more major life activities that prevents an individual from qualifying to obtain a license certificate.
(2) A person may operate a mobility vehicle on a public highway in accordance with rules made by the division under Subsection (3).
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
  (a) establishing procedures for certification of a vehicle to be operated as a mobility vehicle;
  (b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;
  (c) for acceptable documentation of a mobility vehicle permit applicant's identity, Social Security number if applicable, Utah resident status, and Utah residence address;
  (d) establishing procedures for the issuance of a mobility vehicle permit to an individual with a physical disability;
  (e) for examining applicants for a mobility vehicle permit, as necessary for the safety and welfare of the applicant and the traveling public; and
  (f) granting authority and specifying the conditions and restrictions for a person to operate a mobility vehicle on a public highway.
(4) An application for a mobility vehicle permit shall be:
  (a) made upon a form furnished by the division;
  (b) accompanied by a nonrefundable fee set under Section 53-3-105; and

(c) accompanied by a medical questionnaire form that includes information:
(i) that establishes the applicant has a physical disability as defined under Subsection (1)(e); and
(ii) to determine whether it would be a public safety hazard to permit the applicant to drive a mobility vehicle on a public highway.
(5) An application and fee for a mobility vehicle permit entitle the applicant to:
(a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of application; and
(b) a mobility vehicle permit after all tests are passed and requirements are completed.
(6) A mobility vehicle permit expires on the birth date of the applicant in the fifth year following the year the mobility vehicle permit was issued.
(7) A person may not hold both a license certificate and a mobility vehicle permit.

Enacted by Chapter 225, 2014 General Session

41-6a-1119 Personal delivery device.
(1) As used in this section:
(a) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in a business that includes the operation of a personal delivery device.
(b) "Main-traveled way" means the same as that term is defined in Section 72-7-502.
(c) "Pedestrian area" means a sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.
(d)
(i) "Personal delivery device" means an electrically powered device to which all of the following apply:
(A) the device is manufactured for transporting cargo and goods; and
(B) the device is equipped with automated driving technology, including hardware and software, that enables the operation of the device with or without active control or monitoring by a person.
(ii) A mobile carrier as defined in Section 41-6a-1120 is not a personal delivery device.
(iii) "Personal delivery device" does not include:
(A) a motor vehicle; or
(B) an ADS-dedicated vehicle as that term is defined in Section 41-26-102.1.
(e)
(i) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.
(ii) "Personal delivery device operator" does not include:
(A) with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or
(B) a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
(2) An eligible entity may operate a personal delivery device so long as all of the following requirements are met:
(a) the personal delivery device is operated at a maximum speed of:
(i) 10 miles per hour when in a pedestrian area; or
(ii) 20 miles per hour on a highway in an area that is not a pedestrian area;

(b) the eligible entity maintains an insurance policy that includes general liability coverage of not less than $100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and

(c) the personal delivery device is equipped with all of the following:

(i) a marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(ii) a braking system that enables the personal delivery device to come to a controlled stop; and

(iii) if the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(3) A personal delivery device operator may not allow a personal delivery device to do any of the following:

(a) fail to comply with traffic or pedestrian control devices and signals;

(b) unreasonably interfere with pedestrians or traffic; or

(c) transport hazardous material that is:

(i) regulated under 49 U.S.C. Chapter 51, Transportation of Hazardous Material; and

(ii) required to be placarded under 49 C.F.R., Part 172, Subpart F, Placarding.

(4)

(a) When operating on a highway, the personal delivery device:

(i) shall operate as close as practicable to the edge of the highway in the direction of authorized traffic movement; and

(ii) except as provided in Subsection (4)(b), may not travel in the main-traveled way.

(b) Notwithstanding Subsection (4)(a), a personal delivery device:

(i) if practical and with due regard for safety and traffic conditions may temporarily operate in the main-traveled way to avoid a parked car or other obstacle on the edge of the highway; and

(ii) shall return to the edge of the highway as described in Subsection (4)(a) as soon as conditions allow.

(c) Notwithstanding Subsections (4)(a) and (b), a personal delivery device may not operate on a:

(i) highway with a speed limit of 45 miles per hour or higher; or

(ii) limited access highway.

(5) A personal delivery device has the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to a pedestrian.

(6) A person may not operate a personal delivery device unless the person complies with this section.

(7) An eligible entity is responsible for both of the following:

(a) a violation of this section that is committed by a personal delivery device operator operated for the benefit of the eligible entity; and

(b) any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by Subsection (3).

(8)

(a) Following discussions with and input from eligible entities, a local authority or political subdivision may reasonably regulate the operation of personal delivery devices on a highway or pedestrian area.

(b) This section does not affect the authority of a peace officer of a local authority or political subdivision to enforce the laws of this state relating to the operation of a personal delivery device.
(9) A violation of this section is an infraction.

Amended by Chapter 106, 2020 General Session

41-6a-1120 Mobile carrier device.
(1) "Mobile carrier" means an electrically powered device that:
(a) is operated on a sidewalk or crosswalk;
(b) is intended primarily for the transport of property while remaining within 25 feet of the human operator;
(c) weighs less than 150 pounds, excluding cargo;
(d) has a maximum speed of 12.5 miles per hour;
(e) is equipped with a technology to transport personal property with the active monitoring of a personal property owner; and
(f) is primarily designed to remain within 25 feet of the personal property owner.
(2) A mobile carrier is not a vehicle or personal delivery device as defined in Section 41-6a-1119.
(3) A mobile carrier may be operated on a sidewalk or crosswalk if all of the following requirements are met:
(a) the mobile carrier is operated in accordance with the local ordinances, if any, established by the local highway authority;
(b) the mobile carrier remains at all times within 25 feet of the human operator while the mobile carrier is in motion;
(c) the mobile carrier is equipped with a braking system that enables the mobile carrier to come to a controlled stop; and
(d) if the mobile carrier is being operated between sunset and sunrise, a light on both the front and rear of the mobile carrier that is visible on all sides of the mobile carrier in clear weather from a distance of at least 500 feet to the front and rear of the mobile carrier when directly in front of low beams of headlights on a motor vehicle.
(4) A personal property owner monitoring the mobile carrier may not allow a mobile carrier to:
(a) fail to comply with a traffic or pedestrian control device or signal;
(b) unreasonably interfere with a pedestrian or traffic;
(c) transport hazardous material; or
(d) operate on a street or highway, except when crossing the street or highway within a crosswalk.
(5) A mobile carrier has the rights and obligations applicable to a pedestrian under the same circumstances, except that a mobile carrier shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk.
(6) A personal property owner may not operate a mobile carrier unless the person complies with this section.
(7) A violation of this section is an infraction.

Enacted by Chapter 391, 2019 General Session

41-6a-1121 Electric unicycles.
(1)

(a) Except as otherwise provided in this section, an electric unicycle is subject to the provisions under this chapter for a bicycle.
(b) For an individual operating an electric unicycle, the following provisions do not apply:
(i) seating positions and handle bar usage under Sections 41-6a-1112 and 41-6a-1501;
(ii) required lights, horns, and mirrors under Section 41-6a-1506; and
(iii) driver licensing requirements under Section 53-3-202.
(c) A individual may operate an electric unicycle across a roadway in a crosswalk, except that the individual may not operate the electric unicycle in a negligent manner in the crosswalk:
(i) so as to collide with a:
(A) pedestrian; or
(B) individual operating a bicycle, vehicle, or device propelled by human power; or
(ii) at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.
(2) An individual may not operate an electric unicycle:
(a) on public property posted as an area prohibiting bicycles;
(b) that has been structurally or mechanically altered from the original manufacturer's design, except for an alteration by, or done at the request of, an individual who rents the electric unicycle to lower the maximum speed for the electric unicycle; or
(c) at a speed of greater than 28 miles per hour or in violation of Subsection 41-6a-1115.1(3).
(3) A individual who violates this section is guilty of an infraction.

Enacted by Chapter 452, 2025 General Session

41-6a-1122 Self-balancing electric skateboards.
(1) Except as otherwise provided in this section, a self-balancing electric skateboard is subject to the provisions under this chapter for a bicycle.
(2) For a person operating a self-balancing electric skateboard, the following provisions do not apply:
(a) any reference to seating positions and handle bar usage, including under Sections 41-6a-1112 and 41-6a-1501;
(b) required lights, horns, and mirrors under Section 41-6a-1506; and
(c) driver licensing requirements under Section 53-3-202.
(3) A person may operate a self-balancing electric skateboard across a roadway in a crosswalk, except that the person may not operate the self-balancing electric skateboard in a negligent manner in the crosswalk:
(a) so as to collide with a:
(i) pedestrian; or
(ii) person operating a bicycle, vehicle, or device propelled by human power; or
(b) at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

Enacted by Chapter 452, 2025 General Session

Part 12
Railroad Trains, Railroad Grade Crossings, and Safety Zones

41-6a-1201 Driving on tracks.

(1) The operator of a vehicle proceeding on any track in front of a railroad train on a highway shall remove the vehicle from the track as soon as practicable after signal from the operator of the train.

(2) When a railroad train has started to cross an intersection, an operator of a vehicle may not drive:

(a) on or across the tracks; or

(b) in the path of the train within the intersection in front of the train.

(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1202 Driving through safety zone.

(1) The operator of a vehicle may not drive through or within a safety zone.

(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1203 Railroad grade crossing -- Duty to stop -- Malfunctions and school buses -- Driving through, around, or under gate or barrier prohibited.

(1) As used in this section, "active railroad grade crossing" means the same as that term is defined in Section 41-6a-1005.

(2) Whenever a person operating a vehicle approaches a railroad grade crossing, the operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track and may not proceed if:

(a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;

(b) a crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;

(c) a railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing:

(i) emits an audible signal; and

(ii) the railroad train or other on-track equipment is an immediate hazard because of the railroad train's or other on-track equipment's speed or proximity to the crossing;

(d) an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing; or

(e) there is any other condition that makes it unsafe to proceed through the crossing.

(3)

(a) An operator of a vehicle who suspects a false activation or malfunction of a railroad grade crossing signal device where there is no gate or barrier may drive a vehicle through the railroad grade crossing after stopping if:

(i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad tracks in all directions;

(ii) there is no evidence of an approaching railroad train or other on-track equipment;

(iii) the vehicle can cross over the tracks safely; and

(iv) the operator of a school bus is compliant with written district policy.

(b) As soon as is reasonably possible, the operator of a school bus shall notify the driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the grade crossing signal device is located of the false activation or malfunction.

(4)

(a) A person may not drive a vehicle through, around, or under a crossing gate or barrier at an active railroad grade crossing.

(b) A person may not cause a non-rail vehicle, whether or not occupied, to pass through, around, over, or under or remain on a gate or barrier at an active railroad grade crossing.

(c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around, through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.

(5) A violation of this section is an infraction.

Amended by Chapter 104, 2022 General Session

41-6a-1204 Trains -- Interference with vehicles limited.

(1) A person or government agency may not operate a train in a manner to prevent vehicular use of a roadway for a period of time in excess of five consecutive minutes except:

(a) when necessary to comply with signals affecting the safety of the movement of trains;

(b) when necessary to avoid striking any object or person on the track;

(c) when the train is disabled;

(d) when the train is in motion or while engaged in switching operations;

(e) when there is no vehicular traffic waiting to use the crossing;

(f) when necessary to comply with a governmental safety regulation; or

(g) as determined by a highway authority.

(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1205 Railroad grade crossings -- Certain vehicles must stop -- Exceptions -- Rules.

(1) An operator of a commercial motor vehicle, as defined under Section 53-3-102, shall upon approaching a railroad grade crossing:

(a) except as provided in Subsection (2), slow down and check that the tracks are clear of an approaching railroad train or other on-track equipment;

(b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before reaching the crossing if the tracks are not clear;

(c) obey all traffic control devices or the directions of a peace officer, or other crossing official at the crossing; and

(d) before proceeding over a railroad grade crossing:

(i) ensure that the vehicle has sufficient space to drive completely through a railroad grade crossing without stopping; and

(ii) ensure that the vehicle has sufficient undercarriage clearance to safely and completely pass through the crossing.

(2) Except as provided in Subsection (3), the operator of a vehicle described in 49 CFR 392.10:

(a) shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before crossing, at grade, any track of a railroad;

(b) while stopped, shall:

(i) look in both directions along the railroad track for:

(A) a sign of an approaching railroad train or other on-track equipment; or
(B) a signal indicating the approach of a railroad train or other on-track equipment; and
(ii) listen for a signal indicating the approach of a railroad train or other on-track equipment;
(c) may proceed across the railroad track only when reasonably safe to cross; and
(d) after stopping and safely proceeding, may not manually shift gears while crossing the railroad track.
(3) This section does not apply at a:
(a) railroad grade crossing where traffic is controlled by a peace officer or other crossing official;
(b) railroad grade crossing where traffic is regulated by a traffic-control signal;
(c) railroad grade crossing where a traffic-control device gives notice that the stopping requirements of this section are not applicable; or
(d) other railroad grade crossings excluded under 49 CFR 392.10.
(4) A violation of this section is an infraction.

Amended by Chapter 104, 2022 General Session

41-6a-1206 Railroad crossing duties respecting crawler type tractor, power shovel, derrick, or other equipment or structure.

(1) A person may not operate or move the following on or across any tracks at a railroad grade crossing without first complying with this section:
(a) a crawler type tractor;
(b) a power shovel;
(c) a derrick;
(d) a roller; or
(e) any equipment or structure having:
(i) normal operating speed of 10 or less miles per hour; or
(ii) a vertical body or load clearance of less than:
(A) 1/2 inch per foot of the distance between any two adjacent axles; or
(B) in any event, nine inches measured above the level surface of a roadway.
(2) A person intending to operate or move a vehicle or equipment described in Subsection (1) on or across railroad tracks at a railroad grade crossing shall give to the railroad:
(a) notice of the person's intended crossing; and
(b) reasonable time to provide proper protection at the railroad grade crossing.
(3) Before making a crossing under this section, a person operating or moving a vehicle or equipment described in Subsection (1):
(a) shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the railway;
(b) while stopped, shall:
(i) look in both directions along the railroad track for:
(A) a sign of an approaching railroad train or other on-track equipment; or
(B) a signal indicating the approach of a railroad train or other on-track equipment; and
(ii) listen for a signal indicating the approach of a railroad train or other on-track equipment; and
(c) may proceed across the track only when the crossing can be made safely.
(4) A person operating or moving a vehicle or equipment described in Subsection (1) shall obey all traffic control devices or the directions of a peace officer or other crossing official at the crossing.
(5) A violation of this section is an infraction.

Amended by Chapter 104, 2022 General Session

Part 13
School Buses and School Bus Parking Zones

41-6a-1301 Standards and specifications for lighting and special warning devices on school buses.

(1)
  (a) A school bus shall be equipped with red signal lamps mounted as high and as widely spaced laterally as practicable.
  (b) The red signal lamps shall display two alternately flashing red lights, located at the same level, to the front and rear of the school bus.
  (c) The red signal lamps shall be visible at 500 feet in normal sunlight.

(2)
  (a) A school bus shall be equipped with yellow signal lamps mounted near each of the four red signal lamps and at the same level but closer to the vertical centerline of the bus.
  (b) The yellow signal lamps shall display two alternately flashing yellow lights to the front and rear of the school bus.
  (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.

(3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights are activated.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1302 School bus -- Signs and light signals -- Flashing amber lights -- Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction -- Penalties.

(1) A school bus, when operated for the transportation of school children, shall:
  (a) bear on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use for the transportation of school children; and
  (b) be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as required under Section 41-6a-1301 and prescribed by the department under Section 41-6a-1601.

(2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus equipped with signals required under this section which is displaying alternating flashing:
  (a) amber warning light signals, shall slow the vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6a-601(2) for school zones for the safety of the school children that may be in the vicinity; or
  (b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation.

(3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when:
  (a) traveling on a divided highway;
  (b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or

(c) on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.

(4)

(a) The operator of a school bus shall operate alternating flashing red light signals at all times when:

(i) children are unloading from a school bus to cross a highway;

(ii) a school bus is stopped for the purpose of loading children who must cross a highway to board the bus; or

(iii) it would be hazardous for vehicles to proceed past the stopped school bus.

(b) The alternating flashing red light signals may not be operated except:

(i) when the school bus is stopped for loading or unloading school children; or

(ii) for an emergency purpose.

(5) The operator of a school bus being operated on a highway shall have the headlights of the school bus lighted.

(6)

(a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum penalty is:

(i) for a first offense:

(A) $1,000; and

(B) 10 hours of compensatory service;

(ii) for a second offense within five years of a previous conviction or bail forfeiture:

(A) $2,000; and

(B) 20 hours of compensatory service; and

(iii) for a third or subsequent offense within five years of a previous conviction or bail forfeiture:

(A) $3,000; and

(B) 40 hours of compensatory service.

(b) A violation of Subsection (5) is an infraction and the fine is $50.

(c) The court may order the person to perform compensatory service in lieu of the fine or any portion of the fine if the court makes the reasons for the waiver part of the record.

(d) In accordance with Section 78A-5-110, 78A-6-210, or 78A-7-120, as applicable, if a photograph or video image obtained from an automated traffic enforcement safety device described in Section 41-6a-1310 was used as evidence of a violation of Subsection (2) or (3), 20% of the fine collected under Subsection (6)(a) shall be deposited with the school district or private school that owns or contracts for the operation of the bus to offset the costs of the automated traffic enforcement safety device.

(7) A violation of Subsection (1) or (4) is an infraction.

(8) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

Amended by Chapter 346, 2024 General Session

41-6a-1303 Passing a school bus complaint procedure.

(1)

(a) An operator of a school bus who observes a violation of Subsection 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school district, to the school district transportation coordinator no more than two working days after the alleged violation occurred.

(b)

(i) The report under Subsection (1)(a) shall contain:

(A) the date, time, and location of the violation;
(B) the license plate number and state and description of the offending vehicle;
(C) as much as practical, a description of the operator of the offending vehicle;
(D) a description of the incident involving the violation;
(E) information on how to contact the school bus operator who witnessed the offense; and
(F) the signature of the operator of the school bus who witnessed the offense attesting to the accuracy of the report.

(ii) The report under Subsection (1)(a) may contain photographs or video images produced by an automated traffic enforcement safety device described in Section 41-6a-1310.

(2)

(a) Upon receipt of a report in accordance with Subsection (1), the school district transportation coordinator shall promptly send a notification letter to the last-known registered owner of the vehicle.

(b) The notification letter shall include:

(i) the applicable information on the school bus operator's report stating that the vehicle was observed passing a school bus displaying alternating flashing red lights in violation of state law;

(ii) a complete explanation of the applicable provisions of Section 41-6a-1302; and

(iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

(c) The school district transportation coordinator may file the report with the local law enforcement agency that has jurisdiction for the alleged violation.

(3) A law enforcement agency that receives a report in accordance with Subsection (2) may have a peace officer initiate an investigation of the reported violation.

Amended by Chapter 186, 2017 General Session

41-6a-1304 School buses -- Rules regarding design and operation.

(1)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety, with the advice of the State Board of Education, shall adopt and enforce rules, not inconsistent with this chapter, to govern the design and operation of all school buses in this state when:

(i) owned and operated by any school district;

(ii) privately owned and operated under contract with a school district; or

(iii) privately owned for use by a private school.

(b) The rules under this Subsection (1) shall by reference be made a part of any contract with a school district or private school to operate a school bus.

(2) Every school district or private school, its officers and employees, and every person employed under contract by a school district or private school shall be subject to the rules under Subsection (1).

Amended by Chapter 239, 2021 General Session

41-6a-1305 Violation of rules -- Penalty.

(1) An officer or employee of a school district who violates any of the rules provided under Section 41-6a-1304 or fails to include the obligation to comply with the rules in a contract executed by

that person on behalf of a school district is guilty of misconduct and subject to removal from office or employment.

(2) A person operating a school bus under contract with a school district who fails to comply with any rules provided under Section 41-6a-1304 is guilty of breach of contract, and the contract shall be canceled after notice and hearing by the responsible officers of the school district.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1306 School buses removed from service -- Removal of markings -- Repainting -- School district not to bear expense -- Infraction.

(1)

(a) As used in this section, "old school bus" means a school bus that has been removed from service and is operated on the highways, streets, or roads of this state for a nonschool permanent commercial use.

(b) A person who acquires an old school bus shall cause:

(i) identifying markings be removed; and

(ii) the bus be painted a color other than school-bus yellow.

(c) The school districts may not be charged any expense related to removing markings from the school bus removed from service.

(2) A person who violates this section is guilty of an infraction.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1307 School bus parking zones -- Establishment -- Uniform markings -- Penalty.

(1) As used in this section, "school bus parking zone" means a parking space that is clearly identified as reserved for use by a school bus.

(2) A highway authority for highways under its jurisdiction and school boards for roadways located on school property may establish and locate school bus parking zones in accordance with specifications established under Subsection (3).

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation, after consultation with local highway authorities and school boards which may include input from school traffic safety committees established under Section 53G-4-402, shall make rules establishing specifications for uniform signage or markings to clearly identify school bus parking zones.

(4) A person may not stop, stand, or park a vehicle other than a school bus, whether occupied or not, in a clearly identified school bus parking zone.

(5)

(a) A violation of Subsection (4) is an infraction.

(b) A person who violates Subsection (4) shall pay a minimum fine of $75.

Amended by Chapter 415, 2018 General Session

41-6a-1308 School bus idling standards.

The State Board of Education shall, in consultation with local school districts and the Air Quality Board:

(1) implement an idling reduction program for all school bus drivers in the state; and

(2) adopt idling reduction standards in the Utah Standards for Utah School Buses and Operations, 2008 edition.

Enacted by Chapter 68, 2008 General Session

41-6a-1309 Advertising on a school bus.

(1) A local school board or charter school governing board may sell advertising space on the exterior of a school bus in accordance with this section.

(2)

(a) A local school board or charter school governing board that sells advertising space on the exterior of a school bus shall adopt guidelines for the type of advertising that will be permitted.

(b) Advertising on a school bus:

(i) shall be age appropriate;

(ii) shall be consistent with the instructional requirements of Section 53G-10-402;

(iii) may not contain:

(A) promotion of any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;

(B) promotion of any political party, candidate, or issue; or

(C) sexual material; and

(iv) may not resemble a traffic-control device as defined in Section 41-6a-102.

(3)

(a) The Department of Transportation shall make and enforce rules pursuant to Section 41-6a-1304 governing the placement and size of an advertisement on a school bus.

(b) Rules made under Subsection (3)(a) shall:

(i) prohibit the placement of an advertisement on the back or the front of a school bus; and

(ii) limit the size of an advertisement to no more than 35% of the area of the side of a school bus.

(4)

(a) A school bus advertisement shall be painted or affixed by decal on a school bus in a manner that complies with rules adopted under Subsection (3).

(b) A commercial advertiser that contracts with a school district for the use of space for an advertisement shall pay:

(i) the cost of placing the advertisement on a school bus; and

(ii) for the removal of the advertisement after the term of the contract has expired.

(5) A school district or charter school shall use revenue from the sale of advertising space on a school bus for expenditures made within accounting function classification 2700, School Transportation Services, of the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics.

Amended by Chapter 415, 2018 General Session

41-6a-1310 School bus traffic safety devices.

(1) For purposes of this section, "automated traffic enforcement safety device" means a device that:

(a) is affixed to a school bus;

(b) is capable of detecting a vehicle unlawfully overtaking or passing a school bus;

(c) is capable of producing a photograph or video image of the rear of a vehicle, including an image of the vehicle's license plate; and

(d) produces a time stamp on the photograph or video image described in Subsection (1)(c).

(2) A school district or private school may install an automated traffic enforcement safety device on a school bus.
(3) A photograph, video image, or other record produced by an automated traffic enforcement safety device may not be used for any purpose other than evidence for a violation of Section 41-6a-1302.
(4) A photograph, video image, or other record produced by an automated traffic enforcement safety device is subject to Title 63G, Chapter 2, Government Records Access and Management Act.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules to address student privacy concerns that may arise from the use of an automated traffic enforcement safety device authorized in this section.

Enacted by Chapter 186, 2017 General Session

Part 14
Stopping, Standing, and Parking

41-6a-1401 Standing or parking vehicles -- Restrictions and exceptions.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
  (a) stop, stand, or park a vehicle:
    (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    (ii) on a sidewalk;
    (iii) within an intersection;
    (iv) on a crosswalk;
    (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
    (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
    (viii) on any railroad tracks;
    (ix) on any controlled-access highway;
    (x) in the area between roadways of a divided highway, including crossovers;
    (xi) any place where a traffic-control device prohibits stopping, standing, or parking; or
    (xii) within a bicycle lane;
  (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    (i) in front of a public or private driveway;
    (ii) within 15 feet of a fire hydrant;
    (iii) within 20 feet of a crosswalk;
    (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
    (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
    (vi) at any place where a traffic-control device prohibits standing; or

(vii) at capitol hill, as defined in Section 63O-1-101, in a parking space identified as reserved for specific users, without:
(A) approval by the executive director of the State Capitol Preservation Board created in Section 63O-2-201; and
(B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
(c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
(i) within 50 feet of the nearest rail of a railroad crossing; or
(ii) at any place where traffic-control devices prohibit parking.
(2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.
(3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

Amended by Chapter 527, 2025 General Session

41-6a-1402 Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.
(1) Except as otherwise provided in this section, a vehicle stopped or parked on a two-way roadway shall be stopped or parked with the right-hand wheels:
(a) parallel to and within 12 inches of the right-hand curb; or
(b) as close as practicable to the right edge of the right-hand shoulder.
(2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:
(a) right-hand wheels:
(i) within 12 inches of the right-hand curb; or
(ii) as close as practicable to the right edge of the right-hand shoulder; or
(b) left-hand wheels:
(i) within 12 inches of the left-hand curb; or
(ii) as close as practicable to the left edge of the left-hand shoulder.
(3)
(a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway.
(b) Angle parking is not permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
(4)
(a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where:
(i) the stopping, standing, or parking is dangerous to those using the highway; or
(ii) the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic.
(b) A person may not stop, stand, or park a vehicle in violation of the restriction indicated by the devices under Subsection (4)(a).

(5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1403 Motor vehicle left unattended -- Requirements.

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:
  (a) stopping the engine;
  (b) locking the ignition and removing the key;
  (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
  (d) effectively setting the brakes thereon.
(2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1404 Stopping or parking on roadway outside business or residential district.

(1) Outside a business or residence district, a person may not stop, park, or leave standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop, park, or leave the vehicle off the roadway.
(2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:
  (a) leave an unobstructed width of the highway opposite the vehicle for the free passage of other vehicles; and
  (b) leave the vehicle so that other vehicle operators have a clear view of the stopped vehicle from a distance of 200 feet in each direction on the roadway.
(3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the paved or main traveled portion of the roadway.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1405 Peace officer authorized to move vehicle.

(1) If a peace officer finds a vehicle in violation of Section 41-6a-1404, the officer may move the vehicle, cause the vehicle to be moved, or require the operator or other person responsible for the vehicle to move the vehicle to a safe position off the highway.
(2) A peace officer may remove or cause to be removed to a place of safety an unattended vehicle left standing on a highway in:
  (a) violation of this part; or
  (b) a position or under circumstances that the vehicle obstructs the normal movement of traffic.
(3) In accordance with Section 41-6a-1406, a peace officer may remove or cause to be removed to the nearest garage or other place of safety a vehicle found on a highway when:
  (a) the vehicle has been reported stolen or taken without the consent of its owner;
  (b) the person responsible for the vehicle is unable to provide for its custody or removal; or

(c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

(1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.

(2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.

(3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:

(a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

(b) by the department under Subsection (11).

(4)

(a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is impounded as described in Subsection (1).

(b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic format approved by the Motor Vehicle Division, by:

(i) the peace officer or agency by whom the peace officer is employed; and

(ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.

(c) The report shall be in a form specified by the Motor Vehicle Division and shall include:

(i) the operator's name, if known;

(ii) a description of the vehicle, vessel, or outboard motor;

(iii) the vehicle identification number or vessel or outboard motor identification number;

(iv) the case number designated by the peace officer, law enforcement agency number, or government entity;

(v) the license number, temporary permit number, or other identification number issued by a state agency;

(vi) the date, time, and place of impoundment;

(vii) the reason for removal or impoundment;

(viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and

(ix) the place where the vehicle, vessel, or outboard motor is stored.

(d)

(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).

(ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.

(e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:

(i) collect any fee associated with the removal; and
(ii) begin charging storage fees.

(5)
(a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:
(i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1); or
(ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.
(b) For a removal described in Subsection (5)(a), the relevant law enforcement officer shall provide documentation to the tow truck operator or tow truck motor carrier that includes:
(i) the name and badge number of the peace officer;
(ii) the name and originating agency identifier of the law enforcement agency; and
(iii) the case number designated by the law enforcement officer or law enforcement agency.
(c) For a removal described in Subsection (5)(a), before noon on the next business day following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:
(i) the report described in Subsection (4); or
(ii) the report described in Subsection (5)(d).
(d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier does not provide the report described in Subsection (4), the tow truck operator or tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:
(i) the name and badge number of the relevant peace officer;
(ii) the name and originating agency identifier of the law enforcement agency;
(iii) the law enforcement agency case number;
(iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary permit number, or other identification number issued by a state agency;
(v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
(vi) the reason for the removal of the vehicle, vessel, or outboard motor.
(e) If either the vehicle identification number or the license number, temporary permit number, or other identification number issued by a state agency is not available, the report shall include:
(i) as much information as is available from both the vehicle identification number and the license plate number of the vehicle, vessel, or outboard motor; and
(ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model year of the vehicle, vessel, or outboard motor.
(f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (5), a tow truck motor carrier may not:
(i) collect any fee associated with the removal; or
(ii) begin charging storage fees.
(g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
(i) a state impound yard; or
(ii) a location that has been requested by the registered owner at the time of removal, if payment is made to the tow truck motor carrier or tow truck operator at the time of removal.
(h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission may make rules to establish proper format and information required on the form described in Subsection (5)(d), including submission in an electronic format.

(6)

(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
(i) the registered owner;
(ii) any lien holder; or
(iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
(b) The notice shall:
(i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
(ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
(iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
(iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
(c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
(d) The Motor Vehicle Division is not required to give notice under this Subsection (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
(e)
(i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:
(A) by law enforcement; or
(B) without the vehicle owner's consent.
(ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and (B).
(iii) The designated agent may disclose information received regarding a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
(iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).
(7)
(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released after a party described in Subsection (6)(a) or (7)(f):
(i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;

(ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;
(iii) completes the registration, if needed, and pays the appropriate fees;
(iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
(A) an administrative impound fee of $425; and
(B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an administrative testing fee of $30; and
(v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.

(b)
(i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
(ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106.
(iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
(iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the General Fund.
(v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.

(c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
(i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
(ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.

(d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).

(e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
(i) the vehicle, vessel, or outboard motor is being held as evidence; and
(ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (7).

(f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released to an individual that is not described in Subsection (6)(a) if the individual:
(i)
(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
(B) presents the individual's driver license or other government-issued identification; and

(C) demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle; or

(ii) is a tow truck operator or tow truck motor carrier that:

(A) demonstrates that the tow truck operator or tow truck motor carrier has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle, vessel, or outboard motor;

(B) provides a towing certificate issued by the Department of Transportation pursuant to Section 72-9-602;

(C) pays all towing and storage fees; and

(D) obtains or presents an impound release for the vehicle, vessel, or outboard motor pursuant to Subsection (7)(a).

(8)

(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described in Subsection (6)(a) or (7)(f) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as described in Section 41-1a-1103.

(b) The date of impoundment or removal is considered the date of seizure for computing the time period provided under Section 41-1a-1103.

(9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

(10)

(a) As used in this Subsection (10), "life essential item" means the same as that term is defined in Subsection 72-9-603(13).

(b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.

(c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.

(d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

(e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.

(12)

(a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.

(b)

(i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
(ii) The fees under this Subsection (12)(b) shall:
(A) be reasonable and fair; and
(B) reflect the cost of administering the database.

Amended by Chapter 378, 2025 General Session

41-6a-1407 Removal of unattended vehicles prohibited without authorization -- Penalties.

(1) In cases not amounting to burglary or theft of a vehicle, a person may not remove an unattended vehicle without prior authorization of:
(a) a peace officer;
(b) a law enforcement agency;
(c) a highway authority having jurisdiction over the highway on which there is an unattended vehicle; or
(d) the owner or person in lawful possession or control of the real property.
(2)
(a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.
(b) The removal of the unattended vehicle shall comply with requirements of Section 41-6a-1406.
(3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with the requirements of Section 72-9-603.
(4) A person who violates Subsection (1) or (3) is guilty of an infraction.

Amended by Chapter 298, 2017 General Session

41-6a-1408 Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle identification.

(1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:
(a) on a highway or on or in the waters of the state for a period in excess of 48 hours; or
(b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.
(2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.
(3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
(4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.
(5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:
(a) the original motor number, manufacturer's number or identification mark has been replaced; or
(b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle, vessel, or outboard motor.

(6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1409 Vehicle immobilization devices -- Definitions -- Notice requirements -- Maximum removal fee.

(1) As used in this section:

(a) "Immobilize" means to affix and lock a vehicle immobilization device to the exterior of a motor vehicle.

(b) "Vehicle immobilization device" means a device that may be affixed and locked to the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the vehicle from its location.

(c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used a vehicle immobilization device for the purpose of enforcing parking restrictions with prior authorization from the owner or person in lawful possession or control of the real property.

(2)

(a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle owner's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b):

(i) a mobile home park as defined in Section 57-16-3; or

(ii) a multifamily dwelling of more than eight units.

(b) Signage under Subsection (2)(a) shall display:

(i) where parking is subject to being immobilized; and

(ii) one of the following:

(A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle for the locations listed under Subsection (2)(a)(i); or

(B) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle immobilizer to immobilize the motor vehicle.

(c) Signage is not required under Subsection (2)(b) for parking in a location:

(i) that is prohibited by law; or

(ii) if it is reasonably apparent that the location is not open to parking.

(d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.

(3)

(a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to operate the vehicle.

(b) The notice under Subsection (3)(a) shall include:

(i) the name and phone number of the vehicle immobilizer;

(ii) a phone number that the owner of the vehicle may call to arrange for release of the vehicle; and

(iii) applicable fees.

(4)

(a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed:

(i) $75 for the first 24-hour period a vehicle is immobilized; plus

(ii) $25 for each additional 24-hour period a vehicle is immobilized.

(b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed $150 for each instance.
(c) A vehicle immobilizer may not charge a fee for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device in addition to the fees specified under this Subsection (4).
(d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard.
(e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device.
(5) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts with this part.

Amended by Chapter 249, 2014 General Session

Part 15
Special Vehicles

41-6a-1501 Motorcycle or motor-driven cycle -- Place for operator to ride -- Passengers.
(1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.
(2)
(a) Except as provided in Subsection (2)(b):
(i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
(ii) a passenger may not ride on a motorcycle or a motor-driven cycle.
(b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
(i) the permanent and regular seat, if designed for two persons; or
(ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
(3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
(4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
(5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
(a) the operation or control of the motorcycle or motor-driven cycle; or
(b) the view of the operator.
(6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1502 Motorcycles, motor-driven cycles, or all-terrain type I vehicles -- Operation on public highways.

(1)
(a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.
(b) An individual may not operate a motor vehicle in a manner that deprives a motorcycle or motor-driven cycle of the full use of a lane.
(c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.
(2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.
(3)
(a) Except as described in Subsection (3)(b), an individual may not operate a motorcycle or motor-driven cycle between:
(i) lanes of traffic; or
(ii) adjacent lines or rows of vehicles.
(b) Subsection (3)(a) does not apply to an individual operating a motorcycle engaging in lane filtering as described in Section 41-6a-704.
(4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.
(5) Subsections (2) and (3)(a) do not apply to peace officers acting in the peace officers' official capacities.
(6) The provisions of this section also apply to all-terrain type I vehicles.
(7) A violation of this section is an infraction.

Amended by Chapter 74, 2020 General Session

41-6a-1503 Motorcycle or motor-driven cycle -- Attaching to another vehicle prohibited.
(1) A person riding on a motorcycle or motor-driven cycle may not attach himself to any other vehicle on a roadway.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1504 Motorcycle or motor-driven cycle -- Footrests for passenger -- Height of handlebars limited.
(1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.
(2) A person may not operate a motorcycle or motor-driven cycle with handlebars above shoulder height.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1505 Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.
(1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):
(a) a motorcycle;

(b) a motor-driven cycle;
(c) a class 3 electric assisted bicycle; or
(d) an autocycle that is not fully enclosed.
(2) This section does not apply to persons riding within an enclosed cab.
(3) The following standards and specifications for protective headgear are adopted:
(a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
(b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.
(4) A court shall waive $8 of a fine charged to a person operating a vehicle described in Subsection (1) for a moving traffic violation if the person was:
(a) 21 years of age or older at the time of operation; and
(b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.
(5) The failure to wear protective headgear:
(a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
(b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
(6) Notwithstanding Subsection (4), a court may not waive $8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.
(7) A violation of this section is an infraction.

Amended by Chapter 369, 2017 General Session

41-6a-1506 Motorcycles -- Required equipment -- Brakes.
(1) A motorcycle and a motor-driven cycle shall be equipped with the following items:
(a) one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
(b) one tail lamp;
(c) either a tail lamp or a separate lamp which illuminates the rear license plate with a white light;
(d) one red reflector on the rear, either separate or as part of the tail lamp;
(e) one stop lamp;
(f) a braking system, other than parking brake, in accordance with Section 41-6a-1623;
(g) a horn or warning device in accordance with Section 41-6a-1625;
(h) a muffler and emission control system in accordance with Section 41-6a-1626;
(i) a mirror in accordance with Section 41-6a-1627; and
(j) tires in accordance with Section 41-6a-1636.
(2) An autocycle shall be equipped with the following items:
(a) a seatbelt for each seat installed in the autocycle in accordance with Section 41-6a-1628;
(b) at least one head lamp that, when factory equipped with an automatic lighting ignition system, may not be disconnected;
(c) at least one tail lamp;
(d) either a tail lamp or a separate lamp that illuminates the rear license plate with a white light;
(e) at least one red reflector, either separate or as part of the tail lamp or tail lamps;
(f) at least one stop lamp;
(g) a braking system, other than a parking brake, in accordance with Section 41-6a-1623;
(h) a horn or warning device in accordance with Section 41-6a-1625;

(i) a muffler and emission control system in accordance with Section 41-6a-1626 that, when factory equipped, may not be removed;
(j) a mirror in accordance with Section 41-6a-1627; and
(k) tires in accordance with Section 41-6a-1636.
(3) The department may require an inspection of the braking system on a motor-driven cycle and disapprove a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use in accordance with Section 41-6a-1623.
(4) A person may not operate a motor-driven cycle on a highway if the department has disapproved the braking system on the motor-driven cycle.
(5)
(a) Upon notice to the party to whom the motor-driven cycle is registered, the department may suspend the registration of a motor-driven cycle if the department has disapproved the braking system under this section.
(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking system disapproved under this section.
(6) A violation of this section is an infraction.

Amended by Chapter 40, 2016 General Session

41-6a-1507 Custom vehicles -- Defined -- Compliance with all laws and standards -- Exceptions -- Revocation -- Signed statement required.
(1)
(a) As used in this section, "custom vehicle" means a motor vehicle that:
(i)
(A) is at least 25 years old and of a model year after 1948; or
(B)
(I) was manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and
(II)
(Aa) has been altered from the manufacturer's original design; or
(Bb) has a body constructed of non-original materials; and
(ii) is primarily a collector's item that is used for:
(A) club activities;
(B) exhibitions;
(C) tours;
(D) parades;
(E) occasional transportation; and
(F) other similar uses.
(b) A custom vehicle does not include:
(i) a motor vehicle that is used for general, daily transportation;
(ii) a vintage vehicle as defined in Section 41-21-1; or
(iii) a special interest vehicle as defined in Section 41-1a-102.
(2) Except as specified under this section, a custom vehicle shall meet all safety, registration, insurance, fees, and taxes required under this title.
(3)
(a) Except as provided in Subsection (3)(b), all safety equipment of a custom vehicle shall at least meet the safety standards applicable to the model year of the vehicle being replicated.

Any replacement equipment shall comply with the design standards of the replacement equipment's manufacture.

(b) A custom vehicle shall comply with current vehicle brake and stopping standards.

(4) A custom vehicle is exempt from motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.

(5) The tax commission may revoke or deny the registration of a custom vehicle for failure to comply with this section.

(6) The owner of a custom vehicle shall provide a signed statement certifying that the custom vehicle is owned and operated for the purposes enumerated in this section to the safety inspection station in order to qualify for the exceptions provided under this section.

Amended by Chapter 171, 2009 General Session

41-6a-1508 Low-speed vehicle.

(1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:

(a) traffic rules under Title 41, Chapter 6a, Traffic Code;

(b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

(c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(d) vehicle registration, titling, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

(e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;

(f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act; and

(g) safety belt requirements under Part 18, Motor Vehicle Safety Belt Usage Act.

(2)

(a) The owner of a low-speed vehicle shall ensure that the low-speed vehicle:

(i) complies with federal safety standards established in 49 C.F.R. 571.500; and

(ii) is equipped with:

(A) headlamps;

(B) front and rear turn signals, tail lamps, and stop lamps;

(C) turn signal lamps;

(D) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;

(E) a parking brake;

(F) a windshield that meets the standards under Section 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield; and

(G) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side.

(b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements under Part 16, Vehicle Equipment.

(3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.

(4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.

(5)
(a) Except to cross a highway at an intersection, a low-speed vehicle may not be operated on a highway with a posted speed limit of more than 35 miles per hour.
(b) In addition to the restrictions under Subsection (5)(a), a highway authority, may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.
(6) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.
(7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

Amended by Chapter 406, 2017 General Session

41-6a-1509 Street-legal all-terrain vehicle -- Operation on highways -- Registration and licensing requirements -- Equipment requirements.
(1)
(a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, that meets the requirements of this section as a street-legal ATV on a street or highway.
(b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, as a street-legal ATV on a highway if:
(i) the highway is an interstate system as defined in Section 72-1-102; or
(ii) the highway is in a county of the first class and both of the following criterion is met:
(A) the highway is near a grade separated portion of the highway; and
(B) the highway has a posted speed limit higher than 50 miles per hour.
(c) Nothing in this section authorizes the operation of a street-legal ATV in an area that is not open to motor vehicle use.
(2)
(a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that is registered as a novel vehicle on a street or highway, if the vehicle meets the requirements of this section as a street-legal novel vehicle.
(b) An individual may not operate a vehicle registered as a novel vehicle as a street-legal novel vehicle on a highway if:
(i) the highway is an interstate system as defined in Section 72-1-102; or
(ii) the highway is in a county of the first class and both of the following criterion are met:
(A) the highway is near a grade separated portion of the highway; and
(B) the highway has a posted speed limit higher than 50 miles per hour.
(c) Nothing in this section authorizes the operation of a street-legal novel vehicle in an area that is not open to motor vehicle use.
(3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:
(a) a motorcycle for:
(i) traffic rules under this chapter;
(ii) titling, odometer statement, vehicle identification, license plates, and registration, excluding registration fees, under Chapter 1a, Motor Vehicle Act; and
(iii) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
(b) a motor vehicle for:

(i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
(ii) motor vehicle insurance under Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and
(c) an all-terrain type I or type II vehicle, or an off-highway motorcycle, for off-highway vehicle provisions under Chapter 22, Off-highway Vehicles, and Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.
(4) A street-legal novel vehicle shall comply with Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section 41-27-201.
(5)
(a) The owner of an all-terrain type I vehicle or an off-highway motorcycle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:
(i) one or more headlamps that meet the requirements of Section 41-6a-1603;
(ii) one or more tail lamps;
(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(iv) one or more red reflectors on the rear;
(v) one or more stop lamps on the rear;
(vi) amber or red electric turn signals, one on each side of the front and rear;
(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
(xi) a windshield, unless the operator wears eye protection while operating the vehicle;
(xii) a speedometer, illuminated for nighttime operation;
(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and
(xiv) tires that:
(A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
(B) have at least 2/32 inches or greater tire tread.
(b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle or of a vehicle registered as a novel vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is equipped with:
(i) two headlamps that meet the requirements of Section 41-6a-1603;
(ii) two tail lamps;
(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(iv) one or more red reflectors on the rear;
(v) two stop lamps on the rear;
(vi) amber or red electric turn signals, one on each side of the front and rear;
(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;
(xii) a speedometer, illuminated for nighttime operation;
(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers;
(xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;
(xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and
(xvi) tires that:
(A) do not exceed 44 inches in height; and
(B) have at least 2/32 inches or greater tire tread.
(c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
(6)
(a) Subject to the requirements of Subsection (6)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:
(i) the posted speed limit; or
(ii) 50 miles per hour.
(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
(i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and
(ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
(7)
(a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal novel vehicle, when operating as a street-legal novel vehicle on a highway, may not exceed the lesser of:
(i) the posted speed limit; or
(ii) 50 miles per hour.
(b) An operator of a street-legal novel vehicle, when operating a street-legal novel vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
(i) operate the street-legal novel vehicle on the extreme right hand side of the roadway; and
(ii) equip the street-legal novel vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
(8)
(a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV or street-legal novel vehicle that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (8)(a).
(9) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.
(10) A violation of this section is an infraction.

Amended by Chapter 285, 2025 General Session

41-6a-1510 Golf carts -- Operation on highways -- Registration, licensing requirements, titling, and taxes.

(1)
(a) In accordance with this section and Section 10-8-30, a municipality may, by ordinance, allow a person to operate a golf cart on specified highways under the jurisdiction of the municipality.
(b) A person may not operate a golf cart on a highway unless authorized by the municipality in which the highway is located.
(c) If a municipality allows the operation of a golf cart on a highway in the municipality's jurisdiction, the municipality shall provide sufficient parameters regarding the operation of a golf cart on a highway to ensure public safety, including specifying:
(i) on which highways a person may operate a golf cart;
(ii) who may operate a golf cart on a highway; and
(iii) hours during which a golf cart may operate on a highway.

(2) Subject to Subsection (4), a person operating a golf cart has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.

(3) A golf cart is exempt from the requirements of:
(a) titling, odometer statement, vehicle identification, license plates, and registration under Title 41, Chapter 1a, Motor Vehicle Act;
(b) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
(c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
(d) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
(e) the uniform statewide fee described in Section 59-2-405.2.

(4) Except as described in Subsections 41-6a-526(2) and (3), a golf cart shall comply with the same requirements as a bicycle for traffic rules under Title 41, Chapter 6a, Traffic Code.

Enacted by Chapter 84, 2020 General Session

Part 16
Vehicle Equipment

41-6a-1601 Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.

(1)
(a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles that:
(i) is in an unsafe condition that may endanger any person;
(ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;
(iii) is equipped in any manner in violation of this chapter; or
(iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local health departments.

(b) A person may not do any act forbidden or fail to perform any act required under this chapter.

(2)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.

(b) The rules under Subsection (2)(a):

(i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;

(ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;

(iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

(iv) shall include standards for the emergency lights of authorized emergency vehicles;

(v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:

(A) this part;

(B) federal motor vehicle safety standards; and

(C) current specifications of the Society of Automotive Engineers;

(vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;

(vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;

(viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

(ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and

(x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.

(c) The following standards and specifications for vehicle equipment are adopted:

(i) 49 C.F.R. 571.209 related to safety belts;

(ii) 49 C.F.R. 571.213 related to child restraint devices;

(iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;

(iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

(v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.

(3) Nothing in this chapter or the rules made by the department prohibit:

(a) equipment required by the United States Department of Transportation; or

(b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.

(4) Except as specifically made applicable, this chapter and rules of the department with respect to equipment required on vehicles do not apply to:

(a) implements of husbandry;

(b) road machinery;

(c) road rollers;
(d) farm tractors;
(e) motorcycles;
(f) motor-driven cycles;
(g) motor assisted scooters;
(h) vehicles moved solely by human power;
(i) off-highway vehicles registered under Section 41-22-3 either:
(i) on a highway designated as open for off-highway vehicle use; or
(ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
(j) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).

(5) The vehicles referred to in Subsections (4)(i) and (j) are subject to the equipment requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that chapter.

(6)
(a)
(i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.
(ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles or street-legal novel vehicles on highways.
(b) The department:
(i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and
(ii) may adopt a rule to replace the superseded provision.

(7) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 459, 2024 General Session

41-6a-1602 Permit to operate vehicle in violation of equipment regulations.

(1) The department may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of this chapter or in violation of rules made by the department.

(2) The permit shall be carried in the vehicle and shall be displayed upon demand of a magistrate or peace officer.

(3)
(a) The department may limit the time, manner, or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic.
(b) Any conditions shall be stated on the permit and a person may not violate them.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1603 Lights and illuminating devices -- Duty to display -- Time.

(1)
(a) The operator of a vehicle shall ensure the lamps or lights of the vehicle are illuminated while the vehicle is being operated on a highway at any time:
(i) from sunset to sunrise; or

(ii) when persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead due to:
(A) insufficient light; or
(B) unfavorable atmospheric conditions.
(b) An operator of a vehicle driving with automated lights does not violate Subsection (1)(a) if:
(i) the vehicle's automated light function is operable and engaged; and
(ii) the automated feature has not been overridden or adjusted.
(c) The lights, lighted lamps, and other lamps and illuminating devices under Subsection (1)(a) shall be lighted as respectively required for different classes of vehicles, subject to the exceptions for parked vehicles under Section 41-6a-1607.
(2) Whenever a requirement is made as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply during the times specified under Subsection (1)(a) for a vehicle without load on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
(3) Whenever a requirement is made as to the mounted height of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.
(4) A violation of this section is an infraction.

Amended by Chapter 403, 2023 General Session

41-6a-1604 Motor vehicle head lamps, tail lamps, stop lamps, and other lamps -- Requirements -- Penalty.

(1) A motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle.
(2)
(a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps and two or more red reflectors mounted on the rear.
(b)
(i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612, all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or reflect a red color.
(ii) A turn signal or hazard warning light may be red or yellow.
(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate.
(3)
(a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps and flashing turn signals.
(b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the supplemental stop lamp:
(i) emits a red light;
(ii) is mounted:
(A) and constructed so that no light emitted from the device, either direct or reflected, is visible to the driver;
(B) not lower than 15 inches above the roadway; and
(C) on the vertical center line of the vehicle; and

(iii) is the size, design, and candle power that conforms to federal standards regulating stop lamps.

(4)

(a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other lamp, or reflector required under this part shall comply with the requirements and limitations established under Section 41-6a-1601.

(b) The department, by rules made under Section 41-6a-1601, may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers to have additional lamps and reflectors.

(5) The department, by rules made under Section 41-6a-1601, may allow:

(a) one tail lamp on any vehicle equipped with only one when it was made;

(b) one stop lamp on any vehicle equipped with only one when it was made; and

(c) passenger cars and trucks with a width less than 80 inches and manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

(6)

(a) As used in this section, "continuously flashing light system" means a light system for a supplemental stop lamp described in Subsection (3)(b) in which the stop lamp or reflector pulses rapidly for no more than five seconds when the brake is applied and then converts to a continuous light as a normal stop lamp or reflector until the time that the brake is released.

(b) A motor vehicle, trailer, semitrailer, and pole trailer may be equipped with a continuously flashing light system.

(7) Except as provided under Subsection (8) or (9), an auxiliary light installed on a motor vehicle may only be illuminated on a public roadway if the light:

(a) conforms to the color and location of:

(i) white or amber, if the light is located on or visible from the front of the vehicle;

(ii) amber, if the light is located on or visible from the side of the vehicle; or

(iii) amber or red, if the light is located on or visible from the rear of the vehicle;

(b) emits a steady beam of light and does not blink, oscillate, rotate, or flash;

(c) does not emit a beam that:

(i) is brighter than the vehicle's original equipment lighting;

(ii) has a greater candlepower than the vehicle's original equipment lighting; or

(iii) distracts from the visibility of the vehicle's original equipment lighting; and

(d) does not distract or impair the vision of the operator or other drivers on the roadway.

(8) Subsection (7) does not apply to lighting:

(a) installed by the vehicle's manufacturer in accordance with 49 C.F.R. Sec. 571.108; or

(b) devices provided by transportation network companies as defined in Section 13-51-102 to identify and indicate the status of a vehicle used to provide transportation network services as defined in Section 13-51-102, when approved by the department as permitted by Section 41-6a-1602.

(9) Subsection (7) does not apply to off-highway vehicle operating on a public road designated for off-highway vehicle use.

(10) A violation of this section is an infraction.

Amended by Chapter 118, 2024 General Session

41-6a-1605 Vehicles operated in combination.

If a motor vehicle and other vehicles are operated in combination during the time that lights are required under Section 41-6a-1603, a lamp that is obscured by another vehicle of the combination is not required to be lighted.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1606 Load extending beyond rear of vehicle -- Duty to display lamps and reflectors or flags.

(1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of the load in accordance with this section.

(2) During hours of darkness as specified in Section 41-6a-1603, the following shall be displayed:
  (a) two red reflectors located so as to indicate maximum width; and
  (b) two red lamps, one on each side with one red lamp located so as to indicate maximum overhang.

(3)
  (a) At a time other than the time indicated under Subsection (2), on a vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags shall be displayed marking the extremities of the load, at each point where a lamp or reflector is required under Subsection (2).
  (b) The red flags shall be at least 12 inches square.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1607 Parking lamps required -- Use when vehicle parked at night -- Head lamps dimmed.

(1)
  (a) A vehicle shall be equipped with one or more parking lamps.
  (b) The parking lamps shall comply with requirements established under Section 41-6a-1601.

(2) A vehicle parked or stopped on a roadway or shoulder, whether attended or unattended, shall display lighted parking lamps if conditions exist as specified under Subsection 41-6a-1603(1)(a).

(3) Any lighted head lamps on a parked vehicle shall be dimmed.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1608 Farm tractors and equipment -- Lamps and reflectors -- Slow-moving vehicle emblem.

(1)
  (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with hazard warning lights of a type described in Section 41-6a-1611.
  (b) The hazard warning lights shall be:
    (i) visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight; and
    (ii) displayed whenever a farm tractor or self-propelled implement of husbandry is operated on a highway.

(2)
(a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under this section.
(b) A farm tractor and a self-propelled implement of husbandry manufactured or assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in this section if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
(3) Subject to the provisions of Subsection (2), a farm tractor and an implement of husbandry shall be equipped with:
(a) at least two head lamps;
(b) at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and
(c) at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
(4) Towed farm equipment or a towed implement of husbandry shall be equipped with lamps and reflectors as provided under this Subsection (4), if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).
(a) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
(b)
(i) If the towed unit extends more than four feet to the left of the center line of the tractor, the towed unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps.
(ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.
(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in Subsection (1).
(5)
(a) The two red reflectors required under Subsections (3) and (4) shall be positioned to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles as viewed from the rear of the vehicle or combination of vehicles.
(b) Reflective tape or paint may be used in lieu of the reflectors required under this section.
(6)
(a) A slow-moving vehicle emblem mounted on the rear is required on:
(i) a farm tractor and a self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour; or
(ii) towed farm equipment or a towed implement of husbandry if the towed unit or any load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled implement of husbandry.
(b) The slow-moving vehicle emblem's design, size, mounting, and position on the vehicle required under this Subsection (6), shall:
(i) comply with current standards and specifications of the American Society of Agricultural Engineers; and
(ii) be approved by the department.
(c) A slow-moving vehicle identification emblem may not be:

(i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609; or
(ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.
(7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1609 Lamps and reflectors on vehicles not otherwise specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.
(1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not specifically required by the provisions of other sections in this chapter to be equipped with lamps or other lighting devices, shall be equipped with lamps or other lighting devices if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as follows:
(a) at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and
(b)
(i) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle; or
(ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.
(2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle identification emblem as provided under Section 41-6a-1608.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1610 Spot lamps.
(1) A motor vehicle may not be equipped with more than two spot lamps.
(2) A lighted spot lamp may not be aimed or used so that any part of the high intensity portion of the beam strikes the windshield, or any windows, mirror, or occupant of another vehicle in use.
(3) This section does not apply to spot lamps on an authorized emergency vehicle.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1611 Hazard warning lamps.
(1) A vehicle manufactured with hazard warning lights shall be equipped with hazard warning lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
(2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer, semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck, truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet or more in overall length.
(3) The hazard warning lights required under this section shall comply with rules made by the department under Section 41-6a-1601.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1612 Back-up lamps -- Side marker lamps.

(1)
(a) A motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps.
(b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward motion.
(c) A lighted back-up lamp shall emit a white light.
(2) A vehicle may be equipped with one or more side marker lamps that may be flashed in conjunction with turn or vehicular hazard warning signals.
(3) A back-up lamp and side marker lamp under this section shall comply with rules made by the department under Section 41-6a-1601.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1613 Lamp required for operation of vehicle on highway or adjacent shoulder -- Dimming of lights.

(1)
(a) If a vehicle is operated on a highway or shoulder adjacent to the highway under the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam distribution of light or composite beam except as provided under Subsection (1)(c).
(b) Except as provided under Subsection (1)(c), the distribution of light or composite beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.
(c) The operator of a vehicle shall use a low beam distribution of light or composite beam if the vehicle approaches:
(i) an oncoming vehicle within 500 feet; or
(ii) another vehicle from the rear within 300 feet.
(2)
(a) The low beam distribution of light or composite beam shall be aimed to avoid projecting glaring rays into the:
(i) eyes of an oncoming operator; or
(ii) rearview mirror of a vehicle approached from the rear.
(b) A vehicle is not in violation of Subsection (2)(a) if:
(i) the vehicle has not been significantly altered from the original vehicle manufacturer's specifications; or
(ii) the glaring rays result from road contour or a temporary load on the vehicle.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1614 Head lamps on farm tractors -- Motor vehicles sold prior to certain date.

(1) Head lamp systems which provide only a single distribution of light shall be permitted on:
(a) a farm tractor; and
(b) other motor vehicles manufactured and sold prior to July 1, 1980.
(2) Head lamp systems authorized under this section shall comply with rules made by the department under Section 41-6a-1601.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1616 High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.

(1)

(a) Except as provided under Subsection (1)(b), under the conditions specified under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which projects a beam of light of an intensity greater than 300 candlepower, shall be directed so that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps, auxiliary lamps, flashing turn signals, hazard warning lamps, school bus warning lamps, or a snow plow, when operated at the direction of the state or a political subdivision of the state.

(c) A motor vehicle on a highway may not have more than a total of four lamps lighted on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp if the lamp projects a beam of an intensity greater than 300 candlepower.

(2)

(a) Except for an authorized emergency vehicle described in Section 41-6a-1601, a school bus described in Section 41-6a-1302, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a red light that is visible from directly in front of the center of the vehicle.

(b) Except for a law enforcement vehicle, or a simulated emergency vehicle used in accordance with Section 41-6a-1718, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that is visible from directly in front of the center of the vehicle.

(3) A person may not use flashing lights on a vehicle except for:

(a) taillights of bicycles described in Section 41-6a-1114;

(b) authorized emergency vehicles described in Section 41-6a-1601;

(c) turn signals described in Section 41-6a-1604;

(d) hazard warning lights described in Sections 41-6a-1608 and 41-6a-1611;

(e) school bus flashing lights described in Section 41-6a-1302;

(f) vehicles engaged in highway construction or maintenance described in Section 41-6a-1617;

(g) a simulated emergency vehicle used in accordance with Section 41-6a-1718; and

(h) a continuously flashing light system under Section 41-6a-1604.

(4) Except for an authorized emergency vehicle described in Section 41-6a-1601, or a media production vehicle used in accordance with Section 41-6a-1718, a person may not use a rotating light on any vehicle.

(5) A violation of this section is an infraction.

Amended by Chapter 454, 2024 General Session

41-6a-1617 Highway construction and maintenance vehicles -- Transportation department to adopt rules for lighting.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules providing specifications governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations.

(2) The standards and specifications adopted under Subsection (1) shall correlate with, and where possible conform to, the standards set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.
(3) The operator of a vehicle engaged in highway construction or maintenance operations shall comply with rules adopted under this section.

Amended by Chapter 382, 2008 General Session

41-6a-1618 Sale or use of unapproved lighting equipment or devices prohibited.
(1) Except as provided under Subsection (2), a person may not use, have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or any parts of that equipment which tend to change the original design or performance, unless the part or equipment complies with the specifications adopted under Section 41-6a-1601.
(2) The provisions of Subsection (1) do not apply to equipment in actual use prior to July 1, 1979 or to replacement parts of this equipment.
(3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with this part.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1619 Sale of unapproved equipment prohibited -- Trademark or brand name.
(1) A person shall not sell or offer for sale any equipment or parts that do not comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.
(2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any package containing the equipment shall bear the manufacturer's trademark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1620 Departmental approval of lighting devices or safety equipment.
(1)
  (a) The department shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required under this part.
  (b) The department shall consider the part for approval within a reasonable time after approval has been requested.
(2)
  (a) The department shall establish a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part under Subsection (1).
  (b)

(i) The procedure may provide for submission of the part to the American Association of Motor Vehicle Administrators as the agent of the department.
(ii) Approval issued by the association under Subsection (2)(b)(i) shall have the same force and effect as if it has been issued by the department.
(c) The department shall maintain and publish lists of all parts, devices, components, or assemblies which have been approved by the department.
(d) A part approved under this section is valid unless revoked under Section 41-6a-1621 or unless the department requires it to be renewed under rules made under Section 41-6a-1601.

Amended by Chapter 258, 2015 General Session

41-6a-1621 Departmental hearings -- Compliance of approved devices -- Revocation of approval -- Reapproval.

(1) If the department has reason to believe that a part approved under Section 41-6a-1620 should no longer be approved, the department shall, upon 30 days' notice to the applicant to whom approval was issued, conduct a hearing on the question of whether the part should remain approved.
(2)
(a) After the hearing, the department shall determine whether the device meets the requirements of the applicable standard.
(b) If the device does not meet those requirements, the department shall give notice to the applicant to whom the approval was issued of the department's intention to revoke the approval.
(c) If the applicant to whom the approval was issued fails to satisfy the department that the device being sold or offered for sale meets the applicable standard within 90 days of the notice of the department's intention to revoke the approval, the department shall revoke the approval.
(3) When an approval has been revoked under this section:
(a) the department:
(i) shall require the withdrawal of all the parts from the market; and
(ii) may require that all devices sold since the notification of the department's intention to revoke the approval be replaced by parts that are approved.
(b) A part that has been revoked under this section may not be approved again unless a new application and approval is received.
(c) The department may require that as a condition for a new approval of the same or similar part all previously revoked parts are effectively recalled and removed from the market.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1622 Purchase and testing of equipment by department -- Prohibition against sale of substandard devices -- Injunction -- Review -- Appeal.

(1) The department may purchase and test equipment described in Section 41-6a-1619 to determine whether it complies with the standards under this part.
(2) Upon identification of unapproved or substandard devices being sold or offered for sale, the department shall give notice to the person selling them that the person is in violation of Section 41-6a-1619 and that selling or offering them for sale is prohibited.
(3)

(a) In order to enforce the prohibition against the sale or offer for sale of unapproved or substandard devices, the department may file a petition in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enjoin any further sale or offer of sale of the unapproved or substandard part.
(b) An injunction under Subsection (3)(a) shall be issued upon a prima facie showing that:
(i) the part is of a type required to be approved by the department under this part;
(ii) the part has not been approved; and
(iii) the part is being sold or offered for sale.
(4)
(a) Any person enjoined under Subsection (3) may file a petition for a review of the court's order in the county in which the injunction was issued.
(b) A copy of the petition shall be served on the department and the department shall have 30 days after the service to file an answer, but the petition shall not act as a stay of the injunction.
(c) At the hearing on the petition, the judge shall sit without intervention of a jury and shall only receive evidence as to whether the parts in question:
(i) are of a type for which approval by the department is required;
(ii) have not been approved; and
(iii) are being sold or offered for sale in violation of Section 41-6a-1619.
(d) Following a hearing under Subsection (4)(c), the injunction shall be continued if the court finds that each condition under Subsection (4)(c) has been met.
(5) Either party may appeal the decision of the court.

Amended by Chapter 158, 2024 General Session

41-6a-1623 Braking systems required -- Adoption of performance requirements by department.
(1) A motor vehicle and a combination of vehicles shall have a service braking system which will stop the motor vehicle or combination of vehicles within:
(a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface; or
(b) a shorter distance as may be specified by the department in accordance with federal standards.
(2) A motor vehicle and a combination of vehicles shall have a parking brake system:
(a) adequate to hold the motor vehicle or combination of vehicles on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material; or
(b) which complies with performance standards issued by the department in accordance with federal standards.
(3) In addition to the requirements of Subsections (1) and (2), if necessary for safe operation, the department may by rule require additional braking systems in accordance with federal standards.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1624 Failure to repair a damaged or deployed airbag -- Penalty.
(1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or any entity or

individual engaged in the repair or replacement of motor vehicles or airbag passive restraint systems.

(2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive restraint system is damaged or has been deployed may not fail or cause another person to fail to fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive restraint system.

(3) In the course of repairing a motor vehicle, a person who has actual knowledge that the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a class B misdemeanor.

(4) Unless acting under a dismantling permit under Section 41-1a-1010, a person may not remove or modify a motor vehicle's airbag passive restraint system with the intent of rendering the motor vehicle's airbag passive restraint system inoperable.

(5) A person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-6a-1625 Horns and warning devices -- Emergency vehicles.

(1)

(a) A motor vehicle operated on a highway shall be equipped with a horn or other warning device in good working order.

(b) The horn or other warning device:

(i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; and

(ii) may not emit an unreasonably loud or harsh sound or a whistle.

(c) The operator of a motor vehicle:

(i) when reasonably necessary to insure safe operation, shall give audible warning with the horn; and

(ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.

(2) Except as provided under this section, a vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell.

(3)

(a) A vehicle may be equipped with a theft alarm signal device if it is arranged so that it cannot be used by the operator as an ordinary warning signal.

(b) A theft alarm signal device may:

(i) use a whistle, bell, horn or other audible signal; and

(ii) not use a siren.

(4)

(a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.

(b) The type of sound shall be approved by the department based on standards adopted by rules under Section 41-6a-1601.

(c) The siren on an authorized emergency vehicle may not be used except:

(i) when the vehicle is operated in response to an emergency call; or

(ii) in the immediate pursuit of an actual or suspected violator of the law.

(d) The operator of an authorized emergency vehicle shall sound the siren in accordance with this section when reasonably necessary to warn pedestrians and other vehicle operators of the approach of the authorized emergency vehicle.

(5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1626 Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.

(1)

(a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.

(b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.

(c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

(2)

(a) The engine and power mechanism of a gasoline-powered motor vehicle may not emit visible contaminants during operationunless:

(i) the engine of the motor vehicle is being warmed to the recommended operating temperature; or

(ii) the motor vehicle is exempt from an emissions inspection under Section 41-6a-1642.

(b)

(i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the vehicle's maximum tow weight.

(ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible contaminants during operation:

(A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or

(B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.

(iii) A diesel engine manufactured before January 1, 2008, may not emit visible contaminants of a shade or density that obscures a contrasting background by more than 20%, for more than five consecutive seconds:

(A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or

(B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.

(c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction and shall be fined:

(i) not less than $50 for a violation; or

(ii) not less than $100 for a second or subsequent violation within three years of a previous violation of this section.

(d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction and shall be fined:

(i) not less than $100 for a violation; or

(ii) not less than $500 for a second or subsequent violation within three years of a previous violation of this section.

(e)

(i) As used in this section:

(A) "Local health department" means the same as that term is defined in Section 26A-1-102.
(B) "Nonattainment area" means a part of the state where air quality is determined to exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).
(ii) Within a nonattainment area, for a second or subsequent violation of Subsection (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular interval.
(iii) If the local health department receives a notification as described in Subsection (2)(e)(ii), and the local health department determines that the registered vehicle is unable to meet state or local air emission standards, the local health department shall send notification to the Motor Vehicle Division.

(3)
(a) If a motor vehicle is equipped by a manufacturer with air pollution control devices, the devices shall be maintained in good working order and in constant operation.
(b) For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.
(c) A person who renders inoperable an air pollution control device on a motor vehicle is guilty of an infraction.

(4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.

(5) A violation of Subsection (1), (2), or (3) is an infraction.

Amended by Chapter 242, 2024 General Session

41-6a-1627 Mirrors.

(1)
(a) A motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle.
(b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.

(2)
(a) Except for a motorcycle, in addition to the mirror required under Subsection (1), a motor vehicle shall be equipped with a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side.
(b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.

(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1628 Seat belts -- Design and installation -- Specifications or requirements.

(1) A safety belt installed in a vehicle to accommodate an adult person shall be designed and installed to prevent or materially reduce the movement of the person using the safety belt in the event of collision or upset of the vehicle.

(2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in a vehicle that does not comply with the specifications under Section 41-6a-1601.
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1629 Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 -- Definitions.
(1) As used in Sections 41-6a-1629 through 41-6a-1633:
(a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.
(b) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.
(c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.
(d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards and Regulations.
(e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.
(f) "O.E.M." means original equipment manufacturer.
(g) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.
(h) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.
(2)
(a) Except as provided in Subsections (2)(b) and (c), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles operated or parked on a highway.
(b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the following vehicles:
(i) implements of husbandry;
(ii) farm tractors;
(iii) road machinery;
(iv) road rollers; and
(v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.
(c) The provisions of Subsection 41-6a-1631(2) and Sections 41-6a-1632 and 41-6a-1633 do not apply to a street-legal all-terrain vehicle or a street-legal novel vehicle operated in accordance with Section 41-6a-1509.

Amended by Chapter 459, 2024 General Session

41-6a-1630 Standards applicable to vehicles.
(1) The following standards apply to vehicles under Sections 41-6a-1629 through 41-6a-1633:

(a) A replacement part and equipment used in a mechanical alteration shall be:
(i) designed and capable of performing the function for which they are intended; and
(ii) equal to or greater in strength and durability than the original parts provided by the original manufacturer.
(b) Except for original equipment, a person may not use spacers to increase wheel track width of a vehicle.
(c) A person may not use axle blocks to alter the suspension on the front axle of a vehicle.
(d) A person may not stack two or more axle blocks of a vehicle.
(2)
(a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel of the Utah Highway Patrol shall inspect the vehicle to determine:
(i) the road worthiness and safe condition of the vehicle; and
(ii) whether it complies with Sections 41-6a-1629 through 41-6a-1633.
(b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that shall be carried in the vehicle.
(3)
(a) Upon notice to the party to whom the motor vehicle is registered, the department shall suspend the registration of any motor vehicle equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.
(4) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-6a-1631 Prohibitions.
(1) A person may not operate on a highway a motor vehicle that is mechanically altered or changed:
(a) in any way that may under normal operation:
(i) cause the motor vehicle body or chassis to come in contact with the roadway;
(ii) expose the fuel tank to damage from collision; or
(iii) cause the wheels to come in contact with the body;
(b) in any manner that may impair the safe operation of the vehicle;
(c) so that any part of the vehicle other than tires, rims, and mudguards are less than three inches above the ground;
(d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle weight rating of less than 4,500 pounds;
(e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle weight rating of at least 4,500 pounds and less than 7,500 pounds;
(f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight rating of at least 7,500 pounds;
(g) by stacking or attaching vehicle frames (one from on top of or beneath another frame); or
(h) so that the lowest portion of the body floor is raised more than three inches above the top of the frame.
(2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the tires shall be covered by the original fenders, by rubber, or other flexible fender extenders under any loading condition.

(3) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

41-6a-1632 Bumpers.

(1) A motor vehicle shall be equipped with a bumper on both front and rear of the motor vehicle, except a motor vehicle that was not originally designed or manufactured with a bumper or bumpers.

(2)

(a) On a motor vehicle required to have bumpers under Subsection (1), a bumper shall be:

(i) at least 4.5 inches in vertical height;

(ii) centered on the vehicle's center line; and

(iii) extend no less than the width of the respective wheel track distance.

(b) A bumper shall be securely mounted, horizontal load bearing, and attached to the motor vehicle's frame to effectively transfer impact when engaged.

(3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

(a) be maintained in operational condition; and

(b) comply with this section.

(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1633 Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.

(1)

(a) Except as provided in Subsection (2), when operated on a highway, the following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:

(i) a vehicle that has been altered:

(A) from the original manufacturer's frame height; or

(B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;

(ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

(iii) any truck tractor; and

(iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

(b) The wheel covers, mudguards, flaps, or splash aprons shall:

(i) be at least as wide as the tires they are protecting;

(ii) be directly in line with the tires; and

(iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel, under any conditions of loading of the motor vehicle.

(2) Wheel covers, mudguards, flaps, or splash aprons are not required:

(a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are accomplished by means of fenders, body construction, or other means of enclosure;

(b) on a vehicle operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor vehicle:

(i) was made in America prior to 1935;

(ii) is registered as a vintage vehicle; or
(iii) is a custom vehicle as defined under Section 41-6a-1507; or
(c) on a street-legal all-terrain vehicle.
(3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending rearward at least to the center line of the rearmost axle.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session
Amended by Chapter 454, 2015 General Session

41-6a-1634 Safety chains on towed vehicles required -- Exceptions.
(1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent device, in addition to the regular trailer hitch or coupling.
(2) Except as provided under Subsection (3), a safety chain, cable or equivalent device shall be:
(a) securely connected with the chassis of the towing vehicle, the towed vehicle, and the drawbar;
(b) of sufficient material and strength to prevent the two vehicles from becoming separated; and
(c) attached to:
(i) have no more slack than is necessary for proper turning;
(ii) the trailer drawbar to prevent it from dropping to the ground; and
(iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.
(3) A violation of Subsection (1) or (2) is an infraction.
(4) The provisions of Subsection (2) do not apply to a:
(a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly;
(b) pole trailer; or
(c) trailer being towed by a bicycle.

Amended by Chapter 412, 2015 General Session

41-6a-1635 Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.
(1) Except as provided in Subsections (2), (3), and (4) a person may not operate a motor vehicle with:
(a) a windshield that allows less than 70% light transmittance;
(b) a front side window that allows less than 35% light transmittance, with no more than a 5% variance observed by a peace officer metering the light transmittance;
(c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance;
(d) any sign, poster, or other nontransparent material on the windshield or side windows of the motor vehicle except:
(i) a certificate or other paper required to be so displayed by law; or
(ii) the vehicle's identification number displayed or etched in accordance with rules made by the department under Section 41-6a-1601; or
(e) any debris, frost, or other substance that materially obstructs the operator's view.
(2)

(a) A person may not operate a motor vehicle with an object or device hanging or mounted in a manner that materially obstructs the operator's view.
(b) A person shall ensure that an object or device hanging or mounted in compliance with Subsection (2)(a) is used in accordance with this chapter.
(3) Nontransparent materials may be used:
(a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;
(b) in the lower left-hand corner of the windshield provided they do not extend more than three inches to the right of the left edge or more than four inches above the bottom edge of the windshield; or
(c) on the rear windows including rear side windows located behind the vehicle operator.
(4) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.
(5) Except for material used on the windshield in compliance with Subsections (3)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.
(6)
(a)
(i) The windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.
(ii) The device shall be constructed to be operated by the operator of the motor vehicle.
(b) A windshield wiper on a motor vehicle shall be maintained in good working order.
(7) A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.
(8) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.
(9) A violation of this section is an infraction.
(10) A peace officer may not request that the Motor Vehicle Division or Driver License Division revoke or suspend an individual's vehicle registration or driver license for a violation or multiple violations of Subsection (1)(a) or (b).

Amended by Chapter 205, 2025 General Session

41-6a-1636 Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.

(1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.
(3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber, if the department concludes that protuberances do not:
  (a) damage the highway significantly; or
  (b) constitute a hazard to life, health, or property.
(5) Notwithstanding any other provision of this section, a person may use:
  (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:
    (i) are only used during the winter periods of October 15 through December 31 and January 1 through March 31 of each year;
    (ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; and
    (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds unless the vehicle is an emergency vehicle or school bus;
  (b) farm machinery with tires having protuberances which will not injure the highway; and
  (c) tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
(6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its jurisdiction, may issue special permits authorizing the operation on a highway of:
  (a) farm tractors;
  (b) other farm machinery; or
  (c) traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks.
(7)
  (a) A person may not operate a vehicle if one or more of the tires in use on the vehicle:
    (i) is in an unsafe operating condition; or
    (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire.
  (b) The measurement under Subsection (7)(a) may not be made at the location of any tread wear indicator, tie bar, hump, or fillet.
(8) A person in the business of selling tires may not sell or offer for sale for highway use any tire prohibited for use under Subsection (7).
(9) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1637 Flares, fusees, or electric lanterns and flags -- Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.

(1) Except as provided under Subsection (2) and unless the vehicle is carrying the equipment required under this section, a person may not operate a truck, bus or truck-tractor, or a motor vehicle towing a house trailer:
  (a) on a highway outside an urban district; or
  (b) on a divided highway during hours of darkness specified under Section 41-6a-1603.
(2)
  (a) The vehicle shall carry at least:
    (i) three flares;
    (ii) three red electric lanterns;
    (iii) three portable red emergency reflectors; or
    (iv) three red-burning fusees.

(b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness.
(c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting red light clearly visible from a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness when directly in front of lawful lower beams of head lamps.
(3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this section or Section 41-6a-1638 shall comply with specifications adopted under Section 41-6a-1601.
(4)
(a) A person may not operate a motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there is carried in the vehicle:
(i) three red electric lanterns; or
(ii) three portable red emergency reflectors.
(b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced by flame.
(5) A person may not operate a vehicle described under this section on a highway outside of an urban district or on a divided highway during daylight hours unless at least two red flags, not less than 12 inches square, with standards to support the flags are carried in the vehicle.
(6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1638 Warning signal around disabled vehicle -- Time and place.
(1)
(a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent shoulder, the operator shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 41-6a-1611.
(b) The signal lights need not be displayed by a vehicle:
(i) parked lawfully in an urban district;
(ii) stopped lawfully to receive or discharge passengers;
(iii) stopped to avoid conflict with other traffic or to comply with the directions of a peace officer or an official traffic-control device; or
(iv) while the devices specified in Subsections (2) through (6) are in place.
(2)
(a) Except as provided in Subsection (3), if a vehicle of a type specified under Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an urban district under the conditions specified under Subsection 41-6a-1603(1), the operator of the vehicle shall display the following warning devices:
(i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and
(ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:

(A) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;
(B) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and
(C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of the disabled vehicle in the direction of the nearest approaching traffic.

(b) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is not required.

(3) If a vehicle specified under this section is disabled, or stopped for more than 10 minutes:

(a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning device in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle;

(b) on a roadway of a divided highway under the conditions specified under Subsection 41-6a-1603(1), the appropriate warning devices required under Subsections (2) and (4) shall be placed as follows:

(i) one at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;
(ii) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and
(iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic; or

(c) on a roadway outside of an urban district or on the roadway of a divided highway not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall display two red flags as follows:

(i) if traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by the vehicle; or
(ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the vehicle.

(4) When a motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3), the operator of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner as specified in Subsection (2) or (3).

(5) The warning devices specified under Subsections (2) through (4) are not required to be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.

(6) If a vehicle described under this section is stopped entirely off the roadway and on an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

(7) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1639 Hazardous materials -- Transportation regulations -- Fire extinguishers.

(1)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules for the safe transportation of hazardous materials.
(b) The rules shall adopt by reference or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation.
(c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate amendments thereto as may be made from time to time.
(2) A person operating a vehicle transporting any hazardous material as a cargo or part of a cargo on a highway shall at all times comply with rules made by the Department of Transportation under this section including being:
(a) marked or placarded; and
(b) equipped with fire extinguishers:
(i) of a type, size, and number approved by rule; and
(ii) that are filled, ready for immediate use, and placed at a convenient point on the vehicle.
(c) A violation of Subsection (2)(a) or (b) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1640 Air conditioning equipment -- Requirements.
(1) As used in this section, "air conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool the operator or passenger compartment of a motor vehicle.
(2) Air conditioning equipment shall:
(a) be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public; and
(b) not contain any refrigerant which is toxic to persons or which is flammable.
(3) A person may not have for sale, offer for sale, sell, or equip any motor vehicle with air conditioning equipment unless it complies with the specifications adopted under Section 41-6a-1601 and this section.
(4) A person may not operate a motor vehicle on a highway if the motor vehicle is equipped with air conditioning equipment unless the air conditioning equipment complies with the specifications adopted under Section 41-6a-1601 and this section.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1641 Video display in motor vehicles prohibited if visible to driver -- Exceptions.
(1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the conventional driver of the vehicle as that term is defined in Section 41-26-102.1.
(2) This section does not prohibit the use of a video display used exclusively for:
(a) safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601;
(b) motor vehicle navigation;
(c) monitoring of equipment and operating systems of the motor vehicle; or
(d) operation of a vehicle in a connected platooning system.
(3) A violation of this section is an infraction.

Amended by Chapter 459, 2019 General Session

41-6a-1642 Emissions inspection -- County program.

(1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:

(a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:

(i) as a condition of registration or renewal of registration; and

(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and

(b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:

(i) the federal government;

(ii) the state and any of its agencies; or

(iii) a political subdivision of the state, including school districts.

(2)

(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:

(i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:

(A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

(B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;

(C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

(D) Volkswagen Golf Sportwagen, model year 2015;

(E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

(F) Volkswagen Beetle, model years 2013, 2014, and 2015;

(G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

(H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

(ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:

(A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

(B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

(C) Audi A6 Quattro, model years 2014, 2015, and 2016;

(D) Audi A7 Quattro, model years 2014, 2015, and 2016;

(E) Audi A8, model years 2014, 2015, and 2016;

(F) Audi A8L, model years 2014, 2015, and 2016;

(G) Audi Q5, model years 2014, 2015, and 2016; and

(H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

(b)

(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).

(ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed emissions test of the vehicle based solely on a modification to the engine or component of the motor vehicle if:

(A) the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the modification; and

(B) the motor vehicle modification is a change to an engine that is newer than the engine with which the motor vehicle was originally equipped, or the engine includes technology that increases the facility of the administration of an emissions test, such as an on-board diagnostics system.

(iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to registration of a restored-modified vehicle:

(A) the owner shall present the signed statement described in Subsection 41-1a-226(4); and

(B) the county emissions program shall perform the emissions test.

(iv) If a motor vehicle is registered as a restored-modified vehicle and the registration certificate is notated as described in Subsection 41-1a-226(4), a county emissions program may not refuse to perform an emissions test based solely on the restored-modified status of the motor vehicle.

(3)

(a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

(i) emissions standards;

(ii) test procedures;

(iii) inspections stations;

(iv) repair requirements and dollar limits for correction of deficiencies; and

(v) certificates of emissions inspections.

(b) In accordance with Subsection (3)(a), a county legislative body:

(i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;

(ii) may allow for a phase-in of the program by geographical area; and

(iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

(c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that:

(i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;

(ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and

(iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.

(d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

(i) may be accomplished in accordance with applicable federal requirements; and

(ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.

(4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:

(a) an implement of husbandry as defined in Section 41-1a-102;

(b) a motor vehicle that:
(i) meets the definition of a farm truck under Section 41-1a-102; and
(ii) has a gross vehicle weight rating of 12,001 pounds or more;
(c) a vintage vehicle as defined in Section 41-21-1:
(i) if the vintage vehicle has a model year of 1982 or older; or
(ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides proof of vehicle insurance that is a type specific to a vehicle collector;
(d) a custom vehicle as defined in Section 41-6a-1507;
(e) a vehicle registered as a novel vehicle under Section 41-27-201;
(f) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;
(g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
(ii) exclusively for the following purposes in operating the farm:
(A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and
(B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;
(h) a motorcycle as defined in Section 41-1a-102;
(i) an electric motor vehicle as defined in Section 41-1a-102;
(j) a motor vehicle with a model year of 1967 or older; and
(k) a roadable aircraft as defined in Section 72-10-102.
(5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(g) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
(6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:
(a) gross vehicle weight rating of more than 14,000 pounds; or
(b) model year of 1997 or older.
(7) The legislative body of a county required under federal law to utilize a motor vehicle emissions inspection program shall require:
(a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
(i) a model year of 2007 or newer;
(ii) a gross vehicle weight rating of 14,000 pounds or less; and
(iii) a model year that is five years old or older; and
(b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
(i) with a gross vehicle weight rating of 14,000 pounds or less;
(ii) that has a model year of 1998 or newer; and
(iii) that has a model year that is five years old or older.
(8)
(a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which

an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).

(c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).

(9)

(a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).

(c)

(i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

(iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.

(v) The notice described in Subsection (9)(c)(iv) shall:

(A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;

(B) include a copy of the ordinance establishing or changing the frequency; and

(C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:

(i) odd-numbered years for vehicles with odd-numbered model years; or

(ii) in even-numbered years for vehicles with even-numbered model years.

(10)

(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.

(b)
(i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.
(ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.
(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.
(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.
(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.

(11)
(a) A county identified in Subsection (1) shall collect information about and monitor the program.
(b) A county identified in Subsection (1) shall supply this information to the Transportation Interim Committee to identify program needs, including funding needs.

(12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by $2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a $7.50 increase.

(13)
(a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration within the county in accordance with the procedures and requirements of Section 41-1a-1223.
(b) A county that imposes a local emissions compliance fee may use revenues generated from the fee for the establishment and enforcement of an emissions inspection and maintenance program in accordance with the requirements of this section.
(c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to promote programs to maintain a local, state, or national ambient air quality standard.

(14)
(a) If a county has reason to believe that a vehicle owner has provided an address as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county other than the county of the bona fide residence of the owner in order to avoid an emissions inspection required under this section, the county may investigate and gather evidence to determine whether the vehicle owner has used a false address or an address other than the vehicle owner's bona fide residence or place of business.
(b) If a county conducts an investigation as described in Subsection (14)(a) and determines that the vehicle owner has used a false or improper address in an effort to avoid an emissions inspection as required in this section, the county may impose a civil penalty of $1,000.

(15) A county legislative body described in Subsection (1) may exempt a motor vehicle from an emissions inspection if:
(a) the motor vehicle is 30 years old or older;

(b) the county determines that the motor vehicle was driven less than 1,500 miles during the preceding 12-month period; and
(c) the owner provides to the county legislative body a statement signed by the owner that states the motor vehicle:
(i) is primarily a collector's item used for:
(A) participation in club activities;
(B) exhibitions;
(C) tours; or
(D) parades; or
(ii) is only used for occasional transportation.

Amended by Chapter 5, 2025 Special Session 1

41-6a-1643 Development of standardized emissions inspection and maintenance program.
(1) The county legislative body of each county in which an emissions inspection and maintenance program for motor vehicles is implemented to meet National Ambient Air Quality Standards may enter into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and maintenance program that:
(a) requires standardized, computerized testing equipment;
(b) provides for reciprocity, so that a person required to submit an emissions certificate for vehicle registration may obtain an emissions certificate from any county in which a vehicle emissions inspection and maintenance program is in operation; and
(c) requires standardized emissions standards for all counties entering into an agreement under this section.
(2) Emissions standards set under Subsection (1) shall allow all counties identified in Subsection (1) to meet the National Ambient Air Quality Standards.
(3) Each county legislative body entering into an agreement under Subsection (1) shall make regulations or ordinances to implement the emissions inspection and maintenance program developed under Subsection (1).

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1644 Diesel emissions program -- Implementation -- Monitoring -- Exemptions.
(1) The legislative body of each county required by the comprehensive plan for air pollution control developed by the director of the Division of Air Quality in accordance with Subsection 19-2-107(2)(a)(i) to use an emissions opacity inspection and maintenance program for diesel-powered motor vehicles shall:
(a) make regulations or ordinances to implement and enforce the requirement established by the Air Quality Board;
(b) collect information about and monitor the program; and
(c) by August 1 of each year, supply written information to the Department of Environmental Quality to identify program status.
(2) The following vehicles are exempt from an emissions opacity inspection and maintenance program for diesel-powered motor vehicles established by a legislative body of a county under Subsection (1):
(a) an implement of husbandry; and
(b) a motor vehicle that:
(i) meets the definition of a farm truck under Section 41-1a-102; and

(ii) has a gross vehicle weight rating of 12,001 pounds or more.

(3)

(a) The legislative body of a county identified in Subsection (1) shall exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less from the emissions opacity inspection and maintenance program requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and

(ii) exclusively for the following purposes in operating the farm:

(A) for the transportation of farm products, including livestock and its products, poultry and its products, and floricultural and horticultural products; and

(B) for the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance.

(b) The county shall provide to the registered owner who signs and submits a signed statement under this section a certificate of exemption from emissions opacity inspection and maintenance program requirements for purposes of registering the exempt vehicle.

Amended by Chapter 5, 2025 Special Session 1

41-6a-1645 Advanced driver assistance facilities -- Repair, calibration, and disclosure -- Penalties.

(1) As used in this section, "advanced driver assistance feature" means an electronic safety system that is:

(a) designed to support the driver and vehicle while operating on roads and highways;

(b) intended to increase vehicle safety and reduce losses associated with automobile crashes; and

(c) tied to the windshield of a vehicle.

(2) If a vehicle is equipped with an advanced driver assistance feature, an automotive glass company or repair facility approving or conducting glass repair, replacement, or recalibration on the vehicle shall:

(a) before approving or performing a vehicle glass repair or replacement, inform the consumer in electronic or hardcopy writing if a recalibration of the advanced driver assistance feature:

(i) is required; or

(ii) will be performed; and

(b) if performing a recalibration of an advanced driver assistance feature, meet or exceed the manufacturer's specifications.

(3)

(a) The automotive glass company or repair facility shall provide the consumer:

(i) an itemized description of the work to be done on the vehicle; and

(ii) if an insurer is paying all or part of the repair, the total amount the insurer has agreed to pay for the work described in Subsection (3)(a)(i).

(b) An insurance company that pays for work described in Subsection (3)(a) may not be required to pay more than a fair and competitive price for the local market area.

(c) An automotive glass company or repair facility may not represent to a customer that the cost of a repair, replacement, or recalibration will be paid for entirely by the customer's insurer and

at no cost to the customer unless the cost of the repair, replacement, or recalibration is fully covered and approved by the insurer.

(d) If a recalibration was not performed or not completed successfully, the automotive glass company or repair facility shall inform the consumer electronically or in writing that:

(i) the recalibration was not successful or was not performed; and

(ii) the vehicle should be taken to a vehicle manufacturer's certified dealership, a qualified automobile glass company, or repair facility capable of performing the recalibration of an advanced driver assistance feature that meets or exceeds the manufacturer's specifications.

(4) An automotive glass company or repair facility conducting a scan or recalibration for vehicle glass repair or replacement services on a vehicle equipped with an advanced driver assistance feature:

(a) is not limited to vehicle glass, tooling, or equipment dictated or recommended by the manufacturer's procedures or specifications; and

(b) shall recalibrate the advanced driver assistance feature to meet or exceed the manufacturer's procedures or specifications.

(5) An automotive glass company or repair facility may only bill or charge for vehicle glass repair, replacement, or recalibration services that are performed and necessary.

(6)

(a) A person with actual knowledge that an advanced driver assistance feature of a motor vehicle is inoperable or has not been repaired or recalibrated may not knowingly sell, offer for sale, or display for sale, the motor vehicle without providing written notice to the purchaser that:

(i) the advanced driver assistance feature has not been repaired or recalibrated to the manufacturer's specifications; or

(ii) the advanced driver assistance feature is inoperable.

(b) This Subsection (6) does not apply to:

(i) a motor vehicle auction or consignor to a motor vehicle auction, if no disclosure is required under Section 41-1a-1005.3; or

(ii) a vehicle for which the ownership document is:

(A) a certification of title in an insurance company's name;

(B) a salvage certificate, as defined in Section 41-1a-1001; or

(C) a nonrepairable certificate, as defined in Section 41-1a-1001.

(7) A person who violates a provision of this section is:

(a) guilty of an infraction; and

(b) subject to a civil penalty of $500.

(8)

(a) In addition to any other penalties, a purchaser may bring a civil action to recover damages resulting from a seller's failure to provide notice under Subsection (6).

(b) The amount of damages that may be recovered in a civil action described in Subsection (8)(a) is the greater of:

(i) the amount of the actual damages; or

(ii) $1,500.

Amended by Chapter 220, 2021 General Session

41-6a-1646 Motor vehicle glass repair requirements -- Penalties.

(1) An automotive glass company or repair facility shall provide a consumer seeking motor vehicle glass repair or replacement:

(a) an electronic or hardcopy written and itemized description of the work to be done on the vehicle; and
(b) if an insurer is paying all or part of the repair, the total amount the insurer has agreed to pay for the work described in Subsection (1)(a).
(2) An insurance company that pays for work described in Subsection (1)(a) may not be required to pay more than a fair and competitive price for the local market area.
(3) An automotive glass company or repair facility:
(a) may not represent to a customer that the cost of a repair or replacement will be paid for entirely by the customer's insurer and at no cost to the customer unless the cost of the repair or replacement is fully covered and approved by the insurer;
(b) is not limited to vehicle glass, tooling, or equipment dictated or recommended by the manufacturer's procedures or specifications; and
(c) may only bill or charge for vehicle glass repair, replacement, or recalibration services that are performed and necessary.
(4) A person who violates a provision of this section is:
(a) guilty of an infraction; and
(b) subject to a civil penalty of $500.

Enacted by Chapter 220, 2021 General Session

Part 17
Miscellaneous Rules

41-6a-1701 Backing -- When permissible.
(1) The operator of a vehicle may not back the vehicle unless the movement can be made with safety and without interfering with other traffic.
(2) The operator of a vehicle may not back the vehicle on a shoulder or roadway of a limited-access roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1702 Sidewalk -- Driving prohibited -- Exception.
(1) Except for a bicycle, a device propelled by human power, or a motor assisted scooter, a person may not operate a vehicle on a sidewalk or sidewalk area. A motor assisted scooter may be operated on a sidewalk only if permitted pursuant to Subsection 41-6a-1115.1(3).
(2) Subsection (1) does not apply on a driveway.

Amended by Chapter 428, 2019 General Session

41-6a-1703 Prohibition as to passenger riding on improper portion of motor vehicle -- Exceptions.
(1) A person may not ride and a person operating a motor vehicle may not knowingly permit a person to ride on any portion of a vehicle not designed or intended for the use of passengers.
(2) This provision does not apply to:
(a) a vehicle that is not being operated on a highway;
(b) an employee engaged in the necessary discharge of the employee's duty; or

(c) a person riding within or on a motor vehicle in a space intended for a load on the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1704 Vehicle door -- Prohibited opening.

(1) A person may not open the door of a motor vehicle on a side available to moving traffic unless it can be done safely and without interfering with the movement of other traffic.
(2) A person may not leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1705 Obstruction to driver's view or driving mechanism.

(1) A person may not operate a vehicle when it is loaded or when there are in the front seat more than three persons that:
  (a) obstruct the view of the operator to the front or sides of the vehicle;
  (b) interfere with the operator's control over the driving mechanism of the vehicle.
(2) A passenger in a vehicle may not ride in a position that interferes with the operator's:
  (a) view ahead or to the sides; or
  (b) control over the driving mechanism of the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1706 Occupancy of a trailer or semitrailer while being moved on highway prohibited.

(1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor vehicle on a public highway.
(2) This section does not apply to a:
  (a) livestock trailer or livestock semitrailer;
  (b) trailer or semitrailer being used for participation in a parade; or
  (c) trailer or semitrailer being used in an agricultural operation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1707 Entering intersection, crosswalk, or railroad grade -- Sufficient space required.

The operator of a vehicle may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1710 Following near an authorized emergency vehicle or parking near fire apparatus prohibited.

Except for a person operating an authorized emergency vehicle, the operator of a vehicle may not:
(1) follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency; or

(2) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

Amended by Chapter 96, 2012 General Session

41-6a-1711 Driving over firehose.

The operator of a vehicle may not drive over an unprotected hose of a fire department when laid down on a street, private road, or driveway to be used at a fire or alarm of fire, without the consent of the fire department official in command.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1712 Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.

(1) As used in this section, "lighted material" means an item that is flaming, burning, or smoking, including lighted charcoal, fireworks, matches, tobacco, cigars, or cigarettes.
(2) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:
  (a) create a safety or health hazard on the public road or highway; or
  (b) mar or impair the scenic aspect or beauty of the public road or highway.
(3) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:
  (a) immediately remove the material or cause it to be removed; and
  (b) deposit the material in a receptacle designed to receive the material.
(4) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.
(5) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.
(6) A person may not throw any lighted material from a moving vehicle.
(7) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
(8) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:
  (a) shall enforce the provisions of this section;
  (b) may issue citations to a person who violates any of the provisions of this section; and
  (c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.
(9) A municipality within its corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Amended by Chapter 393, 2025 General Session

41-6a-1713 Penalty for littering on a highway.

(1) Except as provided in Subsection (3), an individual who violates any of the provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:
  (a) not less than $200 for a violation; or
  (b) not less than $500 for a second or subsequent violation within three years of a previous violation of this section.
(2) The sentencing judge may require that the offender devote at least eight hours in cleaning up:
  (a) litter caused by the offender; and
  (b) existing litter from a safe area designated by the sentencing judge.
(3) An individual who violates Subsection 41-6a-1712(6) is guilty of a class C misdemeanor.

Amended by Chapter 393, 2025 General Session

41-6a-1714 Warning signs.

The Department of Transportation shall place adequate warning signs wherever it considers proper within the state notifying all persons using the public roads, highways, parks, or recreation areas of the provisions of Sections 41-6a-1712 and 41-6a-1713.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1715 Careless driving defined and prohibited.

(1) A person operating a motor vehicle is guilty of careless driving if the person:
  (a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or
  (b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
    (i) searching for an item in the vehicle; or
    (ii) attending to personal hygiene or grooming.
(2) A violation of this section is a class C misdemeanor.
(3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(7).

Amended by Chapter 120, 2021 General Session

41-6a-1716 Prohibition on using a wireless communication device while operating a motor vehicle -- Exceptions -- Penalties.

(1) As used in this section:
  (a) "Wireless communication device" means:
    (i) a cellular phone;
    (ii) a portable telephone;
    (iii) a text messaging device;
    (iv) a personal digital assistant;
    (v) a stand-alone computer, including a tablet, laptop, or notebook computer;
    (vi) a global positioning receiver;
    (vii) a device used to display a video, movie, broadcast television image, or visual image; or
    (viii) a substantially similar communication device used to initiate or receive communication, information, or data.

(b) "Wireless communication device" does not include a two-way radio device described in 47 C.F.R. Part 90, 95, or 97, or a functional equivalent.

(2) Except as provided in Subsection (3), an individual may not use a wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

(a)

(i) write or send a written communication, including:

(A) a text message;

(B) an instant message; or

(C) electronic mail;

(ii) dial a phone number;

(iii) access the internet;

(iv) record video;

(v) take a photograph; or

(vi) enter data into a wireless communication device;

(b) read a written communication, including:

(i) a text message;

(ii) an instant message; or

(iii) electronic mail; or

(c) view a video or photograph.

(3) Subsection (2) does not prohibit an individual from using a wireless communication device while operating a moving motor vehicle:

(a) when using a wireless communication device for voice communication;

(b) to view a global positioning or navigation device or a global positioning or navigation application;

(c) during a medical emergency;

(d) when reporting a safety hazard or requesting assistance relating to a safety hazard;

(e) when reporting criminal activity or requesting assistance relating to a criminal activity;

(f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or

(g) to operate:

(i) hands-free or voice operated technology; or

(ii) a system that is physically or electronically integrated into the motor vehicle.

(4) An individual convicted of a violation of this section is guilty of a:

(a) class C misdemeanor with a maximum fine of $100; or

(b) class B misdemeanor if the individual:

(i) has also inflicted serious bodily injury upon another as a proximate result of using a wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or

(ii) has a prior conviction under this section, that is within three years of:

(A) the current conviction under this section; or

(B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 426, 2022 General Session

41-6a-1717 Smoking in a vehicle prohibited when child is present -- Penalty -- Enforcement.

(1) As used in this section, "smoking" has the same meaning as defined in Section 26B-7-501.

(2)

(a) Except as provided in Subsection (2)(b), smoking is prohibited in a motor vehicle if a child who is 15 years old or younger is a passenger in the vehicle.
(b) A person may smoke in a motor vehicle while a child who is 15 years old or younger is a passenger in the vehicle if the person:
(i) is operating a convertible or open-body type motor vehicle; and
(ii) the roof on the convertible or open-body type motor vehicle is in the open-air mode.
(3) A person who violates this section is guilty of an infraction and is subject to a maximum fine of $45.
(4) Until July 1, 2014, a peace officer may not issue a citation to an individual for a violation of this section but shall issue the individual a warning informing the individual that smoking is prohibited in a motor vehicle if a child who is 15 years old or younger is a passenger in the vehicle.
(5) The court may suspend the fine for a violation of this section if:
(a) the person has not previously been convicted of a violation of this section; and
(b) the person proves to the court that the person has enrolled in a smoking cessation program.
(6) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.
(7) A violation of this section may not be used as a basis for or evidence of child abuse or neglect.

Amended by Chapter 328, 2023 General Session

41-6a-1718 Simulated emergency vehicle -- Definition -- Exemption -- Identification.
(1) As used in this section:
(a) "Media production" means the making of a motion picture, television show, video, commercial, Internet video, or other viewable programming provided to viewers via a movie theater or transmitted through broadcast radio wave, cable, satellite, wireless, or Internet.
(b) "Simulated emergency vehicle" means a vehicle used:
(i) exclusively for media production; and
(ii) to simulate an authorized emergency vehicle.
(2) If a media production entity using a simulated emergency vehicle provides reasonable advance written notice as described in Subsection (3) to the law enforcement agency having jurisdiction of the highway being used by the simulated emergency vehicle, the simulated emergency vehicle is exempt from the restrictions of Section 41-6a-1616 while the vehicle is:
(a) being used to simulate an authorized emergency vehicle in the media production; or
(b) being driven in transit between the media production location and the simulated emergency vehicle storage location if, during transit, the vehicle displays a sign prominently on each front-side door of the simulated emergency vehicle stating "Simulated Emergency Vehicle."
(3) The written notice required in Subsection (2) shall include:
(a) the date;
(b) the time;
(c) the designated route of travel and location of use;
(d) a description of the simulated emergency vehicle; and
(e) contact information for a person who is employed by, or has contracted with, the media production entity to whom the law enforcement agency may direct questions or concerns about the simulated emergency vehicle's use or the notice.

Amended by Chapter 206, 2016 General Session

Part 18
Motor Vehicle Safety Belt Usage Act

41-6a-1801 Short title.

This part is known as the "Motor Vehicle Safety Belt Usage Act."

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1802 Definitions.

As used in this part:

(1) "Child restraint device" means a child restraint device that meets standards adopted under Section 41-6a-1601.

(2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are not equipped with safety belts by the manufacturer.

(3) "Safety belt" means a safety belt or seat belt system that meets standards adopted under Section 41-6a-1601.

(4) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety belt.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1803 Driver and passengers -- Seat belt or child restraint device required.

(1)

(a) Except as provided in Subsection (1)(c), the operator of a motor vehicle operated on a highway shall:

(i) wear a properly adjusted and fastened safety belt;

(ii) provide for the protection of each person younger than eight years old by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(iii) provide for the protection of each person that is at least eight years old and no less than 16 years old by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

(b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight years old who is 57 inches tall or taller:

(i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint device; and

(ii) shall use a properly adjusted and fastened safety belt as required in Subsection (1)(a)(iii).

(c) An adult passenger who is utilizing transportation network services described in Section 13-51-102 or a taxicab described in Section 53-3-102 shall:

(i) provide for the protection of each person younger than eight years old who is under the adult's supervision by using a child restraint device to restrain the person in the manner prescribed by the manufacturer of the device; and

(ii) provide for the protection of each person who is under the adult's supervision and is at least eight years old and no less than 16 years old by securing, or causing to be secured, a properly adjusted and fastened safety belt on the person.

(2) A person 16 years old or older who is a passenger in a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.
(3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is considered only one offense, and the driver may receive only one citation for that offense.

Amended by Chapter 351, 2024 General Session

41-6a-1804 Exceptions.
(1) This part does not apply to an operator or passenger of:
  (a) a motor vehicle manufactured before July 1, 1966;
  (b) a motor vehicle in which the operator or passengers possess a written verification from a licensed physician or physician assistant that the person is unable to wear a safety belt for physical or medical reasons; or
  (c) a motor vehicle or seating position which is not required to be equipped with a safety belt system under federal law.
(2) This part does not apply to a passenger if all seating positions are occupied by other passengers.
(3) This part does not apply to a passenger of a public transit vehicle with a gross vehicle weight rating exceeding 10,000 pounds.

Amended by Chapter 349, 2019 General Session

41-6a-1805 Penalty for violation.
(1)
  (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be fined a maximum of $45.
  (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a violation of Section 41-6a-1803 if the person has not previously been warned for a violation of Section 41-6a-1803 but shall issue the individual a warning informing the individual that operating or being a passenger in a vehicle without wearing a properly adjusted and fastened safety belt is prohibited.
  (c) The court shall waive all of the fine for a first violation of Subsection 41-6a-1803(1)(a)(ii) if the person submits proof of acquisition, rental, or purchase of a child restraint device.
(2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against a person for a violation of Section 41-6a-1803.

Amended by Chapter 320, 2018 General Session

41-6a-1806 Compliance -- Civil litigation.
The failure to use a child restraint device or to wear a safety belt:
(1) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
(2) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Renumbered and Amended by Chapter 2, 2005 General Session

Part 19
Traffic Violations by Diplomats

41-6a-1901 Applicability -- Law enforcement officer duties -- Documents and records -- Notice to Department of State.

(1) As used in this section, "diplomat" means an individual who:
  (a) has a driver license issued by the United States Department of State; or
  (b) claims immunities or privileges under 22 U.S.C. Secs. 254a through 258a with respect to:
    (i) a moving traffic violation under this title or a moving traffic violation of an ordinance of a local authority; or
    (ii) operating a motor vehicle while committing any of the following offenses:
      (A) automobile homicide under Section 76-5-207;
      (B) manslaughter under Section 76-5-205;
      (C) negligent homicide under Section 76-5-206;
      (D) aggravated assault under Section 76-5-103; or
      (E) reckless endangerment under Section 76-5-112.

(2) A law enforcement officer who stops a motor vehicle and has probable cause to believe that the driver is a diplomat that has committed a violation described under Subsection (1)(b)(i) or (ii) shall:
  (a) as soon as practicable, contact the United States Department of State in order to verify the driver's status and immunity, if any;
  (b) record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and
  (c) within five working days after the date the officer stops the driver, forward all of the following to the Department of Public Safety:
    (i) if the driver is involved in a vehicle accident, the vehicle accident report;
    (ii) if a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and
    (iii) if a citation or other charging document was not issued to the driver, a written report of the incident.

(3) The Department of Public Safety shall:
  (a) file each vehicle accident report, citation or other charging document, and incident report that the Department of Public Safety receives under this section;
  (b) keep convenient records or make suitable notations showing each:
    (i) conviction;
    (ii) finding of responsibility; and
    (iii) vehicle accident; and
  (c) within five working days after receipt, send a copy of each document and record described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State.

(4) This section does not prohibit or limit the application of any law to a criminal or motor vehicle violation committed by a diplomat.

Amended by Chapter 153, 2024 General Session

Part 20
Automatic License Plate Reader System Act

41-6a-2001 Title.

This part is known as the "Automatic License Plate Reader System Act."

Enacted by Chapter 447, 2013 General Session

41-6a-2002 Definitions.

As used in this chapter:

(1) "Active criminal investigation" means an officer has documented reasonable suspicion that a crime is being or has been committed, and believes the suspected criminal activity may be connected to a vehicle, a registered owner of a vehicle, or an occupant of a vehicle.

(2) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.

(3) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.

(4)

(a) "Governmental entity" means:

(i) executive department agencies of the state;

(ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and the state treasurer;

(iii) the Board of Pardons and Parole;

(iv) the Board of Examiners;

(v) the National Guard;

(vi) the Career Service Review Office;

(vii) the State Board of Education;

(viii) the Utah Board of Higher Education;

(ix) the State Archives;

(x) the Office of the Legislative Auditor General;

(xi) the Office of the Legislative Fiscal Analyst;

(xii) the Office of Legislative Research and General Counsel;

(xiii) the Legislature;

(xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;

(xvi) any state-funded institution of higher education or public education;

(xvii) any political subdivision of the state; or

(xviii) a law enforcement agency.

(b) "Governmental entity" includes:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsections (4)(a)(i) through (xviii) that is funded or established by the government to carry out the public's business; or

(ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.
(5) "Nongovernmental entity" means a person that is not a governmental entity.
(6) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

Amended by Chapter 251, 2024 General Session

41-6a-2003 Automatic license plate reader systems -- Restrictions.
(1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate reader system.
(2) Subject to Subsection (3), an automatic license plate reader system may be used:
(a) by a law enforcement agency to access captured license plate data:
(i) as part of an active criminal investigation;
(ii) to apprehend an individual with an outstanding warrant;
(iii) to locate a missing or endangered person; or
(iv) to locate a stolen vehicle;
(b) by a law enforcement agency to access the Utah Criminal Justice Information System to:
(i) verify valid vehicle registration information;
(ii) confirm vehicle identification;
(iii) verify insurance information; or
(iv) identify a stolen vehicle;
(c) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
(d) by a parking enforcement entity for regulating the use of a parking facility;
(e) for the purpose of controlling access to a secured area;
(f) for the purpose of collecting an electronic toll;
(g) for the purpose of enforcing motor carrier laws;
(h) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis;
(i) by an institution of higher education as described in Section 53H-1-102:
(i) for a purpose described in Subsections (2)(a) through (e); or
(ii) if the data collected is anonymized, for research and educational purposes;
(j) by the Utah Inland Port Authority, created in Section 11-58-201, or by a contractor of the Utah Inland Port Authority with the approval of the board of the Utah Inland Port Authority, if:
(i) the automatic license plate reader system is used only within a project area, as defined in Section 11-58-102, of the Utah Inland Port Authority;
(ii) the purpose of using the automatic license plate reader system is to improve supply chain efficiency or the efficiency of the movement of goods by analyzing and researching data related to commercial vehicle traffic; and
(iii) specific license plate information is anonymized; or
(k) by an international airport owned by a governmental entity for the purpose of promoting efficient regulation and implementation of traffic control and direction, parking, security, and other similar operational objectives on the airport campus.
(3) A law enforcement agency may not use an automatic license plate reader system unless:
(a) the law enforcement agency has a written policy regarding the use, management, and auditing of the automatic license plate reader system;

(b) for any stationary device installed with the purpose of capturing license plate data of vehicles traveling on a state highway, the law enforcement agency obtains a special use permit as described in Section 72-1-212 from the Department of Transportation before installing the device; and

(c) the policy under Subsection (3)(a) and any special use permits granted in accordance with Subsection (3)(b) are:

(i) posted and publicly available on the appropriate city, county, or state website; or

(ii) posted on the Utah Public Notice Website created in Section 63A-16-601 if the law enforcement agency does not have access to a website under Subsection (3)(c)(i).

Amended by Chapter 9, 2025 Special Session 1

41-6a-2004 Captured plate data -- Preservation and disclosure.

(1) Captured plate data obtained for the purposes described in Section 41-6a-2003:

(a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;

(b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;

(c) except as provided in Subsection (3), may not be preserved for more than nine months by a governmental entity except pursuant to:

(i) a preservation request under Section 41-6a-2005;

(ii) a disclosure order under Subsection 41-6a-2005(2); or

(iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and

(d) may only be disclosed:

(i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;

(ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or

(iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(2)

(a) A governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.

(b) A governmental entity that is authorized to use an automatic license plate reader system under this part may not share or use captured plate data for a purpose not authorized under Subsection 41-6a-2003(2).

(c) Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.

(3) Plate data collected in accordance with Section 72-6-118 may be preserved so long as necessary to collect the payment of a toll or penalty imposed in accordance with Section 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall not apply.

(4)

(a) Except as provided in Subsections (1)(c)(i) through (1)(c)(iii), a governmental entity shall destroy as soon as reasonably possible, in an unrecoverable manner, plate data obtained

pursuant to this chapter that is not specifically necessary to achieve the authorized objectives under Subsection 41-6a-2003(2).

(b) Subsection (4)(a) applies to data a governmental entity obtains:

(i) from a nongovernmental entity pursuant to a warrant; or

(ii) from an automatic license plate reader system owned or operated by a governmental entity.

Amended by Chapter 524, 2023 General Session

41-6a-2005 Preservation request.

(1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:

(a) requesting the person or governmental entity to preserve the captured plate data;

(b) identifying:

(i) the camera or cameras for which captured plate data shall be preserved;

(ii) the license plate for which captured plate data shall be preserved; or

(iii) the dates and time frames for which captured plate data shall be preserved; and

(c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.

(2)

(a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data possessed by a governmental entity.

(b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.

(3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:

(a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;

(b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or

(c) the end of the period described in Subsection 41-6a-2004(1)(c).

(4) Notwithstanding Subsection (2), a governmental entity may enter into a memorandum of understanding with another governmental entity to share access to an automatic license plate reader system or captured plate data otherwise authorized by this part.

(5) A governmental entity may obtain, receive, or use captured plate data from a nongovernmental entity only:

(a)

(i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or

(ii) using the procedure described in Subsection (2); and

(b) for the purposes authorized in Subsection 41-6a-2003(2).

(6)
(a) A law enforcement agency shall preserve a record of:
(i) the number of times a search of captured license plate data is conducted by the agency or the agency's employees or agents; and
(ii) the crime type and incident number associated with each search of captured license plate data.
(b) A law enforcement agency shall preserve a record identified in Subsection (6)(a) for at least five years.

Amended by Chapter 524, 2023 General Session

41-6a-2006 Penalties.
A person who knowingly or intentionally uses, obtains, or discloses captured license plate data in violation of this part is guilty of a class B misdemeanor.

Amended by Chapter 524, 2023 General Session

Chapter 8
Driving by Minors

41-8-1 Operation of vehicle by persons under 16 prohibited -- Exceptions for off-highway vehicles and off-highway implements of husbandry.
(1) A person under 16 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state.
(2) This section does not apply to a person operating:
(a) a motor vehicle under a permit issued under Section 53-3-210.5;
(b) an off-highway vehicle registered under Section 41-22-3 either:
(i) on a highway designated as open for off-highway vehicle use; or
(ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
(c) an off-highway implement of husbandry in the manner prescribed by Subsections 41-22-5.5(3) through (5).
(3) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-8-2 Operation of vehicle by persons under 17 during night hours prohibited -- Exceptions.
(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.
(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:
(a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;

(b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;
(c) directly to the driver's residence from a school-sponsored activity if:
(i) transportation to the activity is provided by a school or school district; and
(ii) the transportation under Subsection (2)(c)(i) commences from and returns to the school property where the driver is enrolled;
(d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
(e) in an emergency.
(3)
(a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.
(b) A peace officer may not seize or impound a vehicle if:
(i) the operator of the vehicle is cited for a violation of this section; and
(ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 412, 2015 General Session

41-8-3 Operation of vehicle by persons under 16 and six months -- Passenger limitations -- Exceptions -- Penalties.

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state with any passenger who is not an immediate family member of the driver until the earlier of:
(a) six months from the date the person's driver license was issued; or
(b) the person reaches 18 years of age.
(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:
(a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;
(b) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
(c) in an emergency.
(3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.
(4)
(a) Enforcement of this section by state or local law enforcement officers shall be only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of Title 41, Motor Vehicles, other than this section, or for another offense.
(b) A peace officer may not seize or impound a vehicle if:
(i) the operator of the vehicle is cited for a violation of this section; and
(ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 412, 2015 General Session

41-8-4 Operation of a vehicle by a person under 18 -- Use of wireless telephones prohibited -- Exceptions -- Penalty.

(1) Except as provided in Subsection (2), a person younger than 18 years of age, whether a resident or nonresident of this state, may not use a wireless telephone to communicate with another person while operating a motor vehicle upon a highway of this state.
(2) It is an affirmative defense to a violation of this section that a person younger than 18 years of age was using a wireless telephone while operating a motor vehicle:
  (a) during a medical emergency;
  (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;
  (c) when reporting a criminal activity or requesting assistance relating to a criminal activity; or
  (d) when communicating with a parent or legal guardian.
(3) A person who violates this section is guilty of an infraction and shall be fined a maximum of $25.
(4)
  (a) A violation of this section is not a reportable violation.
  (b) The Driver License Division may not assess points under Section 53-3-221 against the driving record of the person who violates this section.

Enacted by Chapter 326, 2013 General Session

Chapter 10
State Vehicle Department

41-10-1 State Tax Commission designated vehicle department.

The State Tax Commission is hereby designated as the vehicle department of this state referred to in Laws of Utah, 1933, Chapters 43, 44, and 45.

Amended by Chapter 250, 2008 General Session

Chapter 12a
Financial Responsibility of Motor Vehicle Owners and Operators Act

Part 1
General Provisions

41-12a-101 Short title.

This chapter may be cited as the "Financial Responsibility of Motor Vehicle Owners and Operators Act."

Enacted by Chapter 242, 1985 General Session

41-12a-102 References to former provisions.

References to the former "Safety Responsibility Act" under former Title 41, Chapter 12, are considered to refer to the corresponding provisions under this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-103 Definitions.

As used in this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Judgment" means any judgment that is final by:

(a) expiration without appeal of the time within which an appeal might have been perfected; or

(b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:

(i) arising out of the ownership, maintenance, or use of any motor vehicle, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or

(ii) on a settlement agreement.

(3) "License" or "license certificate" have the same meanings as under Section 53-3-102.

(4)

(a) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with other motorized vehicles.

(b) "Motor vehicle" does not include traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails.

(5) "Motorboat" means the same as that term is defined in Section 73-18c-102.

(6) "Nonresident" means every person who is not a resident of Utah.

(7) "Nonresident's operating privilege" means the privilege conferred upon a person who is not a resident of Utah by the laws of Utah pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in Utah.

(8) "Operator" means every person who is in actual physical control of a motor vehicle.

(9) "Owner" means:

(a) a person who holds legal title to a motor vehicle;

(b) a lessee in possession;

(c) a conditional vendee or lessee if a motor vehicle is the subject of a conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession in the conditional vendee or lessee; or

(d) a mortgagor if a motor vehicle is the subject of a mortgage with the mortgagor entitled to possession.

(10) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:

(a) an insurance policy or combination of policies conforming to Section 31A-22-302, which is issued by an insurer authorized to do business in Utah;

(b) an insurance policy or combination of policies issued or renewed prior to January 1, 2009 that:

(i) conformed to the minimum coverage limits of Section 31A-22-304 prior to January 1, 2009; and

(ii) conform to the current requirements other than the minimum coverage limits of policies issued in accordance with Section 31A-22-302;

(c) a surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Section 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond;

(d) a deposit with the state treasurer of cash or securities complying with Section 41-12a-406;

(e) maintaining a certificate of self-funded coverage under Section 41-12a-407; or

(f) a policy conforming to Section 31A-22-302 issued by the Risk Management Fund created in Section 63A-4-201.

(11) "Registration" means the issuance of the certificates and registration plates issued under the laws of Utah pertaining to the registration of motor vehicles.

(12) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

Amended by Chapter 236, 2024 General Session

41-12a-104 Rules of construction.

(1) If a person maintains owner's security under this chapter, it does not limit the person's liability to the face amount of the owner's security.

(2) Nothing in this chapter prevents the plaintiff in any action at law from relying for relief upon the other processes provided by law.

(3) This chapter is cumulative with the requirements of the laws of this state requiring policies of motor vehicle insurance against liability. This subsection does not preclude compliance through a single policy which, by its terms or by an appropriate endorsement, satisfies the requirements of both applicable laws.

Amended by Chapter 302, 2025 General Session

Part 2
Administration

41-12a-201 Administration of laws under Title 41, Chapter 12a -- Compliance with Administrative Procedures Act.

(1) The department shall administer and enforce the provisions of this chapter and may adopt rules as necessary for its administration.

(2) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

41-12a-202 Access to accident reports.

(1) Accident reports and supplemental information as required under this chapter are protected and are for the confidential use of the department and other state, local, or federal government agencies and may be disclosed only as provided in Section 41-6a-404.

(2)

(a) Any person entitled to the disclosure of an accident report, as provided in Section 41-6a-404, may obtain a photocopy by paying the department a fee established under Section 63J-1-504.

(b) These fees shall be deposited in the General Fund.

Amended by Chapter 183, 2009 General Session

Part 3
Owner's or Operator's Security Requirement

41-12a-301 Definitions -- Requirement of owner's or operator's security -- Exceptions.

(1) As used in this section:

(a) "Highway" means the same as that term is defined in Section 41-1a-102.

(b) "Local education agency" or "LEA" means the same as that term is defined in Section 53E-1-102.

(c) "Quasi-public road or parking area" means the same as that term is defined in Section 41-6a-214.

(2) Except as provided in Subsection (5):

(a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or parking area or registered within the state; and

(b) every nonresident owner of a motor vehicle that has been physically present in this state for:

(i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or

(ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect continuously throughout the period the motor vehicle remains within Utah.

(3)

(a) Except as provided in Subsection (5), the state and all of its political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect continuously for their motor vehicles.

(b) Any other state is considered a nonresident owner of its motor vehicles and is subject to Subsection (2)(b).

(4) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motor vehicles.

(5) Owner's or operator's security is not required for any of the following:

(a) off-highway vehicles registered under Section 41-22-3 when operated either:

(i) on a highway designated as open for off-highway vehicle use; or

(ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);

(b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5);

(c) electric assisted bicycles as defined under Section 41-6a-102;

(d) motor assisted scooters as defined under Section 41-6a-102;

(e) electric personal assistive mobility devices as defined under Section 41-6a-102; or

(f) an LEA, for a school bus that the LEA authorizes a state entity or political subdivision of the state to use.

(6) If an LEA authorizes a state entity or political subdivision of the state to use a school bus:

(a) the state entity or political subdivision shall maintain owner's or operator's security during the term of the school bus use in an amount that is greater than or equal to any governmental immunity liability limit;

(b) the state entity or the political subdivision shall indemnify and defend the LEA for any claim that arises from the school bus use including a claim directed at the LEA, unless the claim arises from the sole negligence of the LEA; and

(c) if the school district maintains owner's or operator's security for the school bus during the term of school bus use, the owner's and operator's security maintained by the state entity or

political subdivision of the state is primary to the owner's and operator's security maintained by the LEA.

Amended by Chapter 294, 2025 General Session

41-12a-302 Operating motor vehicle without owner's or operator's security -- Penalty.

(1)

(a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301, who operates the owner's vehicle or permits it to be operated on a highway in this state without owner's security being in effect is guilty of a class C misdemeanor, and the fine shall be not less than:

(i) $400 for a first offense; and

(ii) $1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(b) A court may waive up to $300 of the fine charged to the owner of a motor vehicle under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

(2)

(a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the motor vehicle is also guilty of a class C misdemeanor, and the fine shall be not less than:

(i) $400 for a first offense; and

(ii) $1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).

Amended by Chapter 412, 2015 General Session

41-12a-303 Condition to obtaining registration, license plates, or safety inspection.

The owner of a motor vehicle required to maintain owner's security under Section 41-12a-301 may be required to swear or affirm, in a manner specified by the State Tax Commission, or present other reasonable evidence that he has owner's security in effect at the time of registering, obtaining a license plate for, or a safety inspection of the motor vehicle.

Amended by Chapter 251, 2024 General Session

41-12a-303.2 Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

(a) "Division" means the Motor Vehicle Division of the State Tax Commission.

(b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2)

(a)

(i) A person operating a motor vehicle shall:

(A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and
(B) display it upon demand of a peace officer.
(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:
(A) a government-owned or leased motor vehicle; or
(B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.
(iii) A person operating a vehicle that is owned by a rental company, as defined in Section 31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section 31A-22-311.
(b) Evidence of owner's or operator's security includes any one of the following:
(i) a copy of the operator's valid:
(A) insurance policy;
(B) insurance policy declaration page;
(C) binder notice;
(D) renewal notice; or
(E) card issued by an insurance company as evidence of insurance;
(ii) a certificate of insurance issued under Section 41-12a-402;
(iii) a certified copy of a surety bond issued under Section 41-12a-405;
(iv) a certificate of the state treasurer issued under Section 41-12a-406;
(v) a certificate of self-funded coverage issued under Section 41-12a-407; or
(vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.
(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.
(d)
(i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:
(A) a hard copy format; or
(B) an electronic format using a mobile electronic device.
(ii) If a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing the owner's or operator's security on the mobile electronic device may not view any other content on the mobile electronic device.
(iii) Notwithstanding any other provision under this section, a peace officer is not subject to civil liability or criminal penalties under this section if the peace officer inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device.
(e)
(i) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under:
(A) Subsection (2)(b)(i)(D) or (E); or
(B) for a motorboat, Subsection 73-18c-304(1)(b).

(ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, information indicates that the vehicle or driver is insured.

(3) It is an affirmative defense to a charge or in an administrative action under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.

(4)

(a) The following are considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804:

(i) evidence defined in Subsection (2)(b);

(ii) a written statement from an insurance producer or company verifying that the person had the required motor vehicle insurance coverage on the date specified; or

(iii) a written statement from an insurance producer or company, or provision in an insurance policy, indicating that the policy provides coverage for a newly purchased car and the coverage extended to the date specified.

(b) The court considering a citation issued under this section shall allow the evidence or a written statement under Subsection (4)(a) and a copy of the citation to be electronically submitted or mailed to the clerk of the court to satisfy Subsection (3).

(c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.

(5)

(a) A person who is convicted of violating Subsection (2)(a)(i):

(i) is guilty of an infraction for a first offense and subject to a fine of not less than $400; and

(ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense that is committed within three years after the day on which the person commits the first offense and subject to a fine of not less than $1,000.

(b) A court may waive up to $300 of a fine charged under Subsection (5)(a) if the person demonstrates that the owner's or operator's security required under Section 41-12a-301 was obtained after the violation but before sentencing.

(6) Upon receiving notification from a court of a conviction for a violation of this section, the department:

(a) shall suspend the person's driver license; and

(b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.

(i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

(ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.

(iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.

(iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Amended by Chapter 236, 2024 General Session

41-12a-303.3 Providing false evidence of owner's or operator's security -- Penalty.

A person who provides evidence of owner's or operator's security to a peace officer under Section 41-12a-303.2 knowing or having reason to believe that the evidence of owner's or operator's security is false or that it is evidence of owner's or operator's security that is not in effect is guilty of a class B misdemeanor.

Enacted by Chapter 220, 1994 General Session

41-12a-304 No-fault tort immunity ineffective.

The owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301 who fails to have the security in effect at the time of an accident does not have immunity from tort liability under Subsection 31A-22-309(1). This owner is personally liable for the payment of the benefits provided for under Section 31A-22-307 to persons entitled to receive them under Section 31A-22-308.

Enacted by Chapter 242, 1985 General Session

41-12a-305 Assigned risk plan.

Section 31A-22-310 applies to an assigned risk plan. This continues the assigned risk plan established under Chapter 242, Laws of Utah 1985, with any modifications from Title 31A, Insurance Code.

Amended by Chapter 306, 2007 General Session

41-12a-306 Claims adjustment by persons with owner's or operator's security other than insurance.

(1) An owner or operator of a motor vehicle with respect to whom owner's or operator's security is maintained by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b), shall refer all bodily injury claims against the owner's or operator's security to an independent adjuster licensed under Title 31A, Chapter 26, Insurance Adjusters, or to an attorney.
(2) Unless otherwise provided by contract, any motor vehicle claim adjustment expense incurred by a person maintaining owner's or operator's security by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b), shall be paid by the person who maintains this type of owner's or operator's security.
(3) Owners and operators of motor vehicles maintaining owner or operator's security by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b) are subject to the claim adjustment provisions of Title 31A, Chapter 26, Part 3, Claim Practices, in connection with claims against such persons which arise out of the ownership, maintenance, or use of a motor vehicle.
(4) In addition to other penalties and remedies available for failure to abide by this section, the department may require any person violating this section to maintain owner's or operator's security only in the manner specified under Subsection 41-12a-103(9)(a).

Amended by Chapter 371, 2008 General Session

Part 4
Proof of Owner's or Operator's Security

41-12a-401 Means of providing proof of owner's or operator's security.

(1) Whenever proof of owner's or operator's security is required under this chapter, it may be provided by filing with the department any of the following:
  (a) a certificate of insurance under Section 41-12a-402 or 41-12a-403;
  (b) a copy of a surety bond under Section 41-12a-405;
  (c) a certificate of deposit of money or securities issued by the state treasurer under Section 41-12a-406; or
  (d) a certificate of self-funded coverage under Section 41-12a-407.
(2) Whenever the term "proof of financial responsibility" is used in this title, it shall be read as "proof of owner's or operator's security."

Amended by Chapter 203, 1991 General Session

41-12a-402 Insurance certificate as proof of owner's or operator's security -- Resident.

Proof of owner's or operator's security may be furnished by filing with the department the written certificate of any insurer licensed in Utah certifying that there is in effect an insurance policy or combination of policies conforming to Section 31A-22-302 for the benefit of the person required to furnish proof of owner's or operator's security. This certificate shall be furnished to the department in the form of an SR-22 issued by any insurer licensed in Utah. The certificate shall give each policy number and the effective date of each policy. The effective date of the policy may not be later than the effective date of the certificate. The certificate shall designate by explicit description or by appropriate reference all motor vehicles covered, unless the policy is issued to a person who is not the owner of a motor vehicle. Certificates filed under this section continue in force until cancelled under Section 41-12a-404, or until the requirement for a certificate is waived under Section 41-12a-411.

Enacted by Chapter 242, 1985 General Session

41-12a-403 Insurance certificate as proof of owner's or operator's security -- Nonresident.

(1) The nonresident owner of a motor vehicle not registered in Utah may give proof of owner's or operator's security by filing with the department the written certificate of an insurer licensed in the state in which the motor vehicle described in the certificate is registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter. The department shall accept the certificate if the insurer:
  (a) executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in Utah; and
  (b) agrees in writing that the policies certified are considered to conform with the provisions required under Sections 31A-22-303 and 31A-22-304.
(2) If an insurer which is not licensed in Utah but which has qualified to furnish proof of owner's or operator's security under Subsection (1), defaults in any such undertaking or agreement, the

department may not thereafter accept as proof of security any certificate of the insurer, so long as the default continues.

Enacted by Chapter 242, 1985 General Session

41-12a-404 Limitation on cancellation of coverage specified in certificate.

When an insurer has certified an insurance policy under Sections 41-12a-402 or 41-12a-403, the policy may not be terminated unless notice of termination is filed with the department no later than 10 days after termination. However, this type of policy which is subsequently procured and certified shall, on the effective date of its certificate, terminate the insurance previously certified.

Enacted by Chapter 242, 1985 General Session

41-12a-405 Surety bond as proof of owner's or operator's security.

(1) Proof of owner's or operator's security may be furnished by filing with the department a copy of a surety bond, certified by the surety, which conforms to Subsection 41-12a-103(9)(c). The bond may not be canceled except after 10 days' written notice to the department.
(2) If a judgment rendered against the principal within the coverage of the bond is not satisfied within 60 days after judgment becomes final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the department against the surety executing the bond.

Amended by Chapter 371, 2008 General Session

41-12a-406 State treasurer's certificate as proof of owner's or operator's security.

(1) Proof of owner's or operator's security may be furnished by delivering to the department the certificate of the state treasurer certifying that the person named in it has deposited in trust with the state treasurer cash in an amount equal to twice the single limit under Subsection 31A-22-304(2) or securities with a fair market value of a similar amount, which securities are legal investments for insurers under Section 31A-18-105. The state treasurer may not accept a deposit and issue a certificate for it, unless the deposit is accompanied by evidence that there are no unsatisfied liens of any character on the assets deposited.
(2) The deposit shall be held by the state treasurer in trust to satisfy any execution on a judgment that would be paid under an insurance policy conforming to Section 31A-22-302 had the treasurer issued such a policy.
(3) Except as provided under Subsection (2), assets deposited with the treasurer under this chapter are exempt from attachment or execution.

Enacted by Chapter 242, 1985 General Session

41-12a-407 Certificate of self-funded coverage as proof of owner's or operator's security.

(1) The department may, upon the application of any person, issue a certificate of self-funded coverage when it is satisfied that the person has:
  (a) more than 24 motor vehicles; and
  (b) deposits, in a form approved by the department, securities in an amount of $200,000 plus $100 for each motor vehicle up to and including 1,000 motor vehicles and $50 for every motor vehicle over 1,000 motor vehicles.

(2) Persons holding a certificate of self-funded coverage under this chapter shall pay benefits to persons injured from the self-funded person's operation, maintenance, and use of motor vehicles as would an insurer issuing a policy to the self-funded person containing the coverages under Section 31A-22-302.
(3) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the department may, upon reasonable grounds, cancel the certificate. Failure to pay any judgment up to the limit under Subsection 31A-22-304(2) within 30 days after the judgment is final is a reasonable ground to cancel the certificate.
(4) Any government entity with self-funded coverage for government-owned motor vehicles under Title 63G, Chapter 7, Governmental Immunity Act of Utah, meets the requirements of this section.

Amended by Chapter 382, 2008 General Session

41-12a-408 Substitution of forms of proof of owner's or operator's security.

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled to them upon the substitution and acceptance of other adequate proof of owner's or operator's security in a manner allowed under Section 41-12a-401.

Enacted by Chapter 242, 1985 General Session

41-12a-409 Power to require proof of owner's or operator's security in other form.

If, after a hearing, the department determines that a particular proof of owner's or operator's security filed under this chapter no longer fulfills the purposes for which it is required, the department shall require proof of security in another permitted form. Pending the filing of the other proof, the department shall suspend the license and registration or the nonresident's operating privilege.

Enacted by Chapter 242, 1985 General Session

41-12a-410 Employee and family relationships.

Whenever any person required to give proof of owner's or operator's security is an operator in the employ of any owner, or is a member of the immediate family or household of the owner, the department shall accept proof of security by the owner in lieu of proof by the employee, family, or household member. The department shall indicate by restriction on the operator's license the vehicles the operator may operate on the basis of that proof of security.

Enacted by Chapter 242, 1985 General Session

41-12a-411 Duration of proof of owner's or operator's security.

(1) Except as otherwise provided under this section, any person required to give proof of owner's or operator's security shall maintain that proof with the department for a period of three years from the date the filing of proof was last requested. Subject to Subsection (2), the department shall:
  (a) upon request, consent to the immediate cancellation of any bond or certificate of insurance;
  (b) direct the state treasurer to return to the person entitled to it any money or securities deposited pursuant to this chapter as proof of owner's or operator's security; or

(c) waive the requirement of filing proof, if the person on whose behalf the proof was filed dies or becomes permanently incapacitated to operate a motor vehicle or if the person who has given proof surrenders the person's registration to the department, except that if that person applies for a registration within three years from the date proof was originally required, the application shall be refused unless the applicant reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

(2)

(a) The department may not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by that proof is then pending, if:

(i) any judgment of liability is unsatisfied; or

(ii) the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.

(b) An affidavit of the applicant is sufficient evidence in the absence of contrary evidence in the records of the department if the affidavit declares:

(i) the nonexistence of liability or accidents;

(ii) that the person has been released from all liability; or

(iii) that the person has been finally adjudicated not to be liable for the injury or damage.

Amended by Chapter 302, 2025 General Session

Part 5
Post-Accident Security Requirements and Satisfaction of Judgments

41-12a-501 Post-accident security.

(1)

(a) Unless excepted under Subsection (2), the operator of a motor vehicle involved in an accident in the state and any owner who has not previously satisfied the requirement of security under Section 41-12a-301 shall file post-accident security with the department for the benefit of persons obtaining judgments against the operator on account of bodily injury, death, or property damage caused by the accident.

(b) The security shall be in an amount determined by the department to be sufficient to satisfy judgments arising from bodily injury, death, or property damage resulting from the accident that may be recovered against the operator, but may not exceed the minimum single limit under Subsection 31A-22-304(2).

(c) The department shall determine the amount of post-accident security on the basis of reports and other evidence submitted to the department by interested parties, including officials investigating the accident.

(d) In setting the amount of post-accident security, the department may not take into account alleged damages resulting from pain and suffering.

(e) Persons who fail to file required post-accident security are subject to the penalties under Subsection (3).

(2) The operator is exempted from the post-accident requirement under Subsection (1) if any of the following conditions are satisfied:

(a) No bodily injury, death, or damage to the property of one person in excess of the damage limit specified under Section 41-6a-401 resulted from the accident.

(b) No injury, death, or property damage was suffered by any person other than the owner or operator.
(c) The owner of the motor vehicle was in compliance with the owner's security requirement under Section 41-12a-301 at the time of the accident and the operator had permission from the owner to operate the motor vehicle.
(d) The operator was in compliance with the operator's security requirement under Section 41-12a-301 at the time of the accident.
(e) The operator has filed satisfactory evidence with the department that the operator has been released from liability, has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident and is not in default on that agreement.
(f) The motor vehicle involved in the accident was operated by a nonresident who had an insurance policy or bond covering the accident, but not fully complying with the policy provision requirements under Section 31A-22-302, if the policy or bond is sufficient to provide full recovery for claimants and the policy or bond is issued by an insurer licensed in the state.
(g) The operator at the time of the accident was operating a motor vehicle owned or leased by the operator's employer and driven with the employer's permission.
(h) Evidence as to the extent of injuries or property damage caused by the accident has not been submitted by or on behalf of any person affected by the accident within three years following the date of the accident.
(i) The motor vehicle was legally parked at the time of the accident.
(j) The motor vehicle was an emergency vehicle acting in the line of duty at the time of the accident.
(k) The motor vehicle involved in the accident is owned by the United States, this state, or any political subdivision of this state, if the operator was using the vehicle with the permission of the owner.
(l) The motor vehicle was legally stopped at a stop sign, traffic signal, or at the direction of a peace officer at the time of the accident.

(3)
(a) If an operator who is required to file post-accident security under Subsection (1) does not do so within 10 days after receiving notice of the requirement of security, the department shall suspend the driver's license of the operator and all registrations of the owner, if he is a resident of the state.
(b) If the operator is not a resident of Utah, the department shall suspend the privilege of operating a motor vehicle within the state and of using, in the state, any owned motor vehicle.
(c) Notice of these suspensions shall be sent to the owner or operator no less than 15 days prior to the effective date of the suspension.

Amended by Chapter 416, 2017 General Session

41-12a-502 Accident reports.

(1)
(a) Accident reports required under Section 41-6a-402 shall contain information to enable the department to determine whether the owner and operator of the automobile involved in the accident were in compliance with the security requirement of Section 41-12a-301.
(b) The information may consist of identifying the policy, bond, or certificate's issuer and number.

(c) The department may rely upon the accuracy of the information unless it has reason to believe that it is erroneous.

(2)

(a) The operator of a motor vehicle involved in an accident shall, unless physically incapable, make an accident report.

(b) If the operator is physically incapable, the owner shall, if physically capable, make a report within 10 days of learning of the accident.

(c) The operator and owner shall furnish any additional relevant information the department reasonably requests.

(3) Failure to report an accident as required under Section 41-6a-402 shall be punished as set forth under Subsection 41-6a-402(5).

Amended by Chapter 2, 2005 General Session

41-12a-503 Conditions to license, registration, and privilege renewal.

The license, registration, and nonresident's operating privilege suspended under Subsection 41-12a-501(3) remain suspended and may not be renewed nor may that license or registration be issued until one of the following is satisfied:

(1) The person deposits or has deposited on that person's behalf the post-accident security required under Subsection 41-12a-501(1).

(2) One year has elapsed following the effective date of the suspension and evidence satisfactory to the department has been filed that during that period no action for damages arising out of the accident has been commenced.

(3) Evidence satisfactory to the department has been filed with it of a release from liability, of a final adjudication of nonliability, or of a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident. In the event of default in the payment of any installment under such an agreement, upon receiving notice of the default, the department shall suspend the license and registration or nonresident's operating privilege of the person defaulting. This license, registration, or nonresident's operating privilege may not be restored until either:

(a) The person deposits and thereafter maintains security as required under Subsection 41-12a-501(1).

(b) One year has elapsed following the date when the security was required and during that period no action upon the agreement has been instituted in a Utah court.

Amended by Chapter 302, 2025 General Session

41-12a-504 Payments by insurers as evidence to the department.

(1) The department may accept evidence of a payment to an operator or owner of a motor vehicle involved in an accident by the insurer of any other person involved in the accident on account of damage to property as effective to relieve the operator from the post-accident security and suspension provisions of this chapter in respect to any claim for property damage by the person on whose behalf the payment has been made. A payment to the insurer of an operator or owner under its right of subrogation is the equivalent of a payment to the operator or owner.

(2) The department may accept evidence of a payment on account of bodily injury to a person involved in an accident by the insurer of any other person involved in the accident as effective to relieve the person to whom the payment is made from the post-accident security and

suspension provisions of this chapter in respect to any claim for bodily injury by the person on whose behalf the payment is made.

Enacted by Chapter 242, 1985 General Session

41-12a-505 Effect upon nonresident of use of state highways.

(1)
(a) The use and operation by a nonresident or his agent, or of a resident who has departed Utah, of a motor vehicle on Utah highways is an appointment of the Division of Corporations and Commercial Code as the true and lawful attorney for service of legal process in any action or proceeding against the person arising from the use or operation of a motor vehicle over Utah highways which use or operation results in damages or loss to person or property.
(b) The use or operation referenced in Subsection (1) is an agreement that process shall, in any action against the person in which there is such service, be of the same legal force and validity as if served upon him personally in Utah.

(2)
(a) Service of process under Subsection (1) is made by serving a copy upon the Division of Corporations and Commercial Code or by filing a copy in that office with payment of a reasonable fee.
(b) The plaintiff shall, within 10 days after service of process, send notice of the process together with plaintiff's affidavit of compliance with this section to the defendant by registered mail at the defendant's last-known address.

(3)
(a) The court in which the action is pending may order any continuance necessary to afford the defendant reasonable opportunity to defend the action, but not exceeding 90 days from the date of filing the action in court.
(b) The reasonable fee paid by the plaintiff to the Division of Corporations and Commercial Code is taxed as costs if the plaintiff prevails.
(c) The division shall keep a record of all process served showing the day and hour of service.

Amended by Chapter 127, 2006 General Session

41-12a-506 Application to persons without license or registration.

If the operator or the owner of a motor vehicle involved in an accident in Utah has no license or registration in Utah, or is a nonresident, the operator or owner may not obtain a license or registration in Utah until the operator or owner has complied with the requirements of this chapter to the extent that would be necessary if, at the time of the accident, the operator or owner held a Utah license and registration.

Amended by Chapter 302, 2025 General Session

41-12a-507 Cooperation with other states.

(1) When a nonresident's operating privilege is suspended under this chapter, the department shall send a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action similar to that provided for in Subsection (2).
(2) Upon receipt of certification from the official of another state that the operating privilege of a Utah resident has been suspended in the other state for failure to deposit post-accident security

for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the deposit in Utah, the department shall suspend the license of the resident if the resident was the operator, and all of the resident's registrations if the resident was the owner of a motor vehicle involved in the accident. These suspensions continue until the Utah resident furnishes evidence of the resident's compliance with the law of the other state relating to the deposit of post-accident security.

Amended by Chapter 302, 2025 General Session

41-12a-508 Form and amount of post-accident security.

(1) The post-accident security required under Subsection 41-12a-501(1) shall be in the form of cash, cashier's check, a national or Utah bank's clean and irrevocable letter of credit, or the assignment of a bank's certificate of deposit. The department may not require a deposit in excess of the minimum single limit under Subsection 31A-22-304(2). The person depositing security shall specify in a manner specified by the department the persons on whose behalf the deposit is made and may, at any time while the deposit is in the custody of the department or state treasurer, in a manner specified by the department amend the specification of the persons on whose behalf the deposit is made. However, a single deposit of security is applicable only on behalf of persons required to furnish security because of the same accident.

(2) Subject to Subsection (1), the department may alter the amount of post-accident security required if, in its judgment, the amount previously ordered is excessive or inadequate. If the security originally ordered is determined to be excessive, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative as soon as possible, notwithstanding the provisions of Section 41-12a-509. If the security originally ordered is determined to be inadequate, the depositor may be required to increase the deposit within 20 days or be subject to the penalties under Subsection 41-12a-501(3).

Amended by Chapter 85, 2001 General Session

41-12a-509 Custody and terms of post-accident security deposits.

Post-accident security deposited in compliance with Subsection 41-12a-501(1) shall be placed by the department in the custody of the state treasurer and may be applied only to the payment of judgments rendered against the persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of the accident, or within one year after the date of deposit of any security under Subsection 41-12a-503(3)(a), or to the payment in settlement, agreed to by the depositor, of claims arising out of the accident. The deposit or any balance of it shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been provided that the conditions of either Subsection 41-12a-503(2) or (3) have been satisfied.

Amended by Chapter 302, 2025 General Session

41-12a-510 Report, findings, action, and security as evidence.

Neither the report required under Section 41-12a-502, nor the department's findings, action, or requirement of post-accident security under this chapter may be referred to in any way, nor be any evidence of negligence or due care of either party, at the trial of any action at law to recover damages.

Enacted by Chapter 242, 1985 General Session

41-12a-511 Failure to satisfy judgment.

(1) Whenever any person fails within 60 days to satisfy any judgment, it is the duty of the clerk of the court or of the judge of a court which has no clerk in which any such judgment is rendered in Utah, upon the written request of the judgment creditor or the creditor's attorney, to forward to the department immediately after the expiration of the 60 days, a certified copy of the judgment.

(2) The department, upon the receipt of a certified copy of a judgment, shall suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, except as provided in Subsection (5) and Section 41-12a-513.

(3) Except as provided under Subsection (5) and Section 41-12a-513, a license, registration, and nonresident's operating privilege suspended under Subsection (2) remains suspended and may not be renewed nor may that license or registration be thereafter issued in the name of the same person, including a person not previously licensed, unless every such judgment is stayed or satisfied in full within the meaning of Section 41-12a-512, and until the person files proof of owner's or operator's security.

(4) If the judgment debtor named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the judgment debtor is a resident.

(5) If the judgment creditor consents in writing, in a form the department prescribes, that the judgment debtor be allowed license and registration or nonresident's operating privilege, they may be allowed by the department for six months from the date of the consent and thereafter until that consent is revoked in writing, notwithstanding the default in the payment of the judgment or of any installments thereof prescribed in Section 41-12a-513, if the judgment debtor furnishes proof of owner's security.

Amended by Chapter 302, 2025 General Session

41-12a-512 When judgments deemed satisfied.

Judgments arising from a single accident which in the aggregate are in excess of the minimum single limit under Subsection 31A-22-304(2) shall be considered satisfied in full, for the purpose of this chapter only, when payments equal to that limit have been credited to the judgment. Payments made by the judgment debtor prior to the judgment, but on the claim which arose out of the bodily injury, death, or property damage caused by a motor vehicle accident shall be credited in reduction of the amount necessary for the judgment to be considered satisfied in full for purposes of this chapter. If multiple judgments against a depositor of post-accident security arise out of the same accident, and in the aggregate the several claims exceed the amount deposited, then the deposit shall be distributed pro rata, based upon each judgment creditor's portion of the total judgments arising from the accident. Any punitive or exemplary damages awarded a judgment creditor may not be considered in determining the claimant's pro rata share.

Enacted by Chapter 242, 1985 General Session

41-12a-513 Payment of judgment in installments.

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments. The court, in

its discretion and without prejudice to any other legal remedies the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) Subject to Subsection (3), the department may not suspend a license, registration, or a nonresident's operating privilege, and it shall restore them if previously suspended for nonpayment of a judgment, if the judgment debtor:

(a) obtains orders under Subsection (1) as to all unsatisfied judgments; and

(b) provides and maintains proof of owner's or operator's security.

(3) If the judgment debtor fails to pay any installment as specified by an order under Subsection (1), then upon notice of that default, the department shall suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied.

Enacted by Chapter 242, 1985 General Session

Part 6
Miscellaneous Enforcement Provisions

41-12a-601 Collusive transfers prohibited.

If an owner's registration has been suspended under this chapter, the registration may not be transferred nor the motor vehicle registered in any other name until the department is satisfied that the transfer or registration is proposed in good faith and not with the intent or the effect of defeating the purposes of this chapter. This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-602 Filing of false report.

Any person who gives information required in a report provided for under Section 41-12a-502, knowing or having reason to believe that the information is false, or who shall forge or, without authority, sign any evidence of proof of owner's or operator's security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, or who falsely swears or affirms when obtaining a license plate, a safety inspection, or a registration under Section 41-12a-303, is guilty of a class A misdemeanor.

Amended by Chapter 251, 2024 General Session

41-12a-603 Operating motor vehicle without license or registration.

Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this chapter and who, during the suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by the person to be operated by another upon any highway, except as permitted under this chapter, is guilty of a class C misdemeanor.

Amended by Chapter 241, 1991 General Session

41-12a-604 Suspension of license.

(1) A person convicted of a class A or a class B misdemeanor under this chapter, in addition to any other penalties which are imposed by law, shall have the person's operator's license suspended by the department.
(2) Whenever any person is convicted of an offense for which this chapter mandates the suspension of that person's license or the registration of that person's motor vehicle, and that person does not produce proof of owner's or operator's security at the time of that person's appearance, the court in which the conviction takes place shall require the surrender to it of all pertinent evidences of registration, including all registration cards, license plates, nonresident temporary permits, and other similar materials then held by the person so convicted. This court shall then forward the registration materials to the Motor Vehicle Division of the State Tax Commission and send the Driver License Division a record of the conviction. If the person so convicted secures a judgment of acquittal or reversal of this conviction in any appellate court, the department shall reinstate that person's driver license or privilege and the Motor Vehicle Division shall reinstate the registration of that person's motor vehicle immediately upon receipt of a certified copy of the judgment of acquittal or reversal.
(3) If the owner has surrendered the owner's registration materials to the Motor Vehicle Division, the owner may, unless otherwise prohibited by law, apply for a new registration, by providing proof of owner's security.

Amended by Chapter 302, 2025 General Session

41-12a-605 Other violations.

Any person who violates any provision of this chapter for which no penalty is otherwise provided is guilty of a class C misdemeanor.

Enacted by Chapter 242, 1985 General Session

41-12a-606 Authority of political subdivisions to adopt ordinances.

The provisions of this chapter shall be applied uniformly throughout the state and in all municipalities and other political subdivisions. Local authorities may, however, adopt regulations or ordinances consistent with this chapter and additional traffic regulations which are not in conflict with this chapter.

Enacted by Chapter 242, 1985 General Session

Part 8
Uninsured Motorist Identification Database Program

41-12a-801 Title.

This part is known as the "Uninsured Motorist Identification Database Program."

Enacted by Chapter 59, 1994 General Session

41-12a-802 Definitions.

As used in this part:

(1) "Account" means the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
(2) "Database" means the Uninsured Motorist Identification Database created in Section 41-12a-803.
(3) "Designated agent" means the third party the department contracts with under Section 41-12a-803.
(4) "Division" means the Driver License Division created in Section 53-3-103.
(5)
  (a) "Motor vehicle" has the same meaning as set forth in Section 41-1a-102.
  (b) "Motor vehicle" includes a street-legal all-terrain vehicle.
(6) "Motor Vehicle Division" means the Motor Vehicle Division of the State Tax Commission created in Section 41-1a-106.
(7) "Program" means the Uninsured Motorist Identification Database Program created in Section 41-12a-803.
(8) "Street-legal all-terrain vehicle" means the same as that term is defined in Section 41-6a-102.

Amended by Chapter 236, 2024 General Session

41-12a-803 Program creation -- Administration -- Selection of designated agent -- Duties -- Rulemaking -- Audits.
(1) There is created the Uninsured Motorist Identification Database Program to:
  (a) establish an Uninsured Motorist Identification Database to verify compliance with:
    (i) motor vehicle owner's or operator's security requirements under Section 41-12a-301 and other provisions under this part; and
    (ii) motorboat owner's or operator's security requirements under Section 73-18c-304 and other provisions under this part;
  (b) assist in reducing the number of uninsured motor vehicles on the highways of the state and uninsured motorboats on the waters of the state;
  (c) assist in increasing compliance with motor vehicle and motorboat registration and sales and use tax laws;
  (d) assist in protecting a financial institution's bona fide security interest in a motor vehicle or motorboat; and
  (e) assist in the identification and prevention of identity theft and other crimes.
(2) The program shall be administered by the department with the assistance of the designated agent and the Motor Vehicle Division.
(3)
  (a) The department shall contract in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a third party to establish and maintain an Uninsured Motorist Identification Database for the purposes established under this part.
  (b) The contract may not obligate the department to pay the third party more money than is available in the account.
(4)
  (a) The third party under contract under this section is the department's designated agent, and shall develop and maintain a computer database from the information provided by:
    (i) insurers under Section 31A-22-315;
    (ii) the division under Subsection (6); and
    (iii) the Motor Vehicle Division under Section 41-1a-120.
  (b)

(i) The database shall be developed and maintained in accordance with guidelines established by the department so that state and local law enforcement agencies and financial institutions as defined in Section 7-1-103 can efficiently access the records of the database, including reports useful for the implementation of the provisions of this part.

(ii)

(A) The reports shall be in a form and contain information approved by the department.

(B) The reports may be made available through the Internet or through other electronic medium, if the department determines that sufficient security is provided to ensure compliance with Section 41-12a-805 regarding limitations on disclosure of information in the database.

(5) With information provided by the department and the Motor Vehicle Division, the designated agent shall, at least monthly for submissions under Subsection 31A-22-315(2)(b) or at least twice a month for submissions under Subsection 31A-22-315(2)(a):

(a) update the database with the motor vehicle and motorboat insurance information provided by the insurers in accordance with Section 31A-22-315; and

(b) compare all current motor vehicle and motorboat registrations against the database.

(6) The division shall provide the designated agent with the name, date of birth, address, and driver license number of all persons on the driver license database.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules and develop procedures in cooperation with the Motor Vehicle Division to use the database for the purpose of administering and enforcing this part.

(8)

(a) The designated agent shall archive computer data files at least semi-annually for auditing purposes.

(b) The internal audit unit of the tax commission provided under Section 59-1-206 shall audit the program at least every three years.

(c) The audit under Subsection (8)(b) shall include verification of:

(i) billings made by the designated agent; and

(ii) the accuracy of the designated agent's matching of vehicle registration with insurance data.

(9) Upon request, the designated agent shall make available the information provided by insurers under Section 31A-22-315.5 to:

(a) state and local law enforcement agencies; and

(b) financial institutions as defined in Section 7-1-103.

Amended by Chapter 236, 2024 General Session

41-12a-804 Notice -- Proof -- Revocation of registration -- False statements -- Penalties -- Exemptions -- Sales tax enforcement.

(1) Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, or a motorboat is not insured for two consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle or motorboat that the owner has 15 days to provide:

(a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or

(b) proof of exemption from the owner's or operator's security requirements.

(2) Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:

(a) provide a second notice to the owner of the motor vehicle or motorboat that the owner now has 15 days to provide:
(i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
(ii) proof of exemption from the owner's or operator's security requirements;
(b) for each notice provided, indicate information relating to the owner's failure to provide proof of owner's or operator's security in the database; and
(c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.

(3)
(a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2) only apply during the months of April through October.
(b) For a motorboat, the designated agent shall comply with the requirement described in Subsection (2)(c) year-round.
(c) For a notice required under Subsection (1) for a motorboat, the requirement for the Motor Vehicle Division and the designated agent to send notice begins on January 1, 2026.

(4)
(a) The Motor Vehicle Division:
(i) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
(ii) shall provide appropriate notices of the revocation, the legal consequences of operating a vehicle with revoked registration and without owner's or operator's security, and instructions on how to get the registration reinstated; and
(iii) may direct the designated agent to provide the notices under this Subsection (4)(a).
(b) For a motorboat, Subsection (4)(a) only applies during the months of April through October.

(5) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle or motorboat under this section may be in addition to an action by a law enforcement agency to impose the penalties under Section 41-12a-302 or 41-12a-303.2.

(6)
(a) A person may not provide a false or fraudulent statement to the Motor Vehicle Division or designated agent.
(b) In addition to any other penalties, a person who violates Subsection (6)(a) is guilty of a class B misdemeanor.

(7) The department and the Motor Vehicle Division shall direct the designated agent to exempt from this section a farm truck that:
(a) meets the definition of a farm truck under Section 41-1a-102; and
(b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.

(8) This part does not affect other actions or penalties that may be taken or imposed for violation of the owner's and operator's security requirements of this chapter.

(9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat may not be in compliance with motor vehicle or motorboat registration or sales and use tax laws, the Motor Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle or motorboat that information exists which indicates the possible violation.

Amended by Chapter 285, 2025 General Session

41-12a-805 Disclosure of insurance information -- Penalty.

(1) Information in the database established under Section 41-12a-803 provided by a person to the designated agent is considered to be the property of the person providing the information.

(2) The information may not be disclosed from the database under Title 63G, Chapter 2, Government Records Access and Management Act, or otherwise, except as follows:

(a) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall verify insurance information through the state computer network for a state or local government agency or court;

(b) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall, upon request, issue to any state or local government agency or court a certificate documenting the insurance information, according to the database, of a specific individual or motor vehicle or motorboat for the time period designated by the government agency;

(c) upon request, the department or its designated agent shall disclose whether or not a person is an insured individual and the insurance company name to:

(i) that individual or, if that individual is deceased, any interested person of that individual, as defined in Section 75-1-201;

(ii) the parent or legal guardian of that individual if the individual is an unemancipated minor;

(iii) the legal guardian of that individual if the individual is legally incapacitated;

(iv) a person who has power of attorney from the insured individual;

(v) a person who submits a notarized release from the insured individual dated no more than 90 days before the date the request is made; or

(vi) a person suffering loss or injury in a motor vehicle or motorboat accident in which the insured individual is involved, but only as part of an accident report as authorized in Section 41-12a-202;

(d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations by state or local law enforcement agencies related to the:

(i) registration and renewal of registration of a motor vehicle under Title 41, Chapter 1a, Motor Vehicle Act;

(ii) registration and renewal of registration of a motorboat under Title 73, Chapter 18, State Boating Act;

(iii) purchase of a motor vehicle or motorboat under Title 59, Chapter 12, Sales and Use Tax Act; and

(iv) owner's or operator's security requirements under Section 41-12a-301 or 73-18c-304;

(e) upon request of a peace officer acting in an official capacity under the provisions of Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant information for investigation, enforcement, or prosecution;

(f) for the purpose of the state auditor, the legislative auditor general, or other auditor of the state conducting audits of the program;

(g) upon request of a financial institution as defined under Section 7-1-103 for the purpose of protecting the financial institution's bona fide security interest in a motor vehicle or motorboat;

(h) upon the request of a state or local law enforcement agency for the purpose of investigating and prosecuting identity theft and other crimes; and

(i) the designated agent shall provide information from the database regarding a towed vehicle to the vehicle owner's insurance company of record at the time the vehicle was towed, including, if available, the name, address, and contact information of the tow yard where the vehicle is stored.

(3)

(a) The department may allow the designated agent to prepare and deliver upon request, a report on the insurance information of a person or motor vehicle or motorboat in accordance with this section.
(b) The report may be in the form of:
(i) a certified copy that is considered admissible in any court proceeding in the same manner as the original; or
(ii) information accessible through the Internet or through other electronic medium if the department determines that sufficient security is provided to ensure compliance with this section.
(c) The department may allow the designated agent to charge a fee established by the department under Section 63J-1-504 for each:
(i) document authenticated, including each certified copy;
(ii) record accessed by the Internet or by other electronic medium; and
(iii) record provided to a financial institution under Subsection (2)(g).
(4) A person who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not entitled to it is guilty of a third degree felony.
(5) An insurer is not liable to any person for complying with Sections 31A-22-315 and 31A-22-315.5 by providing information to the designated agent.
(6) Neither the state nor the department's designated agent is liable to any person for gathering, managing, or using the information in the database as provided in Sections 31A-22-315 and 31A-22-315.5 and this part.

Amended by Chapter 236, 2024 General Session

41-12a-806 Restricted account -- Creation -- Funding -- Interest -- Purposes.
(1) There is created within the Transportation Fund a restricted account known as the "Uninsured Motorist Identification Restricted Account."
(2) The account consists of money generated from the following revenue sources:
(a) money received by the state under Subsection 41-1a-202(3);
(b) money received by the state under Section 41-1a-1218, the uninsured motorist identification fee;
(c) money received by the state under Section 41-1a-1220, the registration reinstatement fee; and
(d) appropriations made to the account by the Legislature.
(3)
(a) The account shall earn interest.
(b) All interest earned on account money shall be deposited into the account.
(4) The Legislature shall appropriate money from the account to:
(a) the department to fund the contract with the designated agent;
(b) the department to offset the costs to state and local law enforcement agencies of using the information for the purposes authorized under this part;
(c) the State Tax Commission to:
(i) offset the costs to the Motor Vehicle Division for revoking and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
(ii) cover the contract and other costs of the designated agent for address verification described in Subsection 41-1a-202(3); and

(d) the department to reimburse a person for the costs of towing and storing the person's vehicle if:
(i) the person's vehicle was impounded in accordance with Subsection 41-1a-1101(4);
(ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at the time of the impoundment;
(iii) the database indicated that owner's or operator's security was not in effect for the impounded vehicle; and
(iv) the department determines that the person's vehicle was wrongfully impounded.
(5) The Legislature may appropriate not more than $2,000,000 annually from the account to the Peace Officer Standards and Training Division, created under Section 53-6-103, for use in law enforcement training, including training on the use of the Uninsured Motorist Identification Database Program created under Part 8, Uninsured Motorist Identification Database Program.
(6)
(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the department shall hold a hearing to determine whether a person's vehicle was wrongfully impounded under Subsection 41-1a-1101(4).
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for a person to apply for a reimbursement under Subsection (4)(d).
(c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the person applies for the reimbursement within six months from the date that the motor vehicle was impounded.

Amended by Chapter 294, 2025 General Session

Chapter 19
Federal Highway Safety Act

41-19-1 Powers and duties of governor.

The governor, in addition to other duties and responsibilities conferred upon the governor by the Constitution and laws of the state of Utah is hereby empowered to contract and to do all other things necessary in behalf of the state to secure the full benefits available to this state under the federal Highway Safety Act of 1966, and any amendments thereto, and in so doing, to cooperate with the federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be the official having the ultimate responsibility for dealing with the United States Government with respect to programs and activities pursuant to the federal Highway Safety Act of 1966, and any amendments thereto. To that end the governor shall be responsible for activities of any and all departments and agencies of this state and its subdivisions, relating thereto. The governor may designate an appropriate person, commission or board to assist the governor in coordinating the activities and programs contemplated under this section.

Amended by Chapter 365, 2024 General Session

41-19-2 Participation by political subdivisions.

The Legislature of the state of Utah hereby authorizes the political subdivisions of this state to participate in the state highway safety program as contemplated by the federal Highway Safety Act of 1966, and any amendments thereto, and to do all things necessary to secure benefits available under that act.

Enacted by Chapter 53, 1967 General Session

Chapter 21
Vintage Vehicles

41-21-1 Definitions.

(1) "Autocycle" means the same as that term is defined in Section 53-3-102.

(2) "Motorcycle" means:

(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an autocycle.

(3)

(a) "Street rod" means a motor vehicle or motorcycle that:

(i)

(A) was manufactured in 1948 or before; or

(B)

(I) was manufactured after 1948 to resemble a vehicle that was manufactured in 1948 or before; and

(II)

(Aa) has been altered from the manufacturer's original design; or

(Bb) has a body constructed from non-original materials; and

(ii) is primarily a collector's item that is used for:

(A) club activities;

(B) exhibitions;

(C) tours;

(D) parades;

(E) occasional transportation; and

(F) other similar uses.

(b) "Street rod" does not include a motor vehicle or motorcycle that is used for general, daily transportation.

(4)

(a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel trailer that is:

(i) 30 years old or older, from the current year; and

(ii) primarily a collector's item that is used for:

(A) participation in club activities;

(B) exhibitions;

(C) tours;

(D) parades;

(E) occasional recreational or vacation use; and

(F) other similar uses.

(b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth wheel trailer that is used for the general, daily transportation of persons or property.

(5)

(a) "Vintage vehicle" means a motor vehicle or motorcycle that:

(i) is 30 years old or older from the current year; and

(ii) is primarily a collector's item that is used for:

(A) participation in club activities;

(B) exhibitions;

(C) tours;

(D) parades;

(E) occasional transportation; and

(F) other similar uses.

(b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for general, daily transportation.

(c) "Vintage vehicle" includes a:

(i) street rod; and

(ii) vintage travel trailer.

Amended by Chapter 247, 2025 General Session

41-21-3 Minimum speed inapplicable.

The provisions of this title relating to minimum speed provisions upon highways do not apply to vehicles properly registered under Title 41, Chapter 1a, Motor Vehicle Act while the vehicles are being driven to or from an assembly, convention, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

Amended by Chapter 1, 1992 General Session

41-21-4 Minimum safety equipment inapplicable.

The provisions of this title relating to minimum safety equipment are not applicable to vehicles properly registered under Title 41, Chapter 1a, Part 2, Registration, so long as the original equipment, on the vehicle at the time of its manufacture, is in good operating condition or has been replaced by equal or more efficient equipment in good working order and the vehicle is not operated in a manner or at a time that would constitute a public nuisance or create a hazard to other automobiles or persons.

Amended by Chapter 1, 1992 General Session

41-21-5 Operation on public highways.

Any motor vehicle properly registered under this chapter may be operated or moved on the streets and highways for going to or from an assembly, convention, parade, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated

in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

Enacted by Chapter 93, 1971 General Session

41-21-6 Revocation of registration -- Powers of tax commission.

The tax commission may revoke the registration of a vintage vehicle for failure to comply with this chapter.

Enacted by Chapter 221, 1993 General Session

Chapter 22
Off-highway Vehicles

41-22-1 Policy declaration.

It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

Amended by Chapter 163, 1987 General Session

41-22-2 Definitions.

As used in this chapter:

(1) "Advisory council" means an advisory council appointed by the Division of Outdoor Recreation that has within the advisory council's duties advising on policies related to the use of off-highway vehicles.

(2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3)

(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is:

(i) an electric-powered vehicle; or

(ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 3,500 pounds or less.

(b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.

(4)

(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (13), or (24), designed for or capable of travel over unimproved terrain.

(b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.

(5) "Commission" means the Outdoor Adventure Commission.

(6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.

(7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(8) "Division" means the Division of Outdoor Recreation.

(9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(11)

(a) "Motor vehicle" means every vehicle which is self-propelled.

(b) "Motor vehicle" includes an off-highway vehicle.

(12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(13) "Off-highway implement of husbandry" means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, off-highway motorcycle, or snowmobile that is used by the owner or the owner's agent for agricultural operations.

(14) "Off-highway motorcycle" means an off-highway vehicle that is a motorcycle and is designed for use primarily off-highway.

(15) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or off-highway motorcycle.

(16)

(a) "Off-highway vehicle facility" means a facility or area designated for use by an off-highway vehicle.

(b) "Off-highway vehicle facility" includes a trail, trailhead, storage shed, water and electric infrastructure, or other infrastructure that provides or increases access to an area designated for use by an off-highway vehicle.

(17) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

(18) "Operator" means the person who is in actual physical control of an off-highway vehicle.

(19) "Organized user group" means an off-highway vehicle organization incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

(20) "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

(21) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

(22) "Register" means the act of assigning a registration number to an off-highway vehicle.

(23) "Roadway" is used as defined in Section 41-6a-102.

(24) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires, and equipped with a saddle or seat for the use of the rider.

(25) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

(26) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.

Amended by Chapter 285, 2025 General Session

41-22-3 Registration of vehicles -- Application -- Issuance of sticker and card -- Proof of property tax payment -- Records.

(1)
(a) Unless exempted under Section 41-22-9, a person may not operate or place and an owner may not give another person permission to operate or place any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.
(b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.
(c) Unless specifically provided in this chapter, the division shall administer license plates, decals, and registration of off-highway vehicles in accordance with Chapter 1a, Motor Vehicle Act.

(2)
(a) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.
(b) An owner of an off-highway vehicle may apply for automatic registration renewal as described in Section 41-1a-216.
(c) A person may register an off-highway vehicle or street-legal all-terrain vehicle for a 24-month period as described in Section 41-1a-215.5.

(3) Each application for registration of an off-highway vehicle shall be accompanied by:
(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;
(b) the past registration card; or
(c) the fee for a duplicate.

(4)
(a)
(i) Beginning on January 1, 2023, except as provided in Subsection (4)(e), the first time an off-highway vehicle is registered, the Motor Vehicle Division shall issue one off-highway vehicle license plate, a registration decal, and a registration card.
(ii) If an off-highway vehicle has been registered previously in this state but has not been issued an off-highway vehicle license plate, beginning on January 1, 2023, upon application for registration renewal, the Motor Vehicle Division shall issue one off-highway vehicle license plate, a registration decal, and a registration card.
(b) Upon each annual registration, the Motor Vehicle Division shall issue a registration decal and a registration card for each off-highway vehicle registered.
(c) The off-highway vehicle license plate:
(i) shall contain a unique five-digit number, using numbers, letters, or a combination of numbers and letters, to identify the off-highway vehicle for which it is issued;
(ii) shall be affixed to the rear of the off-highway vehicle for which it is issued in a plainly visible and upright position as prescribed by rule of the division under Section 41-22-5.1;
(iii) shall be maintained free of foreign materials and in a condition to be clearly legible;

(iv) shall be a distinct tan color with black lettering to identify the license plate as an off-highway vehicle license plate;
(v) shall have a location to attach the registration decal; and
(vi) may not be a personalized license plate or a special group license plate.
(d)
(i) At all times, proof of registration shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.
(ii) An individual may show proof of registration by displaying:
(A) a digital copy or photograph of the registration card on a mobile electronic device;
(B) proof of registration on a mobile electronic device through a mobile application approved by the relevant state agency; or
(C) an original registration card issued by the Motor Vehicle Division.
(e) An off-highway vehicle that is an off-highway motorcycle or a snowmobile is:
(i) not required to obtain or display an off-highway vehicle license plate; and
(ii) required to obtain and display an off-highway vehicle registration sticker.
(5)
(a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration decal shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has situs for taxation.
(b) The certificate required under Subsection (5)(a) shall state one of the following:
(i) the property tax on the off-highway vehicle for the current year has been paid;
(ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or
(iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.
(c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is:
(i) exempt from the requirement under this Subsection (5);
(ii) not required to obtain or purchase an off-highway vehicle license plate; and
(iii) required to obtain and display an off-highway vehicle registration sticker.
(6)
(a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.
(b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.
(7) A violation of this section is an infraction.

Amended by Chapter 279, 2025 General Session

41-22-3.5 Staggered registration dates -- Registration renewal.

(1) Unless exempted under Section 41-22-9, or unless the off-highway vehicle or street-legal all-terrain vehicle is registered for a 24-month period as provided in Section 41-1a-215.5, every off-highway vehicle registration, every registration card, and every registration sticker issued under this chapter for the first registration of the off-highway vehicle in this state, continues in effect for a period of 12 months beginning with the first day of the calendar month of registration and does not expire until the last day of the same month in the following year.

(2) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the off-highway vehicle is extended to 12 midnight of the next business day.
(3)
(a) The division may receive applications for registration renewal and issue new registration cards at any time prior to the expiration of the registration, subject to the availability of renewal materials.
(b) Applications for registration renewal shall be made in accordance with Section 41-22-3.
(4)
(a) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.
(b) The year of registration expiration shall be changed to reflect the renewed registration period.
(5) If the registration renewal application is an application generated by the division through its automated system, the owner need not surrender the last registration card or duplicate.

Amended by Chapter 279, 2025 General Session

41-22-4 Falsification of documents unlawful -- Alteration or removal of serial number unlawful -- Display of sticker.
(1) A person may not:
(a) knowingly falsify an application for registration, affidavit of ownership, or bill of sale for any off-highway vehicle;
(b) alter, deface, or remove any manufacturer's serial number on any off-highway vehicle;
(c) use or permit the use or display of any registration sticker, registration card, or permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than the vehicle for which it was issued; or
(d) alter or deface a registration sticker, registration card, or permit issued to an off-highway vehicle.
(2) A violation of this section is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session

41-22-5.1 Rules of division relating to display of registration stickers.
In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after notifying the commission, shall make rules for the display of an off-highway vehicle license plate and registration decal on an off-highway vehicle in accordance with
Section 41-22-3.

Amended by Chapter 11, 2023 General Session

41-22-5.5 Off-highway husbandry vehicles.
(1)
(a)
(i) The owner of an all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.
(ii) Each application under Subsection (1)(a)(i) shall be accompanied by:
(A) evidence of ownership;

(B) a title or a manufacturer's certificate of origin; and
(C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.
(iii) The owner shall receive an off-highway implement of husbandry sticker upon production of:
(A) the documents required under this Subsection (1); and
(B) payment of an off-highway implement of husbandry sticker fee established by the division, after notifying the commission, not to exceed $10.
(b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section 41-22-3.
(c) The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the division and shall identify the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of husbandry.
(2) The off-highway implement of husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.
(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is being operated adjacent to a roadway:
(a) when the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from one parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and
(b) when this operation is necessary for the furtherance of agricultural purposes.
(4) If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.
(5) It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.
(6) A violation of this section is an infraction.

Amended by Chapter 285, 2025 General Session

41-22-7 Duplicate registration cards and registration stickers.
(1) If a registration card is lost or destroyed, or if an owner changes the owner's address from the address shown on the owner's registration card, the owner shall, within 15 days, apply for a duplicate registration card.
(2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

Amended by Chapter 159, 2004 General Session

41-22-8 Registration fees.
(1) Subject to Subsection (4), the division, after notifying the commission, shall establish the fees that shall be paid in accordance with this chapter, subject to the following:
(a)
(i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway vehicle registration may not exceed $35.

(ii) The fee for each snowmobile registration may not exceed $26.
(iii) The fee for each street-legal all-terrain vehicle may not exceed $72.
(b) The fee for each duplicate registration card may not exceed $3.
(c) The fee for each duplicate registration sticker may not exceed $5.
(2) A fee may not be charged for an off-highway vehicle that is owned and operated by the United States Government, this state, or its political subdivisions.
(3)
(a) In addition to the fees under this section, Section 41-22-33, and Section 41-22-34, the Motor Vehicle Division shall require a person to pay one dollar to register an off-highway vehicle under Section 41-22-3.
(b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division collects under Subsection (3)(a) into the Brain and Spinal Cord Injury Fund described in Section 26B-1-318.
(4) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts are double the amounts due for the same vehicle registered for a 12-month period.

Amended by Chapter 279, 2025 General Session

41-22-9 Vehicles exempt from registration.
(1) The following off-highway vehicles are exempt from the registration requirements of this chapter:
(a) vehicles that are currently registered for highway use, have a valid motor vehicle safety inspection sticker or certificate, and on which the required safety equipment has not been subsequently modified;
(b) except as provided in Subsection (2), a street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509;
(c) off-highway vehicles that are owned by a nonresident and that are displaying a current annual off-highway vehicle user decal in accordance with Section 41-22-35;
(d) off-highway vehicles sold by a dealer to a person who is not a resident of this state;
(e) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5); and
(f) new off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.
(2) In addition to the registration requirements imposed under Section 41-6a-1509, a street-legal all-terrain vehicle is subject to the fees under Sections 41-22-8, 41-22-33, 41-22-34, and 41-22-36.

Amended by Chapter 36, 2008 General Session

41-22-10 Powers of division relating to off-highway vehicles.
The division may:
(1) appoint and seek recommendations from the advisory council representing the various off-highway vehicle, conservation, and other appropriate interests; and
(2) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.

Amended by Chapter 68, 2022 General Session

41-22-10.1 Vehicles operated on posted public land.

(1) Currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or description as open to off-highway vehicle use by the controlling federal, state, county, or municipal agency.
(2) The controlling federal, state, county, or municipal agency may:
(a) provide a map or description showing or describing land, trails, streets, or highways open to off-highway vehicle use; or
(b) post signs designating lands, trails, streets, or highways open to off-highway vehicle use.
(3) Liability may not be imposed on any federal, state, county, or municipality relating to the designation or maintenance of any land, trail, street, or highway open for off-highway vehicle use.
(4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-10.2 Off-highway vehicles -- Prohibited on interstate freeway.
(1) It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway, as defined in Section 41-6a-102.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session
Amended by Chapter 454, 2015 General Session

41-22-10.3 Operation of vehicles on highways -- Limits.
A person may not operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:
(1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
(2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;
(3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
(4) when operating a street-legal all-terrain vehicle or a street-legal novel vehicle on a highway in accordance with Section 41-6a-1509.
(5) A violation of this section is an infraction.

Amended by Chapter 459, 2024 General Session

41-22-10.4 Snowmobiles.
Snowmobiles may be operated on streets or highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season by the public authority having jurisdiction.

Enacted by Chapter 1, 1986 Special Session 2
Enacted by Chapter 1, 1986 Special Session 2

41-22-10.5 Local ordinances -- Designating routes -- Supervision.
(1) A municipality or county may adopt ordinances:

(a) designating certain streets and highways under its respective jurisdiction:
(i) as open for general off-highway vehicle use; or
(ii) as open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use; or
(b) permitting the use of a street-legal all-terrain vehicle on a street or highway designated for:
(i) general off-highway vehicle use under Subsection (1)(a)(i); or
(ii) limited off-highway vehicle use under Subsection (1)(a)(ii).
(2) A municipality or county may not prohibit or restrict the use of a street-legal all-terrain vehicle on a street or highway where the use of another street-legal vehicle is permitted.
(3) A municipality or a county may adopt an ordinance requiring an operator who is under 16 years of age to be under the direct visual supervision of an adult who is at least 18 years of age while using a route designated under Subsection (1).
(4) A route designated under Subsection (1) may not be along, across, or within the boundaries of an interstate freeway.
(5) Except as provided under Section 41-22-10.3, a person may not operate an off-highway vehicle on any street or highway that is not designated or posted as open for off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.
(6) Subsection (5) does not apply to off-highway implements of husbandry used in accordance with Section 41-22-5.5.

Amended by Chapter 454, 2015 General Session

41-22-10.6 Requiring compliance with traffic laws.
(1) Any person operating an off-highway vehicle is subject to the provisions of Title 41, Chapter 6a, Traffic Code, unless specifically excluded.
(2) An off-highway vehicle accident shall be reported in accordance with the requirements of Section 41-6a-402.

Amended by Chapter 308, 2010 General Session

41-22-10.7 Vehicle equipment requirements -- Rulemaking -- Exceptions.
(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:
(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;
(b) headlights and taillights when operated between sunset and sunrise;
(c) a noise control device and except for a snowmobile, a spark arrestor device; and
(d) when operated on sand dunes designated by the division, a safety flag that is:
(i) red or orange in color;
(ii) a minimum of six by 12 inches; and
(iii) attached to:
(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or
(B) the protective headgear of a person operating an off-highway motorcycle so that the safety flag is at least 18 inches above the top of the person's head.
(2) A violation of Subsection (1) is an infraction.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, after notifying the commission, which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

(4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

Amended by Chapter 285, 2025 General Session

41-22-10.8 Protective headgear requirements -- Owner duty -- Penalty for violation.

(1) A person under the age of 18 may not operate or ride on an all-terrain type I vehicle, a snowmobile, or an off-highway motorcycle on public land unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
(2) The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years old to operate or ride on an off-highway vehicle in violation of this section.
(3) An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section.
(4) Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than $50 per offense.
(5) A court shall waive $8 of a fine charged for a violation of Title 41, Chapter 22, Off-highway Vehicles, to a person operating an off-highway vehicle on public land if the person was:
  (a) 18 years old or older at the time of operation; and
  (b) wearing protective headgear that complies with the requirements described under Subsection (1) at the time of operation.
(6) The failure to wear protective headgear:
  (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
  (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
(7) Notwithstanding Subsection (5), a court may not waive $8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

Amended by Chapter 285, 2025 General Session

41-22-11 Agencies authorized to erect regulatory signs on public land.

(1) No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-12 Restrictions on use of public lands.

(1) Except as provided in Section 79-4-203 , federal agencies are encouraged and agencies of the state and its subdivisions shall pursue opportunities to open public land to responsible off-highway vehicle use and cross-country motor vehicle travel.
(2) A person may not tear down, mutilate, deface, or destroy:

(a) a sign, signboard, or other notice that prohibits or regulates the use of an off-highway vehicle on public land; or
(b) a fence or other enclosure or a gate or bars belonging to the fence or other enclosure.
(3) A violation of Subsection (2) is an infraction.

Amended by Chapter 507, 2024 General Session

41-22-12.1 Restrictions on use of snowmobile trails.
(1) A person may not operate a wheeled vehicle with a gross vehicle weight of 800 pounds or more on any snowmobile trail that the division has marked, posted, designated, or maintained as a snowmobile trail.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-12.2 Unlawful cross-country motor vehicle travel on public land.
(1) A person may not operate and an owner of a motor vehicle may not give another person permission to operate a motor vehicle cross-country on any public land not designated for that use by the controlling agency.
(2) A person who violates this section is guilty of an infraction.
(3)
(a)
(i) As part of any sentence for a conviction of a violation of this section, the court shall order the person to perform community service in the form of repairing any damage to the public land caused by the unlawful cross-country motor vehicle travel, with a minimum sentence calculated as described in Subsection (3)(b).
(ii) The court shall order the community service described in Subsection (3)(a)(i) to occur at the location or locations where the person caused damage to the public land.
(b) For the community service required in Subsection (3)(a), the court shall:
(i) determine the approximate value of the damage caused by the unlawful cross-country motor vehicle travel; and
(ii) calculate the number of hours of community service required to cover the cost of the damage caused by dividing the approximate value determined pursuant to Subsection (3)(b)(i) by a rate of $25 per hour.

Amended by Chapter 143, 2022 General Session

41-22-12.5 Restrictions on use of privately-owned lands without permission -- Unlawful for person to tamper with signs or fencing on privately-owned land.
(1)
(a) A person may not operate or accompany a person operating a motor vehicle on privately-owned land of any other person, firm, or corporation without permission from the owner or person in charge.
(b) A person operating or accompanying a person operating a motor vehicle may not refuse to immediately leave private land upon request of the owner or person in charge of the land.
(c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately owned land.
(d) A person who violates Subsection (1)(a) is guilty of an infraction.
(e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

(f)
(i) As part of any sentence for a conviction of a violation of this Subsection (1), the court shall order the person to perform community service in the form of repairing any damage to the land or infrastructure caused by the unlawful motor vehicle travel, with a minimum sentence calculated as described in Subsection (1)(f)(iii).
(ii) The court shall order the community service described in Subsection (1)(f)(i) to occur at the location or locations where the person caused damage to the private land or infrastructure.
(iii) For the community service required in Subsection (1)(f)(i), the court shall:
(A) determine the approximate value of the damage caused by the unlawful cross-country motor vehicle travel; and
(B) calculate the number of hours of community service required to cover the cost of the damage caused by dividing the approximate value determined pursuant to Subsection (1)(f)(iii)(A) by a rate of $25 per hour.

(2) A person operating or accompanying a person operating a motor vehicle may not obstruct an entrance or exit to private property without the owner's permission.

(3) A person may not:
(a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating a motor vehicle on land; or
(b) tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to the fence or enclosure.

(4)
(a) A violation of Subsection (2) is an infraction.
(b) A violation of Subsection (3) is a class C misdemeanor.

(5)
(a)
(i) As part of any sentence for a conviction of a violation of Subsection (2) or (3), the court shall order the person to perform community service in the form of repairing any damage to the land or infrastructure caused by the unlawful motor vehicle travel, with a minimum sentence calculated as described in Subsection (5)(b).
(ii) The court shall order the community service described in Subsection (5)(a)(i) to occur at the location or locations where the person caused damage to the land or infrastructure.
(b) For the community service required in Subsection (5)(a), the court shall:
(i) determine the approximate value of the damage caused by the unlawful cross-country motor vehicle travel; and
(ii) calculate the number of hours of community service required to cover the cost of the damage caused by dividing the approximate value determined pursuant to Subsection (5)(b)(i) by a rate of $25 per hour.

Amended by Chapter 143, 2022 General Session

41-22-12.7 Enhanced penalties for unlawful motor vehicle use on public or private property.

(1) A person is guilty of a class C misdemeanor for unlawful cross-country use of a motor vehicle on public land or unlawful motor vehicle use on private property if the person:
(a) violates Section 41-22-12.2, 41-22-12.5, or 41-22-13; and
(b)
(i) has been convicted of violating Section 41-22-12, 41-22-12.2, 41-22-12.5, or 41-22-13 within the last two years; or
(ii) knowingly, intentionally, or recklessly:

(A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or improvements; or
(B) harasses wildlife or livestock.
(2) As part of any sentence for a conviction of a violation described in Subsection (1), the court may:
(a) impose a fine not to exceed $300;
(b) require the person to pay restitution not to exceed $1,000 for damage caused by the unlawful motor vehicle use; and
(c) require the person to perform community service in the form of repairing any damage to the public land caused by the unlawful motor vehicle use.
(3) As part of any sentence for a conviction described in Subsection (1) that is within five years of a prior conviction described in Subsection (1), the court may:
(a) impose a fine not to exceed $1,000;
(b) require the person to pay restitution not to exceed $2,000 for damage caused by the unlawful motor vehicle use; and
(c) require the person to perform community service in the form of repairing any damage caused by the unlawful motor vehicle use.

Amended by Chapter 412, 2015 General Session

41-22-12.8 Exceptions to off-highway vehicle use restrictions.

The cross-country motor vehicle and off-highway vehicle restrictions in Sections 41-22-12.1, 41-22-12.2, 41-22-12.5, and 41-22-12.7 do not apply to:
(1) a law enforcement officer or emergency services personnel acting within the course and scope of their employment;
(2) an employee of the landowner or land manager acting within the course and scope of their employment;
(3) a person otherwise authorized to use a motor vehicle in a closed area by legal right or by permission of the landowner or land manager; and
(4) a person operating a motor vehicle on an R.S. 2477 right-of-way recorded or asserted by the state or a local highway authority.

Enacted by Chapter 289, 2009 General Session

41-22-13 Prohibited uses.

(1) No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-15 Permission required for race or organized event.

(1) No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.
(2) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-22-16 Authorized peace officers -- Arrest provisions.

(1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules made under this chapter.

(2) Whenever any individual is arrested for any violation of the provisions of this chapter or a rule made under this chapter, the procedure for the arrest is the same as described in Sections 77-7-23 and 77-7-24.

Amended by Chapter 150, 2018 General Session

41-22-17 Penalties for violations.

(1) Except as otherwise provided, a person who violates the provisions of this chapter is guilty of an infraction.

(2) The division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the division, within 15 days of suspension or revocation, the suspended or revoked registration card and registration sticker.

Amended by Chapter 412, 2015 General Session

41-22-18 Ordinances or local laws relating to operation and equipment of vehicles.

The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter or the rules promulgated under this chapter, but these ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter or the rules promulgated under this chapter.

Amended by Chapter 1, 1986 Special Session 2
Amended by Chapter 1, 1986 Special Session 2

41-22-19 Off-highway Vehicle Account -- Deposit and use of funds -- Grants and matching funds.

(1)

(a) Except as provided under Subsections (3) through (5) and Sections 41-22-34 and 41-22-36, registration fees and related money collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Division under this chapter shall be deposited as restricted revenue into the Off-highway Vehicle Account in the General Fund less the costs incurred by the Motor Vehicle Division for collecting off-highway vehicle registration fees.

(b) The balance of the money may be used by the division:

(i) for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities, including public access facilities;

(ii) for the mitigation of impacts associated with off-highway vehicle use;

(iii) for the education of off-highway vehicle users;

(iv) for off-highway vehicle access protection;

(v) to support off-highway vehicle search and rescue activities and programs;
(vi) to promote and encourage off-highway vehicle tourism;
(vii) for other uses that further the policy set forth in Section 41-22-1;
(viii) as grants or matching funds with a federal agency, state agency, political subdivision of the state, or organized user group for any of the uses described in Subsections (1)(b)(i) through (vii); and
(ix) for the administration and enforcement of this chapter.

(2)
(a) An agency or political subdivision requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the division for review and approval.
(b) The division may award an upfront grant from the Off-highway Vehicle Account to cover the entire projected cost of a project or program to:
(i) a political subdivision of the state that:
(A) is a county of the third through sixth class; and
(B) submits a plan for a project or program consistent with a use described in Subsection (1)(b); and
(ii) an organized user group or agency that submits a plan for a project or program:
(A) located in a county of the third through sixth class; and
(B) consistent with a use described in Subsection (1)(b).
(c) In awarding a grant under Subsection (2)(b), the division may evaluate a grant application submitted on or after January 1, 2025.

(3)
(a) One dollar and 50 cents of each annual registration fee collected under Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection 41-22-35(2) shall be deposited into the Land Grant Management Fund created under Section 53C-3-101.
(b) The Utah School and Institutional Trust Lands Administration shall use the money deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally accessible lands within its jurisdiction as follows:
(i) to improve recreational opportunities on trust lands by constructing, improving, maintaining, or perfecting access for off-highway vehicle trails; and
(ii) to mitigate impacts associated with off-highway vehicle use.
(c) An unused balance of the money deposited under Subsection (3)(a) exceeding $350,000 at the end of each fiscal year shall be deposited into the Off-highway Vehicle Account under Subsection (1).

(4) One dollar of each off-highway vehicle registration fee collected under Subsection 41-22-8(1) shall be deposited into the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(5)
(a) The Motor Vehicle Division shall collect a fee for any new or replacement license plate issued under this chapter.
(b) The fee described in Subsection (5)(a) shall be an amount equal to the fee for a new or replacement license plate as established in accordance with Section 63J-1-504.
(c) The Motor Vehicle Division shall deposit the fee described in Subsection (5)(a) into the License Plate Restricted Account created under Section 41-1a-122.

(6) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the deposited amounts described in this section shall be double the amount for the same vehicle registered for a 12-month period.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after notifying the commission, shall make rules as necessary to implement this section.

Amended by Chapter 279, 2025 General Session

41-22-20 Public land administrating agencies to develop facilities and programs.

All public land administering agencies are encouraged:

(1) to develop and maintain trails, parking areas, rest rooms, and other related facilities appropriate to off-highway vehicle use; and

(2) to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

Amended by Chapter 363, 1997 General Session

41-22-21 Publication of rules and amendments.

The rules promulgated under this chapter and any amendments to those rules shall be published as required by the Utah Administrative Rulemaking Act.

Amended by Chapter 1, 1986 Special Session 2
Amended by Chapter 1, 1986 Special Session 2

41-22-30 Supervision, safety certificate, or driver license required -- Penalty.

(1) As used in this section, "direct supervision" means oversight at a distance:
  (a) of no more than 300 feet; and
  (b) within which:
    (i) visual contact is maintained; and
    (ii) advice and assistance can be given and received.

(2) A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person:
  (a) is able to reach and operate each control necessary to safely operate the off-highway vehicle;
  (b)
    (i) is under the direct supervision of an off-highway vehicle safety instructor during a scheduled safety training course approved by the division in accordance with Section 41-22-32 ; or
    (ii) possesses a safety certificate issued or approved by the division in accordance with Section 41-22-31; and
  (c) is under the direct supervision of a person who is at least 18 years old if the person operating the off-highway vehicle:
    (i) is under 18 years old;
    (ii) does not possess a valid license to operate a motor vehicle issued in accordance with Title 53, Chapter 3, Uniform Driver License Act; and
    (iii) is operating the off-highway vehicle on a public highway that is:
      (A) open to motor vehicles; and
      (B) not exclusively reserved for off-highway vehicle use.

(3)
  (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than $100 per offense.
  (b) It is a defense to a charge under this section, if the person charged:
    (i) produces in court a license or safety certificate described in Subsection (2)(b) that was:
      (A) valid at the time of the citation or arrest; and

(B) issued to the person operating the off-highway vehicle; and
(ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.
(4) The requirements of this section do not apply to an operator of an off-highway implement of husbandry.
(5) Nothing in this section allows an individual without a valid driver license issued in accordance with Title 53, Chapter 3, Uniform Driver License Act, to operate a street-legal all-terrain vehicle on a roadway.

Amended by Chapter 143, 2022 General Session

41-22-31 Division to set standards for safety program -- Safety certificates issued -- Cooperation with public and private entities -- State immunity from suit.
(1)
(a) The division shall:
(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules, after notifying the commission, that establish curriculum standards for a comprehensive off-highway vehicle safety education and training program as described in this section; and
(ii) implement the program.
(b)
(i) The division shall design the program to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe and ethical operation of an off-highway vehicle.
(ii) Components of the program shall include:
(A) the preparation and dissemination of off-highway vehicle information and safety advice to the public;
(B) the training of off-highway vehicle operators;
(C) education concerning the importance of gates and fences used in agriculture and how to properly close a gate; and
(D) education concerning respectful, sustainable, and on-trail off-highway vehicle operation, and respect for communities affected by off-highway vehicle operation.
(iii) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program and described in Subsections (2) and (3).
(iv) The division shall ensure that an individual has the option to complete the program online.
(2) Except as provided in Subsection (4)(b), an individual under 18 years old may not operate an off-highway vehicle on public lands in this state unless the individual has completed the requirements of the program established in accordance with this section and rules made in accordance with Subsection (1) by completing:
(a) an in-person safety and skills course offered by the division; or
(b) a safety and skills course approved by the division that is offered online.
(3) Except as provided in Subsection (4)(a), an individual who is 18 years old or older may not operate an off-highway vehicle on public lands in this state unless the individual has completed the requirements of the program established in accordance with this section and rules made in accordance with Subsection (1) by completing:
(a) a course described in Subsection (2); or
(b) a one-time course offered or approved by the division.
(4) The requirements described in this section do not apply to:
(a) an individual who is 18 years old or older operating:

(i) a snowmobile;
(ii) an off-highway implement of husbandry; or
(iii) an off-highway vehicle as part of a guided tour or a sanctioned off-highway vehicle event; or
(b) an individual under 18 years old operating an off-highway implement of husbandry.
(5) A person may not rent an off-highway vehicle to an individual until the individual who will operate the off-highway vehicle presents a certificate of completion of the off-highway vehicle safety education and training program established in accordance with this section and rules made under Subsection (1).
(6) The division may cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program established under this section.
(7) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program.
(8) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than $150 per offense.

Amended by Chapter 88, 2024 General Session

41-22-32 Approval of safety courses.
(1)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, after consultation with the commission, that establish standards for an off-highway vehicle safety course for instruction on the safe operation of an off-highway vehicle.
(b) The division shall require that the information described in Subsection 41-22-31(1)(b)(ii) be part of an off-highway vehicle safety course for instruction on the safe operation of an off-highway vehicle.
(2) If a private organization meets the standards set by the division under Subsection (1), the division shall approve the off-highway vehicle safety course as compliant with the standards and purposes of this chapter.

Amended by Chapter 11, 2023 General Session

41-22-33 Fees for safety and education program -- Penalty -- Unlawful acts.
(1) A fee set by the division, after notifying the commission, in accordance with Section 63J-1-504 shall be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program.
(2) If the division modifies the fee under Subsection (1), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the division provides the State Tax Commission:
(a) notice from the division stating that the division will modify the fee; and
(b) a copy of the fee modification.
(3) The division shall require a person registering an off-highway vehicle or a street-legal all-terrain vehicle registered for a 24-month period as provided in Section 41-1a-215.5 to pay double the amount of the fee described in Subsection (1) for the same vehicle registered for a 12-month period.

Amended by Chapter 279, 2025 General Session

41-22-34 Search and rescue fee -- Amount -- Deposition.

(1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be registered or renewed under Section 41-22-3.

(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.

(3) The fees collected under this section shall be deposited into the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2a-1101.

(4) The division shall require a person registering an off-highway vehicle or a street-legal all-terrain vehicle registered for a 24-month period as provided in Section 41-1a-215.5 to pay double the amount of the fee described in Subsection (1) for the same vehicle registered for a 12-month period.

Amended by Chapter 279, 2025 General Session

41-22-35 Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent issuance of decal -- Deposit and use of fee revenue.

(1)

(a) Except as provided in Subsection (1)(b), any person owning or operating a nonresident off-highway vehicle who operates or gives another person permission to operate the nonresident off-highway vehicle on any public land, trail, street, or highway in this state shall:

(i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;

(ii) pay an annual off-highway vehicle user fee;

(iii) provide evidence that the owner is a nonresident; and

(iv) provide evidence of completion of the safety course and program described in Section 41-22-31.

(b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:

(i) used exclusively as an off-highway implement of husbandry;

(ii) used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the division, after notifying the commission;

(iii) owned and operated by a state government agency and the operation of the off-highway vehicle within the boundaries of the state is within the course and scope of the duties of the agency;

(iv) used exclusively for the purpose of an off-highway vehicle manufacturer sponsored event within the state under rules made by the division; or

(v) operated as part of a sanctioned off-highway vehicle event or part of an official tour by a person licensed as a off-highway vehicle tour guide in this state.

(2) The division may:

(a) after notifying the commission, set a resident and nonresident off-highway vehicle user fee in accordance with Section 63J-1-504; and

(b) collect an electronic payment fee in accordance with Section 41-22-35.5.

(3) Upon compliance with Subsection (1)(a), the nonresident shall:
(a) receive a nonresident off-highway vehicle user decal indicating compliance with the provisions of Subsection (1)(a); and
(b) display the decal on the off-highway vehicle in accordance with rules made by the division.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after notifying the commission, shall make rules establishing:
(a) procedures for:
(i) the payment of off-highway vehicle user fees; and
(ii) the display of a decal on an off-highway vehicle as required under Subsection (3)(b);
(b) acceptable evidence indicating compliance with Subsection (1);
(c) eligibility for scheduled competitive events or other events under Subsection (1)(b)(ii); and
(d) eligibility for an off-highway vehicle manufacturer sponsored event under Subsection (1)(b)(iv).
(5)
(a) An off-highway vehicle user decal may be issued and the off-highway vehicle user fee may be collected by the division or agents of the division.
(b) An agent shall retain 10% of all off-highway vehicle user fees collected.
(c) The division may require agents to obtain a bond in a reasonable amount.
(d) On or before the tenth day of each month, each agent shall:
(i) report all sales to the division; and
(ii) submit all off-highway vehicle user fees collected less the remuneration provided in Subsection (5)(b).
(e)
(i) If an agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due.
(ii) Delinquent payments shall bear interest at the rate of 1% per month.
(iii) If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.
(f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b), shall:
(i) be kept separate and apart from the private funds of the agent; and
(ii) belong to the state.
(g) An agent may not issue an off-highway vehicle user decal to any person unless the person furnishes evidence of compliance with the provisions of Subsection (1)(a).
(h) A violation of any provision of this Subsection (5) is a class B misdemeanor and may be cause for revocation of the agent authorization.
(6) Revenue generated by off-highway vehicle user fees shall be deposited into the Off-highway Vehicle Account created in Section 41-22-19.

Amended by Chapter 88, 2024 General Session

41-22-35.5 Electronic payment fee.
(1) As used in this section:
(a) "Electronic payment" means use of a form of payment processed through electronic means, including use of a credit card, debit card, or automatic clearinghouse transaction.
(b) "Electronic payment fee" means the fee assessed to defray:
(i) a charge, discount fee, or process fee charged by a processing agent to process an electronic payment, including a credit card company; or

(ii) costs associated with the purchase of equipment necessary for processing an electronic payment.

(2)

(a) The division may impose and collect an electronic payment fee on an electronic payment related to an off-highway vehicle user fee.

(b) The division may charge an electronic payment fee under this section in an amount not to exceed 3% of the electronic payment.

(c) With regard to the electronic payment fee, the division is not required to separately identify the electronic payment fee from a fee imposed for an off-highway vehicle user fee.

(3) The division shall deposit the electronic payment fee into the Off-highway Vehicle Account described in Section 41-22-19.

Enacted by Chapter 88, 2024 General Session

41-22-36 Fees to cover the costs of electronic payments.

(1) As used in this section:

(a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

(b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

(2)

(a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Section 41-22-8.

(b) The fee described in Subsection (2)(a) shall be imposed regardless of the method of payment for a particular transaction.

(3) The division shall establish the fee according to the procedures and requirements of Section 63J-1-504.

(4) A fee imposed under this section:

(a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121;

(b) is not subject to Subsection 63J-1-105(3) or (4); and

(c) need not be separately identified from the fees imposed on registrations and renewals of registration under Section 41-22-8.

Amended by Chapter 469, 2018 General Session

41-22-37 Off-highway vehicle operator responsibilities.

(1) An off-highway vehicle operator who is 18 years of age or older shall accept legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use.

(2)

(a) An off-highway vehicle operator shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(b) Risks inherent in the sport of off-highway vehicle operation under Subsection (1) include:

(i) variations in terrain;

(ii) surface or subsurface conditions;

(iii) crevices;

(iv) ravines;

(v) streams;

(vi) poor visibility;
(vii) rocks;
(viii) trees;
(ix) other forms of forest growth or debris; and
(x) any other natural hazard.
(3) An off-highway vehicle operator is responsible for:
(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use, taking into consideration the conditions;
(b) maintaining control of speed and course at all times while operating the off-highway vehicle;
(c) heeding all posted warnings; and
(d) refraining from acting in a manner that may cause or contribute to the injury of any person.
(4) The provisions of this section do not affect a product liability cause of action based upon proper warning, design, or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.
(5) The provisions of this section do not affect a passenger's cause of action or ability to recover for injuries.
(6) The provisions of this section do not affect an off-highway vehicle owner's liability for negligent entrustment.

Enacted by Chapter 150, 2011 General Session

Chapter 26
Autonomous Vehicles

41-26-101 Title.

This chapter is known as "Autonomous Vehicles."

Enacted by Chapter 212, 2016 General Session

41-26-102.1 Definitions.

(1) "ADS-dedicated vehicle" means a vehicle designed to be operated exclusively by a level four or five ADS for all trips within the given operational design domain limitations of the ADS, if any.
(2)
(a) "Automated driving system" or "ADS" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the ADS is limited to a specific operational design domain, if any.
(b) "Automated driving system" or "ADS" is used specifically to describe a level three, four, or five driving automation system.
(3) "Commission" means the State Tax Commission as defined in Section 59-1-101.
(4) "Conventional driver" means a human driver who is onboard the motor vehicle and manually performs some or all of the following actions in order to operate a vehicle:
(a) braking;
(b) accelerating;
(c) steering; and
(d) transmission gear selection input devices.
(5)

(a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless operation by engaging the ADS.
(b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor vehicles in driverless operation that may complete multiple trips involving pick-up and drop-off of passengers or goods throughout a day or other pre-defined periods of service, and which may involve multiple agents performing various tasks related to the dispatch function.
(6) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
(7) "Driverless operation" means the operation of an ADS-equipped vehicle in which:
(a) no on-board user is present; or
(b) no on-board user is a human driver with a valid driver license or fallback-ready user.
(8) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped vehicle in driverless operation.
(9) "Driving automation system" means the hardware and software collectively capable of performing part or all of the dynamic driving task on a sustained basis.
(10) "Driving automation system feature" means a specific function of a driving automation system.
(11)
(a) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a motor vehicle in on-road traffic, including:
(i) lateral vehicle motion control through steering;
(ii) longitudinal motion control through acceleration and deceleration;
(iii) monitoring the driving environment through object and event detection, recognition, classification, and response preparation;
(iv) object and event response execution;
(v) maneuver planning; and
(vi) enhancing conspicuity with lighting, signaling, and gesturing.
(b) "Dynamic driving task" does not include strategic functions such as trip scheduling and selection of destinations and waypoints.
(12) "Engage" as it pertains to the operation of a vehicle by a driving automation system means to cause a driving automation system feature to perform part or all of the dynamic driving task on a sustained basis.
(13) "External event" is a situation in the driving environment that necessitates a response by a human driver with a valid driver license or driving automation system.
(14) "Fallback-ready user" means the user of a vehicle equipped with an engaged level three ADS who is:
(a) a human driver with a valid driver license; and
(b) ready to operate the vehicle if:
(i) a system failure occurs; or
(ii) the ADS issues a request to intervene.
(15)
(a) "Human driver" means a natural person who performs in real-time all or part of the dynamic driving task.
(b) "Human driver" includes a:
(i) conventional driver; and
(ii) remote driver.
(16) "Level five automated driving system" or "level five ADS" means an ADS feature that has the capability to perform on a sustained basis the entire dynamic driving task under all conditions that can reasonably be managed by a human driver, as well as any maneuvers necessary

to respond to a system failure, without any expectation that a human user will respond to a request to intervene.

(17) "Level four automated driving system" or "level four ADS" means an ADS feature that, without any expectation that a human user will respond to a request to intervene, has:

(a) the capability to perform on a sustained basis the entire dynamic driving task within its operational design domain; and

(b) the capability to perform any maneuvers necessary to achieve a minimal risk condition in response to:

(i) an exit from the operational design domain of the ADS; or

(ii) a system failure.

(18) "Level three automated driving system" or "level three ADS" means an ADS feature that:

(a) has the capability to perform on a sustained basis the entire dynamic driving task within its operational design domain; and

(b) requires a fallback-ready user to operate the vehicle after receiving a request to intervene or in response to a system failure.

(19) "Minimal risk condition" means a condition to which a user or an ADS may bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(20) "Object and event detection and response" means the subtasks of the dynamic driving task that include:

(a) monitoring the driving environment; and

(b) executing an appropriate response in order to perform the dynamic driving task.

(21) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with motor vehicles that have a level four or five ADS in driverless operation for purposes of transporting persons, including for-hire transportation and transportation for compensation.

(22) "Operate" means the same as that term is defined in Section 41-1a-102.

(23) "Operational design domain" means the operating conditions under which a given ADS or feature thereof is specifically designed to function, including:

(a) speed range, environmental, geographical, and time-of-day restrictions; or

(b) the requisite presence or absence of certain traffic or roadway characteristics.

(24) "Operator" means the same as that term is defined in Section 41-6a-102.

(25) "Passenger" means a user on board a vehicle who has no role in the operation of that vehicle.

(26) "Person" means the same as that term is defined in Section 41-6a-102.

(27) "Remote driver" means a human driver with a valid driver license who is not located in a position to manually exercise in-vehicle braking, accelerating, steering, or transmission gear selection input devices, but operates the vehicle.

(28) "Request to intervene" means the notification by an ADS to a fallback-ready user indicating that the fallback-ready user should promptly begin or resume operation of the vehicle.

(29) "Sustained operation of a motor vehicle" means the performance of part or all of the dynamic driving task both between and across external events, including response to external events and continued performance of part or all of the dynamic driving task in the absence of external events.

(30) "System failure" means a malfunction in a driving automation system or other vehicle system that prevents the ADS from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete dynamic driving task, that the ADS would otherwise perform.

(31) "User" means a:
(a) human driver;
(b) passenger;
(c) fallback-ready user; or
(d) driverless operation dispatcher.

Amended by Chapter 134, 2022 General Session

41-26-103 Operation of motor vehicles equipped with an automated driving system.

(1) A motor vehicle equipped with a level three ADS may operate on a highway in this state if:
(a) the motor vehicle is operated, whether by the ADS or human driver with a valid driver license, in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, unless an exemption has been granted;
(b) when required by federal law, the motor vehicle:
(i) has been certified as being in compliance with all applicable motor vehicle safety standards; and
(ii) bears the required certification label, including reference to any exemption granted under federal law;
(c) when operated by an ADS, if a system failure occurs that renders the ADS unable to perform the entire dynamic driving task relevant to the intended operational design domain of the ADS, the ADS will achieve a minimal risk condition or make a request to intervene; and
(d) the motor vehicle is titled and registered in compliance with Section 41-26-107.

(2) A motor vehicle equipped with a level four or level five ADS may operate in driverless operation on a highway in this state if:
(a) the ADS is capable of operating in compliance with applicable traffic and motor vehicle laws and regulations of this state, unless an exemption has been granted;
(b) when required by federal law, the motor vehicle:
(i) has been certified as being in compliance with all applicable Federal Motor Vehicle Safety Standards and regulations; and
(ii) bears the required certification label including reference to any exemption granted under federal law;
(c) a system failure occurs that renders the ADS unable to perform the entire dynamic driving task relevant to the intended operational design domain of the ADS, a minimal risk condition will be achieved; and
(d) the motor vehicle is titled and registered in compliance with Section 41-26-107.

(3) A vehicle being operated by an ADS or a remote driver is not considered unattended.

(4) The division may revoke the registration and privilege for a vehicle equipped with an ADS to operate on a highway of the state if the Department of Transportation or the Department of Public Safety determines and notifies the division that:
(a) the ADS is operating in an unsafe manner; or
(b) the vehicle's ADS is being engaged in an unsafe manner.

(5) Special mobile equipment, as defined in Section 41-1a-102, equipped with a level three, four, or five ADS, may be moved or operated incidentally over a highway.

(6) Nothing in this chapter prohibits or restricts a human driver with a valid driver license from operating a vehicle equipped with an ADS and equipped with controls that allow for the human driver to perform all or part of the dynamic driving task.

Amended by Chapter 134, 2022 General Session

41-26-104 Licensing -- Responsibility for compliant operation of ADS-equipped vehicles.

For the purpose of assessing compliance with applicable traffic or motor vehicle laws:

(1)

(a) When an ADS is operating a motor vehicle, the ADS is the operator, and shall satisfy electronically all physical acts required by a conventional driver in operation of the vehicle.

(b) The ADS is responsible for the compliant operation of the vehicle and is not required to be licensed to operate the vehicle.

(2)

(a) If a vehicle with an engaged level three ADS issues a request to intervene, the ADS is responsible for the compliant operation of the vehicle until disengagement of the ADS.

(b) If a vehicle with an engaged level four or five ADS issues a request to intervene, the ADS is responsible for the compliant operation of the vehicle until or unless a human user begins to operate the vehicle.

(3) The ADS is responsible for compliant operation of an ADS-dedicated vehicle.

Enacted by Chapter 459, 2019 General Session

41-26-105 Duties following crashes involving motor vehicles equipped with an automated driving system.

(1) In the event of a crash involving a vehicle with the ADS engaged:

(a) the ADS-equipped vehicle shall remain on the scene of the crash when required to do so under Section 41-6a-401, consistent with the vehicle's ability to achieve a minimal risk condition as described in Section 41-26-103; and

(b) the owner of the ADS-equipped vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Chapter 6a, Part 4, Accident Responsibilities.

(2) If the owner or person on behalf of the owner is not on board the vehicle at the time of the crash, the owner shall ensure that the following information is immediately communicated or made available to the persons involved or to a peace officer upon request:

(a) the contents of the vehicle's registration card; and

(b) the name of the insurance provider for the vehicle, including the phone number of the agent or provider.

(3) The department may require that an accident report filed under Section 41-6a-402 include:

(a) whether a vehicle equipped with an ADS was involved in the accident; and

(b) whether the ADS was engaged at the time of the accident.

Enacted by Chapter 459, 2019 General Session

41-26-106 On-demand autonomous vehicle network.

(1) Subject to Subsection (2), an on-demand autonomous vehicle network may only operate pursuant to state laws governing the operation of ground transportation for-hire under state law, including:

(a) a transportation network company pursuant to Title 13, Chapter 51, Transportation Network Company Registration Act;

(b) a public transit district as defined in Section 17B-2a-802; or

(c) a private passenger carrier as defined in Section 53-3-102.

(2) Any provision of state law described in Subsection (1) that reasonably applies only to a human driver, including Subsection 13-51-105(5)(b), shall not apply to the operation of a vehicle by an engaged level four or five ADS that is part of an on-demand autonomous vehicle network.

Enacted by Chapter 459, 2019 General Session

41-26-107 Registration, title, and insurance of motor vehicles equipped with an automated driving system.

(1) If the owner of a vehicle equipped with an ADS is a resident of this state, the owner shall properly register the vehicle in accordance with Chapter 1a, Part 2, Registration.
(2) If the owner of a vehicle equipped with an ADS is a resident of this state, the owner shall properly title the vehicle in accordance with Chapter 1a, Part 5, Titling Requirement.
(3) Before an ADS may operate a vehicle on a highway in this state, the owner of the vehicle shall ensure that the vehicle complies with Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.

Enacted by Chapter 459, 2019 General Session

41-26-108 Controlling authority.

No local agency, political subdivision, or other entity may prohibit the operation of a vehicle equipped with a driving automation system, an ADS, or an on-demand autonomous vehicle network, or otherwise enact or keep in force a rule or ordinance that would impose a tax, fee, performance standard, or other requirement specific to the operation of a vehicle equipped with a driving automation system, an ADS, or an on-demand autonomous vehicle network in addition to the requirements of this title.

Enacted by Chapter 459, 2019 General Session

Chapter 27
Novel Vehicle Registration

Part 1
General Provisions

41-27-101 Definitions.

As used in this chapter:
(1) "Commission" means the State Tax Commission.
(2) "Division" means the Motor Vehicle Division.
(3) "Novel vehicle" means a vehicle:
  (a) that is not expressly exempt from registration; and
  (b)
    (i) that does not fit within a vehicle category;
    (ii) with unique characteristics that make it unclear whether the vehicle fits within a vehicle category; or
    (iii) that a reasonable person would not consider the vehicle to be clearly included in an existing vehicle category.

(4) "Vehicle" means a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, restored-modified vehicle, off-highway vehicle, vessel, or park model recreational vehicle.
(5)
(a) "Vehicle category" means a vehicle type:
(i) that is defined in this title or Title 73, Chapter 18, State Boating Act; and
(ii) for which registration is required under:
(A) this chapter;
(B) Chapter 1a, Motor Vehicle Act;
(C) Chapter 22, Off-highway Vehicles; or
(D) Title 73, Chapter 18, State Boating Act.
(b) "Vehicle category" does not include a novel vehicle.
(6) "VIN" means a vehicle identification number or a hull identification number.

Enacted by Chapter 459, 2024 General Session

Part 2
Registration Process

41-27-201 Novel vehicle registration.
(1) An owner registering a vehicle shall provide the VIN, if applicable.
(2) The division shall identify a vehicle category based on the VIN.
(3) If the vehicle does not have a VIN, or if the division is unable to determine the vehicle category based on the VIN:
(a) the owner shall provide the division with a description of the vehicle, including the vehicle's purpose; and
(b) if the description of the vehicle fits with an existing category of vehicle, the vehicle shall be registered in accordance with that vehicle category.
(4) The vehicle shall be registered as a novel vehicle if:
(a) the vehicle is not expressly exempt from registration; and
(b)
(i) the vehicle does not fit within a vehicle category;
(ii) the unique characteristics of the vehicle make it unclear whether the vehicle fits within a vehicle category; or
(iii) a reasonable person would not consider the vehicle to be clearly included in an existing vehicle category.
(5) A person registering a novel vehicle shall pay:
(a) in accordance with Section 59-2-405, an annual $1 fee in lieu of property tax; and
(b) an annual $1 registration fee, to be deposited into the Transportation Fund.
(6) The division shall issue a registration sticker or license plate for a vehicle that is registered as a novel vehicle, as appropriate.
(7) A vehicle registered as a street-legal novel vehicle is subject to the requirements described in Section 41-6a-1509.
(8) The division may provide title to a novel vehicle.
(9) Except as expressly provided in this chapter:
(a) a novel vehicle that is not a watercraft is subject to the provisions applicable to an off-highway vehicle under Chapter 22, Off-Highway Vehicles; and

(b) a novel vehicle that is a watercraft is subject to the provisions applicable to a motorboat under Title 73, Chapter 18, State Boating Act.

Enacted by Chapter 459, 2024 General Session

41-27-202 Appeal to commission.

(1) If an owner disagrees with the division's decision, the owner may, within 14 days after the day on which the division makes the decision, appeal the decision to the commission by:
(a) filing a notice of appeal with the commission; and
(b) including any additional information regarding the vehicle.
(2)
(a) In reviewing a decision described in Subsection (1), the commission may:
(i) admit additional evidence; and
(ii) make a correction or change in the vehicle category determination made by the division.
(b) The owner shall register the vehicle in accordance with the commission's determination.
(c) The division shall reduce the fee required to register a vehicle under Subsection (2)(b) by the amount paid by the owner of the vehicle under Subsection 41-27-201(4).
(3) The commission shall decide an appeal filed under Subsection (1) as soon as practicable and promptly notify:
(a) the owner; and
(b) the division.

Enacted by Chapter 459, 2024 General Session

Part 3
Commission Reporting

41-27-301 Novel vehicle report to Transportation Interim Committee.

(1) The commission shall, at or before the October interim meeting of the Transportation Interim Committee, present a report on novel vehicle registrations that includes:
(a) the number of vehicles registered as novel vehicles; and
(b) a description of the vehicles registered as novel vehicles.
(2) The Transportation Interim Committee shall review the report described in Subsection (1) and determine whether to propose legislation relating to registration of a particular type of novel vehicle.
(3) A vehicle previously registered as a novel vehicle shall continue to be registered as a novel vehicle, unless the Legislature amends the Utah Code to:
(a) require the vehicle to be registered otherwise; or
(b) exempt the vehicle from registration.

Enacted by Chapter 459, 2024 General Session

Title 76. Utah Criminal Code

Chapter 1
General Provisions

Part 1
Introductory Provisions

76-1-101 Short title.

This title shall be known and may be cited as the "Utah Criminal Code."

Enacted by Chapter 196, 1973 General Session

76-1-101.5 Definitions.

Unless otherwise provided, as used in this title:

(1) "Act" means a voluntary bodily movement and includes speech.

(2) "Actor" means a person whose criminal responsibility is in issue in a criminal action.

(3) "Affinity" means a relationship by marriage.

(4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

(5) "Conduct" means an act or omission.

(6) "Consanguinity" means a relationship by blood to the first or second degree, including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

(7) "Dangerous weapon" means:

(a) any item capable of causing death or serious bodily injury; or

(b) a facsimile or representation of the item, if:

(i) the actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or

(ii) the actor represents to the victim verbally or in any other manner that the actor is in control of such an item.

(8) "Grievous sexual offense" means:

(a) rape, Section 76-5-402;

(b) rape of a child, Section 76-5-402.1;

(c) object rape, Section 76-5-402.2;

(d) object rape of a child, Section 76-5-402.3;

(e) forcible sodomy, Subsection 76-5-403(2);

(f) sodomy on a child, Section 76-5-403.1;

(g) aggravated sexual abuse of a child, Section 76-5-404.3;

(h) aggravated sexual assault, Section 76-5-405;

(i) any felony attempt to commit an offense described in Subsections (8)(a) through (h); or

(j) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).

(9) "Offense" means a violation of any penal statute of this state.

(10) "Omission" means a failure to act when there is a legal duty to act and the actor is capable of acting.

(11) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(12) "Possess" means to have physical possession of or to exercise dominion or control over tangible property.
(13) "Public entity" means:
(a) the state, or an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of the state;
(b) a political subdivision of the state, including a county, municipality, interlocal entity, special district, special service district, school district, or school board;
(c) an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of a political subdivision of the state; or
(d) another entity that:
(i) performs a public function; and
(ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.
(14)
(a) "Public money" or "public funds" means money, funds, or accounts, regardless of the source from which they are derived, that:
(i) are owned, held, or administered by an entity described in Subsections (13)(a) through (c); or
(ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose of performing a public function.
(b) "Public money" or "public funds" includes money, funds, or accounts described in Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an independent contractor of the public entity.
(c) "Public money" or "public funds" remains public money or public funds while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.
(15) "Public officer" means:
(a) an elected official of a public entity;
(b) an individual appointed to, or serving an unexpired term of, an elected official of a public entity;
(c) a judge of a court of record or not of record, including justice court judges; or
(d) a member of the Board of Pardons and Parole.
(16)
(a) "Public servant" means:
(i) a public officer;
(ii) an appointed official, employee, consultant, or independent contractor of a public entity; or
(iii) a person hired or paid by a public entity to perform a government function.
(b) Public servant includes a person described in Subsection (16)(a) upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.
(17) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.
(18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.
(19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic storage or transmission, or any other method of recording information or fixing information in a form capable of being preserved.

Amended by Chapter 16, 2023 General Session

76-1-101.6 Application of definitions to title.

(1) For formatting purposes, sections in this title that contain a criminal offense include an express provision that states that the title definitions in Section 76-1-101.5 apply to that section.
(2) Although a provision described in Subsection (1) is not included in non-offense sections in Title 76, Utah Criminal Code, or in other titles, title definitions apply to all statutes within a title unless otherwise expressly provided.

Enacted by Chapter 181, 2022 General Session

76-1-102 Effective date.

This code shall become effective on July 1, 1973.

Enacted by Chapter 196, 1973 General Session

76-1-103 Application of code -- Offense prior to effective date.

(1) The provisions of this code shall govern the construction of, the punishment for, and defenses against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.
(2) Any offense committed prior to the effective date of this code shall be governed by the law, statutory and non-statutory, existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under the laws of this state shall be deemed to have been committed prior to the effective date of this act if any of the elements of the offense occurred prior thereto.

Enacted by Chapter 196, 1973 General Session

76-1-104 Purposes and principles of construction.

The provisions of this code shall be construed in accordance with these general purposes.
(1) Forbid and prevent the commission of offenses.
(2) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that is without fault from condemnation as criminal.
(3) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition or differences in rehabilitation possibilities among individual offenders.
(4) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Enacted by Chapter 196, 1973 General Session

76-1-105 Common law crimes abolished.

Common law crimes are abolished and no conduct is a crime unless made so by this code, other applicable statute or ordinance.

Amended by Chapter 32, 1974 General Session

76-1-106 Strict construction rule not applicable.

The rule that a penal statute is to be strictly construed shall not apply to this code, any of its provisions, or any offense defined by the laws of this state. All provisions of this code and offenses defined by the laws of this state shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law and general purposes of Section 76-1-104.

Enacted by Chapter 196, 1973 General Session

76-1-107 Procedure -- Applicable provisions -- Military codes, enforcement of court orders, and liability for civil damages not affected.

(1) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act but by the code of criminal procedure.
(2) This code does not affect any power conferred by law upon any court-martial or other military authority or officer to impose and inflict punishment upon offenders violating military codes or laws; nor does it affect any power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.
(3) This act does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be recovered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

Enacted by Chapter 196, 1973 General Session

76-1-108 Severability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Enacted by Chapter 196, 1973 General Session

Part 2
Jurisdiction and Venue

76-1-201 Jurisdiction of offenses.

(1) A person is subject to prosecution in this state for an offense which the person commits, while either within or outside the state, by the person's own conduct or that of another for which the person is legally accountable, if:
  (a) the offense is committed either wholly or partly within the state;
  (b) the conduct outside the state constitutes an attempt to commit an offense within the state;
  (c) the conduct outside the state constitutes a conspiracy to commit an offense within the state and an act in furtherance of the conspiracy occurs in the state; or
  (d) the conduct within the state constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense under the laws of both this state and the other jurisdiction.
(2) An offense is committed partly within this state if either the conduct which is any element of the offense, or the result which is an element, occurs within this state.

(3) In homicide offenses, the "result" is either the physical contact which causes death or the death itself.
  (a) If the body of a homicide victim is found within the state, the death shall be presumed to have occurred within the state.
  (b) If jurisdiction is based on this presumption, this state retains jurisdiction unless the defendant proves by clear and convincing evidence that:
    (i) the result of the homicide did not occur in this state; and
    (ii) the defendant did not engage in any conduct in this state which is any element of the offense.
(4) An offense which is based on an omission to perform a duty imposed by the law of this state is committed within the state regardless of the location of the offender at the time of the omission.
(5)
  (a) If no jurisdictional issue is raised, the pleadings are sufficient to establish jurisdiction.
  (b) The defendant may challenge jurisdiction by filing a motion before trial stating which facts exist that deprive the state of jurisdiction.
  (c) The burden is upon the state to initially establish jurisdiction over the offense by a preponderance of the evidence by showing under the provisions of Subsections (1) through (4) that the offense was committed either wholly or partly within the borders of the state.
  (d) If after the prosecution has met its burden of proof under Subsection (5)(c) the defendant claims that the state is deprived of jurisdiction or may not exercise jurisdiction, the burden is upon the defendant to prove by a preponderance of the evidence:
    (i) any facts claimed; and
    (ii) why those facts deprive the state of jurisdiction.
(6) Facts that deprive the state of jurisdiction or prohibit the state from exercising jurisdiction include the fact that the:
  (a) defendant is serving in a position that is entitled to diplomatic immunity from prosecution and that the defendant's country has not waived that diplomatic immunity;
  (b) defendant is a member of the armed forces of another country and that the crime that he is alleged to have committed is one that due to an international agreement, such as a status of forces agreement between his country and the United States, cedes the exercise of jurisdiction over him for that offense to his country;
  (c) defendant is an enrolled member of an Indian tribe, as defined in Section 9-9-101, and that the Indian tribe has a legal status with the United States or the state that vests jurisdiction in either tribal or federal courts for certain offenses committed within the exterior boundaries of a tribal reservation, and that the facts establish that the crime is one that vests jurisdiction in tribal or federal court; or
  (d) offense occurred on land that is exclusively within federal jurisdiction.
(7)
  (a) The Legislature finds that identity fraud under Chapter 6, Part 11, Identity Fraud Act, involves the use of personal identifying information which is uniquely personal to the consumer or business victim of that identity fraud and which information is considered to be in lawful possession of the consumer or business victim wherever the consumer or business victim currently resides or is found.
  (b) For purposes of Subsection (1)(a), an offense which is based on a violation of Chapter 6, Part 11, Identity Fraud Act, is committed partly within this state, regardless of the location of the offender at the time of the offense, if the victim of the identity fraud resides or is found in this state.
(8) The judge shall determine jurisdiction.

Amended by Chapter 291, 2025 General Session

76-1-202 Venue of actions.

(1) Criminal actions shall be tried in the county, district, or precinct where the offense is alleged to have been committed. In determining the proper place of trial, the following provisions shall apply:

(a) If the commission of an offense commenced outside the state is consummated within this state, the offender shall be tried in the county where the offense is consummated.

(b) When conduct constituting elements of an offense or results that constitute elements, whether the conduct or result constituting elements is in itself unlawful, shall occur in two or more counties, trial of the offense may be held in any of the counties concerned.

(c) If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be held in either county.

(d) If a cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county.

(e) A person who commits an inchoate offense may be tried in any county in which any act that is an element of the offense, including the agreement in conspiracy, is committed.

(f) Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(g) When an offense is committed within this state and it cannot be readily determined in which county or district the offense occurred, the following provisions shall be applicable:

(i) When an offense is committed upon any railroad car, vehicle, watercraft, or aircraft passing within this state, the offender may be tried in any county through which such railroad car, vehicle, watercraft, or aircraft has passed.

(ii) When an offense is committed on any body of water bordering on or within this state, the offender may be tried in any county adjacent to such body of water. The words "body of water" shall include but not be limited to any stream, river, lake, or reservoir, whether natural or man-made.

(iii) A person who commits theft may be tried in any county in which he exerts control over the property affected.

(iv) If an offense is committed on or near the boundary of two or more counties, trial of the offense may be held in any of such counties.

(v) For any other offense, trial may be held in the county in which the defendant resides, or, if he has no fixed residence, in the county in which he is apprehended or to which he is extradited.

(h) A person who commits an offense based on Chapter 6, Part 11, Identity Fraud Act, may be tried in the county:

(i) where the victim's personal identifying information was obtained;

(ii) where the defendant used or attempted to use the personally identifying information;

(iii) where the victim of the identity fraud resides or is found; or

(iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any county where the victim's identity was used or obtained, or where the victim resides or is found.

(i) For the purpose of establishing venue for a violation of Section 53-29-304 concerning sex offender, kidnap offender, or child abuse offender registration, the offense is considered to be committed:

(i) at the most recent registered primary residence of the offender, if the actual location of the offender at the time of the violation is not known; or
(ii) at the location of the offender at the time the offender is apprehended.
(2) All objections of improper place of trial are waived by a defendant unless made before trial.

Amended by Chapter 291, 2025 General Session

Part 3
Limitations of Actions

76-1-301 Offenses for which prosecution may be commenced at any time.
(1) As used in this section:
(a) "Aggravating offense" means any offense incident to which a homicide was committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection 76-5-202(2)(b).
(b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a person other than a party as defined in Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of the offense.
(2) Notwithstanding any other provisions of this code, prosecution for the following offenses may be commenced at any time:
(a) an offense classified as a capital felony under Section 76-3-103;
(b) aggravated murder under Section 76-5-202;
(c) murder under Section 76-5-203;
(d) manslaughter under Section 76-5-205;
(e) child abuse homicide under Section 76-5-208;
(f) aggravated kidnapping under Section 76-5-302;
(g) child kidnapping under Section 76-5-301.1;
(h) rape under Section 76-5-402;
(i) rape of a child under Section 76-5-402.1;
(j) object rape under Section 76-5-402.2;
(k) object rape of a child under Section 76-5-402.3;
(l) forcible sodomy under Section 76-5-403;
(m) sodomy on a child under Section 76-5-403.1;
(n) sexual abuse of a child under Section 76-5-404.1;
(o) aggravated sexual abuse of a child under Section 76-5-404.3;
(p) aggravated sexual assault under Section 76-5-405;
(q) any predicate offense to a murder or aggravating offense to an aggravated murder;
(r) aggravated human trafficking under Section 76-5-310;
(s) aggravated human smuggling under Section 76-5-310.1;
(t) human trafficking of a child under Section 76-5-308.5; or
(u) aggravated exploitation of prostitution involving a child under Section 76-5d-208.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session

76-1-301.1 Statute of limitations for unlawful sexual activity with a minor.

The statute of limitations for a felony violation of Section 76-5-401 or 76-5-401.2 is 10 years from the time the victim reaches the age of 18.

Enacted by Chapter 194, 2020 General Session

76-1-301.5 Time limitations for prosecution of misusing public money, falsification or alteration of government records, and bribery.

(1) A prosecution for misusing public money, falsification or alteration of government records, or for a bribery offense shall be commenced within two years after facts constituting the offense have been reported to a prosecutor having responsibility and jurisdiction to prosecute the offense.
(2) This section does not shorten the limitation of actions under Section 76-1-302 or Subsection 76-1-303(3).

Amended by Chapter 208, 2002 General Session

76-1-302 Time limitations for prosecution of offenses -- Provisions if DNA evidence would identify the defendant -- Commencement of prosecution.

(1) Except as otherwise provided, a prosecution for:
  (a) a felony or negligent homicide shall be commenced within four years after it is committed, except that prosecution for:
    (i) forcible sexual abuse shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency; and
    (ii) incest shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency;
  (b) a misdemeanor other than negligent homicide shall be commenced within two years after it is committed; and
  (c) any infraction shall be commenced within one year after it is committed.
(2)
  (a) Notwithstanding Subsection (1), prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (CC) may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date.
  (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed.
(3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within four years of confirmation of the identity of the perpetrator.
(4) A prosecution is commenced upon:
  (a) the finding and filing of an indictment by a grand jury;
  (b) the filing of a complaint or information; or
  (c) the issuance of a citation.

Amended by Chapter 185, 2022 General Session

76-1-303 Time limitations for fraud or breach of fiduciary obligation -- Misconduct of public officer or employee.

(1) If the period prescribed in Section 76-1-302 has expired, a prosecution may be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after a report of the offense has been filed with a law enforcement agency.
(2) Subsection (1) may not extend the period of limitation as provided in Section 76-1-302 by more than three years.
(3) If the period prescribed in Section 76-1-301.5 or 76-1-302 has expired, a prosecution may be commenced for:
  (a) any offense based upon misconduct in office by a public officer or public employee:
    (i) at any time during which the defendant holds a public office or during the period of his public employment; or
    (ii) within two years after termination of defendant's public office or public employment.
  (b) Except as provided in Section 76-1-301.5, Subsection (3) shall not extend the period of limitation otherwise applicable by more than three years.

Amended by Chapter 145, 2009 General Session

76-1-304 Defendant out of state -- Plea held invalid -- New prosecutions.
(1) The period of limitation does not run against any defendant during any period of time in which the defendant is out of the state following the commission of an offense.
(2) If the defendant has entered into a plea agreement with the prosecution and later successfully moves to invalidate the defendant's conviction, the period of limitation is suspended from the time of the entry of the plea pursuant to the plea agreement until the time at which the conviction is determined to be invalid, and that determination becomes final.
(3) For purposes of this section, "final" means:
  (a) all appeals have been exhausted;
  (b) no judicial review is pending; and
  (c) no application for judicial review is pending.
(4) When the period of limitation is suspended pursuant to Subsection (2), the suspension includes any charges to which the defendant pleaded guilty pursuant to a plea agreement, charges which were dismissed as a result of a plea agreement, as well as any known charges which were not barred at the time of entry of the plea.
(5) Notwithstanding any other limitation, a prosecution may be commenced for charges described in Subsection (4) within one year after a plea entered pursuant to a plea agreement has been determined to be invalid, and that determination becomes final.

Amended by Chapter 302, 2025 General Session

76-1-305 Lesser included offense for which period of limitations has run.
Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

Enacted by Chapter 196, 1973 General Session

76-1-306 Judge to determine.
When an issue concerning the statute of limitations is raised, the judge shall determine by a preponderance of the evidence whether the prosecution is barred by the limitations in this part.

Enacted by Chapter 121, 1998 General Session

Part 4
Multiple Prosecutions and Double Jeopardy

76-1-401 "Single criminal episode" defined -- Joinder of offenses and defendants.

In this part unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this part shall be construed to limit or modify the effect of Section 77-8a-1 in controlling the joinder of offenses and defendants in criminal proceedings.

Amended by Chapter 20, 1995 General Session

76-1-402 Separate offenses arising out of single criminal episode -- Included offenses.

(1) A defendant may be prosecuted in a single criminal action for all separate offenses arising out of a single criminal episode; however, when the same act of a defendant under a single criminal episode shall establish offenses which may be punished in different ways under different provisions of this code, the act shall be punishable under only one such provision; an acquittal or conviction and sentence under any such provision bars a prosecution under any other such provision.

(2) Whenever conduct may establish separate offenses under a single criminal episode, unless the court otherwise orders to promote justice, a defendant shall not be subject to separate trials for multiple offenses when:

(a) the offenses are within the jurisdiction of a single court; and

(b) the offenses are known to the prosecuting attorney at the time the defendant is arraigned on the first information or indictment.

(3) A defendant may be convicted of an offense included in the offense charged but may not be convicted of both the offense charged and the included offense. An offense is so included when:

(a) it is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(b) it constitutes an attempt, solicitation, conspiracy, or form of preparation to commit the offense charged or an offense otherwise included therein; or

(c) it is specifically designated by a statute as a lesser included offense.

(4) The court shall not be obligated to charge the jury with respect to an included offense unless there is a rational basis for a verdict acquitting the defendant of the offense charged and convicting the defendant of the included offense.

(5) If the district court on motion after verdict or judgment, or an appellate court on appeal or certiorari, shall determine that there is insufficient evidence to support a conviction for the offense charged but that there is sufficient evidence to support a conviction for an included offense and the trier of fact necessarily found every fact required for conviction of that included offense, the verdict or judgment of conviction may be set aside or reversed and a judgment of conviction entered for the included offense, without necessity of a new trial, if such relief is sought by the defendant.

Amended by Chapter 302, 2025 General Session

76-1-403 Former prosecution barring subsequent prosecution for offense out of same episode.

(1) If a defendant has been prosecuted for one or more offenses arising out of a single criminal episode, a subsequent prosecution for the same or a different offense arising out of the same criminal episode is barred if:
  (a) the subsequent prosecution is for an offense that was or should have been tried under Subsection 76-1-402(2) in the former prosecution; and
  (b) the former prosecution:
    (i) resulted in acquittal;
    (ii) resulted in conviction;
    (iii) was improperly terminated; or
    (iv) was terminated by a final order or judgment for the defendant that has not been reversed, set aside, or vacated and that necessarily required a determination inconsistent with a fact that must be established to secure conviction in the subsequent prosecution.

(2) There is an acquittal if the prosecution resulted in a finding of not guilty by the trier of facts or in a determination that there was insufficient evidence to warrant conviction. A finding of guilty of a lesser included offense is an acquittal of the greater offense even though the conviction for the lesser included offense is subsequently reversed, set aside, or vacated.

(3) There is a conviction if the prosecution resulted in a judgment of guilt that has not been reversed, set aside, or vacated; a verdict of guilty that has not been reversed, set aside, or vacated and that is capable of supporting a judgment; or a plea of guilty accepted by the court.

(4) There is an improper termination of prosecution if the termination takes place before the verdict, is for reasons not amounting to an acquittal, and takes place after a jury has been impaneled and sworn to try the defendant, or, if the jury trial is waived, after the first witness is sworn. However, termination of prosecution is not improper if:
  (a) the defendant consents to the termination;
  (b) the defendant waives his right to object to the termination; or
  (c) the court finds and states for the record that the termination is necessary because:
    (i) it is physically impossible to proceed with the trial in conformity with the law;
    (ii) there is a legal defect in the proceeding not attributable to the state that would make any judgment entered upon a verdict reversible as a matter of law;
    (iii) prejudicial conduct in or out of the courtroom not attributable to the state makes it impossible to proceed with the trial without injustice to the defendant or the state;
    (iv) the jury is unable to agree upon a verdict; or
    (v) false statements of a juror on voir dire prevent a fair trial.

Amended by Chapter 278, 2013 General Session

76-1-404 Concurrent jurisdiction -- Prosecution in other jurisdiction barring prosecution in state.

If a defendant's conduct establishes the commission of one or more offenses within the concurrent jurisdiction of this state and of another jurisdiction, federal or state, the prosecution in the other jurisdiction is a bar to a subsequent prosecution in this state if:

(1) the former prosecution resulted in an acquittal, conviction, or termination of prosecution, as those terms are defined in Section 76-1-403; and

(2) the subsequent prosecution is for the same offense or offenses.

Enacted by Chapter 196, 1973 General Session

76-1-405 Subsequent prosecution not barred -- Circumstances.

A subsequent prosecution for an offense shall not be barred under the following circumstances:

(1) The former prosecution was procured by the defendant without the knowledge of the prosecuting attorney bringing the subsequent prosecution and with intent to avoid the sentence that might otherwise be imposed; or

(2) The former prosecution resulted in a judgment of guilt held invalid in a subsequent proceeding on writ of habeas corpus, coram nobis, or similar collateral attack.

Enacted by Chapter 196, 1973 General Session

Part 5
Burden of Proof

76-1-501 Presumption of innocence -- "Element of the offense" defined.

(1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In the absence of this proof, the defendant shall be acquitted.

(2) As used in this part, "element of the offense" means:

(a) the conduct, attendant circumstances, or results of conduct proscribed, prohibited, or forbidden in the definition of the offense; and

(b) the culpable mental state required.

(3) The existence of jurisdiction and venue are not elements of the offense but shall be established by a preponderance of the evidence.

Amended by Chapter 40, 2014 General Session
Amended by Chapter 189, 2014 General Session

76-1-502 Negating defense by allegation or proof -- When not required.

Section 76-1-501 does not require negating a defense:

(1) By allegation in an information, indictment, or other charge; or

(2) By proof, unless:

(a) The defense is in issue in the case as a result of evidence presented at trial, either by the prosecution or the defense; or

(b) The defense is an affirmative defense, and the defendant has presented evidence of such affirmative defense.

Enacted by Chapter 196, 1973 General Session

76-1-503 Presumption of fact.

An evidentiary presumption established by this code or other penal statute has the following consequences:

(1) When evidence of facts which support the presumption exist, the issue of the existence of the presumed fact must be submitted to the jury unless the court is satisfied that the evidence as a whole clearly negates the presumed fact;
(2) In submitting the issue of the existence of a presumed fact to the jury, the court shall charge that while the presumed fact must on all evidence be proved beyond a reasonable doubt, the law regards the facts giving rise to the presumption as evidence of the presumed fact.

Enacted by Chapter 196, 1973 General Session

76-1-504 Affirmative defense presented by defendant.

Evidence of an affirmative defense as defined by this code or other statutes shall be presented by the defendant.

Enacted by Chapter 196, 1973 General Session

Chapter 2
Principles of Criminal Responsibility

Part 1
Culpability Generally

76-2-101 Requirements of criminal conduct and criminal responsibility.

(1)
(a) A person is not guilty of an offense unless the person's conduct is prohibited by law; and
(b)
(i) the person acts intentionally, knowingly, recklessly, with criminal negligence, or with a mental state otherwise specified in the statute defining the offense, as the definition of the offense requires; or
(ii) the person's acts constitute an offense involving strict liability.
(2) These standards of criminal responsibility do not apply to the violations set forth in Title 41, Chapter 6a, Traffic Code, unless specifically provided by law.

Amended by Chapter 2, 2005 General Session

76-2-102 Culpable mental state required -- Strict liability.

Every offense not involving strict liability shall require a culpable mental state, and when the definition of the offense does not specify a culpable mental state and the offense does not involve strict liability, intent, knowledge, or recklessness shall suffice to establish criminal responsibility. An offense shall involve strict liability if the statute defining the offense clearly indicates a legislative purpose to impose criminal responsibility for commission of the conduct prohibited by the statute without requiring proof of any culpable mental state.

Amended by Chapter 90, 1983 General Session

76-2-103 Definitions.

A person engages in conduct:

(1) Intentionally, or with intent or willfully with respect to the nature of his conduct or to a result of his conduct, when it is his conscious objective or desire to engage in the conduct or cause the result.

(2) Knowingly, or with knowledge, with respect to his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or the existing circumstances. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

(3) Recklessly with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(4) With criminal negligence or is criminally negligent with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise in all the circumstances as viewed from the actor's standpoint.

Amended by Chapter 229, 2007 General Session

76-2-104 Culpable mental state -- Higher mental states included.

(1) If acting with criminal negligence is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally, knowingly, or recklessly.

(2) If acting recklessly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally or knowingly.

(3) If acting knowingly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally.

Amended by Chapter 75, 1998 General Session

76-2-105 Transferred intent.

Where intentionally causing a result is an element of an offense, that element is established even if a different person than the actor intended was killed, injured, or harmed, or different property than the actor intended was damaged or otherwise affected.

Enacted by Chapter 199, 2004 General Session

76-2-106 Commission of offense with aid of unmanned aircraft system.

(1) As used in this section:

(a) "Unmanned aircraft" means the same as that term is defined in Section 72-10-102.

(b) "Unmanned aircraft system" means the same as that term is defined in Section 72-10-102.

(2) An actor may be found guilty of an offense if:

(a) the actor commits the offense with the aid of an unmanned aircraft; and

(b) the unmanned aircraft system for the unmanned aircraft is under the actor's control at the time of the offense.

Amended by Chapter 216, 2023 General Session

76-2-107 Commission of offense with aid of generative artificial intelligence.

(1) As used in this section, "generative artificial intelligence" means the same as that term is defined in Section 13-77-101.

(2) An actor may be found guilty of an offense if:

(a) the actor commits the offense with the aid of a generative artificial intelligence; or

(b) the actor intentionally prompts or otherwise causes a generative artificial intelligence to commit the offense.

Enacted by Chapter 186, 2024 General Session

Part 2
Criminal Responsibility for Conduct of Another

76-2-201 Definitions.

As used in this part:

(1) "Agent" means any director, officer, employee, or other person authorized to act in behalf of a corporation or association.

(2) "High managerial agent" means:

(a) a partner in a partnership;

(b) an officer of a corporation or association;

(c) an agent of a corporation or association who has duties of such responsibility that the agent's conduct reasonably may be assumed to represent the policy of the corporation or association.

(3) "Corporation" means all organizations required by the laws of this state or any other state to obtain a certificate of authority, a certificate of incorporation, or other form of registration to transact business as a corporation within this state or any other state and shall include domestic, foreign, profit and nonprofit corporations, but shall not include a corporation sole, as such term is used in Title 16, Chapter 7, Corporations Sole. Lack of an appropriate certificate of authority, incorporation, or other form of registration shall be no defense when such organization conducted its business in a manner as to appear to have lawful corporate existence.

Amended by Chapter 302, 2025 General Session

76-2-202 Criminal responsibility for direct commission of offense or for conduct of another.

Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages, or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct.

Enacted by Chapter 196, 1973 General Session

76-2-203 Defenses unavailable in prosecution based on conduct of another.

In any prosecution in which an actor's criminal responsibility is based on the conduct of another, it is no defense:
(1) That the actor belongs to a class of persons who by definition of the offense is legally incapable of committing the offense in an individual capacity, or
(2) That the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense or is immune from prosecution.

Enacted by Chapter 196, 1973 General Session

76-2-204 Criminal responsibility of corporation or association.

A corporation or association is guilty of an offense when:
(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations or associations by law; or
(2) The conduct constituting the offense is authorized, solicited, requested, commanded, or undertaken, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the corporation or association.

Amended by Chapter 302, 2025 General Session

76-2-205 Criminal responsibility of person for conduct in name of corporation or association.

A person is criminally liable for conduct constituting an offense which the person performs or causes to be performed in the name of or on behalf of a corporation or association to the same extent as if such conduct were performed in the person's own name or behalf.

Amended by Chapter 302, 2025 General Session

Part 3
Defenses to Criminal Responsibility

76-2-301 Person under 14 years old not criminally responsible.

A person is not criminally responsible for conduct performed before the person reaches 14 years old. This section shall in no way limit the jurisdiction of or proceedings before the juvenile courts of this state.

Amended by Chapter 302, 2025 General Session

76-2-302 Compulsion.

(1) A person is not guilty of an offense when the person engaged in the proscribed conduct because the person was coerced to do so by the use or threatened imminent use of unlawful physical force upon the person or a third person, which force or threatened force a person of reasonable firmness in that situation would not have resisted.
(2) The defense of compulsion provided by this section shall be unavailable to a person who intentionally, knowingly, or recklessly places himself or herself in a situation in which it is probable that the person will be subjected to duress.

(3) A married woman is not entitled, by reason of the presence of her husband, to any presumption of compulsion or to any defense of compulsion except as in Subsection (1) provided.

Amended by Chapter 302, 2025 General Session

76-2-303 Entrapment.

(1) It is a defense that the actor was entrapped into committing the offense. Entrapment occurs when a peace officer or a person directed by or acting in cooperation with the officer induces the commission of an offense in order to obtain evidence of the commission for prosecution by methods creating a substantial risk that the offense would be committed by one not otherwise ready to commit it. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.
(2) The defense of entrapment shall be unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening the injury to a person other than the person perpetrating the entrapment.
(3) The defense provided by this section is available even though the actor denies commission of the conduct charged to constitute the offense.
(4) Upon written motion of the defendant, the court shall hear evidence on the issue and shall determine as a matter of fact and law whether the defendant was entrapped to commit the offense. Defendant's motion shall be made at least 10 days before trial except the court for good cause shown may permit a later filing.
(5) Should the court determine that the defendant was entrapped, it shall dismiss the case with prejudice, but if the court determines the defendant was not entrapped, such issue may be presented by the defendant to the jury at trial. Any order by the court dismissing a case based on entrapment shall be appealable by the state.
(6) In any hearing before a judge or jury where the defense of entrapment is an issue, past offenses of the defendant shall not be admitted, except that in a trial where the defendant testifies, the defendant may be asked about past convictions for felonies and any testimony given by the defendant at a hearing on entrapment may be used to impeach the defendant's testimony at trial.

Amended by Chapter 302, 2025 General Session

76-2-304 Ignorance or mistake of fact or law.

(1) Unless otherwise provided, ignorance or mistake of fact which disproves the culpable mental state is a defense to any prosecution for that crime.
(2) Ignorance or mistake concerning the existence or meaning of a penal law is no defense to a crime unless:
  (a) due to an actor's ignorance or mistake, the actor reasonably believed the actor's conduct did not constitute an offense; and
  (b) an actor's ignorance or mistake resulted from the actor's reasonable reliance upon:
    (i) an official statement of the law contained in a written order or grant of permission by an administrative agency charged by law with responsibility for interpreting the law in question; or
    (ii) a written interpretation of the law contained in an opinion of a court of record or made by a public servant charged by law with responsibility for interpreting the law in question.

(3) Although an actor's ignorance or mistake of fact or law may constitute a defense to the offense charged, the actor may nevertheless be convicted of a lesser included offense of which the actor would be guilty if the fact or law were as the actor believed.

Amended by Chapter 302, 2025 General Session

76-2-304.5 Mistake as to victim's age not a defense.

(1) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 14 years old or older at the time of the alleged offense or was unaware of the victim's true age:
  (a) child kidnapping, Section 76-5-301.1;
  (b) rape of a child, Section 76-5-402.1;
  (c) object rape of a child, Section 76-5-402.3;
  (d) sodomy on a child, Section 76-5-403.1;
  (e) sexual abuse of a child, Section 76-5-404.1;
  (f) aggravated sexual abuse of a child, Section 76-5-404.3;
  (g) unlawful kissing of a child, Section 76-5-416.2; or
  (h) an attempt to commit an offense listed in Subsections (1)(a) through (1)(g).
(2) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 16 years old or older at the time of the alleged offense or was unaware of the victim's true age:
  (a) unlawful sexual activity with a minor, Section 76-5-401;
  (b) sexual abuse of a minor, Section 76-5-401.1; or
  (c) an attempt to commit an offense listed in Subsection (2)(a) or (2)(b).
(3) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 18 years old or older at the time of the alleged offense or was unaware of the victim's true age:
  (a) human trafficking of a child, Section 76-5-308.5;
  (b) aggravated human trafficking, Section 76-5-310;
  (c) aggravated human smuggling, Section 76-5-310.1;
  (d) unlawful sexual conduct with a minor, Subsection 76-5-401.2(2)(a)(ii);
  (e) patronizing a prostituted individual who is a child, Section 76-5d-204;
  (f) aggravated exploitation of prostitution, Section 76-5d-208; or
  (g) sexual solicitationby an actor offering compensation to a child in exchange for sexual activity, Section 76-5d-211.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session

76-2-305 Mental condition -- Use as a defense -- Influence of alcohol or other substance voluntarily consumed.

(1) As used in this section:
  (a)
    (i) "Mental condition" means a mental illness or a mental disability that substantially impairs an individual's mental, emotional, or behavioral functioning.
    (ii) "Mental condition" does not include a mental abnormality that is manifested solely by repeated criminal conduct, anti-social behavior, or a substance use disorder.
  (b) "Mental disability" means an intellectual disability or a neurodevelopmental disorder as those terms are defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(c) "Mental illness" means the following mental disorders as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association:
(i) schizophrenia spectrum and other psychotic disorders;
(ii) bipolar I disorder;
(iii) post-traumatic stress disorder; or
(iv) other serious mental health conditions with psychotic features.

(2)
(a) It is a defense to a prosecution under any statute or ordinance that the defendant, as a result of a mental condition, lacked the mental state required as an element of the offense charged.
(b) A mental condition is not otherwise a defense, but may be evidence in mitigation of the penalty in a capital felony under Section 76-3-207 and may be evidence of special mitigation reducing the level of a criminal homicide or attempted criminal homicide offense under Section 76-5-205.5.

(3) The defense defined in this section includes the defenses known as "insanity" and "diminished mental capacity."

(4) A person who asserts a defense of insanity or diminished mental capacity, and who is under the influence of voluntarily consumed, injected, or ingested alcohol, controlled substances, or volatile substances at the time of the alleged offense is not excused from criminal responsibility on the basis of a mental condition if the alcohol or substance caused, triggered, or substantially contributed to the mental condition.

Amended by Chapter 177, 2024 General Session

76-2-306 Voluntary intoxication.

(1) Voluntary intoxication is not a defense to a criminal charge unless such intoxication negates the existence of the mental state which is an element of the offense. If recklessness or criminal negligence establishes an element of an offense and the actor is unaware of the risk because of voluntary intoxication, his unawareness is immaterial in a prosecution for that offense.

(2) Voluntary intoxication is not a defense to sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

Amended by Chapter 173, 2025 General Session

76-2-307 Voluntary termination of efforts prior to offense.

It is an affirmative defense to a prosecution in which an actor's criminal responsibility arises from the actor's own conduct or from being a party to an offense under Section 76-2-202 that prior to the commission of the offense, the actor voluntarily terminated the actor's effort to promote or facilitate its commission and either:

(1) gave timely warning to the proper law enforcement authorities or the intended victim; or

(2) wholly deprives the actor's prior efforts of effectiveness in the commission.

Amended by Chapter 302, 2025 General Session

76-2-308 Affirmative defenses.

Defenses enumerated in this part constitute affirmative defenses.

Enacted by Chapter 196, 1973 General Session

76-2-309 Justified use of force.

(1) An individual who uses or threatens to use force as permitted in Section 76-2-402, 76-2-404, 76-2-405, 76-2-406, 76-2-407, or 76-2-408 is justified in that conduct.

(2) The pretrial justification hearing process described in Subsections (3)(a) and (b) does not apply if:

(a)

(i) the individual against whom force was used or threatened is a law enforcement officer, as defined in Section 53-13-103;

(ii) the officer was acting lawfully in the performance of the officer's official duties; and

(iii)

(A) the officer was identified as an officer by the officer in accordance with applicable law; or

(B) the individual using or threatening to use force knew or reasonably should have known that the officer was a law enforcement officer; or

(b) the charge filed against the defendant for which the defendant seeks a pretrial justification hearing is an infraction, a class B or C misdemeanor, or a domestic violence offense as defined in Section 77-36-1.

(3)

(a) Upon motion of the defendant filed in accordance with Rule 12 of the Utah Rules of Criminal Procedure, the court shall hear evidence on the issue of justification under this section and shall determine as a matter of fact and law whether the defendant was justified in the use or threatened use of force.

(b) At the pretrial justification hearing, after the defendant makes a prima facie claim of justification, the state has the burden to prove by clear and convincing evidence that the defendant's use or threatened use of force was not justified.

(c)

(i) If the court determines that the state has not met the state's burden described in Subsection (3)(b), the court shall dismiss the charge with prejudice.

(ii) The state may appeal a court's order dismissing a charge under Subsection (3)(c)(i) in accordance with Section 77-18a-1.

(iii) If a court determines after the pretrial justification hearing that the state has met the state's burden described in Subsection (3)(b), the issue of justification may be raised by the defendant to the jury at trial and, if raised by the defendant, the state shall have the burden to prove beyond a reasonable doubt that the defendant's use or threatened use of force was not justified.

(iv) At trial, a court's determination that the state met the state's burden under Subsection (3)(c)(iii) is not admissible and may not be referenced by the prosecution.

Enacted by Chapter 147, 2021 General Session

Part 4
Justification Excluding Criminal Responsibility

76-2-401 Justification as defense -- When allowed.

(1) Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:

(a) when the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part;
(b) when the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;
(c) when the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis, as limited by Subsection (2);
(d) when the actor's conduct is reasonable discipline of persons in custody under the laws of the state; or
(e) when the actor's conduct is justified for any other reason under the laws of this state.
(2) The defense of justification under Subsection (1)(c) is not available if the offense charged involves causing serious bodily injury, as defined in Section 76-1-101.5, serious injury, as defined in Section 76-5-109, or the death of the minor.

Amended by Chapter 284, 2025 General Session

76-2-402 Force in defense of person -- Forcible felony defined.
(1) As used in this section:
(a) "Forcible felony" means aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Chapter 5, Offenses Against the Individual, and arson, robbery, and burglary as defined in Chapter 6, Offenses Against Property.
(b) "Forcible felony" includes any other felony offense that involves the use of force or violence against an individual that poses a substantial danger of death or serious bodily injury.
(c) "Forcible felony" does not include burglary of a vehicle, as defined in Section 76-6-204, unless the vehicle is occupied at the time unlawful entry is made or attempted.
(2)
(a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.
(b) An individual is justified in using force intended or likely to cause death or serious bodily injury only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony.
(3)
(a) An individual is not justified in using force under the circumstances specified in Subsection (2) if the individual:
(i) initially provokes the use of force against another individual with the intent to use force as an excuse to inflict bodily harm upon the other individual;
(ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony , unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony ; or
(iii) was the aggressor or was engaged in a combat by agreement, unless the individual withdraws from the encounter and effectively communicates to the other individual the intent to withdraw from the encounter and, notwithstanding, the other individual continues or threatens to continue the use of unlawful force.

(b) For purposes of Subsection (3)(a)(iii) the following do not, alone, constitute "combat by agreement":
(i) voluntarily entering into or remaining in an ongoing relationship; or
(ii) entering or remaining in a place where one has a legal right to be.
(4) Except as provided in Subsection (3)(a)(iii):
(a) an individual does not have a duty to retreat from the force or threatened force described in Subsection (2) in a place where that individual has lawfully entered or remained; and
(b) the failure of an individual to retreat under the provisions of Subsection (4)(a) is not a relevant factor in determining whether the individual who used or threatened force acted reasonably.
(5) In determining imminence or reasonableness under Subsection (2), the trier of fact may consider:
(a) the nature of the danger;
(b) the immediacy of the danger;
(c) the probability that the unlawful force would result in death or serious bodily injury;
(d) the other individual's prior violent acts or violent propensities;
(e) any patterns of abuse or violence in the parties' relationship; and
(f) any other relevant factors.

Amended by Chapter 181, 2022 General Session

76-2-403 Force in arrest or temporary detention..

A person is justified in using any force, except deadly force, which the person reasonably believes to be necessary to effect an arrest or temporary detention or to defend the person's self or another from bodily harm while making an arrest or temporary detention.

Amended by Chapter 199, 2025 General Session
Amended by Chapter 302, 2025 General Session

76-2-404 Law enforcement officer use of deadly force.

(1) As used in this section:
(a) "Deadly force" means force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.
(b) "Officer" means an officer described in Section 53-13-102.
(c) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
(2) The defense of justification applies to the use of deadly force by an officer, or an individual acting by the officer's command in providing aid and assistance, when:
(a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-113(2), (3), or (4);
(b) effecting an arrest or preventing an escape from custody following an arrest, if:
(i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
(ii)
(A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or

(c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

(3) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (2)(b) or (2)(c).

Amended by Chapter 181, 2022 General Session

76-2-405 Force or deadly force in defense of habitation, vehicle, or place of business or employment.

(1) Except as provided in Subsection (2), an actor is justified in using force against an individual when and to the extent that the actor reasonably believes that the force is necessary to prevent or terminate the individual's unlawful entry into the actor's vehicle or unlawful entry or attack upon the actor's habitation or place of business or employment.

(2) An actor is justified in using force against the individual described in Subsection (1) that is intended or likely to cause death or serious bodily injury to the individual only if:

(a)

(i) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth; and

(ii) the actor reasonably believes:

(A) that the entry is attempted or made for the purpose of assaulting or perpetrating personal violence against any individual who dwells in or is present in the habitation or is present in the vehicle, or place of business or employment; and

(B) that the force is necessary to prevent the assault or perpetration of personal violence; or

(b) the actor reasonably believes that:

(i) the entry is made or attempted for the purpose of committing a felony in the habitation; and

(ii) the force is necessary to prevent the commission of the felony.

(3)

(a) An actor who uses force or deadly force against an individual to defend the actor's habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is:

(i) unlawful; and

(ii) made or attempted:

(A) by use of force;

(B) in a violent and tumultuous manner;

(C) surreptitiously or by stealth; or

(D) for the purpose of committing a felony.

(b) An actor who uses force or deadly force against an individual to defend the actor's vehicle or place of business or employment is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if:

(i) the actor knew or had reason to believe that the individual:

(A) entered, or attempted to enter, unlawfully and with force, the actor's occupied vehicle or place of business or employment; or

(B) removed, or attempted to remove, unlawfully and with force, the actor from the actor's vehicle or place of business or employment; and

(ii) the actor:

(A) did not provoke the individual; and

(B) was not otherwise engaged in criminal activity, other than a traffic offense, at the time the force was used.

(c) The presumption in Subsection (3)(b) applies to an actor's use of force or deadly force against an individual to protect a third person if:

(i) under the circumstances as the actor believes them to be, the actor would be justified under Subsection (3)(b) in using force or deadly force to protect the actor against the unlawful force or unlawful deadly force that the actor reasonably believes to be threatening the third person the actor seeks to protect; and

(ii) the actor reasonably believes that the actor's intervention is immediately necessary to protect the third person.

Amended by Chapter 189, 2024 General Session

76-2-406 Force in defense of property -- Affirmative defense.

(1) Except as provided in Section 76-2-405, an actor is justified in using force, other than deadly force, against another individual when and to the extent that the actor reasonably believes that force is necessary to prevent or terminate the individual's criminal interference with:

(a) real or personal property lawfully in the actor's possession;

(b) real or personal property lawfully in the possession of a member of the actor's immediate family;

(c) real or personal property belonging to an individual whose property the actor has a legal duty to protect; or

(d) personal property that the actor reasonably believes belongs to another person and that individual's criminal interference is meant to deprive the other person of the person's personal property.

(2) In determining reasonableness under Subsection (1), the trier of fact shall, in addition to any other factors, consider the following factors:

(a) the apparent or perceived extent of the damage to the property;

(b) property damage previously caused by the other individual;

(c) threats of personal injury or damage to property that have been made previously by the other individual; and

(d) any patterns of abuse or violence between the actor and the individual.

Amended by Chapter 199, 2025 General Session

76-2-407 Deadly force in defense of individuals on real property.

(1) As used in this section, "forcible felony" means the same as that term is defined in Section 76-2-402.

(2) An actor is justified in using force intended or likely to cause death or serious bodily injury against an individual in the actor's defense of another individual on real property other than the places or situations described in Section 76-2-405 if:

(a) the actor is in lawful possession of the real property;

(b) the actor reasonably believes that the force is necessary to prevent or terminate the individual's trespass onto the real property;

(c) the individual's trespass is made or attempted by use of force or in a violent and tumultuous manner; and

(d)

(i) the actor reasonably believes:

(A) that the individual's trespass is attempted or made for the purpose of committing violence against an individual on the real property; and
(B) that the force is necessary to prevent personal violence; or
(ii) the actor reasonably believes that:
(A) the individual's trespass is made or attempted for the purpose of committing a forcible felony that poses imminent peril of death or serious bodily injury to an individual on the real property; and
(B) the force is necessary to prevent the commission of the forcible felony.
(3) An actor who uses deadly force in defense of an individual on real property under Subsection (2) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass:
(a) is unlawful; and
(b) is made or attempted:
(i) by use of force;
(ii) in a violent and tumultuous manner; or
(iii) for the purpose of committing a forcible felony.

Amended by Chapter 189, 2024 General Session

76-2-408 Officer use of force -- Investigations.
(1) As used in this section:
(a) "Dangerous weapon" means a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to an individual.
(b) "Deadly force" means a force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.
(c) "In custody" means in the legal custody of a state prison, county jail, or other correctional facility, including custody that results from:
(i) a detention to secure attendance as a witness in a criminal case;
(ii) an arrest for or charging with a crime and committing for trial;
(iii) committing for contempt, upon civil process, or by other authority of law; or
(iv) sentencing to imprisonment on conviction of a crime.
(d) "Investigating agency" means a law enforcement agency, the county or district attorney's office, or an interagency task force composed of officers from multiple law enforcement agencies.
(e) "Officer" means an officer described in Section 53-13-102.
(f) "Officer-involved critical incident" means any of the following:
(i) an officer's use of deadly force;
(ii) an officer's use of a dangerous weapon against an individual who causes injury to any individual;
(iii) death or serious bodily injury to any individual, other than the officer, resulting from an officer's:
(A) use of a motor vehicle while the officer is on duty; or
(B) use of a government vehicle while the officer is off duty;
(iv) the death of an individual who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual's death; or

(v) the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer's attempt to prevent an individual's escape from custody, to make an arrest, or otherwise to gain physical control of an individual.

(g) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.

(2) When an officer-involved critical incident occurs:

(a) upon receiving notice of the officer-involved critical incident, the law enforcement agency having jurisdiction where the incident occurred shall, as soon as practical, notify the county or district attorney having jurisdiction where the incident occurred; and

(b) the chief executive of the law enforcement agency and the county or district attorney having jurisdiction where the incident occurred shall:

(i) jointly designate an investigating agency for the officer-involved critical incident; and

(ii) designate which agency is the lead investigative agency if the officer-involved critical incident involves multiple investigations.

(3) The investigating agency under Subsection (2) may not be the law enforcement agency employing the officer who is alleged to have caused or contributed to the officer-involved critical incident.

(4) This section does not preclude the law enforcement agency employing an officer alleged to have caused or contributed to the officer-involved critical incident from conducting an internal administrative investigation.

(5) Each law enforcement agency that is part of or administered by the state or any of the state's political subdivisions shall adopt and post on the agency's publicly accessible website:

(a) the policies and procedures the agency has adopted to select the investigating agency if an officer-involved critical incident occurs in the agency's jurisdiction and one of the agency's officers is alleged to have caused or contributed to the officer-involved incident; and

(b) the protocols the agency has adopted to ensure that any investigation of officer-involved incidents occurring in the agency's jurisdiction are conducted professionally, thoroughly, and impartially.

(6) Once a criminal investigation is turned over from law enforcement, the county or district attorney's findings or analyses into an officer's use of force shall be completed within 180 days of the turnover. If the findings or analyses is not published within 180 days of the turnover, the county or district attorney shall post a public statement on the county or district attorney's website stating a reasonable estimate when the findings or analyses will be complete and the reason for the delay.

(7) Subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, the county or district attorney's resulting findings or analyses shall be published on the county or district attorney's website within five business days of completion.

Amended by Chapter 130, 2022 General Session
Amended by Chapter 181, 2022 General Session

76-2-409 Battered person mitigation.

(1) As used in this section:

(a) "Abuse" means the same as that term is defined in Section 78B-7-102.

(b) "Cohabitant" means:

(i) the same as that term is defined in Section 78B-7-102; or

(ii) the relationship of a minor and a natural parent, an adoptive parent, a stepparent, or an individual living with the minor's natural parent as if a stepparent to the minor.

(2)

(a) An individual is entitled to battered person mitigation if:
(i) the individual committed a criminal offense that was not legally justified;
(ii) the individual committed the criminal offense against a cohabitant who demonstrated a pattern of abuse against the individual or another cohabitant of the individual; and
(iii) the individual reasonably believed that the criminal offense was necessary to end the pattern of abuse.
(b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a reasonable person in the individual's circumstances, as the individual's circumstances are perceived by the individual.
(3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by clear and convincing evidence, each element that would entitle the individual to mitigation under Subsection (2)(a).
(4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense of which the individual is convicted.
(5)
(a) If the trier of fact is a jury, an individual is not entitled to mitigation under Subsection (2)(a) unless the jury:
(i) finds the individual proved, in accordance with Subsection (3), that the individual is entitled to mitigation by unanimous vote; and
(ii) returns a special verdict for the reduced charge at the same time the jury returns the general verdict.
(b) A nonunanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not result in a hung jury.
(6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's trial shall give notice of the individual's intent to claim mitigation under Subsection (2)(a) to the prosecuting agency at least 30 days before the individual's trial.

Enacted by Chapter 411, 2020 General Session

Chapter 3
Punishments

Part 1
Classification of Offenses

76-3-101 Sentencing in accordance with chapter.

(1) A person adjudged guilty of an offense under this code shall be sentenced in accordance with the provisions of this chapter.
(2) Penal laws enacted after the effective date of this code shall be classified for sentencing purposes in accordance with this chapter.

Enacted by Chapter 196, 1973 General Session

76-3-102 Designation of offenses.

Offenses are designated as felonies, misdemeanors, or infractions.

Enacted by Chapter 196, 1973 General Session

76-3-103 Felonies classified.

(1) Felonies are classified into four categories:
  (a) Capital felonies;
  (b) Felonies of the first degree;
  (c) Felonies of the second degree;
  (d) Felonies of the third degree.
(2) An offense designated as a felony either in this code or in another law, without specification as to punishment or category, is a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-3-104 Misdemeanors classified.

(1) Misdemeanors are classified into three categories:
  (a) Class A misdemeanors;
  (b) Class B misdemeanors;
  (c) Class C misdemeanors.
(2) An offense designated as a misdemeanor in this code without specification as to punishment or category is an infraction punishable in accordance with Section 76-3-205.
(3) Except as provided in Subsection (4), an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is a class B misdemeanor.
(4) After June 30, 2019, an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is an infraction punishable in accordance with Section 76-3-205.

Amended by Chapter 148, 2018 General Session

76-3-105 Infractions.

(1) Infractions are not classified.
(2) Any offense which is an infraction within this code is expressly designated and any offense defined outside this code which is not designated as a felony or misdemeanor and for which no penalty is specified is an infraction.

Enacted by Chapter 196, 1973 General Session

Part 2
Sentencing

76-3-201 Sentences or combination of sentences allowed -- Restitution and other costs -- Civil penalties.

(1) As used in this section:
  (a)
    (i) "Convicted" means:

(A) having entered a plea of guilty, a plea of no contest, or a plea of guilty with a mental condition; or
(B) having received a judgment of guilty or a judgment of guilty with a mental condition.
(ii) "Convicted" does not include an adjudication of an offense under Section 80-6-701.
(b) "Restitution" means the same as that term is defined in Section 77-38b-102.
(2) Within the limits provided by this chapter, a court may sentence an individual convicted of an offense to any one of the following sentences, or combination of the following sentences:
(a) to pay a fine;
(b) to removal or disqualification from public or private office;
(c) except as otherwise provided by law, to probation in accordance with Section 77-18-105;
(d) in accordance with Subsection 77-18-111(4), to imprisonment;
(e) on or after April 27, 1992, to life in prison without parole; or
(f) to death.
(3)
(a) This chapter does not deprive a court of authority conferred by law:
(i) to forfeit property;
(ii) to dissolve a corporation;
(iii) to suspend or cancel a license;
(iv) to permit removal of an individual from office;
(v) to cite for contempt; or
(vi) to impose any other civil penalty.
(b) A court may include a civil penalty in a sentence.
(4) In addition to any other sentence that a sentencing court may impose, the court shall order an individual to:
(a) pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act;
(b) subject to Section 77-32b-104, pay the cost expended by an appropriate governmental entity under Section 77-30-24 for the extradition of the individual if the individual:
(i) was extradited to this state, under Title 77, Chapter 30, Extradition, to resolve pending criminal charges; and
(ii) is convicted of an offense in the county for which the individual is returned;
(c) subject to Subsection (5) and Subsections 77-32b-104(2), (3), and (4), pay the cost of medical care, treatment, hospitalization, and related transportation, as described in Section 17-63-706, that is provided by a county to the individual while the individual is in a county correctional facility before and after sentencing if:
(i) the individual is convicted of an offense that results in incarceration in the county correctional facility; and
(ii)
(A) the individual is not a state prisoner housed in the county correctional facility through a contract with the Department of Corrections; or
(B) the reimbursement does not duplicate the reimbursement under Section 64-13e-104 if the individual is a state probationary inmate or a state parole inmate; and
(d) pay any other cost that the court determines is appropriate under Section 77-32b-104.
(5) The cost of medical care under Subsection (4)(c) does not include expenses incurred by the county correctional facility in providing reasonable accommodation for an inmate qualifying as an individual with a disability as defined and covered by the Americans with Disabilities Act, 42 U.S.C. 12101 through 12213, including medical and mental health treatment for the inmate's disability.

Amended by Chapter 17, 2025 Special Session 1

76-3-202 Paroled individuals -- Termination or discharge from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.

(1) As described in Subsection 77-27-5(7), every individual committed to the state prison to serve an indeterminate term and, after December 31, 2018, released on parole shall complete a term of parole that extends through the expiration of the individual's maximum sentence unless the parole is earlier terminated by the Board of Pardons and Parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.

(2)

(a) Except as provided in Subsection (2)(b), an individual committed to the state prison to serve an indeterminate term and released on parole on or after October 1, 2015, but before January 1, 2019, shall, upon completion of three years on parole outside of confinement and without violation, be terminated from the individual's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or is terminated pursuant to Section 64-14-204.

(b) An individual committed to the state prison to serve an indeterminate term and later released on parole on or after July 1, 2008, but before January 1, 2019, and who was convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an attempt, conspiracy, or solicitation to commit the offense, shall complete a term of parole that extends through the expiration of the individual's maximum sentence, unless the parole is earlier terminated by the Board of Pardons and Parole.

(3) An individual convicted of a second degree felony for violating Section 76-5-404, forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3, aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the commission of a violation of any of those sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole outside of confinement and without violation, be terminated from the sentence unless the individual is earlier terminated by the Board of Pardons and Parole.

(4) An individual who violates the terms of parole, while serving parole, for any offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be recommitted to prison to serve the portion of the balance of the term as determined by the Board of Pardons and Parole, but not to exceed the maximum term.

(5) An individual paroled following a former parole revocation may not be discharged from the individual's sentence until:

(a) the individual has served the applicable period of parole under this section outside of confinement;

(b) the individual's maximum sentence has expired; or

(c) the Board of Pardons and Parole orders the individual to be discharged from the sentence.

(6)

(a) All time served on parole, outside of confinement and without violation, constitutes service toward the total sentence.

(b) Any time an individual spends outside of confinement after commission of a parole violation does not constitute service toward the total sentence unless the individual is exonerated at a parole revocation hearing.

(c)

(i) Any time an individual spends in confinement awaiting a hearing before the Board of Pardons and Parole or a decision by the board concerning revocation of parole constitutes service toward the total sentence.

(ii) In the case of exoneration by the board, the time spent is included in computing the total parole term.

(7) When a parolee causes the parolee's absence from the state without authority from the Board of Pardons and Parole or avoids or evades parole supervision, the period of absence, avoidance, or evasion tolls the parole period.

(8)

(a) While on parole, time spent in confinement outside the state may not be credited toward the service of any Utah sentence.

(b) Time in confinement outside the state or in the custody of any tribal authority or the United States government for a conviction obtained in another jurisdiction tolls the expiration of the Utah sentence.

(9) This section does not preclude the Board of Pardons and Parole from paroling or discharging an inmate at any time within the discretion of the Board of Pardons and Parole unless otherwise specifically provided by law.

(10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole for termination of lifetime parole.

Amended by Chapter 214, 2025 General Session

76-3-203 Felony conviction -- Indeterminate term of imprisonment.

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

(1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.

(2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.

(3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

Amended by Chapter 148, 2003 General Session

76-3-203.1 Enhanced penalty for offenses committed in or for a certain group.

(1) As used in this section:

(a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.

(b) "In concert with two or more individuals" means:

(i) the actor was aided or encouraged by at least two other individuals in committing an offense and was aware of this aid or encouragement; and

(ii) each of the other individuals:

(A) was physically present; and

(B) participated as a party to an offense listed in Subsection (6) or (7).

(c) "In concert with two or more individuals" means, regarding intent:

(i) any other individual participating as a party need not have the intent to engage in the same offense or degree of offense as the actor; and

(ii) a minor is a party if the minor's actions would cause the minor to be a party if the minor were an adult.

(d) "Organized criminal group" means a group of three or more individuals, whether operating formally or informally, that:

(i) has as one of the group's purposes the commission of criminal offenses; and

(ii) whose members collectively engage in committing criminal offenses for the financial or other material benefit of the members or group.

(e) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:

(i) the intent expressed by the individual; and

(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.

(2) An actor who commits an offense listed in Subsection (6) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor acted:

(a) in concert with two or more individuals;

(b) for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or

(c) to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.

(3) An actor who commits an offense listed in Subsection (7) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor:

(a)

(i) acted in concert with two or more individuals; and

(ii)

(A) traveled more than 50 miles from the actor's principal place of residence for the purpose of the actor committing an offense listed in Subsection (7); or

(B) had previously been convicted of an offense listed in Subsection (7), or an offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (7);

(b) acted for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or

(c) acted to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.

(4) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the actor is subject to the enhanced penalties provided under this section.

(5) For an offense listed in Subsection (6) or (7), an actor may be charged as follows:

(a) for a class B misdemeanor, as a class A misdemeanor;

(b) for a class A misdemeanor, as a third degree felony;

(c) for a third degree felony, as a second degree felony; and

(d) for a second degree felony, as a first degree felony.

(6) The offenses referred to in Subsection (2) are:

(a) an offense described in Chapter 5, Part 1, Assault and Related Offenses;

(b) an offense described in Chapter 5, Part 2, Criminal Homicide;

(c) a felony offense described in Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

(d) a felony offense described in Chapter 5, Part 4, Sexual Offenses, other than enticing a minor under Section 76-5-417, lewdness under Section 76-5-419, or lewdness involving a child under Section 76-5-420;

(e) a felony violation of aiding prostitution as described in Section 76-5d-206;

(f) exploiting prostitution as described in Section 76-5d-207;

(g) aggravated exploitation of prostitution under Section 76-5d-208;
(h) robbery as described in Section 76-6-202;
(i) burglary as described in Subsection 76-6-202(3)(b);
(j) aggravated burglary as described in Section 76-6-203;
(k) burglary of a research facility as described in Section 76-6-207;
(l) aggravated robbery as described in Section 76-6-302;
(m) an offense described in Chapter 11, Weapons; and
(n) transporting or harboring aliens as described in Section 76-14-209.

(7) The offenses referred to in Subsection (3) are:
(a) criminal solicitation of a minor as described in Section 76-4-205;
(b) an offense described in Chapter 6, Part 1, Property Destruction;
(c) an offense described in Chapter 6, Part 4, Theft;
(d) an offense described in Chapter 6, Part 6, Retail Theft;
(e) an offense described in Chapter 6, Part 11, Identity Fraud Act;
(f) communications fraud as described in Section 76-6-525; and
(g) an offense described in Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting Act.

(8) A court may, if not otherwise prohibited from doing so by another section of the code, suspend a sentence imposed under this section and place the actor on probation.

(9) It is not a bar to imposing the enhanced penalties under this section that the individuals with whom the actor is alleged to have acted in concert are not identified, apprehended, charged, or convicted, or that any of those individuals are charged with or convicted of a different or lesser offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-3-203.2 Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties.

(1)
(a) As used in this section "on or about school premises" means:
(i)
(A) in a public or private elementary or secondary school; or
(B) on the grounds of any of those schools;
(ii)
(A) in a public or private institution of higher education; or
(B) on the grounds of a public or private institution of higher education;
(iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii); and
(iv) in or on the grounds of a preschool or child care facility.
(b) As used in this section:
(i) "Dangerous weapon" has the same definition as in Section 76-1-101.5.
(ii) "Educator" means a person who is:
(A) employed by a public school district; and
(B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.

(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

(3)

(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

(b) As used in Subsection (3)(a), "offense" means:

(i) an offense under Chapter 5, Offenses Against the Individual; and

(ii) an offense under Chapter 6, Part 3, Robbery.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:

(a) class B misdemeanor is a class A misdemeanor;

(b) class A misdemeanor is a third degree felony;

(c) third degree felony is a second degree felony; or

(d) second degree felony is a first degree felony.

(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and

(b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.

(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

(7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.

(8) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:

(i) a grievous sexual offense;

(ii) child kidnapping under Section 76-5-301.1;

(iii) aggravated kidnapping under Section 76-5-302; or

(iv) forcible sexual abuse under Section 76-5-404; and

(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 181, 2022 General Session

76-3-203.3 Penalty for hate crimes -- Civil rights violation.

As used in this section:
(1) "Primary offense" means those offenses provided in Subsection (4).
(2)
(a) A person who commits any primary offense with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person is subject to Subsection (2)(b).
(b)
(i) A class C misdemeanor primary offense is a class B misdemeanor; and
(ii) a class B misdemeanor primary offense is a class A misdemeanor.
(3) "Intimidate or terrorize" means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.
(4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
(a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107, and 76-5-108;
(b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104, and Subsection 76-6-106(2)(a);
(c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
(d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
(e) any offense of obstructing government operations under Sections 76-8-301, 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and 76-8-313;
(f) any offense of interfering or intending to interfere with activities of colleges and universities under Chapter 8, Part 7, Colleges and Universities;
(g) any misdemeanor offense against public order and decency as defined in Chapter 9, Part 1, Breaches of the Peace and Related Offenses, other than Section 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;
(h) any telephone abuse offense under Sections 76-12-202, 76-12-203, 76-12-204, and 76-12-206;
(i) any cruelty to animals offense under Sections 76-13-202, 76-13-203, and 76-13-204;
(j) any weapons offense under Section 76-11-207; or
(k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
(5) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-3-203.4 Hate crimes -- Aggravating factors.
(1) The sentencing judge or the Board of Pardons and Parole shall consider in their deliberations as an aggravating factor the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the community to reasonably fear for their physical safety or to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

(2) The sentencing judge or the Board of Pardons and Parole shall also consider whether the penalty for the offense is already increased by other existing provisions of law.
(3) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Enacted by Chapter 184, 2006 General Session

76-3-203.5 Habitual violent offender -- Definition -- Procedure -- Penalty.

(1) As used in this section:
(a) "Felony" means any violation of a criminal statute of the state, any other state, the United States, or any district, possession, or territory of the United States for which the maximum punishment the offender may be subjected to exceeds one year in prison.
(b) "Habitual violent offender" means a person convicted within the state of any violent felony and who on at least two previous occasions has been convicted of a violent felony and committed to either prison in Utah or an equivalent correctional institution of another state or of the United States either at initial sentencing or after revocation of probation.
(c) "Violent felony" means:
(i) any of the following offenses, or any attempt, solicitation, or conspiracy to commit any of the following offenses punishable as a felony:
(A) arson as described in Section 76-6-102;
(B) causing a catastrophe as described in Subsection 76-6-105(3)(a) or (3)(b);
(C) criminal mischief as described in Section 76-6-106;
(D) aggravated arson as described in Section 76-6-103;
(E) assault by prisoner as described in Section 76-5-102.5;
(F) disarming a police officer as described in Section 76-5-102.8;
(G) aggravated assault as described in Section 76-5-103;
(H) aggravated assault by prisoner as described in Section 76-5-103.5;
(I) mayhem as described in Section 76-5-105;
(J) stalking as described in Subsection 76-5-106.5(2);
(K) threat of terrorism as described in Section 76-5-107.3;
(L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);
(M) child torture as described in Section 76-5-109.4;
(N) commission of domestic violence in the presence of a child as described in Section 76-5-114;
(O) abuse or neglect of a child with a disability as described in Section 76-5-110;
(P) abuse or exploitation of a vulnerable adult as described in Section 76-5-111, 76-5-111.2, 76-5-111.3, or 76-5-111.4;
(Q) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;
(R) an offense described in Chapter 5, Part 2, Criminal Homicide;
(S) kidnapping as described in Section 76-5-301;
(T) child kidnapping as described in Section 76-5-301.1;
(U) aggravated kidnapping as described in Section 76-5-302;
(V) rape as described in Section 76-5-402;
(W) rape of a child as described in Section 76-5-402.1;
(X) object rape as described in Section 76-5-402.2;
(Y) object rape of a child as described in Section 76-5-402.3;
(Z) forcible sodomy as described in Section 76-5-403;

(AA) sodomy on a child as described in Section 76-5-403.1;
(BB) forcible sexual abuse as described in Section 76-5-404;
(CC) sexual abuse of a child as described in Section 76-5-404.1;
(DD) aggravated sexual abuse of a child as described in Section 76-5-404.3;
(EE) aggravated sexual assault as described in Section 76-5-405;
(FF) sexual exploitation of a minor as described in Section 76-5b-201;
(GG) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
(HH) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
(II) aggravated exploitation of prostitution as described in Subsection 76-5d-208(2)(a);
(JJ) burglary as described in Subsection 76-6-202(3)(b);
(KK) aggravated burglary as described in Section 76-6-203;
(LL) robbery as described in Section 76-6-301;
(MM) aggravated robbery as described in Section 76-6-302;
(NN) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or (1)(a)(ii);
(OO) tampering with a witness as described in Section 76-8-508;
(PP) retaliation against a witness, victim, or informant as described in Section 76-8-508.3;
(QQ) tampering or retaliating against a juror as described in Subsection 76-8-508.5(2)(a)(iii);
(RR) extortion to dismiss a criminal proceeding as described in Subsection 76-6-406(1)(a)(i), (ii), or (ix);
(SS) bus hijacking as described in Section 76-9-1502;
(TT) assault with intent to commit bus hijacking as described in Section 76-9-1503;
(UU) purchase or possession of a dangerous weapon by a restricted person as described in Section 76-11-305 or 76-11-306;
(VV) unlawful delivery of explosive, chemical, or incendiary devices as described in Section 76-15-209;
(WW) unlawful conduct involving an explosive, chemical, or incendiary device as described in Section 76-15-210;
(XX) unlawful conduct involving an explosive, chemical, or incendiary part as described in Section 76-15-211;
(YY) unlawful discharge of a firearm or hurling of a missile into a bus or terminal as described in Section 76-9-1504; and
(ZZ) felony discharge of a firearm as described in Section 76-11-210.

(ii) any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violent felony as defined in this Subsection (1) if committed in this state.

(2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier of fact determines beyond a reasonable doubt that the person is a habitual violent offender under this section, the penalty for a:

(a) third degree felony is as if the conviction were for a first degree felony;
(b) second degree felony is as if the conviction were for a first degree felony; or
(c) first degree felony remains the penalty for a first degree penalty except:
(i) the convicted person is not eligible for probation; and
(ii) the Board of Pardons and Parole shall consider that the convicted person is a habitual violent offender as an aggravating factor in determining the length of incarceration.

(3)

(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice in the information or indictment that the defendant is subject to punishment as a habitual

violent offender under this section. Notice shall include the case number, court, and date of conviction or commitment of any case relied upon by the prosecution.

(b)

(i) The defendant shall serve notice in writing upon the prosecutor if the defendant intends to deny that:

(A) the defendant is the person who was convicted or committed;

(B) the defendant was represented by counsel or had waived counsel; or

(C) the defendant's plea was understandingly or voluntarily entered.

(ii) The notice of denial shall be served not later than five days prior to trial and shall state in detail the defendant's contention regarding the previous conviction and commitment.

(4)

(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a jury, the jury may not be told, until after it returns its verdict on the underlying felony charge, of the:

(i) defendant's previous convictions for violent felonies, except as otherwise provided in the Utah Rules of Evidence; or

(ii) allegation against the defendant of being a habitual violent offender.

(b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of being an habitual violent offender by the same jury, if practicable, unless the defendant waives the jury, in which case the allegation shall be tried immediately to the court.

(c)

(i) Before or at the time of sentencing the trier of fact shall determine if this section applies.

(ii) The trier of fact shall consider any evidence presented at trial and the prosecution and the defendant shall be afforded an opportunity to present any necessary additional evidence.

(iii) Before sentencing under this section, the trier of fact shall determine whether this section is applicable beyond a reasonable doubt.

(d) If any previous conviction and commitment is based upon a plea of guilty or no contest, there is a rebuttable presumption that the conviction and commitment were regular and lawful in all respects if the conviction and commitment occurred after January 1, 1970. If the conviction and commitment occurred prior to January 1, 1970, the burden is on the prosecution to establish by a preponderance of the evidence that the defendant was then represented by counsel or had lawfully waived the right to have counsel present, and that the defendant's plea was understandingly and voluntarily entered.

(e) If the trier of fact finds this section applicable, the court shall enter that specific finding on the record and shall indicate in the order of judgment and commitment that the defendant has been found by the trier of fact to be a habitual violent offender and is sentenced under this section.

(5)

(a) The sentencing enhancement provisions of Section 76-3-407 supersede the provisions of this section.

(b)

(i) Notwithstanding Subsection (5)(a) and except as provided in Subsection (5)(b)(ii), the "violent felony" offense defined in Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part 4, Sexual Offenses, to determine if the convicted person is a habitual violent offender.

(ii) The "violent felony" offense defined in Subsection (1)(c) does not include any felony sexual offense violation of:

(A) enticing a minor, Section 76-5-417;

(B) lewdness, Section 76-5-419; or

(C) lewdness involving a child, Section 76-5-420.

(6) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:

(i) a grievous sexual offense;

(ii) child kidnapping, Section 76-5-301.1;

(iii) aggravated kidnapping, Section 76-5-302; or

(iv) forcible sexual abuse, Section 76-5-404; and

(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-3-203.6 Enhanced penalty for certain offenses committed by prisoner.

(1) As used in this section, "serving a sentence" means a prisoner is sentenced and committed to the custody of the Department of Corrections, the sentence has not been terminated or voided, and the prisoner:

(a) has not been paroled; or

(b) is in custody after arrest for a parole violation.

(2) If the trier of fact finds beyond a reasonable doubt that a prisoner serving a sentence for a capital felony or a first degree felony commits any offense listed in Subsection (5), the offense is a first degree felony and the court shall sentence the defendant to life in prison without parole.

(3) Notwithstanding Subsection (2), the court may sentence the defendant to an indeterminate prison term of not less than 20 years and that may be for life if the court finds that the interests of justice would best be served and states the specific circumstances justifying the disposition on the record.

(4) Subsection (2) does not apply if the prisoner is younger than 18 years old at the time the offense listed in Subsection (5) is committed and is sentenced on or after May 10, 2016.

(5) Offenses referred to in Subsection (2) are:

(a) aggravated assault by a prisoner, Section 76-5-103.5;

(b) mayhem, Section 76-5-105;

(c) attempted murder, Section 76-5-203;

(d) kidnapping, Section 76-5-301;

(e) child kidnapping, Section 76-5-301.1;

(f) aggravated kidnapping, Section 76-5-302;

(g) rape, Section 76-5-402;

(h) rape of a child, Section 76-5-402.1;

(i) object rape, Section 76-5-402.2;

(j) object rape of a child, Section 76-5-402.3;

(k) forcible sodomy, Section 76-5-403;

(l) sodomy on a child, Section 76-5-403.1;

(m) aggravated sexual abuse of a child, Section 76-5-404.3;

(n) aggravated sexual assault, Section 76-5-405;

(o) aggravated arson, Section 76-6-103;

(p) aggravated burglary, Section 76-6-203; and
(q) aggravated robbery, Section 76-6-302.
(6) The sentencing enhancement described in this section does not apply if:
(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping, Section 76-5-301.1; or
(iii) aggravated kidnapping, Section 76-5-302; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 181, 2022 General Session

76-3-203.7 Increase of sentence for violent felony if body armor used.
(1) As used in this section:
(a) "Body armor" means any material designed or intended to provide bullet penetration resistance or protection from bodily injury caused by a dangerous weapon.
(b) "Dangerous weapon" means the same as that term is defined in Section 76-1-101.5.
(c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
(2) A person convicted of a violent felony may be sentenced to imprisonment for an indeterminate term, as provided in Section 76-3-203, but if the trier of fact finds beyond a reasonable doubt that the defendant used, carried, or possessed a dangerous weapon and also used or wore body armor, with the intent to facilitate the commission of the violent felony, and the violent felony is:
(a) a first degree felony, the court shall sentence the person convicted for a term of not less than six years, and which may be for life;
(b) a second degree felony, the court shall sentence the person convicted for a term of not less than two years nor more than 15 years, and the court may sentence the person convicted for a term of not less than two years nor more than 20 years; and
(c) a third degree felony, the court shall sentence the person convicted for a term of not less than one year nor more than five years, and the court may sentence the person convicted for a term of not less than one year nor more than 10 years.
(3) The sentencing enhancement described in this section does not apply if:
(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping, Section 76-5-301.1;
(iii) aggravated kidnapping, Section 76-5-302; or
(iv) forcible sexual abuse, Section 76-5-404; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 181, 2022 General Session

76-3-203.8 Increase of sentence if dangerous weapon used.
(1) As used in this section, "dangerous weapon" means the same as that term is defined in Section 76-1-101.5.

(2) If the trier of fact finds beyond a reasonable doubt that a dangerous weapon was used in the commission or furtherance of a felony, the court:
(a)
(i) shall increase by one year the minimum term of the sentence applicable by law; and
(ii) if the minimum term applicable by law is zero, shall set the minimum term as one year; and
(b) may increase by five years the maximum sentence applicable by law in the case of a felony of the second or third degree.
(3) A defendant who is a party to a felony offense shall be sentenced to the increases in punishment provided in Subsection (2) if the trier of fact finds beyond a reasonable doubt that:
(a) a dangerous weapon was used in the commission or furtherance of the felony; and
(b) the defendant knew that the dangerous weapon was present.
(4) If the trier of fact finds beyond a reasonable doubt that a person has been sentenced to a term of imprisonment for a felony in which a dangerous weapon was used in the commission of or furtherance of the felony and that person is subsequently convicted of another felony in which a dangerous weapon was used in the commission of or furtherance of the felony, the court shall, in addition to any other sentence imposed including those in Subsection (2), impose an indeterminate prison term to be not less than five nor more than 10 years to run consecutively and not concurrently.

Amended by Chapter 181, 2022 General Session

76-3-203.9 Violent offense committed in presence of a child -- Aggravating factor.
(1) As used in this section:
(a) "In the presence of a child" means:
(i) in the physical presence of a child younger than 14 years of age; or
(ii) having knowledge that a child younger than 14 years of age is present and may see or hear a violent criminal offense.
(b) "Violent criminal offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt to commit a criminal offense involving violence or physical harm.
(2) The sentencing judge or the Board of Pardons and Parole shall consider as an aggravating factor in their deliberations that the defendant committed the violent criminal offense in the presence of a child.
(3) The sentencing judge or the Board of Pardons and Parole shall also consider whether the penalty for the offense is already increased by other existing provisions of law.
(4) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of Utah or by the Constitution or laws of the United States.
(5) This section does not affect or restrict the exercise of judicial discretion under any other provision of Utah law.

Enacted by Chapter 347, 2007 General Session

76-3-203.10 Violent offense committed in presence of a child -- Penalties.
(1) As used in this section:
(a) "In the presence of a child" means:
(i) in the physical presence of a child younger than 14 years old; and

(ii) having knowledge that the child is present and may see or hear the commission of a violent criminal offense.

(b) "Violent criminal offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt to commit a criminal offense involving violence or physical harm that is not a domestic violence offense as defined in Section 77-36-1.

(2) A person commits a violent criminal offense in the presence of a child if the person:

(a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a third party in the presence of a child;

(b) intentionally causes or attempts to cause serious bodily injury to a third party or uses a dangerous weapon, as defined in Section 76-1-101.5, or other means or force likely to produce death or serious bodily injury, against a third party in the presence of a child; or

(c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits a violent criminal offense in the presence of a child.

(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

Amended by Chapter 181, 2022 General Session

76-3-203.11 Reporting an overdose -- Mitigating factor.

It is a mitigating factor in sentencing for an offense under Title 58, Chapter 37, Utah Controlled Substances Act, that the person or bystander:

(1) reasonably believes that the person or another person is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;

(2) reports, or assists a person who reports, in good faith the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the person is the subject of a report made under this section;

(3) provides in the report under Subsection (2) a functional description of the location of the actual overdose event that facilitates responding to the person experiencing the overdose event;

(4) remains at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives;

(5) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and

(6) committed the offense in the same course of events from which the reported overdose arose.

Amended by Chapter 310, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-3-203.12 Enhanced penalty for sexual offenses committed by a person with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C.

(1) As used in this section:

(a) "Sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.

(b) "Sexual offense" does not include:

(i) enticing a minor, as described in Section 76-5-417;
(ii) sexual battery, as described in Section 76-5-418;
(iii) lewdness, as described in Section 76-5-419; or
(iv) lewdness involving a child, as described in Section 76-5-420.

(2) A person convicted of a sexual offense is subject to an enhanced penalty if at the time of the sexual offense the person was infected with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C and the person knew of the infection.

(3)
(a) Except as provided in Subsection (3)(b), the enhancement of a penalty described in Subsection (2) shall be an enhancement of one classification higher than the root offense for which the person was convicted.
(b) A felony of the first degree is not enhanced under this section.

Amended by Chapter 173, 2025 General Session

76-3-203.13 Enhanced penalty for unlawful sexual contact with a student.

(1) An actor convicted of a sexual offense described in Section 76-5-401.1 or 76-5-401.2 may be subject to an enhanced penalty if, at the time of the commission of the sexual offense, the actor:
(a) was 18 years old or older;
(b) held a position of special trust as a teacher, employee, or volunteer at a school, as that position is defined in Subsection 76-5-404.1(1)(a)(v)(S); and
(c) committed the offense against an individual who at the time of the offense was enrolled as a student at the school where the actor was employed or was acting as a volunteer.

(2) The enhancement of a penalty described in Subsection (1) shall be an enhancement of one classification higher than the offense of which the actor was convicted.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-3-203.14 Victim targeting penalty enhancement -- Penalties.

(1) As used in this section "personal attribute" means:
(a) age;
(b) ancestry;
(c) disability;
(d) ethnicity;
(e) familial status;
(f) gender identity;
(g) homelessness;
(h) marital status;
(i) matriculation;
(j) national origin;
(k) political expression;
(l) race;
(m) religion;
(n) sex;
(o) sexual orientation;
(p) service in the U.S. Armed Forces;

(q) status as an emergency responder, as defined in Section 53-2b-102; or
(r) status as a law enforcement officer, correctional officer, special function officer, or any other peace officer, as defined in Title 53, Chapter 13, Peace Officer Classifications.

(2) A defendant is subject to enhanced penalties under Subsection (3) if the defendant intentionally selects:
(a) the victim of the criminal offense because of the defendant's belief or perception regarding the victim's personal attribute or a personal attribute of another individual or group of individuals with whom the victim has a relationship; or
(b) the property damaged or otherwise affected by the criminal offense because of the defendant's belief or perception regarding the property owner's, possessor's, or occupant's personal attribute or a personal attribute of another individual or group of individuals with whom the property owner, possessor, or occupant has a relationship.

(3)
(a) If the trier of fact finds beyond a reasonable doubt that a defendant committed a criminal offense and selected the victim or property damaged or otherwise affected by the criminal offense in the manner described in Subsection (2), the defendant is subject to an enhanced penalty for the criminal offense as follows:
(i) a class C misdemeanor is a class B misdemeanor;
(ii) a class B misdemeanor is a class A misdemeanor;
(iii) a class A misdemeanor is a third degree felony;
(iv) a third degree felony is a third degree felony punishable by an indeterminate term of imprisonment for not less than one year nor more than five years; and
(v) a second degree felony is a second degree felony punishable by an indeterminate term of imprisonment for not less than two years nor more than 15 years.
(b) If the trier of fact finds beyond a reasonable doubt that a defendant committed a criminal offense that is a first degree felony and selected the victim or property damaged or otherwise affected by the criminal offense in the manner described in Subsection (2), the sentencing judge or the Board of Pardons and Parole shall consider the defendant's selection of the victim or property as an aggravating factor.

(4) This section does not:
(a) apply if:
(i) the penalty for the criminal offense is increased or enhanced under another provision of state law; or
(ii) the personal attribute of the victim or property owner, possessor, or occupant is an element of a criminal offense under another provision of state law;
(b) prevent the court from imposing alternative sanctions as the court finds appropriate;
(c) affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Utah Constitution or the laws of the state, or by the United States Constitution or the laws of the United States; or
(d) create a special or protected class for any purpose other than a criminal penalty enhancement under this section.

(5)
(a) If a final decision of a court of competent jurisdiction holds invalid any provision of this section or the application of any provision of this section to any person or circumstance, the remaining provisions of this section remain effective without the invalidated provision or application.
(b) The provisions of this section are severable.

Enacted by Chapter 504, 2019 General Session

76-3-203.15 Offenses committed against timber, mining, or agricultural industries -- Enhanced penalties.

(1) An actor who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries is subject to an enhanced penalty for the offense as provided below.

(2) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the complaint in misdemeanor cases or the information or indictment in felony cases notice that the defendant is subject to the enhanced penalties provided under this section.

(3) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries, the penalties are enhanced as provided in this Subsection (3):

(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;

(b) a class B misdemeanor is a Class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;

(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;

(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and

(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

(4) This section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq.

Renumbered and Amended by Chapter 111, 2023 General Session

76-3-203.16 Offenses committed against animal enterprises -- Definitions -- Enhanced penalties.

(1) As used in this section:

(a) "Animal enterprise" means a commercial or academic enterprise that:

(i) uses animals for food or fiber production;

(ii) is an agricultural operation, including a facility for the production of crops or livestock, or livestock products;

(iii) operates a zoo, aquarium, circus, rodeo, or lawful competitive animal event; or

(iv) any fair or similar event intended to advance agricultural arts and sciences.

(b) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.

(c) "Property" includes any buildings, vehicles, animals, data, records, stables, livestock handling facilities, livestock watering troughs or other watering facilities, and fencing or other forms of enclosure.

(2) A person who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any

property owned by, used by, or in the possession of a lawful animal enterprise, is subject to an enhanced penalty under Subsection (4).

(3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the defendant is subject to the enhanced penalties provided under this section.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, the penalties are enhanced as provided in this Subsection (4):

(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;

(b) a class B misdemeanor is a class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;

(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;

(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and

(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

(5) This section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq.

Renumbered and Amended by Chapter 111, 2023 General Session

76-3-203.17 Enhancement of an offense for road rage.

(1) As used in this section:

(a) "Roadway" means the same as that term is defined in Section 41-1a-1101.

(b) "Operator" means the same as that term is defined in Section 41-6a-102.

(c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

(2) If the trier of fact finds that an actor was an operator or passenger of a vehicle and the actor committed an offense in response to an incident that occurred or escalated upon a roadway and with the intent to endanger or intimidate an individual in another vehicle, the actor is guilty of:

(a) a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B misdemeanor;

(b) a third degree felony if the actor is charged with an offense that is designated by law as a class A misdemeanor;

(c) a third degree felony if the actor is charged with an offense that is designated by law as a third degree felony; or

(d) a second degree felony if the actor is charged with an offense that is designated by law as a second degree felony.

(3)

(a) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(a), the court shall impose a mandatory fine of no less than $750 in addition to any other penalty the court may impose for a class A misdemeanor.

(b) If an actor is guilty of a third degree felony as described in Subsection (2)(b), the court shall impose a mandatory fine of no less than $1,000 in addition to any other penalty the court may impose for a third degree felony.
(c) If an actor is guilty of a third degree felony as described in Subsection (2)(c), the court shall impose:
(i) a mandatory fine of no less than $1,000; and
(ii) an indeterminate term of imprisonment for no less than one year and no more than five years in addition to any other penalty the court may impose for a third degree felony.
(d) If an actor is guilty of a second degree felony as described in Subsection (2)(d), the court shall impose:
(i) a mandatory fine of no less than $1,000; and
(ii) an indeterminate term of imprisonment for no less than two years and no more than 15 years in addition to any other penalty the court may impose for a second degree felony.
(4) Except as otherwise provided by another provision of the Utah Code, the court may suspend the execution of an indeterminate term of imprisonment described in Subsection (3)(c)(ii) or (3)(d)(ii) in accordance with Section 77-18-105.
(5) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under this section.
(6)
(a) If an actor is convicted of an offense and the offense is enhanced under this section, the court may order the suspension of the actor's driver license for a period of no longer than one year, except that the court may not order a suspension of an actor's driver license if the actor's driver license is required to be revoked under Subsection 53-3-220(1).
(b) If the court orders the suspension of the actor's driver license, the court shall:
(i) specify the length of the suspension in the order as described in Section 53-3-225; and
(ii) forward the order of suspension to the Driver License Division.
(7) If an offense is enhanced under this section, the court shall forward a record of conviction for the offense to the Driver License Division.
(8) This section does not affect or limit any individual's constitutional right to lawful expression of free speech or other recognized rights secured by the laws or Constitution of Utah or by the laws or Constitution of the United States.

Enacted by Chapter 319, 2024 General Session

76-3-203.18 Use of artificial intelligence -- Aggravating factor.
(1) As used in this section:
(a) "Artificial intelligence" means the same as that term is defined in Section 20A-11-1104.
(b) "Material assistance" means providing significant or essential support, information, tools, or other means that facilitate planning, commission, or concealment of a criminal offense.
(2) The sentencing judge or the Board of Pardons and Parole may consider as an aggravating factor in their deliberations that the defendant committed or facilitated the criminal offense with the intentional or knowing use and material assistance of an artificial intelligence system.
(3) This section does not affect or restrict the exercise of judicial sentencing discretion under any other provision of Utah law.

Enacted by Chapter 172, 2024 General Session

76-3-203.19 Aggravating factor for an offense committed against a child or minor as part of a ritual.

(1) As used in this section:

(a) "Offense against a child or minor" means an offense that is:

(i) child abuse as described in Section 76-5-109;

(ii) child torture, as described in Section 76-5-109.4;

(iii) aggravated child abuse as described in Section 76-5-109.2;

(iv) abuse or neglect of a child with a disability as described in Section 76-5-110;

(v) child abuse homicide as described in Section 76-5-208;

(vi) kidnapping as described in Section 76-5-301, if committed against an individual under 18 years old;

(vii) child kidnapping as described in Section 76-5-301.1;

(viii) aggravated kidnapping as described in Section 76-5-302, if committed against an individual under 18 years old;

(ix) human trafficking of a child as described in Section 76-5-308.5;

(x) unlawful sexual activity with a minor as described in Section 76-5-401;

(xi) sexual abuse of a minor as described in Section 76-5-401.1;

(xii) rape as described in Section 76-5-402, if committed against an individual under 18 years old;

(xiii) rape of a child as described in Section 76-5-402.1;

(xiv) object rape as described in Section 76-5-404.2, if committed against an individual under 18 years old;

(xv) object rape of a child as described in Section 76-5-402.3;

(xvi) forcible sodomy as described in Section 76-5-403, if committed against an individual under 18 years old;

(xvii) sodomy on a child as described in Section 76-5-403.1;

(xviii) forcible sexual abuse as described in Section 76-5-404, if committed against an individual under 18 years old;

(xix) sexual abuse of a child as described in Section 76-5-404.1;

(xx) aggravated sexual abuse of a child as described in Section 76-5-404.3;

(xxi) aggravated sexual assault as described in Section 76-5-405, if committed against an individual under 18 years old;

(xxii) unlawful kissing of a child as described in Section 76-5-416.2; or

(xxiii) unlawful kissing of a minor as described in Section 76-5-416.4.

(b) "Ritual" means an event or act, or a series of events or acts:

(i) marked by specific actions, specific gestures, ceremonial objects, ceremonial clothing, religious texts, or specific words; and

(ii) designed to commemorate, celebrate, or solemnize a particular occasion or significance in a religious, cultural, social, institutional, or other context.

(2) For a defendant convicted of an offense against a child or minor, it is an aggravating factor if the sentencing court finds that the defendant committed the offense as part of, or to facilitate, a ritual or a training or practice to perform a ritual.

(3) When sentencing a defendant convicted of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the sentencing court shall consider the aggravating factor and include the aggravating factor in the judgment of commitment.

(4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

Enacted by Chapter 185, 2025 General Session

76-3-203.20 Aggravating factor if actor traveled to commit a child sexual offense.

(1) As used in this section:

(a) "Child sexual offense" means one of the following offenses:

(i) human trafficking of a child as described in Section 76-5-308.5;

(ii) unlawful sexual activity with a minor as described in Section 76-5-401;

(iii) sexual abuse of a minor as described in Section 76-5-401.1;

(iv) unlawful sexual conduct with a 16- or 17-year-old as described in Section 76-5-401.2;

(v) rape of a child as described in Section 76-5-402.1;

(vi) object rape of a child as described in Section 76-5-402.3;

(vii) sodomy on a child as described in Section 76-5-403.1;

(viii) sexual abuse of a child as described in Section 76-5-404.1;

(ix) aggravated sexual abuse of a child as described in Section 76-5-404.3;

(x) unlawful kissing of a child as described in Section 76-5-416.2; or

(xi) unlawful kissing of a minor as described in Section 76-5-416.4.

(b) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:

(i) the intent expressed by the individual; and

(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.

(2) For a defendant convicted of a child sexual offense, it is an aggravating factor if the sentencing court finds that the defendant:

(a) traveled more than 45 miles from the defendant's principal place of residence for the purpose of the defendant committing, or attempting to commit, the child sexual offense; or

(b) paid for, or otherwise facilitated, the victim to travel more than 45 miles from the victim's principal place of residence, for the purpose of the defendant committing, or attempting to commit, the child sexual offense.

(3) When sentencing a defendant convicted of a child sexual offense subject to the aggravating factor described in Subsection (2), the sentencing court shall consider the aggravating factor and include the aggravating factor in the judgment of commitment.

(4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

Enacted by Chapter 519, 2025 General Session

76-3-204 Misdemeanor conviction -- Term of imprisonment.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

(1)

(a) Except as provided in Subsection (1)(b), in the case of a class A misdemeanor, for a term not exceeding 364 days.

(b)

(i) Except as provided in Subsection (1)(b)(ii), in the case of a class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual, for a term not exceeding one year.

(ii) For a class A misdemeanor for one of following offenses, for a term not exceeding 364 days:
(A) Section 76-5-102.9, propelling a bodily substance or material as described in Section 76-5-102.9;
(B) Section 76-5-107.5, prohibition of "hazing";
(C) Section 76-5-113, surreptitious administration of certain substances; or
(D) Section 76-5-303, custodial interference.
(2) In the case of a class B misdemeanor, for a term not exceeding six months.
(3) In the case of a class C misdemeanor, for a term not exceeding 90 days.

Amended by Chapter 227, 2025 General Session

76-3-205 Infraction conviction -- Fine, forfeiture, and disqualification.
(1) A person convicted of an infraction may not be imprisoned but may be subject to:
(a) a fine, which may include compensatory service as a method to satisfy the fine;
(b) forfeiture;
(c) disqualification; or
(d) any combination of the above.
(2) Compensatory service shall be considered in accordance with Section 76-3-301.7.
(3) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

Amended by Chapter 214, 2018 General Session

76-3-206 Capital felony -- Penalties.
(1) A person who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with this section and Section 76-3-207.
(2)
(a) If the person described in Subsection (1) was 18 years of age or older at the time the offense was committed, the sentence shall be:
(i) death;
(ii) an indeterminate prison term of not less than 25 years and that may be for life; or
(iii) on or after April 27, 1992, life in prison without parole.
(b) Subsections (2)(a)(i) and (2)(a)(iii) do not apply if the person was younger than 18 years of age at the time the offense was committed and was sentenced on or after May 10, 2016.
(3)
(a) The judgment of conviction and sentence of death is subject to automatic review by the Utah State Supreme Court within 60 days after certification by the sentencing court of the entire record unless time is extended an additional period not to exceed 30 days by the Utah State Supreme Court for good cause shown.
(b) The review by the Utah State Supreme Court has priority over all other cases and shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

Amended by Chapter 277, 2016 General Session

76-3-207 Capital felony -- Sentencing proceeding.
(1)
(a) When a defendant has pled guilty to or been found guilty of a capital felony, there shall be further proceedings before the court or jury on the issue of sentence.

(b) In the case of a plea of guilty to a capital felony, the sentencing proceedings shall be conducted before a jury or, upon request of the defendant and with the approval of the court and the consent of the prosecution, by the court which accepted the plea.

(c)

(i) When a defendant has been found guilty of a capital felony, the proceedings shall be conducted before the court or jury which found the defendant guilty, provided the defendant may waive hearing before the jury with the approval of the court and the consent of the prosecution, in which event the hearing shall be before the court.

(ii) If circumstances make it impossible or impractical to reconvene the same jury for the sentencing proceedings, the court may dismiss that jury and convene a new jury for the proceedings.

(d) If a retrial of the sentencing proceedings is necessary as a consequence of a remand from an appellate court, the sentencing authority shall be determined as provided in Subsection (6).

(2)

(a) In capital sentencing proceedings, evidence may be presented on:

(i) the nature and circumstances of the crime;

(ii) the defendant's character, background, history, and mental and physical condition;

(iii) the victim and the impact of the crime on the victim's family and community without comparison to other persons or victims; and

(iv) any other facts in aggravation or mitigation of the penalty that the court considers relevant to the sentence.

(b) Any evidence the court considers to have probative force may be received regardless of its admissibility under the exclusionary rules of evidence. The state's attorney and the defendant shall be permitted to present argument for or against the sentence of death.

(3) Aggravating circumstances include those outlined in Section 76-5-202.

(4) Mitigating circumstances include:

(a) the defendant has no significant history of prior criminal activity;

(b) the homicide was committed while the defendant was under the influence of mental or emotional disturbance;

(c) the defendant acted under duress or under the domination of another person;

(d) at the time of the homicide, the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirement of law was impaired as a result of a mental condition, intoxication, or influence of drugs, except that "mental condition" under this Subsection (4)(d) does not mean an abnormality manifested primarily by repeated criminal conduct;

(e) the youth of the defendant at the time of the crime;

(f) the defendant was an accomplice in the homicide committed by another person and the defendant's participation was relatively minor; and

(g) any other fact in mitigation of the penalty.

(5)

(a) The court or jury, as the case may be, shall retire to consider the penalty. Except as provided in Subsections 76-3-207.5(2) and 76-3-206(2)(b), in all proceedings before a jury, under this section, it shall be instructed as to the punishment to be imposed upon a unanimous decision for death and that the penalty of either an indeterminate prison term of not less than 25 years and which may be for life or life in prison without parole, shall be imposed if a unanimous decision for death is not found.

(b) The death penalty shall only be imposed if, after considering the totality of the aggravating and mitigating circumstances, the jury is persuaded beyond a reasonable doubt that total

aggravation outweighs total mitigation, and is further persuaded, beyond a reasonable doubt, that the imposition of the death penalty is justified and appropriate in the circumstances. If the jury reports unanimous agreement to impose the sentence of death, the court shall discharge the jury and shall impose the sentence of death.

(c) If the jury is unable to reach a unanimous decision imposing the sentence of death, the jury shall then determine whether the penalty of life in prison without parole shall be imposed, except as provided in Subsection 76-3-207.5(2). The penalty of life in prison without parole shall only be imposed if the jury determines that the sentence of life in prison without parole is appropriate. If the jury reports agreement by 10 jurors or more to impose the sentence of life in prison without parole, the court shall discharge the jury and shall impose the sentence of life in prison without parole. If 10 jurors or more do not agree upon a sentence of life in prison without parole, the court shall discharge the jury and impose an indeterminate prison term of not less than 25 years and which may be for life.

(d) If the defendant waives hearing before the jury as to sentencing, with the approval of the court and the consent of the prosecution, the court shall determine the appropriate penalty according to the standards of Subsections (5)(b) and (c).

(e) If the defendant is sentenced to more than one term of life in prison with or without the possibility of parole, or in addition to a sentence of life in prison with or without the possibility of parole the defendant is sentenced for other offenses which result in terms of imprisonment, the judge shall determine whether the terms of imprisonment shall be imposed as concurrent or consecutive sentences in accordance with Section 76-3-401.

(6) Upon any appeal by the defendant where the sentence is of death, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence of death and remand the case to the trial court for new sentencing proceedings to the extent necessary to correct the error or errors. An error in the sentencing proceedings may not result in the reversal of the conviction of a capital felony. In cases of remand for new sentencing proceedings, all exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing proceedings are admissible in the new sentencing proceedings, and if the sentencing proceeding was before a:

(a) jury, a new jury shall be impaneled for the new sentencing proceeding unless the defendant waives the hearing before the jury with the approval of the court and the consent of the prosecution, in which case the proceeding shall be held according to Subsection (6)(b) or (c), as applicable;

(b) judge, the original trial judge shall conduct the new sentencing proceeding; or

(c) judge, and the original trial judge is unable or unavailable to conduct a new sentencing proceeding, then another judge shall be designated to conduct the new sentencing proceeding, and the new proceeding will be before a jury unless the defendant waives the hearing before the jury with the approval of the court and the consent of the prosecution.

(7) If the penalty of death is held to be unconstitutional by the Utah Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause the person to be brought before the court, and the court shall sentence the person to life in prison without parole.

(8)

(a) If the appellate court's final decision regarding any appeal of a sentence of death precludes the imposition of the death penalty due to mental retardation or subaverage general intellectual functioning under Section 77-15a-101, the court having jurisdiction over a defendant previously sentenced to death for a capital felony shall cause the defendant to

be brought before the sentencing court, and the court shall sentence the defendant to life in prison without parole.

(b) If the appellate court precludes the imposition of the death penalty under Subsection (8)(a), but the appellate court finds that sentencing the defendant to life in prison without parole is likely to result in a manifest injustice, it may remand the case to the sentencing court for further sentencing proceedings to determine if the defendant should serve a sentence of life in prison without parole or an indeterminate prison term of not less than 25 years and which may be for life.

Amended by Chapter 277, 2016 General Session

76-3-207.5 Applicability -- Effect on sentencing -- Options of offenders.

(1)

(a) The sentencing option of life without parole provided in Sections 76-3-201 and 76-3-207 applies only to those capital felonies for which the offender is sentenced on or after April 27, 1992.

(b) The sentencing option of life without parole provided in Sections 76-3-201 and 76-3-207 has no effect on sentences imposed in capital cases prior to April 27, 1992.

(2) An offender, who commits a capital felony prior to April 27, 1992, but is sentenced on or after April 27, 1992, shall be given the option, prior to a sentencing hearing pursuant to Section 76-3-207, to proceed either under the law which was in effect at the time the offense was committed or under the additional sentencing option of life in prison without parole provided in Sections 76-3-201 and 76-3-207.

(3) The sentencing option of life without parole has no effect on sentences imposed on an offender who was younger than 18 years of age at the time the offense was committed and was sentenced on or after May 10, 2016.

Amended by Chapter 277, 2016 General Session

76-3-207.7 First degree felony aggravated murder -- Noncapital felony -- Penalties -- Sentenced by court.

(1) A person who has pled guilty to or been convicted of first degree felony aggravated murder under Section 76-5-202 shall be sentenced by the court.

(2)

(a) The sentence under this section shall be:

(i) life in prison without parole; or

(ii) an indeterminate prison term of not less than 25 years and that may be for life.

(b) Subsection (2)(a)(i) does not apply if the person was younger than 18 years of age at the time the offense was committed and was sentenced on or after May 10, 2016.

Amended by Chapter 277, 2016 General Session

76-3-208 Imprisonment -- Custodial authorities.

(1) Persons sentenced to imprisonment shall be committed to the following custodial authorities:

(a) felony commitments shall be to the Utah State Prison;

(b)

(i) class A misdemeanor commitments shall be to the jail, or other facility designated by the town, city, or county where the defendant was convicted, unless the defendant is also

serving a felony commitment at the Utah State Prison at the commencement of the class A misdemeanor conviction, in which case, the class A misdemeanor commitment shall be to the Utah State Prison for an indeterminate term not to exceed one year with a credit for one day, unless the offense is an offense described in Subsection 76-3-204(1)(b)(i), in which case there is no credit for one day; and

(ii) the court may not order the imprisonment of a defendant to the Utah State Prison for a fixed term or other term that is inconsistent with this section and Section 77-18-111; and

(c) all other misdemeanor commitments shall be to the jail or other facility designated by the town, city or county where the defendant was convicted.

(2) A custodial authority may place a prisoner in a facility other than the one to which the prisoner was committed when:

(a) the custodial authority does not have space to accommodate the prisoner; or

(b) the security of the institution or prisoner requires the prisoner to be placed in a facility other than the one to which the prisoner was committed.

Amended by Chapter 227, 2025 General Session

76-3-209 Limitation on sentencing for crimes committed by juveniles.

(1) As used in this section:

(a) "Qualifying sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.

(b) "Qualifying sexual offense" does not include enticing a minor as described in Section 76-5-417.

(2)

(a) This Subsection (2) only applies prospectively to an individual sentenced on or after May 10, 2016.

(b) Notwithstanding any provision of law, an individual may not be sentenced to life without parole if:

(i) the individual is convicted of a crime punishable by life without parole; and

(ii) at the time the individual committed the crime, the individual was under 18 years old.

(c) The maximum punishment that may be imposed on an individual described in Subsection (2)(b) is an indeterminate prison term of not less than 25 years and that may be for life.

(3) Except as provided in Subsection (4), if an individual is convicted in district court of a qualifying sexual offense and, at the time of the offense, the individual was at least 14 years old, but under 18 years old:

(a) the district court shall impose a sentence consistent with the disposition that would have been made in juvenile court; and

(b) the district court may not impose incarceration unless the court enters specific written findings that incarceration is warranted based on a totality of the circumstances, taking into account:

(i) the time that elapsed after the individual committed the offense;

(ii) the age of the individual at the time of the offense;

(iii) the age of the victim at the time of the offense;

(iv) the criminal history of the individual after the individual committed the offense;

(v) any treatment assessments or validated risk tools; and

(vi) public safety concerns.

(4) Subsection (3) does not apply if:

(a) before the individual described in Subsection (3) is convicted of the qualifying sexual offense, the individual is convicted of a qualifying sexual offense that the individual committed when the individual was 18 years old or older;
(b) the individual is convicted in district court, before the victim is 18 years old, of a violation of Section 76-5-405, aggravated sexual assault; or
(c) the conviction occurred in district court after the individual was:
(i) charged by criminal information in the juvenile court for the qualifying sexual offense in accordance with Section 80-6-503; and
(ii) bound over to the district court for the qualifying sexual offense in accordance with Section 80-6-504.
(5) If the district court imposes incarceration under Subsection (3)(b), the term of incarceration may not exceed:
(a) seven years for a violation of Section 76-5-405, aggravated sexual assault;
(b) except as provided in Subsection (5)(a), four years for a felony violation of Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-419, or 76-5-420; or
(c) the maximum sentence described in Section 76-3-204 for a misdemeanor violation of Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417.

Amended by Chapter 173, 2025 General Session

Part 3
Fines and Special Sanctions

76-3-301 Fines of individuals.
(1) An individual convicted of an offense may be sentenced to pay a fine, not exceeding:
(a) $10,000 for a felony conviction of the first degree or second degree;
(b) $5,000 for a felony conviction of the third degree;
(c) $2,500 for a class A misdemeanor conviction;
(d) $1,000 for a class B misdemeanor conviction;
(e) $750 for a class C misdemeanor conviction or infraction conviction; and
(f) any greater amounts specifically authorized by statute.
(2)
(a) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not be charged by a court:
(i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or
(ii) that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, interest that is more than 25% of the initial fine.
(b) An individual convicted only of an infraction and sentenced to pay a fine may not be charged:
(i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or
(ii) by a third-party debt contractor of the Office of State Debt Collection, additional fees.
(3) Subsection (2) does not apply to a case that includes:
(a) victim restitution; or
(b) a felony conviction, even if that felony conviction is later reduced.

(4) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

Amended by Chapter 113, 2023 General Session

76-3-301.5 Uniform fine schedule -- Judicial Council.

(1) The Judicial Council shall establish a uniform recommended fine schedule for each offense under Subsection 76-3-301(1).
  (a) The fine for each offense shall proportionally reflect the seriousness of the offense and other factors as determined in writing by the Judicial Council.
  (b) The schedule shall be reviewed annually by the Judicial Council.
  (c) The fines shall be collected as part of a criminal accounts receivable, as defined in Section 77-32b-102, that is established under Section 77-32b-103.
(2) The schedule shall incorporate:
  (a) criteria for determining aggravating and mitigating circumstances; and
  (b) guidelines for enhancement or reduction of the fine, based on aggravating or mitigating circumstances.
(3) Presentence investigation reports shall include documentation of aggravating and mitigating circumstances as determined under the criteria, and a recommended fine under the schedule.
(4) The Judicial Council shall also establish a separate uniform recommended fine schedule for the juvenile court and by rule provide for its implementation.
(5) This section does not prohibit the court from in its discretion imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

Amended by Chapter 260, 2021 General Session

76-3-301.7 Compensatory service -- Credit for cost of court-ordered treatment or course.

(1) As used in this section:
  (a) "Compensatory service" means service or unpaid work performed by a person, in lieu of the payment of a criminal fine, for:
    (i) a state or local government agency;
    (ii) an entity that is approved as a nonprofit organization under Section 501(c) of the Internal Revenue Code; or
    (iii) any other entity or organization if prior approval is obtained from the court.
  (b) "Eligible offense" means a criminal conviction, including a traffic offense.
(2) When a defendant is sentenced to pay a fine for an eligible offense, the court shall consider allowing the defendant to complete compensatory service in lieu of the payment of the fine or account receivable, exclusive of any victim restitution imposed.
(3) A defendant who intends to forfeit bail or who is ordered to pay a fine by the court for an eligible offense shall be informed by the court of the opportunity to perform compensatory service in lieu of the fine or bail amount.
(4) The court shall credit timely completed compensatory service reported in accordance with Subsection (5) against the fine or bail amount at the rate of $12 per hour and shall allow the defendant a reasonable amount of time to complete the service.
(5)
  (a) The court shall provide the defendant with instructions that inform the organization:
    (i) about the requirements in Subsection (5)(b); and

(ii) that making a written false statement to the court about the defendant's compensatory service is punishable as a class B misdemeanor pursuant to Section 76-8-504.

(b) The defendant shall report compensatory service hours to the court in a letter that:

(i) is on the organization's official letterhead and includes contact information for the organization's representative;

(ii) specifies the number of hours for which the defendant provided service;

(iii) contains a brief description of what the service involved; and

(iv)

(A) is signed by an authorized representative of the organization; or

(B) is in a form otherwise acceptable to the court.

(6) The court may refuse to accept compensatory service:

(a) completed prior to the date of sentencing;

(b) that has been submitted to another court for credit; or

(c) completed at an agency or organization or is a type of service that is specifically prohibited by the court.

(7) In addition to any other provision of this section, a court may order that the unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, be reduced in the amount of the cost of any treatment or course if:

(a) the treatment or course was ordered by the court as part of the case;

(b) the defendant has completed the court's requirements related to the treatment or course;

(c) the defendant provides proof that the defendant completed the court's requirements and paid the cost of the treatment or course; and

(d) the court finds that payment of an unpaid amount of a criminal accounts receivable will impose manifest hardship on the defendant or the defendant's family.

Amended by Chapter 259, 2025 General Session
Amended by Chapter 331, 2025 General Session

76-3-302 Fines of corporations, associations, partnerships, or government instrumentalities.

A corporation, association, partnership, or governmental instrumentality shall pay a fine for an offense defined in this code for which no special corporate fine is specified. The fine shall not exceed:

(1) $20,000 for a felony conviction;

(2) $10,000 for a class A misdemeanor conviction;

(3) $5,000 for a class B misdemeanor conviction; and

(4) $1,000 for a class C misdemeanor conviction or for an infraction conviction.

Amended by Chapter 291, 1995 General Session

76-3-303 Additional sanctions against corporation or association -- Advertising of conviction -- Disqualification of officer.

(1) When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.

(2) When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying the executive or high managerial officer from exercising similar functions in the same or other corporations or associations for a period of not exceeding five years if the court finds the scope or willfulness of the illegal actions make it dangerous or inadvisable for such functions to be entrusted to the executive or high managerial officer.

Amended by Chapter 302, 2025 General Session

Part 4
Limitations and Special Provisions on Sentences

76-3-401 Concurrent or consecutive sentences -- Limitations -- Definition.

(1) A court shall determine, if a defendant has been adjudged guilty of more than one felony offense, whether to impose concurrent or consecutive sentences for the offenses. The court shall state on the record and shall indicate in the order of judgment and commitment:
  (a) if the sentences imposed are to run concurrently or consecutively to each other; and
  (b) if the sentences before the court are to run concurrently or consecutively with any other sentences the defendant is already serving.

(2) In determining whether state offenses are to run concurrently or consecutively, the court shall consider the gravity and circumstances of the offenses, the number of victims, and the history, character, and rehabilitative needs of the defendant.

(3) The court shall order that sentences for state offenses run consecutively if the later offense is committed while the defendant is imprisoned or on parole, unless the court finds and states on the record that consecutive sentencing would be inappropriate.

(4) If a written order of commitment does not clearly state whether the sentences are to run consecutively or concurrently, the Board of Pardons and Parole shall request clarification from the court. Upon receipt of the request, the court shall enter a clarified order of commitment stating whether the sentences are to run consecutively or concurrently.

(5) A court may impose consecutive sentences for offenses arising out of a single criminal episode as defined in Section 76-1-401.

(6)
  (a) If a court imposes consecutive sentences, the aggregate maximum of all sentences imposed may not exceed 30 years imprisonment, except as provided under Subsection (6)(b).
  (b) The limitation under Subsection (6)(a) does not apply if:
    (i) an offense for which the defendant is sentenced authorizes the death penalty or a maximum sentence of life imprisonment; or
    (ii) the defendant is convicted of an additional offense based on conduct which occurs after his initial sentence or sentences are imposed.

(7) The limitation in Subsection (6)(a) applies if a defendant:
  (a) is sentenced at the same time for more than one offense;
  (b) is sentenced at different times for one or more offenses, all of which were committed prior to imposition of the defendant's initial sentence; or

(c) has already been sentenced by a court of this state other than the present sentencing court or by a court of another state or federal jurisdiction, and the conduct giving rise to the present offense did not occur after his initial sentencing by any other court.

(8) When the limitation of Subsection (6)(a) applies, determining the effect of consecutive sentences and the manner in which they shall be served, the Board of Pardons and Parole shall treat the defendant as though he has been committed for a single term that consists of the aggregate of the validly imposed prison terms as follows:

(a) if the aggregate maximum term exceeds the 30-year limitation, the maximum sentence is considered to be 30 years; and

(b) when indeterminate sentences run consecutively, the minimum term, if any, constitutes the aggregate of the validly imposed minimum terms.

(9) When a sentence is imposed or sentences are imposed to run concurrently with the other or with a sentence presently being served, the term that provides the longer remaining imprisonment constitutes the time to be served.

(10) This section may not be construed to restrict the number or length of individual consecutive sentences that may be imposed or to affect the validity of any sentence so imposed, but only to limit the length of sentences actually served under the commitments.

(11) This section may not be construed to limit the authority of a court to impose consecutive sentences in misdemeanor cases.

(12) As used in this section, "imprisoned" means sentenced and committed to a secure correctional facility as defined in Section 64-13-1, the sentence has not been terminated or voided, and the person is not on parole, regardless of where the person is located.

Amended by Chapter 129, 2002 General Session

76-3-401.5 Concurrent or consecutive sentence with a juvenile disposition.

(1) As used in this section:

(a) "Authority" means the Youth Parole Authority created in Section 80-5-701.

(b) "Board" means the Board of Pardons and Parole created in Section 77-27-2.

(c) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.

(d)

(i) "Juvenile disposition" means an order for commitment to the custody of the division under Subsection 80-6-703(2).

(ii) "Juvenile disposition" includes an order for secure care under Subsection 80-6-705(1).

(e) "Secure correctional facility" means the same as that term is defined in Section 64-13-1.

(f) "Secure care" means the same as that term is defined in Section 80-1-102.

(2) If a defendant who is 18 years old or older is serving a juvenile disposition, a court may not terminate the juvenile disposition for the defendant when:

(a) the defendant is convicted of an offense; and

(b) the court imposes a sentence under Section 76-3-201 for the offense.

(3)

(a) If a defendant who is 18 years old or older is convicted and sentenced for an offense and the defendant is serving a juvenile disposition at the time of sentencing, the court shall determine whether the sentence is to run concurrently or consecutively to the juvenile disposition.

(b) The court shall state on the record and in the order of judgment and commitment whether the sentence imposed is to run concurrently or consecutively with the juvenile disposition.

(c) In determining whether a sentence is to run concurrently or consecutively with a juvenile disposition, the court shall consider:
(i) the gravity and circumstances of the offense for which the defendant is convicted;
(ii) the number of victims; and
(iii) the history, character, and rehabilitative needs of the defendant.
(d) If an order of judgment and commitment does not clearly state whether the sentence is to run consecutively or concurrently with the juvenile disposition, the division shall request clarification from the court.
(e) Upon receipt of the request under Subsection (3)(d), the court shall enter a clarified order of judgment and commitment stating whether the sentence is to run concurrently or consecutively to the juvenile disposition.
(4) If a court orders a sentence for imprisonment to run concurrently with a juvenile disposition for secure care, the defendant shall serve the sentence in secure care until the juvenile disposition is terminated by the authority in accordance with Section 80-6-804.
(5) If a court orders a sentence for imprisonment in a county jail to run concurrently with a juvenile disposition for secure care and the disposition is terminated before the defendant's sentence for imprisonment in the county jail is terminated, the division shall:
(a) notify the county jail at least 14 days before the day on which the defendant's disposition is terminated or the defendant is released from secure care; and
(b) facilitate the transfer or release of the defendant in accordance with the order of judgment and commitment imposed by the court.
(6)
(a) If a court orders a sentence for imprisonment in a secure correctional facility to run concurrently with a juvenile disposition for secure care:
(i) the board has authority over the defendant for purposes of ordering parole, pardon, commutation, termination of sentence, remission of fines or forfeitures, restitution, and any other authority granted by law; and
(ii) the court and the division shall immediately notify the board that the defendant will remain in secure care as described in Subsection (4) for the board to schedule a hearing for the defendant in accordance with board procedures.
(b) If a court orders a sentence for imprisonment in a secure correctional facility to run concurrently with a juvenile disposition for secure care and the juvenile disposition is terminated before the defendant's sentence is terminated, the division shall:
(i) notify the board and the Department of Corrections at least 14 days before the day on which the defendant's disposition is terminated or the defendant is released from the secure care; and
(ii) facilitate a release or transfer of the defendant in accordance with the order of judgment and commitment imposed by the court.

Amended by Chapter 240, 2024 General Session

76-3-402 Conviction of lower degree of offense -- Procedure and limitations.
(1) As used in this section:
(a) "Lower degree of offense" includes an offense for which:
(i) a statutory enhancement is charged in the information or indictment that would increase either the maximum or the minimum sentence; and
(ii) the court removes the statutory enhancement in accordance with this section.
(b) "Minor regulatory offense" means the same as that term is defined in Section 77-40a-101.

(c)
(i) "Rehabilitation program" means a program designed to reduce criminogenic and recidivism risks.
(ii) "Rehabilitation program" includes:
(A) a domestic violence treatment program, as that term is defined in Section 26B-2-101;
(B) a residential vocational or life skills program, as that term is defined in Section 13-53-102;
(C) a substance abuse treatment program, as that term is defined in Section 26B-2-101;
(D) a substance use disorder treatment program, as that term is defined in Section 26B-2-101;
(E) a youth program, as that term is defined in Section 26B-2-101;
(F) a program that meets the standards established by the Department of Corrections under Section 64-13-25;
(G) a drug court, a veterans court, or a mental health court certified by the Judicial Council; or
(H) a program that is substantially similar to a program described in Subsections (1)(c)(ii)(A) through (G).
(d) "Serious offense" means a felony or misdemeanor offense that is not a minor regulatory offense or a traffic offense.
(e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
(f)
(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as that term is defined in Section 76-3-203.5.
(ii) "Violent felony" does not include an offense, or any attempt, solicitation, or conspiracy to commit an offense, for:
(A) the purchase or possession of a dangerous weapon or firearm by a restricted person under Section 76-11-305 or 76-11-306;
(B) unlawful conduct involving an explosive, chemical, or incendiary device under Subsection 76-15-210(2)(a); or
(C) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211.
(2) The court may enter a judgment of conviction for a lower degree of offense than established by statute and impose a sentence at the time of sentencing for the lower degree of offense if the court:
(a) takes into account:
(i) the nature and circumstances of the offense of which the defendant was found guilty; and
(ii) the history and character of the defendant;
(b) gives any victim present at the sentencing and the prosecuting attorney an opportunity to be heard; and
(c) concludes that the degree of offense established by statute would be unduly harsh to record as a conviction on the record for the defendant.
(3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute:
(a) after the defendant is successfully discharged from probation or parole for the conviction; and
(b) if the court finds that entering a judgment of conviction for a lower degree of offense is in the interest of justice in accordance with Subsection (7).
(4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:

(a) the defendant's probation or parole for the conviction did not result in a successful discharge but the defendant is successfully discharged from probation or parole for a subsequent conviction of an offense;

(b)

(i) at least five years have passed after the day on which the defendant is sentenced for the subsequent conviction; or

(ii) at least three years have passed after the day on which the defendant is sentenced for the subsequent conviction and the prosecuting attorney consents to the reduction;

(c) the defendant is not convicted of a serious offense during the time period described in Subsection (4)(b);

(d) there are no criminal proceedings pending against the defendant;

(e) the defendant is not on probation, on parole, or currently incarcerated for any other offense;

(f) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and

(g) the court finds that entering a judgment of conviction for a lower degree of offense is in the interest of justice in accordance with Subsection (7).

(5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:

(a) the defendant's probation or parole for the conviction did not result in a successful discharge but the defendant is successfully discharged from a rehabilitation program;

(b) at least three years have passed after the day on which the defendant is successfully discharged from the rehabilitation program;

(c) the defendant is not convicted of a serious offense during the time period described in Subsection (5)(b);

(d) there are no criminal proceedings pending against the defendant;

(e) the defendant is not on probation, on parole, or currently incarcerated for any other offense;

(f) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and

(g) the court finds that entering a judgment of conviction for a lower degree of offense is in the interest of justice in accordance with Subsection (7).

(6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:

(a) at least five years have passed after the day on which the defendant's probation or parole for the conviction did not result in a successful discharge;

(b) the defendant is not convicted of a serious offense during the time period described in Subsection (6)(a);

(c) there are no criminal proceedings pending against the defendant;

(d) the defendant is not on probation, on parole, or currently incarcerated for any other offense;

(e) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and

(f) the court finds that entering a judgment of conviction for a lower degree of offense is in the interest of justice in accordance with Subsection (7).

(7) In determining whether entering a judgment of a conviction for a lower degree of offense is in the interest of justice under Subsection (3), (4), (5), or (6):

(a) the court shall consider:

(i) the nature, circumstances, and severity of the offense for which a reduction is sought;

(ii) the physical, emotional, or other harm that the defendant caused any victim of the offense for which the reduction is sought; and

(iii) any input from a victim of the offense; and

(b) the court may consider:

(i) any special characteristics or circumstances of the defendant, including the defendant's criminogenic risks and needs;

(ii) the defendant's criminal history;

(iii) the defendant's employment and community service history;

(iv) whether the defendant participated in a rehabilitative program and successfully completed the program;

(v) any effect that a reduction would have on the defendant's ability to obtain or reapply for a professional license from the Department of Commerce;

(vi) whether the level of the offense has been reduced by law after the defendant's conviction;

(vii) any potential impact that the reduction would have on public safety; or

(viii) any other circumstances that are reasonably related to the defendant or the offense for which the reduction is sought.

(8)

(a) A court may only enter a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6) after:

(i) notice is provided to the other party;

(ii) reasonable efforts have been made by the prosecuting attorney to provide notice to any victims; and

(iii) a hearing is held if a hearing is requested by either party.

(b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6).

(c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the motion, the moving party has the burden to provide evidence sufficient to demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.

(d) If a defendant files a motion under this section, the prosecuting attorney shall respond to the motion within 35 days after the day on which the motion is filed with the court.

(9) A court has jurisdiction to consider and enter a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the defendant is committed to jail as a condition of probation or is sentenced to prison.

(10)

(a) An offense may be reduced only one degree under this section, unless the prosecuting attorney specifically agrees in writing or on the court record that the offense may be reduced two degrees.

(b) An offense may not be reduced under this section by more than two degrees.

(11) This section does not preclude an individual from obtaining or being granted an expungement of the individual's record in accordance with Title 77, Chapter 40a, Expungement of Criminal Records.

(12) The court may not enter a judgment for a conviction for a lower degree of offense under this section if:

(a) the reduction is specifically precluded by law; or

(b) any unpaid balance remains on court-ordered restitution for the offense for which the reduction is sought.

(13) When the court enters a judgment for a lower degree of offense under this section, the actual title of the offense for which the reduction is made may not be altered.

(14)

(a) An individual may not obtain a reduction under this section of a conviction that requires the individual to register as a sex offender, kidnap offender, or child abuse offender under Section 53-29-202 until the registration requirements under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, have expired.
(b) An individual required to register as a sex offender, kidnap offender, or child abuse offender under Section 53-29-202 and required to register for the individual's lifetime as described in Subsection 53-29-203(1)(b), may not be granted a reduction of the conviction for the offense or offenses that require the individual to register as a sex offender, kidnap offender, or child abuse offender.

Amended by Chapter 51, 2025 General Session
Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 291, 2025 General Session

76-3-403 Credit for good behavior against jail sentence for misdemeanors and certain felonies.

In any commitment for incarceration in a county jail or detention facility, other than the Utah State Prison, the custodial authority may in its discretion and upon good behavior of the inmate allow up to 10 days credit against the sentence to be served for every 30 days served or up to two days credit for every 10 days served when the period to be served is less than 30 days if:
(1) the incarceration is for a misdemeanor offense, and the sentencing judge has not entered an order to the contrary; or
(2) the incarceration is part of a probation agreement for a felony offense, and the sentencing district judge has not entered an order to the contrary.

Amended by Chapter 91, 1998 General Session

76-3-403.5 Work or school release from county jail or facility -- Conditions.

When an inmate is incarcerated in a county jail or in a detention facility, the custodial authority may, in accordance with the release policy of the facility, allow the inmate to work outside of the jail or facility as part of a jail or facility supervised work detail, to seek or work at employment, or to attend an educational institution, if the inmate's incarceration:
(1) is not for an offense for which release is prohibited under state law; and
(2)
(a) is for a misdemeanor offense, and the sentencing judge has not entered an order prohibiting release under this section; or
(b) is part of a probation agreement for a felony offense, and the sentencing district judge has not entered an order prohibiting release under this section.

Amended by Chapter 148, 2007 General Session

76-3-405 Limitation on sentence where conviction or prior sentence set aside.

(1) Where a conviction or sentence has been set aside on direct review or on collateral attack, the court shall not impose a new sentence for the same offense or for a different offense based on the same conduct which is more severe than the prior sentence less the portion of the prior sentence previously satisfied.
(2) This section does not apply when:

(a) the increased sentence is based on facts which were not known to the court at the time of the original sentence, and the court affirmatively places on the record the facts which provide the basis for the increased sentence; or
(b) a defendant enters into a plea agreement with the prosecution and later successfully moves to invalidate the defendant's conviction, in which case the defendant and the prosecution stand in the same position as though the plea bargain, conviction, and sentence had never occurred.

Amended by Chapter 302, 2025 General Session

76-3-406 Crimes for which probation, suspension of sentence, lower category of offense, or hospitalization may not be granted.

(1) As used in this section, "attempted child sexual offense" means an attempt to commit a felony that is:
(a) rape of a child as described in Section 76-5-402.1;
(b) object rape of a child as described in Section 76-5-402.3;
(c) sodomy on a child as described in Section 76-5-403.1; or
(d) aggravated sexual abuse of a child as described in Section 76-5-404.3.
(2) Except as provided in Subsection (3), a court may not grant probation, suspend the execution or imposition of a sentence, enter a judgment for a lower category of offense, or order hospitalization, if the effect of which would in any way shorten the prison sentence for:
(a) an actor who commits a capital felony or a first degree felony, or attempts to commit a capital felony or a first degree felony, that is:
(i) aggravated child abuse as described in Section 76-5-109.2;
(ii) child torture as described in Section 76-5-109.4;
(iii) aggravated murder as described in Section 76-5-202;
(iv) murder as described in Section 76-5-203;
(v) child kidnapping as described in Section 76-5-301.1;
(vi) aggravated kidnapping as described in Subsection 76-5-302(3)(b);
(vii) rape as described in Subsection 76-5-402(3)(b), (3)(c), (3)(d), or (4);
(viii) rape of a child as described in Section 76-5-402.1;
(ix) object rape as described in Subsection 76-5-402.2(3)(b), (3)(c), (3)(d), or (4);
(x) object rape of a child as described in Section 76-5-402.3;
(xi) forcible sodomy as described in Subsection 76-5-403(3)(b), (3)(c), (3)(d), or (4);
(xii) sodomy on a child as described in Section 76-5-403.1;
(xiii) forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);
(xiv) aggravated sexual abuse of a child as described in Section 76-5-404.3; or
(xv) aggravated sexual assault as described in Section 76-5-405; or
(b) an offense for which the penalty has been increased under Section 76-3-407, Repeat and habitual sex offenders.
(3)
(a) Except as provided in Subsection (3)(b), a court may suspend the execution or imposition of a prison sentence for an actor who is convicted of an attempt to commit a felony described in Subsection (2)(a) if the court:
(i) makes a finding on the record that:
(A) details why it is in the interests of justice not to execute or impose the prison sentence; and

(B) the actor does not pose a significant safety risk to the victim of the attempted crime or the general public; and

(ii) orders the actor to complete the terms and conditions of probation that is supervised by the Department of Corrections.

(b) If a court suspends a sentence for an attempted child sexual offense the court shall follow the provisions described in Section 76-5-406.5.

(4) Except for an offense before the district court in accordance with Section 80-6-502 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the actor:

(a) was under 18 years old at the time of the offense; and

(b) could have been adjudicated in the juvenile court but for the delayed reporting or delayed filing of the information.

(5) Except as provided in Subsection 77-16a-103(6) or (7), a court may not grant probation, suspend the execution or imposition of a sentence, enter a judgment for a lower category of offense under Section 76-3-402, or order hospitalization under Section 76-3-201 or 77-18-105 or Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition, if the court is prohibited from doing so by this section.

Repealed and Re-enacted by Chapter 193, 2025 General Session

76-3-406.5 Aggravating factors in imprisonment for certain criminal homicide cases.

(1) As used in this section:

(a) "Cohabitant" has the same definition as in Section 78B-7-102.

(b) "Position of trust" includes the position of a spouse, parent, or cohabitant.

(2) It is an aggravating factor that the person occupied a position of trust in relation to the victim.

(3) The Board of Pardons and Parole shall consider the aggravating factor in Subsection (2) in determining the length of imprisonment for a person convicted of:

(a) aggravated murder under Section 76-5-202;

(b) murder under Section 76-5-203; or

(c) manslaughter under Section 76-5-205.

(4) The sentencing court shall consider the aggravating factor in Subsection (2) in sentencing a person convicted of manslaughter under Section 76-5-205.

Amended by Chapter 3, 2008 General Session

76-3-407 Repeat and habitual sex offenders -- Additional prison term for prior felony convictions. -- Mandatory imprisonment for entire term of imprisonment.

(1) As used in this section:

(a)

(i) "Prior sexual offense" means:

(A) a felony offense described in Chapter 5, Part 4, Sexual Offenses;

(B) sexual exploitation of a minor, Section 76-5b-201;

(C) aggravated sexual exploitation of a minor, Section 76-5b-201.1;

(D) a felony attempt to commit an offense described in Subsections (1)(a)(i)(A) through (C); or

(E) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(a)(i)(A) through (D).

(ii) "Prior sexual offense" does not include:

(A) lewdness, as described in Section 76-5-419; or

(B) lewdness involving a child, as described in Section 76-5-420.

(b)
(i) "Sexual offense" means:
(A) an offense that is a second or third degree felony, or an attempted offense, which attempt is a second or third degree felony, described in Chapter 5, Part 4, Sexual Offenses;
(B) sexual exploitation of a minor, Section 76-5b-201;
(C) aggravated sexual exploitation of a minor, Section 76-5b-201.1;
(D) a felony attempt to commit an offense described in Subsections (1)(b)(i)(B) and (C); or
(E) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(b)(i)(A) through (D).
(ii) "Sexual offense" does not include:
(A) lewdness, as described in Section 76-5-419; or
(B) lewdness involving a child, as described in Section 76-5-420.
(2) Notwithstanding any other provision of law, the minimum and maximum penalty for a sexual offense is increased by five years for each conviction of the defendant for a prior sexual offense that arose from a separate criminal episode, if the trier of fact finds that:
(a) the defendant was convicted of a prior sexual offense; and
(b) the defendant was convicted of the prior sexual offense described in Subsection (2)(a) before the defendant committed the sexual offense for which the defendant is being sentenced.
(3) The increased term described in Subsection (2) shall be in addition to, and consecutive to, any other prison term served by the defendant.
(4) If a defendant's conviction is increased under this section, the defendant's entire sentence for the conviction is subject to mandatory imprisonment under Section 76-3-406.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 223, 2025 General Session

76-3-409 Child abuse or sex offense against child -- Treatment of offender or victim -- Payment of costs.

(1) Any person convicted in the district court of child abuse, or a sexual offense if the victim is under 18 years old, may be ordered to participate in treatment or therapy under the supervision of the Division of Adult Probation and Parole created in Section 64-14-202, in cooperation with the division of children, youth, and families until the court is satisfied that such treatment or therapy has been successful or that no further benefit to the convicted offender would result if such treatment or therapy were continued. The court may also order treatment of the victim if it believes the same would be beneficial under the circumstances. Nothing in this section shall preclude the court from imposing any additional sentence as provided by law.
(2) The convicted offender shall be ordered to pay, to the extent that the convicted offender is able, the costs of the convicted offender's treatment, together with treatment costs incurred by the victim and any administrative costs incurred by the appropriate state agency in the supervision of such treatment. If the convicted offender is unable to pay all or part of the costs of treatment, the court may order the appropriate state agency to pay such costs to the extent funding is provided by the Legislature for such purpose and shall order the convicted offender to perform public service work as compensation for the cost of treatment.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 302, 2025 General Session

76-3-410 Compensatory service -- Graffiti penalties.

(1) If an actor uses graffiti and is convicted under Section 76-6-106, 76-6-106.1, 76-6-107, or 76-6-206 for the use of graffiti, the court may, as a condition of probation under Subsection 77-18-105(6), order the actor to clean up graffiti of the actor and any other at a time and place within the jurisdiction of the court.
  (a) For a first conviction or adjudication, the court may require the actor to clean up graffiti for not less than eight hours.
  (b) For a second conviction or adjudication, the court may require the actor to clean up graffiti for not less than 16 hours.
  (c) For a third conviction or adjudication, the court may require the actor to clean up graffiti for not less than 24 hours.
(2) The actor convicted under Section 76-6-106, 76-6-106.1, 76-6-206, or 76-6-107 shall be responsible for removal costs as determined under Section 76-6-107, unless waived by the court for good cause.
(3) The court may also require the actor to perform other alternative forms of restitution or repair to the damaged property in accordance with Subsection 77-18-105(6).

Renumbered and Amended by Chapter 111, 2023 General Session

Chapter 4
Inchoate Offenses

Part 1
Attempt

76-4-101 Attempt -- Elements of offense.

(1) For purposes of this part, a person is guilty of an attempt to commit a crime if he:
  (a) engages in conduct constituting a substantial step toward commission of the crime; and
  (b)
    (i) intends to commit the crime; or
    (ii) when causing a particular result is an element of the crime, he acts with an awareness that his conduct is reasonably certain to cause that result.
(2) For purposes of this part, conduct constitutes a substantial step if it strongly corroborates the actor's mental state as defined in Subsection (1)(b).
(3) A defense to the offense of attempt does not arise:
  (a) because the offense attempted was actually committed; or
  (b) due to factual or legal impossibility if the offense could have been committed if the attendant circumstances had been as the actor believed them to be.

Amended by Chapter 154, 2004 General Session

76-4-102 Attempt -- Classification of offenses.

(1) A violation of Section 76-4-101 where the actor attempts to commit:
  (a)
    (i) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;

(ii) except as provided in Subsection (2), aggravated murder under Section 76-5-202, which results in serious bodily injury, is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life;

(b) except as provided in Subsection (1)(c), (d), or (e), a first degree felony is a second degree felony;

(c) murder under Subsection 76-5-203(2)(a) is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than five years and which may be for life;

(d) one of the the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:

(i) child kidnapping under Section 76-5-301.1; or

(ii) except as provided in Subsection (1)(e), a felony described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, that is a first degree felony;

(e) except as provided in Subsection (3), one of the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life:

(i) rape of a child under Section 76-5-402.1;

(ii) object rape of a child under Section 76-5-402.3; or

(iii) sodomy on a child under Section 76-5-403.1;

(f) a second degree felony is a third degree felony;

(g) a third degree felony is a class A misdemeanor;

(h) a class A misdemeanor is a class B misdemeanor;

(i) a class B misdemeanor is a class C misdemeanor; and

(j) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

(2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser term than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life; or

(b) six years and which may be for life.

(3) If, when imposing a sentence under Subsection (1)(e), a court finds that a lesser term than the term described in Subsection (1)(e) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life;

(b) six years and which may be for life; or

(c) three years and which may be for life.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 204, 2025 General Session

Part 2
Conspiracy, Solicitation, and Contributing to Delinquency

76-4-201 Conspiracy -- Elements of offense.

For purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting a crime be performed, agrees with one or more persons to engage in or cause

the performance of the conduct and any one of them commits an overt act in pursuance of the conspiracy, except where the offense is a capital felony, a felony against the person, arson, burglary, or robbery, the overt act is not required for the commission of conspiracy.

Amended by Chapter 209, 2001 General Session

76-4-202 Conspiracy -- Classification of offenses.

Conspiracy to commit:

(1) a capital felony is a first degree felony;

(2) a first degree felony is a second degree felony, except that conspiracy to commit child kidnaping, in violation of Section 76-5-301.1 or to commit any of those felonies described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, which are first degree felonies, is a first degree felony punishable by imprisonment for an indeterminate term of not less than three years and which may be for life;

(3) a second degree felony is a third degree felony;

(4) a third degree felony is a class A misdemeanor;

(5) a class A misdemeanor is a class B misdemeanor;

(6) a class B misdemeanor is a class C misdemeanor;

(7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

Amended by Chapter 173, 2025 General Session

76-4-203 Criminal solicitation of an adult.

(1)

(a) As used in this section:

(i) "Adult" means an individual who is 18 years old or older.

(ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits criminal solicitation of an adult if, with the intent that a felony offense be committed, the actor solicits an adult to engage in specific conduct that, under the circumstances as the actor believes the circumstances to be, would be a felony offense or would cause the adult to be a party to the commission of a felony offense.

(3) A violation of Subsection (2) where the actor solicits the adult to commit:

(a) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;

(b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second degree felony;

(c) any of the following felony offenses is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:

(i) murder, as described in Subsection 76-5-203(2)(a);

(ii) child kidnapping, as described in Section 76-5-301.1; or

(iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, that is a first degree felony;

(d) except as provided in Subsection (4), any of the following felony offenses is a first degree felony punishable by a term of imprisonment of not less than 15 years and which may be for life:

(i) rape of a child, Section 76-5-402.1;

(ii) object rape of a child, Section 76-5-402.3; or

(iii) sodomy on a child, Section 76-5-403.1;
(e) a second degree felony is a third degree felony; and
(f) a third degree felony is a class A misdemeanor.
(4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) 10 years and which may be for life;
(b) six years and which may be for life; or
(c) three years and which may be for life.
(5) An actor may be convicted under this section only if the solicitation is made under circumstances strongly corroborative of the actor's intent that the offense be committed.
(6) It is not a defense to a violation of this section that:
(a) the adult solicited by the actor:
(i) does not agree to act upon the solicitation;
(ii) does not commit an overt act;
(iii) does not engage in conduct constituting a substantial step toward the commission of any offense;
(iv) is not criminally responsible for the felony offense solicited;
(v) was acquitted, was not prosecuted or convicted, or was convicted of a different offense or of a different type or degree of offense; or
(vi) is immune from prosecution; or
(b) the actor:
(i) belongs to a class of persons that by definition is legally incapable of committing the offense in an individual capacity; or
(ii) fails to communicate with the adult that the actor solicits to commit an offense if the intent of the actor's conduct was to effect the communication.
(7) Nothing in this section prevents an actor who otherwise solicits an adult to engage, or intentionally aids an adult in engaging, in conduct that constitutes an offense from being prosecuted and convicted as a party to the offense under Section 76-2-202 if the adult actually commits the offense.

Amended by Chapter 173, 2025 General Session

76-4-205 Criminal solicitation of a minor.
(1)
(a) As used in this section:
(i) "Minor" means an individual who is younger than 18 years old.
(ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal solicitation of a minor if, with the intent that a felony or class A misdemeanor offense be committed, the actor solicits a minor to engage in specific conduct that, under the circumstances as the actor believes the circumstances to be, would be a felony or class A misdemeanor offense or would cause the minor to be a party to the commission of a felony or class A misdemeanor offense.
(3) A violation of Subsection (2) is:
(a) a first degree felony if the actor solicits conduct that is a first degree felony;
(b) a second degree felony if the actor solicits conduct that is a second degree felony;
(c) a third degree felony if the actor solicits conduct that is a third degree felony; and

(d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor.
(4) An actor may be convicted under this section only if the solicitation is made under circumstances strongly corroborative of the actor's intent that the offense be committed.
(5) It is not a defense to a violation of this section that:
(a) the minor:
(i) does not agree to act upon the solicitation;
(ii) does not commit an overt act;
(iii) does not engage in conduct constituting a substantial step toward the commission of any offense;
(iv) is not criminally responsible for the offense solicited;
(v) was acquitted or the allegations about the minor in a delinquency petition were found to not be true;
(vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of a different offense or of a different type or degree of offense; or
(vii) is immune from prosecution; or
(b) the actor:
(i) belongs to a class of persons that by definition is legally incapable of committing the offense in an individual capacity; or
(ii) fails to communicate with the minor that the actor solicits to commit an offense if the intent of the actor's conduct was to effect the communication.
(6) Nothing in this section prevents an actor who otherwise solicits a minor to engage, or intentionally aids in a minor in engaging, in conduct that constitutes an offense from being prosecuted and convicted as a party to the offense under Section 76-2-202 if the minor actually commits the offense.

Enacted by Chapter 301, 2024 General Session

76-4-206 Contributing to the delinquency of a minor.
(1)
(a) As used in this section:
(i) "Adult" means an individual who is 18 years old or older.
(ii) "Minor" means an individual who is younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits contributing to the delinquency of a minor if the actor:
(a) is an adult; and
(b) commits any act or engages in any conduct that the actor knows or should know would have the effect of causing or encouraging a minor to commit an act that would be a class B misdemeanor, a class C misdemeanor, or an infraction under a federal or state statute or a county or municipal ordinance.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) A violation of Subsection (2) does not require that the minor be found to be delinquent or to have committed a delinquent act.
(5) An offense committed under Subsection (2) is in addition to any completed or inchoate offense which the actor may have committed personally or as a party.

Renumbered and Amended by Chapter 301, 2024 General Session

Part 3
Exemptions and Restrictions

76-4-301 Specific attempt or conspiracy offense prevails.

Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this chapter, the specific offense shall prevail over the provisions of this chapter.

Amended by Chapter 20, 1995 General Session

76-4-302 Conviction of inchoate and principal offense or attempt and conspiracy to commit offense prohibited.

No person shall be convicted of both an inchoate and principal offense or of both an attempt to commit an offense and a conspiracy to commit the same offense.

Amended by Chapter 32, 1974 General Session

Chapter 5
Offenses Against the Individual

Part 1
Assault and Related Offenses

76-5-101 Definitions.

Unless otherwise provided, as used in this part:

(1) "Detained individual" means an individual detained under Section 77-7-15.

(2) "Prisoner" means an individual who is in custody of a peace officer pursuant to a lawful arrest or who is confined in a jail or other penal institution or a facility used for confinement of delinquent juveniles operated by the Division of Juvenile Justice and Youth Services regardless of whether the confinement is legal.

Amended by Chapter 240, 2024 General Session

76-5-102 Assault -- Penalties.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits assault if the actor:

(a) attempts, with unlawful force or violence, to inflict bodily injury on an individual; or

(b) commits an act, with unlawful force or violence, that:

(i) causes bodily injury to an individual; or

(ii) creates a substantial risk of bodily injury to an individual.

(3)

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

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if:

(i) the actor causes substantial bodily injury to an individual; or

(ii) the individual is pregnant and the actor has knowledge of the pregnancy.

(4) The fact that the actor caused serious bodily injury to an individual is not a defense to a violation of this section.

Amended by Chapter 181, 2022 General Session

76-5-102.1 Negligently operating a vehicle resulting in injury.

(1)
(a) As used in this section:
(i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
(ii) "Drug" means the same as that term is defined in Section 76-5-207.
(iii) "Negligent" or "negligence" means the same as that term is defined in Section 76-5-207.
(iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits negligently operating a vehicle resulting in injury if the actor:
(a)
(i) operates a vehicle in a negligent manner causing bodily injury to another; and
(ii)
(A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
(B) is under the influence of alcohol, a drug, or the combined influence of alcohol and a drug to a degree that renders the actor incapable of safely operating a vehicle; or
(C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
(b)
(i) operates a vehicle in a criminally negligent manner causing bodily injury to another; and
(ii) has in the actor's body any measurable amount of a controlled substance.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is:
(a)
(i) a class A misdemeanor; or
(ii) a third degree felony if the actor has two or more driving under the influence related convictions under Subsection 41-6a-501(2)(a), each of which is within 10 years of:
(A) the current conviction; or
(B) the commission of the offense upon which the current conviction is based;
(iii) a third degree felony, if the current conviction is at any time after the conviction of:
(A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2), that is a felony; or
(B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of conviction is reduced under Section 76-3-402; or
(iv) a third degree felony if the bodily injury is serious bodily injury; and
(b) a separate offense for each victim suffering bodily injury as a result of the actor's violation of this section, regardless of whether the injuries arise from the same episode of driving.
(4) An actor is not guilty of negligently operating a vehicle resulting in injury under Subsection (2)(b) if:
(a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;
(b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

(c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:
(i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and
(ii) the substance was administered to the actor by the medical researcher.

(5)
(a) A judge imposing a sentence under this section may consider:
(i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
(ii) the defendant's history;
(iii) the facts of the case;
(iv) aggravating and mitigating factors; or
(v) any other relevant fact.
(b) The judge may not impose a lesser sentence than would be required for a conviction based on the defendant's history under Section 41-6a-505.
(c) The standards for chemical breath analysis under Section 41-6a-515 and the provisions for the admissibility of chemical test results under Section 41-6a-516 apply to determination and proof of blood alcohol content under this section.
(d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).
(e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.
(f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except if prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
(g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.

(6)
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time.
(b) If a court designates a person as an interdicted person as provided in Subsection (6)(a), the court shall:
(i) require the person to surrender the person's identification card or driver license;
(ii) notify the Driver License Division that the person is an interdicted person; and
(iii) provide the person's identification card or driver license to the Driver License Division.

Amended by Chapter 471, 2025 General Session

76-5-102.3 Assault or threat of violence against a school employee.

(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Employee" includes a volunteer.
(iii) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits assault or threat of violence against a school employee if:
(a) the actor commits assault or a threat of violence against an employee of a public or private school;

(b) the actor has knowledge that the individual is an employee; and
(c) the employee is acting within the scope of the employee's authority as an employee.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 181, 2022 General Session

76-5-102.4 Assault against peace officer or a military service member in uniform -- Penalties.
(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Military service member in uniform" means:
(A) a member of any branch of the United States military who is wearing a uniform as authorized by the member's branch of service; or
(B) a member of the National Guard serving as provided in Section 39A-3-103.
(iii) "Peace officer" means:
(A) a law enforcement officer certified under Section 53-13-103;
(B) a correctional officer under Section 53-13-104;
(C) a special function officer under Section 53-13-105; or
(D) a federal officer under Section 53-13-106.
(iv) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits assault against a peace officer if:
(i) the actor commits an assault or threat of violence against a peace officer, with knowledge that the peace officer is a peace officer; and
(ii) at the time of the assault or threat of violence, the peace officer was acting within the scope of authority as a peace officer.
(b) An actor commits an assault or threat of violence against a military service member in uniform if:
(i) the actor commits an assault or threat of violence against a military service member in uniform; and
(ii) at the time of the assault or threat of violence, the service member was on orders and acting within the scope of authority granted to the military service member in uniform.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
(i) has been previously convicted of a class A misdemeanor or a felony violation of this section; or
(ii) causes substantial bodily injury.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second degree felony if the actor uses:
(i) a dangerous weapon; or
(ii) other means or force likely to produce death or serious bodily injury.
(4) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech, the right of assembly, or any other recognized rights secured by the Utah Constitution or laws, or by the United States Constitution or federal law.

(5) An actor who violates this section shall serve, in jail or another correctional facility, a minimum of:
(a) 90 consecutive days for a second offense; and
(b) 180 consecutive days for each subsequent offense.
(6) The court may suspend the imposition or execution of the sentence required under Subsection (5) if the court finds that the interests of justice would be best served by the suspension and the court makes specific findings concerning the disposition on the record.

Amended by Chapter 44, 2023 General Session

76-5-102.5 Assault by prisoner.
(1)
(a) As used in this section, "assault" means an offense under Section 76-5-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits assault by prisoner if the actor:
(a) is a prisoner; and
(b) intending to cause bodily injury, commits an assault.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 181, 2022 General Session

76-5-102.6 Propelling object or substance at a correctional or peace officer -- Penalties.
(1)
(a) As used in this section, "infectious agent" means the same as that term is defined in Section 26B-7-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits the offense of propelling an object or substance at a correctional or peace officer if the actor:
(a) is a prisoner or a detained individual; and
(b) throws or otherwise propels an object or substance at a peace officer, a correctional officer, or an employee or volunteer, including a health care provider.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if:
(i) the object or substance causes substantial bodily injury to the peace officer, the correctional officer, or the employee or volunteer, including a health care provider; or
(ii)
(A) the object or substance is:
(I) blood, urine, semen, or fecal material;
(II) an infectious agent or a material that carries an infectious agent;
(III) vomit or a material that carries vomit; or
(IV) the actor's saliva, and the actor knows the actor is infected with HIV, hepatitis B, or hepatitis C; and
(B) the object or substance comes into contact with any portion of the officer's, employee's, volunteer's, or health care provider's face, including the eyes or mouth, or comes into contact with any open wound on the officer's, employee's, volunteer's, or health care provider's body.

(4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 330, 2023 General Session

76-5-102.7 Assault or threat of violence against health care provider, emergency medical service worker, or health facility employee, owner, or contractor -- Penalty.

(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Emergency medical service worker" means an individual licensed under Section 53-2d-402.
(iii) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(iv) "Health facility" means:
(A) a health care facility as defined in Section 26B-2-201; and
(B) the office of a private health care provider, whether for individual or group practice.
(v) "Health facility employee" means an employee, owner, or contractor of a health facility.
(vi) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)
(a) An actor commits assault or threat of violence against a health care provider or emergency medical service worker if:
(i) the actor is not a prisoner or a detained individual;
(ii) the actor commits an assault or threat of violence;
(iii) the actor knew that the victim was a health care provider or emergency medical service worker; and
(iv) the health care provider or emergency medical service worker was performing emergency or lifesaving duties within the scope of his or her authority at the time of the assault or threat of violence.
(b) An actor commits assault or threat of violence against a health facility employee if:
(i) the actor is not a prisoner or a detained individual;
(ii) the actor commits an assault or threat of violence;
(iii) the actor knew that the victim was a health facility employee; and
(iv) the health facility employee was acting within the scope of the health facility employee's duties for the health facility.

(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
(i) causes substantial bodily injury; and
(ii) acts intentionally or knowingly.

Amended by Chapter 310, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-5-102.8 Disarming a peace officer -- Penalties.

(1)
(a) As used in this section:

(i) "Conductive energy device" means a weapon that uses electrical current to disrupt voluntary control of muscles.
(ii) "Firearm" means the same as that term is defined in Section 76-11-101.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disarming a peace officer if the actor intentionally takes or removes, or attempts to take or remove a firearm or a conductive energy device from an individual or immediate presence of an individual who the actor knows is a peace officer:
(a) without the consent of the peace officer; and
(b) while the peace officer is acting within the scope of the peace officer's authority as a peace officer.
(3)
(a) A violation of Subsection (2) regarding a firearm is a first degree felony.
(b) A violation of Subsection (2) regarding a conductive energy device is a third degree felony.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-5-102.9 Propelling a bodily substance or material -- Penalties.
(1)
(a) As used in this section:
(i) "Bodily substance or material" means:
(A) saliva, blood, urine, semen, or fecal material;
(B) an infectious agent or a material that carries an infectious agent; or
(C) vomit or a material that carries vomit.
(ii) "Infectious agent" means the same as that term is defined in Section 26B-7-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits propelling a bodily substance or material if the actor knowingly or intentionally throws or otherwise propels a bodily substance or material at another individual.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if:
(i) the bodily substance or material is the actor's saliva and the actor knows the actor is infected with HIV, hepatitis B, or hepatitis C; or
(ii) the bodily substance or material comes into contact with any portion of the other individual's face, including the eyes or mouth, or comes into contact with any open wound on the other individual's body.
(4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 330, 2023 General Session

76-5-103 Aggravated assault -- Penalties.
(1)
(a) As used in this section, "targeting a law enforcement officer" means the same as that term is defined in Section 76-5-202.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated assault if:

(a)
(i) the actor attempts, with unlawful force or violence, to do bodily injury to another;
(ii) the actor makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or
(iii) the actor commits an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another; and
(b) the actor's conduct described in Subsection (2)(a) includes:
(i) the use of:
(A) a dangerous weapon; or
(B) a motor vehicle;
(ii) any act that intentionally or knowingly impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence by:
(A) applying pressure to the neck or throat of an individual; or
(B) obstructing the nose, mouth, or airway of an individual; or
(iii) other means or force likely to produce death or serious bodily injury.
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if:
(i) the act results in serious bodily injury; or
(ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first degree felony if the conduct constitutes targeting a law enforcement officer and results in serious bodily injury.

Amended by Chapter 319, 2024 General Session

76-5-103.5 Aggravated assault by prisoner.
(1)
(a) As used in this section, "aggravated assault" means an offense under Section 76-5-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated assault by prisoner if the actor:
(a) is a prisoner; and
(b) commits aggravated assault.
(3)
(a) A violation of Subsection (2) is a second degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a first degree felony if serious bodily injury was intentionally caused.

Amended by Chapter 181, 2022 General Session

76-5-104 Consensual altercation.
(1) As used in this section, "ultimate fighting match" means the same as that term is defined in Section 76-9-112.
(2) In any prosecution for criminal homicide under Part 2, Criminal Homicide, or assault as that offense is described in Section 76-5-102, it is no defense to the prosecution that the defendant was a party to any duel, mutual combat, or other consensual altercation if during the course of the duel, combat, or altercation:
(a) any dangerous weapon was used; or
(b) the defendant was engaged in an ultimate fighting match.

Amended by Chapter 173, 2025 General Session

76-5-105 Mayhem.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits mayhem if the actor unlawfully and intentionally:
  (a) deprives an individual of a member of the individual's body;
  (b) disables or renders useless a member of an individual's body;
  (c) cuts out or disables an individual's tongue;
  (d) puts out an individual's eye; or
  (e) slits an individual's nose, ear, or lip.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 181, 2022 General Session

76-5-106 Harassment.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits harassment if, with intent to frighten or harass another, the actor communicates a written or recorded threat to commit a violent felony.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 181, 2022 General Session

76-5-106.5 Stalking -- Definitions -- Injunction -- Penalties -- Duties of law enforcement officer.

(1)
  (a) As used in this section:
    (i) "Course of conduct" means two or more acts directed at or toward a specific individual, including:
      (A) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property:
        (I) directly, indirectly, or through any third party; and
        (II) by any action, method, device, or means; or
      (B) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:
        (I) approaches or confronts an individual;
        (II) appears at the individual's workplace or contacts the individual's employer or coworker;
        (III) appears at an individual's residence or contacts an individual's neighbor, or enters property owned, leased, or occupied by an individual;
        (IV) sends material by any means to the individual or for the purpose of obtaining or disseminating information about or communicating with the individual to a member of the individual's family or household, employer, coworker, friend, or associate of the individual;
        (V) places an object on or delivers an object to property owned, leased, or occupied by an individual, or to the individual's place of employment with the intent that the object be delivered to the individual; or
        (VI) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that is a part of the course of conduct.

(ii)
(A) "Emotional distress" means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required.
(B) "Emotional distress" includes significant mental or psychological suffering resulting from harm to an animal.
(iii) "Immediate family" means a spouse, parent, child, sibling, or any other individual who regularly resides in the household or who regularly resided in the household within the prior six months.
(iv) "Private investigator" means the same as that term is defined in Section 76-12-305.
(v) "Reasonable person" means a reasonable person in the victim's circumstances.
(vi) "Stalking" means an offense as described in Subsection (2).
(vii) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another individual's telephone or computer by addressing the communication to the recipient's telephone number.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits stalking if the actor intentionally or knowingly:
(a) engages in a course of conduct directed at a specific individual and knows or is reckless as to whether the course of conduct would cause a reasonable person:
(i) to fear for the individual's own safety or the safety of a third individual; or
(ii) to suffer other emotional distress; or
(b) violates:
(i) a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions; or
(ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor:
(i) upon the actor's first violation of Subsection (2); or
(ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
(i) has been previously convicted of an offense of stalking;
(ii) has been previously convicted in another jurisdiction of an offense that is substantially similar to the offense of stalking;
(iii) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction which if committed in Utah would be a felony, in which the victim of the stalking offense or a member of the victim's immediate family was also a victim of the previous felony offense;
(iv) violated a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions; or
(v) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7-102, of the victim.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second degree felony if the actor:
(i) used a dangerous weapon or used other means or force likely to produce death or serious bodily injury, in the commission of the crime of stalking;
(ii) has been previously convicted two or more times of the offense of stalking;

(iii) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are substantially similar to the offense of stalking;
(iv) has been convicted two or more times, in any combination, of offenses under Subsection (3)(b)(i), (ii), or (iii);
(v) has been previously convicted two or more times of felony offenses in Utah or of crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of the stalking was also a victim of the previous felony offenses; or
(vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).

(4) In a prosecution under this section, it is not a defense that the actor:
(a) was not given actual notice that the course of conduct was unwanted; or
(b) did not intend to cause the victim fear or other emotional distress.

(5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more of the acts that is part of the course of conduct was initiated or caused an effect on the victim.

(6)
(a) Except as provided in Subsection (6)(b), an actor does not violate this section if:
(i) the actor is acting:
(A) in the actor's official capacity as a law enforcement officer, governmental investigator, or private investigator; and
(B) for a legitimate official or business purpose; or
(ii)
(A) the actor is the owner of a business;
(B) the actor engages in a course of conduct that is reasonable and necessary to protect the actor's ownership interest in the business;
(C) the conduct is not directed at a cohabitant, as that term is defined in Section 78B-7-102; and
(D) the actor's conduct does not violate any other provision of this code.
(b) A private investigator is not exempt from this section if the private investigator engages in conduct that would constitute a ground for disciplinary action under Section 53-9-118.

(7)
(a) A permanent criminal stalking injunction limiting the contact between the actor and victim may be filed in accordance with Section 78B-7-902.
(b) This section does not preclude the filing of criminal information for stalking based on the same act which is the basis for the violation of the stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

(8)
(a) A law enforcement officer who responds to an allegation of stalking shall use all reasonable means to protect the victim and prevent further violence, including:
(i) taking action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;
(ii) confiscating the weapon or weapons involved in the alleged stalking;
(iii) making arrangements for the victim and any child to obtain emergency housing or shelter;
(iv) providing protection while the victim removes essential personal effects;
(v) arranging, facilitating, or providing for the victim and any child to obtain medical treatment; and

(vi) arranging, facilitating, or providing the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of stalking, in accordance with Subsection (8)(b).

(b)

(i) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this section and Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.

(ii) The written notice shall also include:

(A) a statement that the forms needed in order to obtain a stalking injunction are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled; and

(B) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance.

(c) If a weapon is confiscated under this Subsection (8), the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a stalking injunction is not issued or once the stalking injunction is terminated.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 238, 2025 General Session

76-5-107 Threat of violence.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits a threat of violence if the actor:

(a)

(i) threatens to commit an offense:

(A) under Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; or

(B) involving bodily injury, death, or substantial property damage; and

(ii) acts with intent to place an individual in fear:

(A) that the actor will imminently commit an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, against the individual; or

(B) of imminent serious bodily injury, substantial bodily injury, or death; or

(b) makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to an individual.

(3)

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

(b) An actor who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.

(4) It is not a defense under this section that the actor did not attempt to or was incapable of carrying out the threat.

(5) A threat under Subsection (2) may be express or implied.

Amended by Chapter 173, 2025 General Session

76-5-107.1 Threats against schools.

(1)

(a) As used in this section:

(i) "Hoax weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(ii) "School" means a preschool or a public or private elementary or secondary school.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor is guilty of making a threat against a school if the actor threatens, with real intent or as an intentional hoax, to commit an offense involving bodily injury, death, or substantial property damage and the actor:
(a) threatens the use of a firearm or weapon or hoax weapon of mass destruction;
(b) acts with intent to:
(i) disrupt the regular schedule of the school or influence or affect the conduct of students, employees, or the general public at the school;
(ii) prevent or interrupt the occupancy of the school or a portion of the school, or a facility or vehicle used by the school; or
(iii) intimidate or coerce students or employees of the school; or
(c) causes an official or volunteer agency organized to deal with emergencies to take action due to the risk to the school or general public.
(3)
(a)
(i) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a third degree felony.
(ii) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.
(iii) A violation of Subsection (2)(c) is a class B misdemeanor.
(b)
(i) In addition to another penalty authorized by law, a court shall order an actor convicted under this section to pay restitution to a federal, state, or local unit of government, or a private business, organization, individual, or entity for expenses and losses incurred in responding to the threat, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(ii) Restitution ordered in the case of a minor adjudicated for a violation of this section shall be determined in accordance with Section 80-6-710.
(4) It is not a defense to this section that the actor did not attempt to carry out the threat or was incapable of carrying out the threat.
(5) A violation of this section shall be reported to the local law enforcement agency.
(6) Counseling for a minor alleged to have violated this section and the minor's family may be made available through state and local health department programs.

Amended by Chapter 173, 2025 General Session

76-5-107.3 Threat of terrorism -- Penalty.
(1)
(a) As used in this section:
(i) "Hoax weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(ii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits a threat of terrorism if the actor threatens to commit an offense involving bodily injury, death, or substantial property damage and the actor:

(i)
(A) threatens the use of a weapon of mass destruction; or
(B) threatens the use of a hoax weapon of mass destruction; or
(ii) acts with intent to:
(A) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;
(B) prevent or interrupt the occupation of a building or a portion of the building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier; or
(C) cause an official or volunteer agency organized to deal with emergencies to take action due to the actor's conduct posing a serious and substantial risk to the general public.
(b) A threat under this section may be express or implied.
(3)
(a)
(i) A violation of Subsection (2)(a)(i) or (2)(a)(ii)(A) is a second degree felony.
(ii) A violation of Subsection (2)(a)(ii)(B) is a third degree felony.
(iii) A violation of Subsection (2)(a)(ii)(C) is a class B misdemeanor.
(b) An actor who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.
(c) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(4) It is not a defense under this section that the actor did not attempt to carry out or was incapable of carrying out the threat.

Amended by Chapter 173, 2025 General Session

76-5-107.5 Prohibition of "hazing" -- Definitions -- Penalties.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits hazing if the actor intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:
(a)
(i) endangers the mental or physical health or safety of an individual;
(ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
(iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
(iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and
(b)
(i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or

(ii) if the actor knew that the individual is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.

(3)

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

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if the act involves:

(i) the operation or other use of a motor vehicle;

(ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or

(iii) the consumption of a drug or a substance as defined in Section 76-5-113.

(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a third degree felony if the act involves the use of a dangerous weapon.

(d) Notwithstanding Subsection (3)(a), (b), or (c), a violation of Subsection (2) is a third degree felony if the hazing results in serious bodily injury to an individual.

(e) Notwithstanding Subsection (3)(a), (b), (c), or (d), a violation of Subsection (2) is a second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon .

(4)

(a) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.

(b) It is not a defense to prosecution of hazing that an individual under 21 years old, against whom the hazing was directed, consented to or acquiesced in the hazing activity.

(5)

(a) This section does not apply to military training or other official military activities.

(b) Military conduct is governed by Title 39A, Chapter 5, Utah Code of Military Justice.

(6)

(a) A prosecution under this section does not bar a prosecution of the actor for:

(i) any other offense for which the actor may be liable as a party for conduct committed by the individual hazed; or

(ii) any offense, caused in the course of the hazing, that the actor commits against the individual hazed.

(b) Under Subsection (6)(a)(i) an actor may be separately punished, both for the hazing offense and the conduct committed by the individual hazed.

(c) Under Subsection (6)(a)(ii) an actor may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

Amended by Chapter 181, 2022 General Session

76-5-108 Violation of protective order.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits violation of protective order if the actor:

(a) is the respondent or defendant subject to a protective order, child protective order, ex parte protective order, ex parte child protective order, or foreign protection order issued under, or for the purposes of Subsection (2)(a)(i), enforceable under:

(i) Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act;

(ii) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;

(iii) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; or

(iv) Title 80, Utah Juvenile Code; and

(b) intentionally or knowingly violates that order after having been properly served or having been present, in person or through court video conferencing, when the order was issued.
(3) A violation of Subsection (2) is a class A misdemeanor, except as a greater penalty may be provided in Title 77, Chapter 36, Cohabitant Abuse Procedures Act.
(4) Violation of an order described in Subsection (2) is a domestic violence offense under Section 77-36-1 and subject to increased penalties in accordance with Section 77-36-1.1.

Amended by Chapter 181, 2022 General Session

76-5-109 Child abuse.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 18 years old.
(ii) "Injury" means a physical or psychological injury to or condition of a child which impairs the physical or psychological condition of the child, including:
(A) a bruise or other contusion of the skin;
(B) a minor laceration or abrasion;
(C) failure to thrive or malnutrition; or
(D) any other condition that imperils the child's physical or psychological health or welfare and that is not a serious injury.
(iii) "Psychological injury" means an identifiable mental or emotional harm, damage, impairment, or dysfunction.
(iv)
(A) "Serious injury" means an injury or set of injuries that:
(I) seriously impairs the child's health, which includes the child's physical or mental well-being or development;
(II) causes serious emotional harm to the child; or
(III) involves a substantial risk of death to the child.
(B) "Serious injury" includes:
(I) fracture of any bone or bones;
(II) intracranial bleeding, swelling or contusion of the brain, whether caused by blows, shaking, or causing the child's head to impact with an object or surface;
(III) any burn, including burns inflicted by hot water, or those caused by placing a hot object upon the skin or body of the child;
(IV) any injury caused by use of a dangerous weapon;
(V) any combination of two or more injuries inflicted by the same individual, either at the same time or on different occasions;
(VI) any damage to internal organs of the body;
(VII) any conduct toward a child that results in severe emotional harm, severe developmental delay or intellectual disability, or severe impairment of the child's ability to function;
(VIII) any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ;
(IX) any impediment of the breathing or the circulation of blood by application of pressure to the neck, throat, or chest, or by the obstruction of the nose or mouth, that is likely to produce a loss of consciousness;

(X) any conduct involving unreasonable forcible restriction of a child's movements, including restraining or confining the child with restraints or in an enclosed space or forcing the child to remain in a stress position;
(XI) any conduct involving forcing or coercing a child to injure the child's self, an individual known to the child, or an animal known to the child;
(XII) any conduct involving a threat to harm or kill the child, an individual known to the child, or an animal known to the child;
(XIII) any conduct involving unreasonably subjecting a child to excessive heat, cold, darkness, solitary confinement, or sleep deprivation;
(XIV) any conduct that results in starvation, dehydration, failure to thrive, or malnutrition, that jeopardizes the child's life or seriously injures the child's physical or mental well-being or development; or
(XV) unconsciousness caused by the unlawful infliction of a brain injury or unlawfully causing any deprivation of oxygen to the brain.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits child abuse if the actor:

(a) inflicts upon a child an injury; or

(b) having the care or custody of a child, causes or permits another to inflict an injury upon the child.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor if done intentionally or knowingly.

(b) A violation of Subsection (2) is a class B misdemeanor if done recklessly.

(c) A violation of Subsection (2) is a class C misdemeanor if done with criminal negligence.

(4)

(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.

(b) A parent or guardian of a child does not violate this section by selecting a treatment option for a medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.

(c) An actor is not guilty of an offense under this section for conduct that constitutes:

(i) reasonable discipline or management of a child, including withholding privileges;

(ii) conduct described in Section 76-2-401; or

(iii) the use of reasonable and necessary physical restraint or force on a child:

(A) in self-defense;

(B) in defense of others;

(C) to protect the child; or

(D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (4)(c)(iii)(A) through (C).

Amended by Chapter 284, 2025 General Session

76-5-109.2 Aggravated child abuse.

(1)

(a) As used in this section:

(i) "Child" means the same as that term is defined in Section 76-5-109.

(ii) "Serious injury" means the same as that term is defined in Section 76-5-109.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Under circumstances not amounting to a violation of Section 76-5-109.4, Child torture, an actor commits aggravated child abuse if the actor:
(a) inflicts upon a child a serious injury; or
(b) having the care or custody of a child, causes or permits another to inflict a serious injury upon the child.
(3)
(a) A violation of Subsection (2) is a first degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a third degree felony if done recklessly.
(c) A violation of Subsection (2) is a class A misdemeanor if done with criminal negligence.
(4)
(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.
(b) A parent or guardian of a child does not violate this section by selecting a treatment option for the medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.
(c) An actor is not guilty of an offense under this section for conduct that constitutes:
(i) conduct described in Section 76-2-401; or
(ii) the use of reasonable and necessary physical restraint or force on a child:
(A) in self-defense;
(B) in defense of others;
(C) to protect the child; or
(D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (4)(c)(ii)(A) through (C).

Amended by Chapter 193, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-109.3 Child abandonment.
(1)
(a) As used in this section:
(i) "Child" means the same as that term is defined in Section 76-5-109.
(ii) "Enterprise" means the same as that term is defined in Section 76-17-401.
(iii) "Serious injury" means the same as that term is defined in Section 76-5-109.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Except as provided in Subsection (4), an actor commits child abandonment if the actor:
(i) is a parent or legal guardian of a child, and:
(A) intentionally ceases to maintain physical custody of the child;
(B) intentionally fails to make reasonable arrangements for the safety, care, and physical custody of the child; and
(C)
(I) intentionally fails to provide the child with food, shelter, or clothing;
(II) manifests an intent to permanently not resume physical custody of the child; or

(III) for a period of at least 30 days, intentionally fails to resume physical custody of the child and fails to manifest a genuine intent to resume physical custody of the child; or

(ii) encourages or causes the parent or legal guardian of a child to violate Subsection (2)(a)(i).

(b) Except as provided in Subsection (4), an enterprise commits child abandonment if the enterprise encourages, commands, induces by misrepresentation, or causes another to violate Subsection (2)(a).

(3)

(a)

(i) A violation of Subsection (2) is a third degree felony.

(ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2) is a second degree felony if, as a result of the child abandonment:

(A) the child suffers a serious injury; or

(B) the actor or enterprise receives, directly or indirectly, any benefit.

(b)

(i) In addition to the penalty described in Subsection (3)(a)(ii), the court may order the actor or enterprise described in Subsection (3)(a)(ii)(B) to pay the costs of investigating and prosecuting the offense and the costs of securing any forfeiture provided for under Subsection (3)(b)(ii).

(ii) Any tangible or pecuniary benefit received under Subsection (3)(a)(ii)(B) is subject to criminal or civil forfeiture pursuant to Title 77, Chapter 11b, Forfeiture of Seized Property.

(4)

(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.

(b) An actor is not guilty of an offense under this section for conduct that constitutes:

(i) the safe relinquishment of a child pursuant to the provisions of Section 80-4-502;

(ii) giving legal consent to a court order for termination of parental rights:

(A) in a legal adoption proceeding; or

(B) in a case in which a petition for the termination of parental rights, or the termination of a guardianship, has been filed;

(iii) reasonable discipline or management of a child, including withholding privileges; or

(iv) conduct described in Section 76-2-401.

(c) It is a defense to prosecution under Subsection (2)(a)(i) that the actor committed child abandonment due to:

(i) intimidation;

(ii) isolation;

(iii) harassment;

(iv) coercion;

(v) the actor's reasonable fear of bodily harm; or

(vi) the reasonable actions of the actor to protect the safety and welfare of the actor or another individual.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-109.4 Child torture.

(1)
(a) As used in this section:
(i) "Child" means the same as that term is defined in Section 76-5-109.
(ii) "Course of conduct" means a pattern of conduct composed of two or more acts that evidence a continuity of purpose.
(iii) "Serious injury" means the same as that term is defined in Section 76-5-109.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits child torture if the actor intentionally or knowingly inflicts upon a child, or having the care or custody of a child, intentionally or knowingly causes or permits another to inflict upon the child:
(a) a serious injury that is inflicted in an exceptionally cruel or exceptionally depraved manner that causes the child to experience extreme physical or psychological pain or anguish; or
(b) a serious injury, or more than one serious injury, as part of a course of conduct or over a prolonged period of time.
(3)
(a) Except as provided under Subsection (3)(b), a violation of Subsection (2) is a first degree felony subject to a sentence of imprisonment of at least 10 years and which may be for life.
(b) If, when imposing a sentence of imprisonment, a court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) seven years and which may be for life; or
(ii) four years and which may be for life.
(4) Imprisonment under Subsection (3) is mandatory in accordance with Section 76-3-406.
(5) An actor's conduct is not subject to punishment under Subsection (2)(b) if the serious injury that forms the basis for the offense is based solely on the commission of two or more injuries by the same individual as described under Subsection 76-5-109(1)(a)(iii)(B)(V).

Enacted by Chapter 284, 2025 General Session

76-5-110 Abuse or neglect of a child with a disability.
(1)
(a) As used in this section:
(i) "Abuse" means:
(A) inflicting injury;
(B) having the care or custody of a child with a disability, causing or permitting another to inflict injury; or
(C) unreasonable confinement.
(ii) "Caretaker" means:
(A) any parent, legal guardian, or other person having under that person's care and custody a child with a disability; or
(B) any person, corporation, or public institution that has assumed by contract or court order the responsibility to provide food, shelter, clothing, medical, and other necessities to a child with a disability.
(iii) "Child with a disability" means an individual under 18 years old who is impaired because of mental illness, mental deficiency, physical illness or disability, or other cause, to the extent that the individual is unable to care for the individual's own personal safety or to provide necessities such as food, shelter, clothing, and medical care.
(iv) "Injury" means the same as that term is defined in Section 76-5-109.

(v) "Neglect" means failure by a caretaker to provide care, nutrition, clothing, shelter, supervision, or medical care.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits abuse or neglect of a child with a disability if the actor is a caretaker and intentionally, knowingly, or recklessly abuses or neglects a child with a disability.

(3) A violation of Subsection (2) is a third degree felony.

(4)

(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to be in violation under this section.

(b) Subject to Section 80-3-109, the exception under Subsection (4)(a) does not preclude a court from ordering medical services from a physician licensed to engage in the practice of medicine to be provided to the child where there is substantial risk of harm to the child's health or welfare if the treatment is not provided.

(c) A caretaker of a child with a disability does not violate this section by selecting a treatment option for a medical condition of a child with a disability, if the treatment option is one that a reasonable caretaker would believe to be in the best interest of the child with a disability.

Amended by Chapter 284, 2025 General Session

76-5-111 Abuse of a vulnerable adult -- Penalties.

(1)

(a) As used in this section:

(i) "Abandonment" means a knowing or intentional action or inaction, including desertion, by a person acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.

(ii) "Abuse" means:

(A) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing another in fear of imminent harm;

(B) causing physical injury by knowing or intentional acts or omissions;

(C) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician's or physician assistant's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the vulnerable adult; or

(D) deprivation of life-sustaining treatment, except:

(I) as provided in Title 75A, Chapter 3, Health Care Decisions; or

(II) when informed consent, as defined in this section, has been obtained.

(iii) "Caretaker" means a person or public institution that is entrusted with or assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, or other necessities for pecuniary gain, by contract, or as a result of friendship, or in a position of trust and confidence with a vulnerable adult, including a relative, a household member, an attorney-in-fact, a neighbor, a person who is employed or who provides volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is under court order to provide care.

(iv)

(A) "Dependent adult" means an individual 18 years old or older, who has a physical or mental impairment that restricts the individual's ability to carry out normal activities or to protect the individual's rights.

(B) "Dependent adult" includes an individual who has physical or developmental disabilities or whose physical or mental capacity has substantially diminished because of age.

(v) "Elder adult" means an individual 65 years old or older.

(vi) "Exploitation" means an offense described in Section 76-5-111.3, 76-5-111.4, or 76-5b-202.

(vii) "Harm" means pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, suffering, or distress inflicted knowingly or intentionally.

(viii) "Informed consent" means:

(A) a written expression by the individual or authorized by the individual, stating that the individual fully understands the potential risks and benefits of the withdrawal of food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, and that the individual desires that the services be withdrawn, except that a written expression is valid only if the individual is of sound mind when the consent is given, and the consent is witnessed by at least two individuals who do not benefit from the withdrawal of services; or

(B) consent to withdraw food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, as permitted by court order.

(ix)

(A) "Isolation" means knowingly or intentionally preventing a vulnerable adult from having contact with another person, unless the restriction of personal rights is authorized by court order, by:

(I) preventing the vulnerable adult from communicating, visiting, interacting, or initiating interaction with others, including receiving or inviting visitors, mail, or telephone calls, contrary to the express wishes of the vulnerable adult, or communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false;

(II) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or

(III) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members.

(B) "Isolation" does not include an act:

(I) intended in good faith to protect the physical or mental welfare of the vulnerable adult; or

(II) performed pursuant to the treatment plan or instructions of a physician, physician assistant, or other professional advisor of the vulnerable adult.

(x) "Neglect" means:

(A) failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care, or dental or other health care, or failure to provide protection from health and safety hazards or maltreatment;

(B) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;

(C) a pattern of conduct by a caretaker, without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult's well being;

(D) intentional failure by a caretaker to carry out a prescribed treatment plan that results or could result in physical injury or physical harm; or
(E) abandonment by a caretaker.
(xi)
(A) "Physical injury" includes damage to any bodily tissue caused by nontherapeutic conduct, to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition, or damage to any bodily tissue to the extent that the tissue cannot be restored to a sound and healthy condition.
(B) "Physical injury" includes skin bruising, a dislocation, physical pain, illness, impairment of physical function, a pressure sore, bleeding, malnutrition, dehydration, a burn, a bone fracture, a subdural hematoma, soft tissue swelling, injury to any internal organ, or any other physical condition that imperils the health or welfare of the vulnerable adult and is not a serious physical injury as defined in this section.
(xii) "Position of trust and confidence" means the position of a person who:
(A) is a parent, spouse, adult child, or other relative of a vulnerable adult;
(B) is a joint tenant or tenant in common with a vulnerable adult;
(C) has a legal or fiduciary relationship with a vulnerable adult, including a court-appointed or voluntary guardian, trustee, attorney, attorney-in-fact, or conservator; or
(D) is a caretaker of a vulnerable adult.
(xiii) "Serious physical injury" means any physical injury or set of physical injuries that:
(A) seriously impairs a vulnerable adult's health;
(B) was caused by use of a dangerous weapon;
(C) involves physical torture or causes serious emotional harm to a vulnerable adult; or
(D) creates a reasonable risk of death.
(xiv) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or physical impairment which substantially affects that individual's ability to:
(A) provide personal protection;
(B) provide necessities such as food, shelter, clothing, or medical or other health care;
(C) obtain services necessary for health, safety, or welfare;
(D) carry out the activities of daily living;
(E) manage the adult's own resources; or
(F) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor, including a caretaker, commits abuse of a vulnerable adult if the actor, under circumstances other than those likely to produce death or serious physical injury:
(a) causes a vulnerable adult to suffer harm, abuse, or neglect;
(b) having the care or custody of a vulnerable adult, causes or permits that vulnerable adult's person or health to be injured, abused, or neglected; or
(c) causes or permits a vulnerable adult to be placed in a situation in which the vulnerable adult's person or health is endangered.
(3)
(a) A violation of Subsection (2):
(i) is a class A misdemeanor if done intentionally or knowingly;
(ii) is a class B misdemeanor if done recklessly; or
(iii) is a class C misdemeanor if done with criminal negligence.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) that is based on isolation of a vulnerable adult is a third degree felony.

(4)
(a) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.
(b) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.
(5) If an actor, including a caretaker, violates this section by willfully isolating a vulnerable adult, in addition to the penalties under Subsection (3), the court may require that the actor:
(a) undergo appropriate counseling as a condition of the sentence; and
(b) pay for the costs of the ordered counseling.

Amended by Chapter 364, 2024 General Session

76-5-111.2 Aggravated abuse of a vulnerable adult -- Penalties.
(1)
(a) As used in this section, "abuse," "caretaker," "isolation," "neglect," "serious physical injury," and "vulnerable adult" all mean the same as those terms are defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor, including a caretaker, commits aggravated abuse of a vulnerable adult if the actor, under a circumstance likely to produce death or serious physical injury:
(a) causes a vulnerable adult to suffer serious physical injury;
(b) having the care or custody of a vulnerable adult, causes or permits the vulnerable adult's person or health to be injured; or
(c) causes or permits a vulnerable adult to be placed in a situation in which the vulnerable adult's person or health is endangered.
(3)
(a) A violation of Subsection (2) is a second degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a third degree felony if done recklessly.
(c) A violation of Subsection (2) is a class A misdemeanor if done with criminal negligence.
(4)
(a) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.
(b) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.
(5) If an actor, including a caretaker, violates this section by willfully isolating a vulnerable adult, in addition to the penalties under Subsection (3), the court may require that the actor:
(a) undergo appropriate counseling as a condition of the sentence; and
(b) pay for the costs of the ordered counseling.

Enacted by Chapter 181, 2022 General Session

76-5-111.3 Personal dignity exploitation of a vulnerable adult -- Penalties.
(1)
(a) As used in this section, "abuse," "caretaker," "exploitation," "neglect," and "vulnerable adult" all mean the same as those terms are defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) Except as provided in Subsection (4), an actor commits personal dignity exploitation of a vulnerable adult if the actor is a caretaker of a vulnerable adult and intentionally, knowingly, or recklessly:
(a) creates, transmits, or displays a photographic or electronic image or recording of the vulnerable adult:
(i) to which creation, transmission, or display a reasonable person would not consent; and
(ii)
(A) that shows the vulnerable adult's unclothed breasts, buttocks, anus, genitals, or pubic area;
(B) that displays the clothed area of only the vulnerable adult's breasts, buttocks, anus, genitals, or pubic area; or
(C) that shows the vulnerable adult engaged in conduct that is harmful to the mental or physical health or safety of the vulnerable adult; or
(b) causes the vulnerable adult to participate in an act that is highly offensive or demeaning to the vulnerable adult:
(i) in which a reasonable person would not participate; or
(ii) that is harmful to the mental or physical health or safety of the vulnerable adult.
(3)
(a)
(i) A violation of Subsection (2) is a class A misdemeanor if done intentionally or knowingly.
(ii) A violation of Subsection (2) is a class B misdemeanor if done recklessly.
(b)
(i) It is a separate offense under Subsection (2)(a) for each vulnerable adult included in a photographic or electronic image or recording created, transmitted, or displayed in violation of Subsection (2)(a).
(ii) It is a separate offense under Subsection (2)(b) for each vulnerable adult caused to participate in an act in violation of Subsection (2)(b).
(4)
(a) A caretaker does not violate Subsection (2)(a) if the caretaker creates, transmits, or displays the photographic or electronic image or recording:
(i) with the consent of the vulnerable adult, if the vulnerable adult:
(A) is mentally and physically able to give voluntary consent to the creation, transmission, or display; and
(B) gives voluntary consent for the creation, transmission, or display;
(ii) for a legitimate purpose relating to monitoring or providing care, treatment, or diagnosis; or
(iii) for a legitimate purpose relating to investigating abuse, neglect, or exploitation.
(b) A caretaker does not violate Subsection (2)(b) if:
(i) the vulnerable adult:
(A) is mentally and physically able to give voluntary consent to participate in the act; and
(B) gives voluntary consent to participate in the act; or
(ii) the caretaker causes the vulnerable adult to participate in the act for a legitimate purpose relating to:
(A) monitoring or providing care, treatment, or diagnosis; or
(B) investigating abuse, neglect, or exploitation.
(5)
(a) It is not a defense that the vulnerable adult was unaware of:
(i) the creation, transmission, or display prohibited under Subsection (2)(a); or
(ii) participation in the act, or the nature of participation in the act, under Subsection (2)(b).

(b) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.

Enacted by Chapter 181, 2022 General Session

76-5-111.4 Financial exploitation of a vulnerable adult -- Penalties.

(1)

(a) As used in this section:

(i) "Abuse" means the same as that term is defined in Section 76-5-111.

(ii) "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written agreement for the exchange of goods or services.

(iii) "Deception" means:

(A) a misrepresentation or concealment:

(I) of a material fact relating to services rendered, disposition of property, or use of property intended to benefit a vulnerable adult;

(II) of the terms of a contract or agreement entered into with a vulnerable adult; or

(III) relating to the existing or preexisting condition of any property involved in a contract or agreement entered into with a vulnerable adult; or

(B) the use or employment of any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement.

(iv) "Endeavor" means to attempt or try.

(v) "Intimidation" means communication conveyed through verbal or nonverbal conduct that threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or that threatens isolation or harm.

(vi) "Isolation" means the same as that term is defined in Section 76-5-111.

(vii) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause to the extent that a vulnerable adult lacks sufficient understanding of the nature or consequences of decisions concerning the vulnerable adult's person or property.

(viii) "Neglect" means the same as that term is defined in Section 76-5-111.

(ix) "Undue influence" occurs when a person:

(A) uses influence to take advantage of a vulnerable adult's mental or physical impairment; or

(B) uses the person's role, relationship, or power:

(I) to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or fear of a vulnerable adult; or

(II) to gain control deceptively over the decision making of the vulnerable adult.

(x) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits the offense of financial exploitation of a vulnerable adult if the actor:

(a) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the vulnerable adult's property, for the benefit of someone other than the vulnerable adult;

(b) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to

obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the vulnerable adult's property for the benefit of someone other than the vulnerable adult;

(c) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;

(d) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult; or

(e) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.

(3)

(a) A violation of Subsection (2) is a second degree felony if done intentionally or knowingly and the aggregate value of the resources used or the profit made is or exceeds $5,000.

(b) A violation of Subsection (2) is a third degree felony if done intentionally or knowingly and the aggregate value of the resources used or the profit made is less than $5,000 or cannot be determined.

(c) A violation of Subsection (2) is a class A misdemeanor if done recklessly.

(d) A violation of Subsection (2) is a class B misdemeanor if done with criminal negligence.

(4) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.

Enacted by Chapter 181, 2022 General Session

76-5-112 Reckless endangerment -- Penalty.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits reckless endangerment if, under circumstances not amounting to a felony offense, the actor recklessly engages in conduct that creates a substantial risk of death or serious bodily injury to another individual.

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

Amended by Chapter 181, 2022 General Session

76-5-112.5 Endangerment of a child or vulnerable adult.

(1)

(a) As used in this section:

(i)

(A) "Chemical substance" means:

(I) a substance intended to be used as a precursor in the manufacture of a controlled substance;

(II) a substance intended to be used in the manufacture of a controlled substance; or

(III) any fumes or by-product resulting from the manufacture of a controlled substance.

(B) Intent under this Subsection (1)(a)(i) may be demonstrated by:

(I) the use, quantity, or manner of storage of the substance; or

(II) the proximity of the substance to other precursors or to manufacturing equipment.

(ii) "Child" means an individual who is under 18 years old.

(iii) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(iv) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

(v) "Exposed to" means that the child or vulnerable adult:

(A) is able to access an unlawfully possessed:

(I) controlled substance; or
(II) chemical substance;
(B) has the reasonable capacity to access drug paraphernalia; or
(C) is able to smell an odor produced during, or as a result of, the manufacture or production of a controlled substance.
(vi) "Prescription" means the same as that term is defined in Section 58-37-2.
(vii) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits endangerment of a child or vulnerable adult if the actor knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia.
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if:
(i) the actor engages in the conduct described in Subsection (2); and
(ii) as a result of the conduct described in Subsection (2), the child or the vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first degree felony if:
(i) the actor engages in the conduct described in Subsection (2); and
(ii) as a result of the conduct described in Subsection (2), the child or the vulnerable adult dies.
(4)
(a) Notwithstanding Subsection (3), a child may not be subjected to delinquency proceedings for a violation of Subsection (2) unless:
(i) the child is 15 years old or older; and
(ii) the other child who is exposed to or inhales, ingests, or has contact with the controlled substance, chemical substance, or drug paraphernalia, is under 12 years old.
(b) It is an affirmative defense to a violation of this section that the controlled substance:
(i) was obtained by lawful prescription or in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and
(ii) is used or possessed by the individual to whom the controlled substance was lawfully prescribed or recommended to under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
(5) The penalties described in this section are separate from, and in addition to, the penalties and enhancements described in Title 58, Occupations and Professions.
(6) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 330, 2023 General Session

76-5-113 Surreptitious administration of certain substances -- Definitions -- Penalties -- Defenses.

(1)
(a) As used in this section:
(i) "Administer" means the introduction of a substance into the body by injection, inhalation, ingestion, or by any other means.
(ii) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.

(iii) "Controlled substance" means the same as that term is defined in Section 58-37-2.
(iv) "Deleterious substance" means a substance which, if administered, would likely cause bodily injury.
(v) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(vi) "Poisonous" means a substance which, if administered, would likely cause serious bodily injury or death.
(vii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
(viii) "Serious bodily injury" means the same as that term is defined in Section 19-2-115.
(ix) "Substance" means a controlled substance, poisonous substance, or deleterious substance.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits surreptitious administration of a certain substance if the actor, surreptitiously or by means of fraud, deception, or misrepresentation, causes an individual to unknowingly consume or receive the administration of:
(a) any poisonous, deleterious, or controlled substance; or
(b) any alcoholic beverage.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the substance is a poisonous substance, regardless of whether the substance is a controlled substance or a prescription drug;
(b) a third degree felony if the substance is not within the scope of Subsection (3)(a), and is a controlled substance or a prescription drug; or
(c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic beverage.
(4)
(a) It is an affirmative defense to a prosecution under Subsection (2) that the actor:
(i) provided the appropriate administration of a prescription drug; and
(ii) acted on the reasonable belief that the actor's conduct was in the best interest of the well-being of the individual to whom the prescription drug was administered.
(b)
(i) The defendant shall file and serve on the prosecuting attorney a notice in writing of the defendant's intention to claim a defense under Subsection (4)(a) not fewer than 20 days before the trial.
(ii) The notice shall specifically identify the factual basis for the defense and the names and addresses of the witnesses the defendant proposes to examine to establish the defense.
(c)
(i) The prosecuting attorney shall file and serve the defendant with a notice containing the names and addresses of the witnesses the prosecutor proposes to examine in order to contradict or rebut the defendant's claim of an affirmative defense under Subsection (4)(a).
(ii) This notice shall be filed or served not more than 10 days after receipt of the defendant's notice under Subsection (4)(b), or at another time as the court may direct.
(d)
(i) Failure of a party to comply with the requirements of Subsection (4)(b) or (4)(c) entitles the opposing party to a continuance to allow for preparation.
(ii) If the court finds that a party's failure to comply is the result of bad faith, it may impose appropriate sanctions.
(5)
(a) This section does not diminish the scope of authorized health care by a health care provider.
(b) Conduct in violation of Subsection (2) may also constitute a separate offense.

Amended by Chapter 330, 2023 General Session

76-5-114 Commission of domestic violence in the presence of a child.

(1)
(a) As used in this section:
(i) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
(ii) "Criminal homicide offense" means an offense listed in Subsection 76-5-201(2).
(iii) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(iv) "In the presence of a child" means:
(A) in the physical presence of a child; or
(B) having knowledge that a child is present and may see or hear an act of domestic violence.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits domestic violence in the presence of a child if the actor:
(a) commits or attempts to commit a criminal homicide offense against a cohabitant in the presence of a child;
(b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon or other means or force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child;
(c) intentionally or knowingly impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence by applying pressure to the neck or throat of an individual or obstructing the nose, mouth, or airway of an individual, in the presence of a child; or
(d) under circumstances not amounting to a violation of Subsection (2)(a), (2)(b), or (2)(c), commits an act of domestic violence in the presence of a child.
(3)
(a) A violation of Subsection (2)(a), (2)(b), or (2)(c) is a third degree felony.
(b) A violation of Subsection (2)(d) is a class B misdemeanor.
(4)
(a) A charge under this section is separate and distinct from, and is in addition to, a charge of domestic violence in which the victim is the cohabitant.
(b) Either or both charges may be filed by the prosecutor.
(5) An actor who commits a violation of this section when more than one child is present is guilty of one offense of domestic violence in the presence of a child regarding each child present when the violation occurred.

Amended by Chapter 243, 2025 General Session

76-5-115 Leaving a child unattended in a motor vehicle.

(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than nine years old.
(ii) "Enclosed compartment" means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.
(iii) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other self-propelled vehicle.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits leaving a child unattended in a motor vehicle if:

(a) the actor intentionally, knowingly, recklessly, or with criminal negligence leaves a child in an enclosed compartment of a motor vehicle;
(b) the motor vehicle is on:
(i) public property; or
(ii) private property that is open to the general public;
(c) the child is not supervised by an individual who is at least nine years old; and
(d) the conditions present a risk to the child of:
(i) hyperthermia;
(ii) hypothermia; or
(iii) dehydration.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) This section does not apply if the actor's conduct that constitutes a violation of this section is subject to a greater penalty under another provision of state law.
(5) This section preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this section.
(6) Notwithstanding any provision of state law to the contrary, a conviction under this section may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2
Criminal Homicide

76-5-201 Criminal homicide -- Designations of offenses -- Exceptions -- Application of consensual altercation defense.
(1)
(a) As used in this section:
(i) "Abortion" means the same as that term is defined in Section 76-7-301.
(ii) "Criminal homicide" means an act causing the death of another human being, including an unborn child at any stage of the unborn child's development.
(b) The terms defined in Section 76-1-101.5 apply to this section.
(2) The following are criminal homicide:
(a) aggravated murder;
(b) murder;
(c) manslaughter;
(d) child abuse homicide;
(e) homicide by assault;
(f) negligent homicide; and
(g) automobile homicide.
(3) Notwithstanding Subsection (2), an actor is not guilty of criminal homicide if:
(a) the death of an unborn child is caused by an abortion;
(b) the sole reason for the death of an unborn child is that the actor:
(i) refused to consent to:
(A) medical treatment; or

(B) a cesarean section; or
(ii) failed to follow medical advice; or
(c) a woman causes the death of her own unborn child, and the death:
(i) is caused by a criminally negligent act or reckless act of the woman; and
(ii) is not caused by an intentional or knowing act of the woman.
(4) The provisions governing a defense of a consensual altercation as described in Section 76-5-104 apply to this part.

Amended by Chapter 153, 2024 General Session

76-5-202 Aggravated murder -- Penalties -- Affirmative defense and special mitigation -- Separate offense.
(1)
(a) As used in this section:
(i) "Correctional officer" means the same as that term is defined in Section 53-13-104.
(ii) "Emergency responder" means the same as that term is defined in Section 53-2b-102.
(iii) "Federal officer" means the same as that term is defined in Section 53-13-106.
(iv) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(v) "Peace officer" means:
(A) a correctional officer, federal officer, law enforcement officer, or special function officer; or
(B) any other person who may exercise peace officer authority in accordance with Title 53, Chapter 13, Peace Officer Classifications.
(vi) "Special function officer" means the same as that term is defined in Section 53-13-105.
(vii) "Target a law enforcement officer" means an act:
(A) involving the unlawful use of force and violence against a law enforcement officer;
(B) that causes serious bodily injury or death; and
(C) that is in furtherance of political or social objectives in order to intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government.
(viii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits aggravated murder if the actor intentionally or knowingly causes the death of another individual under any of the following circumstances:
(i) the actor committed homicide while confined in a jail or other correctional institution;
(ii)
(A) the actor committed homicide incident to one act, scheme, course of conduct, or criminal episode during which two or more individuals other than the actor were killed; or
(B) the actor, during commission of the homicide, attempted to kill one or more other individuals in addition to the deceased individual;
(iii) the actor knowingly created a great risk of death to another individual other than the deceased individual and the actor;
(iv) the actor committed homicide incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, aggravated child abuse as described in Subsection 76-5-109.2(3)(a), child torture,

or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or child kidnapping;

(v) the actor committed homicide incident to one act, scheme, course of conduct, or criminal episode during which the actor committed the crime of abuse or desecration of a dead human body as described in Subsection 76-5-802(2)(d);

(vi) the actor committed homicide for the purpose of avoiding or preventing an arrest of the actor or another individual by a peace officer acting under color of legal authority or for the purpose of effecting the actor's or another individual's escape from lawful custody;

(vii) the actor committed homicide for pecuniary gain;

(viii) the actor committed, engaged, or employed another person to commit the homicide subject to an agreement or contract for remuneration or the promise of remuneration for commission of the homicide;

(ix) the actor previously committed or was convicted of:

(A) aggravated murder under this section;

(B) attempted aggravated murder under this section;

(C) murder, under Section 76-5-203;

(D) attempted murder, under Section 76-5-203; or

(E) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (2)(a)(ix);

(x) the actor was previously convicted of:

(A) aggravated assault, under Section 76-5-103;

(B) mayhem, under Section 76-5-105;

(C) kidnapping, under Section 76-5-301;

(D) child kidnapping, under Section 76-5-301.1;

(E) aggravated kidnapping, under Section 76-5-302;

(F) rape, under Section 76-5-402;

(G) rape of a child, under Section 76-5-402.1;

(H) object rape, under Section 76-5-402.2;

(I) object rape of a child, under Section 76-5-402.3;

(J) forcible sodomy, under Section 76-5-403;

(K) sodomy on a child, under Section 76-5-403.1;

(L) aggravated sexual abuse of a child, under Section 76-5-404.3;

(M) aggravated sexual assault, under Section 76-5-405;

(N) aggravated arson, under Section 76-6-103;

(O) aggravated burglary, under Section 76-6-203;

(P) aggravated robbery, under Section 76-6-302;

(Q) felony discharge of a firearm, under Section 76-11-210; or

(R) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (2)(a)(x);

(xi) the actor committed homicide for the purpose of:

(A) preventing a witness from testifying;

(B) preventing a person from providing evidence or participating in any legal proceedings or official investigation;

(C) retaliating against a person for testifying, providing evidence, or participating in any legal proceedings or official investigation; or

(D) disrupting or hindering any lawful governmental function or enforcement of laws;

(xii) the deceased individual was a local, state, or federal public official, or a candidate for public office, and the homicide is based on, is caused by, or is related to that official position, act, capacity, or candidacy;

(xiii) the deceased individual was on duty in a verified position or the homicide is based on, is caused by, or is related to the deceased individual's position, and the actor knew, or reasonably should have known, that the deceased individual holds or has held the position of:

(A) a peace officer;

(B) an executive officer, prosecuting officer, jailer, or prison official;

(C) a firefighter, search and rescue personnel, emergency medical personnel, ambulance personnel, or any other emergency responder;

(D) a judge or other court official, juror, probation officer, or parole officer; or

(E) a security officer contracted to secure, guard, or otherwise protect tangible personal property, real property, or the life and well-being of human or animal life in the area of the offense;

(xiv) the actor committed homicide:

(A) by means of a destructive device, bomb, explosive, incendiary device, or similar device which was planted, hidden, or concealed in any place, area, dwelling, building, or structure, or was mailed or delivered;

(B) by means of any weapon of mass destruction; or

(C) to target a law enforcement officer;

(xv) the actor committed homicide during the act of unlawfully assuming control of an aircraft, train, or other public conveyance by use of threats or force with intent to:

(A) obtain any valuable consideration for the release of the public conveyance or any passenger, crew member, or any other person aboard;

(B) direct the route or movement of the public conveyance; or

(C) otherwise exert control over the public conveyance;

(xvi) the actor committed homicide by means of the administration of a poison or of any lethal substance or of any substance administered in a lethal amount, dosage, or quantity;

(xvii) the deceased individual was held or otherwise detained as a shield, hostage, or for ransom;

(xviii) the actor committed homicide in an especially heinous, atrocious, cruel, or exceptionally depraved manner, any of which must be demonstrated by physical torture, serious physical abuse, or serious bodily injury of the deceased individual before death;

(xix) the actor dismembers, mutilates, or disfigures the deceased individual's body, whether before or after death, in a manner demonstrating the actor's depravity of mind; or

(xx) the deceased individual, at the time of the death of the deceased individual:

(A) was younger than 14 years old; and

(B) was not an unborn child.

(b) An actor commits aggravated murder if the actor, with reckless indifference to human life, causes the death of another individual incident to an act, scheme, course of conduct, or criminal episode during which the actor is a major participant in the commission or attempted commission of:

(i) aggravated child abuse, punishable as a felony of the second degree under Subsection 76-5-109.2(3)(a);

(ii) child torture under Section 76-5-109.4;

(iii) child kidnapping under Section 76-5-301.1;

(iv) rape of a child under Section 76-5-402.1;

(v) object rape of a child under Section 76-5-402.3;
(vi) sodomy on a child under Section 76-5-403.1; or
(vii) sexual abuse or aggravated sexual abuse of a child under Section 76-5-404.1.

(3)
(a) If a notice of intent to seek the death penalty has been filed, a violation of Subsection (2) is a capital felony.
(b) If a notice of intent to seek the death penalty has not been filed, aggravated murder is a noncapital first degree felony punishable as provided in Section 76-3-207.7.
(c)
(i) Within 60 days after arraignment of the defendant, the prosecutor may file notice of intent to seek the death penalty.
(ii) The notice shall be served on the defendant or defense counsel and filed with the court.
(iii) Notice of intent to seek the death penalty may be served and filed more than 60 days after the arraignment upon written stipulation of the parties or upon a finding by the court of good cause.
(d) Without the consent of the prosecutor, the court may not accept a plea of guilty to noncapital first degree felony aggravated murder during the period in which the prosecutor may file a notice of intent to seek the death penalty under Subsection (3)(c)(i).
(e) If the defendant was younger than 18 years old at the time the offense was committed, aggravated murder is a noncapital first degree felony punishable as provided in Section 76-3-207.7.
(f) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of aggravated murder, or alternatively, attempted aggravated murder, as described in this section, are proved beyond a reasonable doubt, and also finds that the existence of special mitigation is established by a preponderance of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as follows:
(i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall enter a judgment of conviction for murder; or
(ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the court shall enter a judgment of conviction for attempted murder.

(4)
(a) It is an affirmative defense to a charge of aggravated murder or attempted aggravated murder that the actor caused the death of another or attempted to cause the death of another under a reasonable belief that the circumstances provided a legal justification or excuse for the conduct although the conduct was not legally justifiable or excusable under the existing circumstances.
(b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.
(c) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of aggravated murder, or alternatively, attempted aggravated murder, as described in this section, are proved beyond a reasonable doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:
(i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall enter a judgment of conviction for murder; or
(ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the court shall enter a judgment of conviction for attempted murder.

(5)

(a) Any aggravating circumstance described in Subsection (2) that constitutes a separate offense does not merge with the crime of aggravated murder.
(b) An actor who is convicted of aggravated murder, based on an aggravating circumstance described in Subsection (2) that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-203 Murder -- Penalties-- Affirmative defense and special mitigation -- Separate offenses. -- Affirmative defense and special mitigation -- Separate offenses.
(1)
(a) As used in this section, "predicate offense" means:
(i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;
(ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused individual is younger than 18 years old;
(iii) child torture under Section 76-5-109.4;
(iv) kidnapping under Section 76-5-301;
(v) child kidnapping under Section 76-5-301.1;
(vi) aggravated kidnapping under Section 76-5-302;
(vii) rape under Section 76-5-402;
(viii) rape of a child under Section 76-5-402.1;
(ix) object rape under Section 76-5-402.2;
(x) object rape of a child under Section 76-5-402.3;
(xi) forcible sodomy under Section 76-5-403;
(xii) sodomy upon a child under Section 76-5-403.1;
(xiii) forcible sexual abuse under Section 76-5-404;
(xiv) sexual abuse of a child under Section 76-5-404.1;
(xv) aggravated sexual abuse of a child under Section 76-5-404.3;
(xvi) aggravated sexual assault under Section 76-5-405;
(xvii) arson under Section 76-6-102;
(xviii) aggravated arson under Section 76-6-103;
(xix) burglary under Section 76-6-202;
(xx) aggravated burglary under Section 76-6-203;
(xxi) robbery under Section 76-6-301;
(xxii) aggravated robbery under Section 76-6-302;
(xxiii) escape under Section 76-8-309;
(xxiv) aggravated escape under Section 76-8-309.3; or
(xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm or dangerous weapon.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits murder if:
(a) the actor intentionally or knowingly causes the death of another individual;
(b) intending to cause serious bodily injury to another individual, the actor commits an act clearly dangerous to human life that causes the death of the other individual;

(c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct that creates a grave risk of death to another individual and thereby causes the death of the other individual;

(d)

(i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;

(ii) an individual other than a party described in Section 76-2-202 is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) the actor recklessly causes the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Section 76-5-102.4;

(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305 if the actor uses force against the peace officer; or

(iii) an assault against a military service member in uniform under Section 76-5-102.4; or

(f) the actor commits a homicide that would be aggravated murder, but the offense is reduced in accordance with Subsection 76-5-202(4).

(3)

(a)

(i) A violation of Subsection (2) is a first degree felony.

(ii) A defendant who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

(b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds that the existence of special mitigation is established by a preponderance of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of murder, the court shall enter a judgment of conviction for manslaughter; or

(ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall, notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of conviction for attempted manslaughter.

(4)

(a) It is an affirmative defense to a charge of murder or attempted murder that the defendant caused the death of another individual or attempted to cause the death of another individual under a reasonable belief that the circumstances provided a legal justification or excuse for the conduct although the conduct was not legally justifiable or excusable under the existing circumstances.

(b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.

(c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of murder, the court shall enter a judgment of conviction for manslaughter; or

(ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall enter a judgment of conviction for attempted manslaughter.

(5)

(a) Any predicate offense that constitutes a separate offense does not merge with the crime of murder.

(b) An actor who is convicted of murder, based on a predicate offense that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 204, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-204 Death of other than intended victim no defense.

In any prosecution for criminal homicide, evidence that the actor caused the death of a person other than the intended victim shall not constitute a defense for any purpose to criminal homicide.

Enacted by Chapter 196, 1973 General Session

76-5-205 Manslaughter -- Penalties.

(1)

(a) As used in this section:

(i)

(A) "Aid" means the act of providing the physical means.

(B) "Aid" does not include the withholding or withdrawal of life sustaining treatment procedures to the extent allowed under Title 75A, Chapter 3, Health Care Decisions, or any other laws of this state.

(ii) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by law to administer, dispense, distribute, or prescribe medications or procedures in the course of professional practice.

(iii) "Provides" means to administer, prescribe, distribute, or dispense.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) Except as provided in Subsection (5), an actor commits manslaughter if the actor:

(a) recklessly causes the death of another individual;

(b) intentionally, and with knowledge that another individual intends to commit suicide or attempt to commit suicide, aids the individual to commit suicide; or

(c) commits a homicide which would be murder, but the offense is reduced in accordance with Subsection 76-5-203(4).

(3) A violation of Subsection (2) is a felony of the second degree.

(4)

(a) In addition to the penalty described under this section or any other section, a defendant who is convicted of violating this section shall have the defendant's driver license revoked under Section 53-3-220 if the death of another individual results from driving a motor vehicle.

(b) The court shall forward the report of the conviction resulting from driving a motor vehicle to the Driver License Division in accordance with Section 53-3-218.

(5)

(a) A practitioner does not violate Subsection (2)(b) if the practitioner provides medication or a procedure to treat an individual's illness or relieve an individual's pain or discomfort,

regardless of whether the medication or procedure may hasten or increase the risk of death to the individual to whom the practitioner provides the medication or procedure.

(b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(b) if the practitioner intentionally and knowingly provides the medication or procedure to aid the individual to commit suicide or attempt to commit suicide.

Amended by Chapter 364, 2024 General Session

76-5-205.5 Special mitigation for mental condition or provocation -- Burden of proof -- Charge reduction.

(1)

(a) As used in this section:

(i)

(A) "Extreme emotional distress" means an overwhelming reaction of anger, shock, or grief that:

(I) causes the defendant to be incapable of reflection and restraint; and

(II) would cause an objectively reasonable person to be incapable of reflection and restraint.

(B) "Extreme emotional distress" does not include:

(I) a condition resulting from a mental condition; or

(II) distress that is substantially caused by the defendant's own conduct.

(ii) "Mental condition" means the same as that term is defined in Section 76-2-305.

(b) The terms defined in Section 76-1-101.5 apply to this section.

(2) Special mitigation exists when a defendant causes the death of another individual or attempts to cause the death of another individual:

(a)

(i) under circumstances that are not legally justified, but the defendant acts under a delusion attributable to a mental condition;

(ii) the nature of the delusion is such that, if the facts existed as the defendant believed them to be in the delusional state, those facts would provide a legal justification for the defendant's conduct; and

(iii) the defendant's actions, in light of the delusion, are reasonable from the objective viewpoint of a reasonable person; or

(b) except as provided in Subsection (4), under the influence of extreme emotional distress that is predominantly caused by the victim's highly provoking act immediately preceding the defendant's actions.

(3) A defendant who is under the influence of voluntarily consumed, injected, or ingested alcohol, controlled substances, or volatile substances at the time of the alleged offense may not claim mitigation of the offense under Subsection (2)(a) on the basis of a mental condition if the alcohol or substance causes, triggers, or substantially contributes to the defendant's mental condition.

(4) A defendant may not claim special mitigation under Subsection (2)(b) if:

(a) the time period after the victim's highly provoking act and before the defendant's actions was long enough for an objectively reasonable person to have recovered from the extreme emotional distress;

(b) the defendant responded to the victim's highly provoking act by inflicting serious or substantial bodily injury on the victim over a prolonged period, or by inflicting torture on the victim, regardless of whether the victim was conscious during the infliction of serious or substantial bodily injury or torture; or

(c) the victim's highly provoking act, described in Subsection (2)(b), is comprised of words alone.

(5) If the trier of fact finds that the elements of aggravated murder, attempted aggravated murder, murder, or attempted murder are proven beyond a reasonable doubt, and also finds that the existence of special mitigation under this section is established by a preponderance of the evidence, the court shall enter a judgment of conviction in accordance with Subsection 76-5-202(3)(f)(i), 76-5-202(3)(f)(ii), 76-5-203(3)(b)(i), or 76-5-203(3)(b)(ii), respectively.

(6) If the issue of special mitigation is submitted to the trier of fact, the trier of fact shall return a special verdict at the same time as the general verdict, indicating whether it finds special mitigation.

(7)

(a) If a jury is the trier of fact, a unanimous vote of the jury is required to find special mitigation under this section.

(b) If the jury unanimously finds that the elements of an offense described in Subsection (5) are proven beyond a reasonable doubt, and finds special mitigation by a unanimous vote, the jury shall return a general verdict finding the defendant guilty of the charged crime and a special verdict indicating special mitigation.

(c) If the jury unanimously finds that the elements of an offense described in Subsection (5) are proven beyond a reasonable doubt but finds by a unanimous vote that special mitigation is not established, or if the jury is unable to unanimously agree that special mitigation is established, the jury shall convict the defendant of the greater offense for which the prosecution proves all the elements beyond a reasonable doubt.

Amended by Chapter 184, 2023 General Session

76-5-206 Negligent homicide -- Penalties.

(1) Definitions of terms in Section 76-1-101.5 apply to this section.

(2) An actor commits negligent homicide if the actor, acting with criminal negligence, causes the death of another individual.

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

(4)

(a) In addition to the penalty provided under this section or any other section, a defendant who is convicted of violating this section shall have the defendant's driver license revoked under Section 53-3-220 if the death of another individual results from driving a motor vehicle.

(b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 181, 2022 General Session

76-5-207 Automobile homicide -- Penalties -- Evidence.

(1)

(a) As used in this section:

(i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(ii) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).

(iii) "Drug" means:

(A) a controlled substance;

(B) a drug as defined in Section 58-37-2; or

(C) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of an individual to safely operate a vehicle.

(iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.
(v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits automobile homicide if the actor:
(a)
(i) operates a vehicle in a negligent or criminally negligent manner causing the death of another individual; and
(ii)
(A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
(B) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the actor incapable of safely operating a vehicle; or
(C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
(b)
(i) operates a vehicle in a criminally negligent manner causing death to another; and
(ii) has in the actor's body any measurable amount of a controlled substance.
(3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
(a) a second degree felony, punishable by a term of imprisonment of not less than five years nor more than 15 years; and
(b) a separate offense for each victim suffering death as a result of the actor's violation of this section, regardless of whether the deaths arise from the same episode of driving.
(4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
(a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;
(b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
(c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-4.2 if:
(i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and
(ii) the substance was administered to the actor by the medical researcher.
(5)
(a) A judge imposing a sentence under this section may consider:
(i) the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
(ii) the defendant's history;
(iii) the facts of the case;
(iv) aggravating and mitigating factors; or
(v) any other relevant fact.
(b) The judge may not impose a lesser sentence than would be required for a conviction based on the defendant's history under Section 41-6a-505.
(c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the provisions for the admissibility of chemical test results as provided by Section 41-6a-516 apply to determination and proof of blood alcohol content under this section.
(d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).

(e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.
(f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
(g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.
(6) If, when imposing a sentence under this section, the court finds that it is in the interest of justice to suspend the imposition of prison, the court shall detail the finding on the record, including why a suspended prison sentence is in the interest of justice.
(7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than three years nor more than 15 years if the court details on the record why it is in the interest of justice.
(8)
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time.
(b) If a court designates a person as an interdicted person as provided in Subsection (8)(a), the court shall:
(i) require the person to surrender the person's identification card or driver license;
(ii) notify the Driver License Division that the person is an interdicted person; and
(iii) provide the person's identification card or driver license to the Driver License Division.

Amended by Chapter 471, 2025 General Session

76-5-207.5 Automobile homicide involving a handheld wireless communication device while driving.

(1)
(a) As used in this section:
(i) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
(ii) "Motor vehicle" means any self-propelled vehicle, including an automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.
(iii) "Negligent" means the failure to exercise the degree of care that a reasonable and prudent person exercises under similar circumstances.
(iv) "Wireless communication device" means the same as that term is defined in Section 41-6a-1716.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits automobile homicide if the actor:
(a) operates a moving motor vehicle in a negligent manner;
(b) while using a wireless communication device in violation of Section 41-6a-1716; and
(c) causes the death of another individual.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the actor operated the moving motor vehicle in a criminally negligent manner.

Amended by Chapter 111, 2023 General Session

76-5-208 Child abuse homicide -- Penalties.

(1)
(a) As used in this section, "child abuse" means an offense described in Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, or 76-5-114.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an actor commits child abuse homicide if:
(a)
(i) the actor causes the death of another individual who is younger than 18 years old; and
(ii) the individual's death results from child abuse; and
(b)
(i) the child abuse is based on a violation of Section 76-5-109.4, Child Torture;
(ii) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);
(iii) the child abuse is done with criminal negligence under Subsection 76-5-109.2(3)(c); or
(iv) under circumstances not amounting to the type of child abuse homicide described in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).

(3)
(a) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(i) is a first degree felony.
(b) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(ii) or (iii) is a second degree felony.

Amended by Chapter 284, 2025 General Session

76-5-209 Homicide by assault -- Penalty.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits homicide by assault if, under circumstances not amounting to aggravated murder, murder, or manslaughter:
(a) the actor causes the death of another individual; and
(b) the actor causes the other individual's death while intentionally or knowingly attempting, with unlawful force or violence, to do bodily injury to the other individual.

(3) Homicide by assault is a third degree felony.

Amended by Chapter 181, 2022 General Session

Part 3
Kidnapping, Trafficking, and Smuggling

76-5-301 Kidnapping.

(1)
(a) As used in this section:
(i) "Against the will of an individual" includes without the consent of the legal guardian, caretaker, or custodian of an individual who is a dependent adult.
(ii) "Dependent adult" means the same as that term is defined in Section 76-5-111.
(iii) "Minor" means an individual who is 14 years old or older but younger than 18 years old.

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits kidnapping if the actor intentionally or knowingly, without authority of law, and against the will of an individual:
(a) detains or restrains the individual for any substantial period of time;
(b) detains or restrains the individual in circumstances exposing the individual to risk of bodily injury;
(c) holds the individual in involuntary servitude;
(d) detains or restrains a minor without the consent of the minor's parent or legal guardian or the consent of a person acting in loco parentis; or
(e) moves the individual any substantial distance or across a state line.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 181, 2022 General Session

76-5-301.1 Child kidnapping.
(1)
(a) As used in this section, "child" means an individual under 14 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits child kidnapping if the actor intentionally or knowingly, without authority of law, and by any means and in any manner, seizes, confines, detains, or transports a child without the consent of the child's parent or guardian, or the consent of a person acting in loco parentis.
(3) A violation of Subsection (2) is a first degree felony.
(4) An actor convicted of a violation of this section shall be sentenced to imprisonment of:
(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;
(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the child kidnapping the actor caused serious bodily injury to another; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the child kidnapping the actor was previously convicted of a grievous sexual offense.
(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (4)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (4)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(6) The provisions of Subsection (5) do not apply when a person is sentenced under Subsection (4)(c).
(7) Subsections (4)(b) and (4)(c) do not apply if the defendant was younger than 18 years old at the time of the offense.
(8) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
(9) A violation of Section 76-5-303 is not a violation of this section.

Amended by Chapter 181, 2022 General Session

76-5-301.2 Parental kidnapping.

(1)

(a) As used in this section:

(i) "Child" means an individual under 18 years old.

(ii) "Custody" means court-ordered physical custody of a child entered by a court.

(iii) "Parent" means an individual:

(A) recognized as a biological parent or adoptive parent; or

(B) that has established a parent-child relationship under Section 81-5-201.

(iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) A parent commits parental kidnapping of the parent's child if the parent:

(a) takes, entices, conceals, detains, or withholds the child from an individual entitled to custody of the child;

(b) intends to interfere with the custody of the child; and

(c)

(i) has never had a right to physical custody of the child;

(ii) has never been granted parent-time with the child;

(iii) has had all rights to physical custody of the child terminated by a court; or

(iv) at the time of the parent's action under Subsection (2)(a), had parent-time with the child terminated or suspended by a court.

(3)

(a) A violation of Subsection (2) is a third degree felony.

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if, during the course of parental kidnapping, the parent removes, causes the removal, or directs the removal of the child from the state.

(4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative defense to the crime of parental kidnapping that:

(a) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was:

(i) necessary to protect the child from imminent serious bodily injury, or death;

(ii) authorized by law; or

(iii) taken with the consent of:

(A) the individual entitled to custody of the child; or

(B) a custodian, guardian, caretaker, or other individual lawfully acting in place of the individual entitled to custody of the child; or

(b)

(i) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was necessary to protect the child from abuse, including sexual abuse; and

(ii) before taking the action described in Subsection (2)(a), the parent reports to law enforcement the parent's intention to engage in the action and the basis for the parent's belief described in Subsection (4)(b)(i).

Amended by Chapter 426, 2025 General Session

76-5-302 Aggravated kidnapping.

(1)

(a) As used in this section, "in the course of committing unlawful detention or kidnapping" means in the course of committing, attempting to commit, or in the immediate flight after the attempt or commission of a violation of:

(i) Section 76-5-301, kidnapping; or
(ii) Section 76-5-304, unlawful detention.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:
(a) uses or threatens to use a dangerous weapon; or
(b) acts with the intent to:
(i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;
(ii) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;
(iii) hinder or delay the discovery of or reporting of a felony;
(iv) inflict bodily injury on or to terrorize the victim or another individual;
(v) interfere with the performance of any governmental or political function; or
(vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
(3)
(a) A violation of Subsection (2) in the course of committing unlawful detention is a third degree felony.
(b) A violation of Subsection (2) in the course of committing kidnapping is a first degree felony.
(4) An actor convicted of a violation of Subsection (3)(b) shall be sentenced to imprisonment of:
(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;
(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the aggravated kidnapping the defendant caused serious bodily injury to the victim or another individual; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated kidnapping, the defendant was previously convicted of a grievous sexual offense.
(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (4)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (4)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(6) The provisions of Subsection (5) do not apply when a defendant is sentenced under Subsection (4)(c).
(7) Subsections (4)(b) and (c) do not apply if the actor was younger than 18 years old at the time of the offense.
(8) Imprisonment under Subsection (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 173, 2025 General Session

76-5-303 Custodial interference.
(1)
(a) As used in this section:
(i) "Child" means an individual under 18 years old.

(ii) "Custody" means court-ordered physical custody entered by a court of competent jurisdiction.
(iii) "Visitation" means court-ordered parent-time or visitation entered by a court of competent jurisdiction.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor who is entitled to custody of a child commits custodial interference if, during a period of time when another individual is entitled to visitation of the child, the actor takes, entices, conceals, detains, or withholds the child from the individual entitled to visitation of the child, with the intent to interfere with the visitation of the child.
(b) An actor who is entitled to visitation of a child commits custodial interference if, during a period of time when the individual is not entitled to visitation of the child, the actor takes, entices, conceals, detains, or withholds the child from an individual who is entitled to custody of the child, with the intent to interfere with the custody of the child.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if the actor:
(i) commits custodial interference; and
(ii) has been convicted of custodial interference at least twice in the two-year period immediately preceding the day on which the commission of custodial interference described in Subsection (3)(b)(i) occurs.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a felony of the third degree if, during the course of the custodial interference, the actor removes, causes the removal, or directs the removal of the child from the state.
(4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative defense to the crime of custodial interference that:
(a) the action is consented to by the individual whose custody or visitation of the child was interfered with; or
(b)
(i) the action is based on a reasonable belief that the action is necessary to protect a child from abuse, including sexual abuse; and
(ii) before engaging in the action, the actor reports the actor's intention to engage in the action, and the basis for the belief described in Subsection (4)(b)(i), to the Division of Child and Family Services or law enforcement.

Amended by Chapter 181, 2022 General Session

76-5-303.5 Notification of conviction of custodial interference.
(1) As used in this section:
(a)
(i) "Convicted" means a conviction by plea or verdict or adjudication in juvenile court of a crime or offense.
(ii) "Convicted" includes:
(A) a plea of guilty or guilty with a mental condition;
(B) a plea of no contest; and

(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) If an individual is convicted of custodial interference under Section 76-5-303, the court shall notify the Driver License Division, created in Section 53-3-103, of the conviction, and whether the conviction is for:

(a) a class B misdemeanor, under Subsection 76-5-303(3)(a);

(b) a class A misdemeanor, under Subsection 76-5-303(3)(b); or

(c) a felony, under Subsection 76-5-303(3)(c).

Amended by Chapter 184, 2023 General Session

76-5-304 Unlawful detention and unlawful detention of a minor.

(1)

(a) As used in this section:

(i) Acting "against the will of an individual" includes acting without the consent of the legal guardian, caretaker, or custodian of an individual who is:

(A) a dependent adult; or

(B) a minor who is 14 or 15 years old.

(ii) "Dependent adult" means the same as that term is defined in Section 76-5-111.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits unlawful detention if the actor intentionally or knowingly, without authority of law, and against the will of an individual, detains or restrains the individual.

(b) An actor commits unlawful detention of a minor if the actor is at least four or more years older than the minor, and intentionally or knowingly, without authority of law, and against the will of the minor, coerces or exerts influence over the minor with the intent to cause the minor to remain with the actor for an unreasonable period of time under the circumstances.

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

(4) If the conduct of the actor amounts to a violation under one of the following, the actor shall be charged with the violation and not under Subsection (2)(a) or (2)(b):

(a) kidnapping, as described in Section 76-5-301; or

(b) child kidnapping, as described in Section 76-5-301.1.

Amended by Chapter 181, 2022 General Session

76-5-305 Defenses.

(1) It is a defense under this part that:

(a) the actor was acting under a reasonable belief that:

(i) the conduct was necessary to protect any individual from imminent bodily injury or death; or

(ii) the detention or restraint was authorized by law; or

(b) the alleged victim is younger than 18 years old or is a dependent adult, as defined in Section 76-5-111, and the actor was acting under a reasonable belief that the custodian, guardian, caretaker, legal guardian, custodial parent, or person acting in loco parentis to the victim would, if present, have consented to the actor's conduct.

(2) Subsection (1)(b) may not be used as a defense to conduct described in Section 76-5-308.5.

Amended by Chapter 181, 2022 General Session

76-5-307 Definitions.

As used in Sections 76-5-308 through 76-5-310.1 of this part:

(1) "Child" means an individual younger than 18 years old.

(2) "Commercial purpose" includes direct or indirect participation in or facilitation of the transportation of one or more individuals for the purpose of:

(a) charging or obtaining a fee for the transportation; or

(b) obtaining, exchanging, or receiving any thing or item of value or an attempt to conduct any of these activities.

(3) "Facilitation" regarding transportation under Subsection (2) includes providing:

(a) travel arrangement services;

(b) payment for the costs of travel; or

(c) property that would advance an act of transportation, including a vehicle or other means of transportation, a weapon, false identification, and making lodging available, including by rent, lease, or sale.

(4) "Family member" means an individual's parent, grandparent, sibling, or any other individual related to the individual by consanguinity or affinity to the second degree.

Amended by Chapter 181, 2022 General Session

76-5-308 Human trafficking for labor.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor commits human trafficking for labor if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for labor through the use of force, fraud, or coercion, which may include:

(a) threatening serious harm to, or physical restraint against, that individual or another individual;

(b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;

(c) abusing or threatening abuse of the law or legal process against the individual or another individual;

(d) using a condition of an individual being a debtor due to a pledge of the individual's personal services or the personal services of an individual under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause an individual to believe that if the individual did not enter into or continue in a condition of servitude, the individual or another individual would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or

(f) creating or exploiting a relationship where the individual is dependent upon the actor.

(3) A violation of Subsection (2) is a second degree felony.

(4) Human trafficking for labor includes any labor obtained through force, fraud, or coercion as described in Subsection (2).

(5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Amended by Chapter 181, 2022 General Session

76-5-308.1 Human trafficking for sexual exploitation.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor commits human trafficking for sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for sexual exploitation through the use of force, fraud, or coercion, which may include:

(a) threatening serious harm to, or physical restraint against, that individual or another individual;

(b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;

(c) abusing or threatening abuse of the law or legal process against the individual or another individual;

(d) using a condition of an individual being a debtor due to a pledge of the individual's personal services or the personal services of an individual under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause an individual to believe that if the individual did not enter into or continue in a condition of servitude, the individual or another individual would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or

(f) creating or exploiting a relationship where the individual is dependent upon the actor.

(3) A violation of Subsection (2) is a first degree felony.

(4) Human trafficking for sexual exploitation includes all forms of commercial sexual activity, which may include the following conduct when the person acts under force, fraud, or coercion as described in Subsection (1):

(a) sexually explicit performance;

(b) prostitution;

(c) participation in the production of pornography;

(d) performance in strip clubs; and

(e) exotic dancing or display.

(5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Amended by Chapter 262, 2025 General Session

76-5-308.3 Human smuggling -- Penalty.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor commits human smuggling if the actor transports or procures the transportation for one or more individuals for a commercial purpose, knowing or having reason to know that the individual or individuals transported or to be transported are not:

(a) citizens of the United States;

(b) permanent resident aliens; or

(c) otherwise lawfully in this state or entitled to be in this state.

(3) A violation of Subsection (2) is a second degree felony.

(4) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Enacted by Chapter 181, 2022 General Session

76-5-308.5 Human trafficking of a child.

(1)
(a) As used in this section, "commercial sexual activity with a child" means any sexual act with a child, for which anything of value is given to or received by any person.
(b) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
(2) An actor commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation or forced labor.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than:
(a) 10 years and which may be for life if the child described in Subsection (2) is 14 years old or older but younger than 18 years old; or
(b) 15 years and which may be for life if the child described in Subsection (2) is under 14 years old.
(4)
(a) Human trafficking of a child for labor includes any labor obtained through force, fraud, or coercion as described in Section 76-5-308.
(b) Human trafficking of a child for sexual exploitation includes all forms of commercial sexual activity with a child, including sexually explicit performance, prostitution, participation in the production of pornography, performance in a strip club, and exotic dancing or display as described in Section 76-5-308.1.
(5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Amended by Chapter 262, 2025 General Session

76-5-309 Benefitting from trafficking and human smuggling.
(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
(2) An actor is a party to the offense if the actor benefits, receives, or exchanges anything of value from knowing participation in:
(a) human trafficking for labor in violation of Section 76-5-308;
(b) human smuggling in violation of Section 76-5-308.3;
(c) human trafficking of a child in violation of Section 76-5-308.5; and
(d) human trafficking for sexual exploitation in violation of Section 76-5-308.1.
(3)
(a) A violation of Subsection (2)(a) is a second degree felony.
(b) A violation of Subsection (2)(b) is a third degree felony.
(c) A violation of Subsection (2)(c) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(d) A violation of Subsection (2)(d) is a first degree felony.
(4) An actor commits a separate offense of human trafficking, human trafficking of a child, or human smuggling for each individual who is smuggled or trafficked under Section 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310, or 76-5-310.1.

Amended by Chapter 262, 2025 General Session

76-5-310 Aggravated human trafficking.
(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
(2) An actor commits aggravated human trafficking for labor or sexual exploitation if, in the course of committing an offense under Section 76-5-308 or 76-5-308.1, the offense:

(a) results in the death of a trafficked individual;
(b) results in serious bodily injury of a trafficked individual;
(c) involves:
(i) rape under Section 76-5-402;
(ii) rape of a child under Section 76-5-402.1;
(iii) object rape under Section 76-5-402.2;
(iv) object rape of a child under Section 76-5-402.3;
(v) forcible sodomy under Section 76-5-403;
(vi) sodomy on a child under Section 76-5-403.1;
(vii) aggravated sexual abuse of a child under Section 76-5-404.3; or
(viii) aggravated sexual assault under Section 76-5-405;
(d) involves the trafficking of 10 or more individuals; or
(e) involves an individual trafficked for longer than 30 consecutive days.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(4) Aggravated human trafficking is a separate offense from any other crime committed in relationship to the commission of the offense.

Amended by Chapter 262, 2025 General Session

76-5-310.1 Aggravated human smuggling -- Penalties.
(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
(2) An actor commits aggravated human smuggling if, in the course of committing an offense under Section 76-5-308.3, the offense:
(a) results in the death of a smuggled individual;
(b) results in serious bodily injury to a smuggled individual;
(c) involves the smuggling of a child and the child is not accompanied by a family member who is 18 years old or older;
(d) involves:
(i) rape under Section 76-5-402;
(ii) rape of a child under Section 76-5-402.1;
(iii) object rape under Section 76-5-402.2;
(iv) object rape of a child under Section 76-5-402.3;
(v) forcible sodomy under Section 76-5-403;
(vi) sodomy on a child under Section 76-5-403.1;
(vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
(viii) aggravated sexual assault under Section 76-5-405; or
(e) involves the smuggling of 10 or more individuals.
(3) A violation of Subsection (2) is a first degree felony.
(4) Aggravated human smuggling is a separate offense from any other crime committed in relationship to the offense.

Enacted by Chapter 181, 2022 General Session

76-5-311 Human trafficking of a vulnerable adult.
(1)
(a) As used in this section:

(i) "Commercial sexual activity with a vulnerable adult" means any sexual act with a vulnerable adult for which anything of value is given to or received by any individual.
(ii) "Vulnerable adult" means the same as that term is defined in Subsection 76-5-111(1).
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human trafficking of a vulnerable adult if the actor:
(a) recruits, harbors, transports, or obtains a vulnerable adult for sexual exploitation or forced labor; or
(b) patronizes or solicits a vulnerable adult for sexual exploitation or forced labor when the actor knew or should have known of the victim's vulnerability.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(4)
(a) Human trafficking of a vulnerable adult for labor includes any labor obtained through force, fraud, or coercion as described in Section 76-5-308.
(b) Human trafficking of a vulnerable adult for sexual exploitation includes all forms of commercial sexual activity with a vulnerable adult involving:
(i) sexually explicit performances;
(ii) prostitution;
(iii) participation in the production of pornography;
(iv) performance in a strip club; or
(v) exotic dancing or display.

Amended by Chapter 262, 2025 General Session

Part 4
Sexual Offenses

76-5-401 Unlawful sexual activity with a minor -- Penalties -- Evidence of age raised by defendant -- Limitations.

(1)
(a) As used in this section, "minor" means an individual who is 14 years old or older, but younger than 16 years old, at the time the sexual activity described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor 18 years old or older commits unlawful sexual activity with a minor if the actor:
(i) has sexual intercourse with the minor;
(ii) engages in any sexual act with the minor involving the genitals of an individual and the mouth or anus of another individual; or
(iii) causes the penetration, however slight, of the genital or anal opening of the minor by a foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual.
(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a)(ii).
(3)

(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a) or (c), a violation of Subsection (2) is a class B misdemeanor if the defendant establishes by a preponderance of the evidence the mitigating factor that:
(i) the defendant is less than four years older than the minor at the time the sexual activity occurred; or
(ii) the defendant is 18 years old and enrolled in high school at the time the sexual activity occurred.
(c) Notwithstanding Subsection (3)(a), if the defendant establishes by a preponderance of the evidence the mitigating factor that the defendant was younger than 21 years old at the time the sexual activity occurred, the offense is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape, in violation of Section 76-5-402;
(b) object rape, in violation of Section 76-5-402.2;
(c) forcible sodomy, in violation of Section 76-5-403;
(d) aggravated sexual assault, in violation of Section 76-5-405; or
(e) an attempt to commit an offense listed in Subsections (4)(a) through (4)(d).

Amended by Chapter 291, 2025 General Session

76-5-401.1 Sexual abuse of a minor.
(1)
(a) As used in this section:
(i) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.
(ii) "Indecent liberties" means:
(A) the actor touching another individual's genitals, anus, buttocks, pubic area, or female breast;
(B) causing any part of an individual's body to touch the actor's or another's genitals, pubic area, anus, buttocks, or female breast;
(C) simulating or pretending to engage in sexual intercourse with another individual, including genital-genital, oral-genital, anal-genital, or oral-anal intercourse; or
(D) causing an individual to simulate or pretend to engage in sexual intercourse with the actor or another, including genital-genital, oral-genital, anal-genital, or oral-anal intercourse.
(iii) "Minor" means an individual who is 14 years old or older, but younger than 16 years old, at the time the sexual activity described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a minor if the actor:
(i) is four years or more older than the minor; and
(ii) with the intent to cause substantial emotional or bodily pain to any individual, or with the intent to arouse or gratify the sexual desire of any individual:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
(B) touches the female breast of a minor; or
(C) otherwise takes indecent liberties with the minor.
(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2)(a) is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) unlawful sexual activity with a minor, in violation of Section 76-5-401;
(b) rape, in violation of Section 76-5-402;
(c) object rape, in violation of Section 76-5-402.2;
(d) forcible sodomy, in violation of Section 76-5-403;
(e) aggravated sexual assault, in violation of Section 76-5-405; or
(f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 291, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-401.2 Unlawful sexual conduct with a 16- or 17-year-old -- Penalties -- Limitations.
(1)
(a) As used in this section:
(i) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(iii) "Minor" means an individual who is 16 years old or older, but younger than 18 years old, at the time the sexual conduct described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits unlawful sexual conduct with a minor if the actor:
(i)
(A) is seven or more years older but less than 10 years older than the minor at the time of the sexual conduct;
(B) engages in any conduct listed in Subsection (2)(b); and
(C) knew or reasonably should have known the age of the minor; or
(ii)
(A) is 10 or more years older than the minor at the time of the sexual conduct; and
(B) engages in any conduct listed in Subsection (2)(b).
(b) As used in Subsection (2)(a), "sexual conduct" refers to when the actor:
(i) has sexual intercourse with the minor;
(ii) engages in any sexual act with the minor involving the genitals of one individual and the mouth or anus of another individual;
(iii)
(A) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body; and
(B) causes the penetration with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual; or
(iv) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
(B) touches the female breast of a minor; or
(C) otherwise takes indecent liberties with the minor.
(c)

(i) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(ii) Any penetration, however slight, is sufficient to constitute the relevant element under Subsection (2)(b)(i).
(iii) Any touching, however slight, is sufficient to constitute the relevant element under Subsection (2)(b)(ii).
(3)
(a) A violation of Subsection (2)(b)(i), (ii), or (iii) is a third degree felony.
(b) A violation of Subsection (2)(b)(iv) is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape, in violation of Section 76-5-402;
(b) object rape, in violation of Section 76-5-402.2;
(c) forcible sodomy, in violation of Section 76-5-403;
(d) forcible sexual abuse, in violation of Section 76-5-404;
(e) aggravated sexual assault, in violation of Section 76-5-405; or
(f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-401.3 Unlawful adolescent sexual activity -- Penalties -- Limitations.
(1)
(a) As used in this section, "adolescent" means an individual who is 12 years old or older but younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Under circumstances not amounting to an offense listed in Subsection (5), an actor commits unlawful sexual activity if:
(a)
(i) the actor is 12 years old or older but younger than 18 years old;
(ii) the actor engages in sexual activity with an adolescent;
(iii) the actor is not the biological sibling of the adolescent; and
(iv) both the actor and the adolescent mutually agree to the sexual activity; or
(b)
(i) the actor engages in sexual activity with an adolescent who is 13 years old;
(ii) the actor is 18 years old and enrolled in high school at the time that the sexual activity occurred;
(iii) the actor is not the biological sibling of the adolescent; and
(iv) both the actor and the adolescent mutually agree to the sexual activity.
(3)
(a) A violation of Subsection (2)(a) is a:
(i) third degree felony if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(ii) third degree felony if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;
(iii) class A misdemeanor if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(iv) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;

(v) class B misdemeanor if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 14 years old;
(vi) class B misdemeanor if an actor who is 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(vii) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years old; and
(viii) class C misdemeanor if an actor who is 14 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old.
(b) A violation of Subsection (2)(b) is a third degree felony.
(4) The actor and the adolescent do not mutually agree to the sexual activity under Subsection (2) if:
(a) the adolescent expresses lack of agreement to the sexual activity through words or conduct;
(b) the actor overcomes the adolescent's will through:
(i) threats to the adolescent or any other individual;
(ii) force;
(iii) coercion; or
(iv) enticement;
(c) the actor is able to overcome the adolescent through concealment or by the element of surprise;
(d) the actor knows, or reasonably should know, that the adolescent has a mental disease or defect, which renders the adolescent unable to:
(i) appraise the nature of the act;
(ii) resist the act;
(iii) understand the possible consequences to the adolescent's health or safety; or
(iv) appraise the nature of the relationship between the actor and the adolescent;
(e) the actor knows that the adolescent participates in the sexual activity because the adolescent erroneously believes that the actor is someone else; or
(f) the actor intentionally impaired the power of the adolescent to appraise or control the adolescent's conduct by administering any substance without the adolescent's knowledge.
(5) The offenses referred to in Subsection (2) are:
(a) rape under Section 76-5-402;
(b) object rape under Section 76-5-402.2;
(c) forcible sodomy under Section 76-5-403;
(d) aggravated sexual assault under Section 76-5-405;
(e) incest under Section 76-7-102; or
(f) an attempt to commit an offense listed in Subsections (5)(a) through (e).
(6) An offense under this section is not eligible for a nonjudicial adjustment under Section 80-6-303.5 or a referral to a youth court under Section 80-6-902.
(7) Except for an offense that is transferred to a district court by the juvenile court in accordance with Section 80-6-504, the district court may enter any sentence or combination of sentences that would have been available in juvenile court but for the delayed reporting or delayed filing of the information in the district court.

Amended by Chapter 291, 2025 General Session

76-5-402 Rape.
(1)
(a) As used in this section, "incapacitated individual" means:

(i) an individual 14 years old or older with:
(A) an intellectual disease or defect;
(B) a physical disease or defect;
(C) a neurological disease or defect; or
(D) a cognitive disease or defect; and
(ii) as a result of the disease or defect described in Subsection (1)(a)(i), the individual is unable to meet two or more of the following requirements:
(A) appraise the nature of an act of sexual intercourse;
(B) resist or escape an act of sexual intercourse; or
(C) report an act of sexual intercourse committed against the individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits rape if the actor has sexual intercourse with another individual without the individual's consent.
(b) Any sexual penetration, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(c) This section applies whether or not the actor is married to the individual.
(3) A violation of Subsection (2) is a felony of the first degree, punishable by a term of imprisonment of:
(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;
(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;
(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:
(i) during the course of the commission of the rape the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the rape, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or
(d) life without parole, if the trier of fact finds that at the time of the commission of the rape the defendant was previously convicted of a grievous sexual offense.
(4)
(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.
(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(5) The provisions of Subsection (4) do not apply when a defendant is sentenced under Subsection (3)(a) or (d).
(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-402.1 Rape of a child -- Penalties.

(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 14 years old.
(ii) "Sexual intercourse" means:
(A) any touching skin-to-skin, however slight, of an individual's genitals to another individual's genitals; or
(B) any penetration, however slight, of an individual's genitals by another individual's genitals, whether over or under the clothing.
(iii) "Simulated intercourse" means rubbing or otherwise stimulating or attempting to stimulate an individual's genitals or pubic area by another individual's genitals or pubic area whether over or under the clothing.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits rape of a child if the actor:
(a) has sexual intercourse with a child; or
(b) intentionally engages in simulated intercourse with a child.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
(a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which may be for life; or
(b) life without parole, if the trier of fact finds that:
(i) during the course of the commission of the rape of a child, the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the rape of a child the defendant was previously convicted of a grievous sexual offense.
(4) Subsection (3)(b) does not apply if the defendant was younger than 18 years old at the time of the offense.
(5)
(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may impose a term of imprisonment under Subsection (5)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and
(iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.
(b) If the conditions of Subsection (5)(a) are met, the court may impose a term of imprisonment of not less than:
(i) 15 years and which may be for life;
(ii) 10 years and which may be for life; or
(iii) six years and which may be for life.
(6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 97, 2024 General Session

76-5-402.2 Object rape.

(1)
(a) As used in this section, "incapacitated individual" means the same as that term is defined in Section 76-5-402.

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits object rape if:
(a) the actor:
(i) acts without an individual's consent;
(ii) causes the penetration, however slight, of the genital or anal opening of the individual by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; and
(iii)
(A) intends to cause substantial emotional or bodily pain to the individual; or
(B) intends to arouse or gratify the sexual desire of any individual; and
(b) the individual described in Subsection (2)(a)(i) is 14 years old or older.
(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:
(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;
(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;
(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:
(i) during the course of the commission of the object rape the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the object rape, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or
(d) life without parole, if the trier of fact finds that at the time of the commission of the object rape, the defendant was previously convicted of a grievous sexual offense.
(4)
(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.
(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(a) or (d).
(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-402.3 Object rape of a child -- Penalty.
(1)
(a) As used in this section:

(i) "Child" means an individual who is younger than 14 years old.
(ii) "Masturbatory contact" means the stimulation or attempted stimulation of an individual's genitals or pubic area by another individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits object rape of a child if:
(a)
(i) the actor causes the penetration , however slight, whether over or under the clothing, of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals;
(ii) the actor causes the touching, however slight, of the skin of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; or
(iii) the actor causes the masturbatory contact over or under the clothing of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; and
(b) the actor:
(i) intends to cause substantial emotional or bodily pain to the child; or
(ii) intends to arouse or gratify the sexual desire of any individual.
(3)
(a) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
(i) except as provided in Subsections (3)(a)(ii) and (4), not less than 25 years and which may be for life; or
(ii) life without parole, if the trier of fact finds that:
(A) during the course of the commission of the object rape of a child the defendant caused serious bodily injury to the victim; or
(B) at the time of the commission of the object rape of a child the defendant was previously convicted of a grievous sexual offense.
(b) Subsection (3)(a)(ii) does not apply if the defendant was younger than 18 years old at the time of the offense.
(4)
(a) When imposing a sentence under Subsections (3)(a)(i) and (4)(b), a court may impose a term of imprisonment under Subsection (4)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and

(iii) the court finds that a lesser term than the term described in Subsection (3)(a)(i) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.

(b) If the conditions of Subsection (4)(a) are met, the court may impose a term of imprisonment of not less than:

(i) 15 years and which may be for life;

(ii) 10 years and which may be for life; or

(iii) six years and which may be for life.

(5) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 97, 2024 General Session

76-5-403 Forcible sodomy.

(1)

(a) As used in this section:

(i) "Incapacitated individual" means the same as that term is defined in Section 76-5-402.

(ii) "Sodomy" means engaging in any sexual act with an individual who is 14 years old or older involving the genitals of one individual and the mouth or anus of another individual.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits forcible sodomy when the actor commits sodomy upon another individual without the other individual's consent.

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:

(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;

(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;

(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:

(i) during the course of the commission of the forcible sodomy the defendant caused serious bodily injury to the victim; or

(ii) at the time of the commission of the forcible sodomy, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or

(d) life without parole, if the trier of fact finds that at the time of the commission of the forcible sodomy the defendant was previously convicted of a grievous sexual offense.

(4)

(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.

(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(i) 10 years and which may be for life; or

(ii) six years and which may be for life.

(5) The provisions of Subsection (4) do not apply when a defendant is sentenced under Subsection (3)(a) or (d).
(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-403.1 Sodomy on a child -- Penalties.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits sodomy on a child if:
(i) the actor engages in any sexual act upon or with another individual;
(ii) the individual is younger than 14 years old; and
(iii) the sexual act involves the genitals or anus of the actor or the individual and the mouth or anus of either the actor or individual.
(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3) A violation of Subsection (2)(a) is a first degree felony punishable by a term of imprisonment of:
(a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which may be for life; or
(b) life without parole, if the trier of fact finds that:
(i) during the course of the commission of the sodomy on a child the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the sodomy on a child, the defendant was previously convicted of a grievous sexual offense.
(4) Subsection (3)(b) does not apply if the defendant was younger than 18 years old at the time of the offense.
(5)
(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may impose a term of imprisonment under Subsection (5)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and
(iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.
(b) If the conditions of Subsection (5)(a) are met, the court may impose a term of imprisonment of not less than:
(i) 15 years and which may be for life;
(ii) 10 years and which may be for life; or
(iii) six years and which may be for life.
(6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 181, 2022 General Session

76-5-404 Forcible sexual abuse -- Penalties -- Limitations.
(1)
(a) As used in this section:
(i) "Female breast" means the same as that term is defined in Section 76-5-401.1

(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits forcible sexual abuse if:
(i) without the consent of the individual, the actor:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of another individual;
(B) touches the female breast of another individual; or
(C) otherwise takes indecent liberties with another individual;
(ii) the actor intends to:
(A) cause substantial emotional or bodily pain to any individual; or
(B) arouse or gratify the sexual desire of any individual; and
(iii) the individual described in Subsection (2)(a)(i)(A), (B), or (C) is 14 years old or older.
(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3)
(a) A violation of Subsection (2) is a second degree felony, punishable by a term of imprisonment of not less than one year nor more than 15 years.
(b)
(i) Notwithstanding Subsection (3)(a) and except as provided in Subsection (3)(b)(ii), a violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment for 15 years and which may be for life, if the trier of fact finds that during the course of the commission of the forcible sexual abuse the actor caused serious bodily injury to the victim.
(ii) If, when imposing a sentence under Subsection (3)(b)(i), a court finds that a lesser term than the term described in Subsection (3)(b)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(A) 10 years and which may be for life; or
(B) six years and which may be for life.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape, in violation of Section 76-5-402;
(b) object rape, in violation of Section 76-5-402.2;
(c) forcible sodomy, in violation of Section 76-5-403; or
(d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).
(5) Imprisonment under Subsection (3)(b) or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-404.1 Sexual abuse of a child -- Penalties -- Limitations.
(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Child" means an individual younger than 14 years old.
(iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(v) "Position of special trust" means:
(A) an adoptive parent;
(B) an athletic manager who is an adult;

(C) an aunt;
(D) a babysitter;
(E) a coach;
(F) a cohabitant of a parent if the cohabitant is an adult;
(G) a counselor;
(H) a doctor or physician;
(I) an employer;
(J) a foster parent;
(K) a grandparent;
(L) a legal guardian;
(M) a natural parent;
(N) a recreational leader who is an adult;
(O) a religious leader;
(P) a sibling or a stepsibling who is an adult;
(Q) a scout leader who is an adult;
(R) a stepparent;
(S) a teacher or any other individual employed by or volunteering at a public or private elementary school or secondary school, and who is 18 years old or older;
(T) an instructor, professor, or teaching assistant at a public or private institution of higher education;
(U) an uncle;
(V) a youth leader who is an adult; or
(W) any individual in a position of authority, other than those individuals listed in Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise undue influence over the child.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a child if the actor:

(i)

(A) touches, whether over or under the clothing, the buttocks or pubic area of a child;
(B) touches, whether over or under the clothing, the female breast of a child;
(C) touches the anus or genitals of a child over the clothing; or
(D) otherwise takes indecent liberties with a child whether over or under the clothing; and

(ii) the actor's conduct is with intent to:

(A) cause substantial emotional or bodily pain to any individual; or
(B) arouse or gratify the sexual desire of any individual.

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2) is a second degree felony.

(4) The offenses referred to in Subsection (2)(a) are:

(a) rape of a child, in violation of Section 76-5-402.1;
(b) object rape of a child, in violation of Section 76-5-402.3;
(c) sodomy on a child, in violation of Section 76-5-403.1; or
(d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-404.3 Aggravated sexual abuse of a child -- Penalties.

(1)

(a) As used in this section:

(i) "Adult" means the same as that term is defined in Section 76-5-404.1.

(ii) "Child" means the same as that term is defined in Section 76-5-404.1.

(iii) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:

(a) the actor committed the offense:

(i) by the use of a dangerous weapon;

(ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or

(iii) during the course of a kidnapping;

(b) the actor caused bodily injury or severe psychological injury to the child during or as a result of the offense;

(c) the actor was a stranger to the child or made friends with the child for the purpose of committing the offense;

(d) the actor used, showed, or displayed pornography or caused the child to be photographed in a lewd condition during the course of the offense;

(e) the actor, prior to sentencing for this offense, was previously convicted of any sexual offense;

(f) the actor committed the same or similar sexual act upon two or more individuals at the same time or during the same course of conduct;

(g) the actor committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense;

(h) the actor occupied a position of special trust in relation to the child; or

(i) the actor encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts by the child with any other individual, sexual performance by the child before any other individual, human trafficking, or human smuggling.

(3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:

(a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and which may be for life;

(b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact finds that during the course of the commission of the aggravated sexual abuse of a child the defendant caused serious bodily injury to another; or

(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual abuse of a child, the defendant was previously convicted of a grievous sexual offense.

(4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) for purposes of Subsection (3)(b), 15 years and which may be for life; or

(b) for purposes of Subsection (3)(a) or (b):

(i) 10 years and which may be for life; or

(ii) six years and which may be for life.

(5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(c).
(6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years old at the time of the offense.
(7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 277, 2025 General Session

76-5-405 Aggravated sexual assault -- Penalty.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated sexual assault if:
(a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor:
(i) uses, or threatens another individual with the use of, a dangerous weapon;
(ii) compels, or attempts to compel, another individual to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or
(iii) is aided or abetted by one or more persons;
(b) in the course of an attempted rape, attempted object rape, or attempted forcible sodomy, the actor:
(i) causes serious bodily injury to any individual;
(ii) uses, or threatens the individual with the use of a dangerous weapon;
(iii) attempts to compel the individual to submit to rape, object rape, or forcible sodomy, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or
(iv) is aided or abetted by one or more persons; or
(c) in the course of an attempted forcible sexual abuse, the actor:
(i) causes serious bodily injury to any individual;
(ii) uses, or threatens the individual with the use of a dangerous weapon;
(iii) attempts to compel the individual to submit to forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or
(iv) is aided or abetted by one or more persons.
(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:
(a) for an aggravated sexual assault described in Subsection (2)(a):
(i) except as provided in Subsection (3)(a)(ii) or (4)(a), not less than 15 years and which may be for life; or
(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense;
(b) for an aggravated sexual assault described in Subsection (2)(b):
(i) except as provided in Subsection (3)(b)(ii) or (5)(a), not less than 10 years and which may be for life; or
(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense; or
(c) for an aggravated sexual assault described in Subsection (2)(c):
(i) except as provided in Subsection (3)(c)(ii) or (6)(a), not less than six years and which may be for life; or

(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense.

(4)
(a) If, when imposing a sentence under Subsection (3)(a)(i), a court finds that a lesser term than the term described in Subsection (3)(a)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(b) The provisions of Subsection (4)(a) do not apply when a defendant is sentenced under Subsection (3)(a)(ii).

(5)
(a) If, when imposing a sentence under Subsection (3)(b)(i), a court finds that a lesser term than the term described in Subsection (3)(b)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.
(b) The provisions of Subsection (5)(a) do not apply when a defendant is sentenced under Subsection (3)(b)(ii).

(6)
(a) If, when imposing a sentence under Subsection (3)(c)(i), a court finds that a lesser term than the term described in Subsection (3)(c)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than three years and which may be for life.
(b) The provisions of Subsection (6)(a) do not apply when a defendant is sentenced under Subsection (3)(c)(ii).

(7) Subsections (3)(a)(ii), (3)(b)(ii), and (3)(c)(ii) do not apply if the defendant was younger than 18 years old at the time of the offense.

(8) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 181, 2022 General Session

76-5-406 Sexual offenses against the victim without consent of victim -- Circumstances.

(1) As used in this section:
(a) "Health professional" means an individual who is licensed or who holds the individual out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling, including an athletic trainer, physician, osteopathic physician, physician assistant, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, psychiatric mental health nurse specialist, or substance abuse counselor.
(b) "Religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.
(c) "To retaliate" includes threats of physical force, kidnapping, or extortion.

(2) An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, forcible sodomy, attempted forcible sodomy, sodomy on a child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child, attempted aggravated sexual

abuse of a child, or simple sexual abuse is without consent of the victim under any of the following circumstances:

(a) the victim expresses lack of consent through words or conduct;

(b) the actor overcomes the victim through the actual application of physical force or violence;

(c) the actor is able to overcome the victim through concealment or by the element of surprise;

(d)

(i) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or

(ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat;

(e) the actor knows the victim is unconscious, unaware that the act is occurring, or is physically unable to resist;

(f) the actor knows or reasonably should know that the victim has a mental disease or defect, which renders the victim unable to:

(i) appraise the nature of the act;

(ii) resist the act;

(iii) understand the possible consequences to the victim's health or safety; or

(iv) appraise the nature of the relationship between the actor and the victim;

(g) the actor knows that the victim participates because the victim erroneously believes that the actor is someone else;

(h) the actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim's knowledge;

(i) the victim is younger than 14 years of age;

(j) the victim is younger than 18 years of age and at the time of the offense the actor was the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim as defined in Section 76-5-404.1;

(k) the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2)(b) or (d); or

(l) the actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested.

(3) Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent may be initially given but may be withdrawn through words or conduct at any time prior to or during sexual activity.

Amended by Chapter 92, 2020 General Session

76-5-406.3 Applicability of sentencing provisions.

A person convicted of a violation of Section 76-5-301.1, child kidnaping; Section 76-5-302, aggravated kidnaping; Section 76-5-402.1, rape of a child; Section 76-5-402.3, object rape of a child; Section 76-5-403.1, sodomy on a child; Section 76-5-404.3, aggravated sexual abuse of a child; or Section 76-5-405, aggravated sexual assault shall be sentenced as follows:

(1) If the person is sentenced prior to April 29, 1996, he shall be sentenced in accordance with the statutory provisions in effect prior to that date.
(2) If the person commits the crime and is sentenced on or after April 29, 1996, he shall be punished in accordance with the statutory provisions in effect after April 29, 1996.
(3) If the person commits the crime prior to April 29, 1996, but is sentenced on or after April 29, 1996, he shall be given the option prior to sentencing to proceed either under the law which was in effect at the time the offense was committed or the law which was in effect at the time of sentencing. If the person refuses to select, the court shall sentence the person in accordance with the law in effect at the time of sentencing. The provisions of Subsections 77-27-9(2)(a) and (b) apply to the sentence of any person who selects under this section to be sentenced in accordance with the law in effect prior to April 29, 1996.

Amended by Chapter 181, 2022 General Session

76-5-406.5 Circumstances required for probation or suspension of sentence for certain sex offenses against a child.

(1) In a case involving a conviction for an attempted violation of Section 76-5-402.1, rape of a child, Section 76-5-402.3, object rape of a child, Section 76-5-403.1, sodomy on a child, or Section 76-5-404.3, aggravated sexual abuse of a child, the court may suspend the execution of the sentence and consider probation to a residential sexual abuse treatment center only if all of the following circumstances are found by the court to be present and the court in the court's discretion, considering the circumstances of the offense, including the nature, frequency, and duration of the conduct, and considering the best interests of the public and the child victim, finds probation to a residential sexual abuse treatment center to be proper:
(a) the defendant did not use a weapon, force, violence, substantial duress or menace, or threat of harm, in committing the offense or before or after committing the offense, in an attempt to frighten the child victim or keep the child victim from reporting the offense;
(b) the defendant did not cause bodily injury to the child victim during or as a result of the offense and did not cause the child victim severe psychological harm;
(c) the defendant, prior to the offense, had not been convicted of any public offense in Utah or elsewhere involving sexual misconduct in the commission of the offense;
(d) the defendant did not commit an offense described in this Part 4, Sexual Offenses, against more than one child victim or victim, at the same time, or during the same course of conduct, or previous to or subsequent to the instant offense;
(e) the defendant did not use, show, or display pornography or create sexually-related photographs or tape recordings in the course of the offense;
(f) the defendant did not act in concert with another offender during the offense or knowingly commit the offense in the presence of a person other than the victim or with lewd intent to reveal the offense to another;
(g) the defendant did not encourage, aid, allow, or benefit from any act of prostitution or sexual act by the child victim with any other person or sexual performance by the child victim before any other person;
(h) the defendant admits the offense of which he has been convicted and has been accepted for mental health treatment in a residential sexual abuse treatment center that has been approved by the Department of Corrections under Subsection (3);
(i) rehabilitation of the defendant through treatment is probable, based upon evidence provided by a treatment professional who has been approved by the Department of Corrections under Subsection (3) and who has accepted the defendant for treatment;

(j) prior to being sentenced, the defendant has undergone a complete psychological evaluation conducted by a professional approved by the Department of Corrections and:
(i) the professional's opinion is that the defendant is not an exclusive pedophile and does not present an immediate and present danger to the community if released on probation and placed in a residential sexual abuse treatment center; and
(ii) the court accepts the opinion of the professional;
(k) if the offense is committed by a parent, stepparent, adoptive parent, or legal guardian of the child victim, the defendant shall, in addition to establishing all other conditions of this section, establish it is in the child victim's best interest that the defendant not be imprisoned, by presenting evidence provided by a treatment professional who:
(i) is treating the child victim and understands he will be treating the family as a whole; or
(ii) has assessed the child victim for purposes of treatment as ordered by the court based on a showing of good cause; and
(l) if probation is imposed, the defendant, as a condition of probation, may not reside in a home where children younger than 18 years old reside for at least one year beginning with the commencement of treatment, and may not again take up residency in a home where children younger than 18 years old reside during the period of probation until allowed to do so by order of the court.

(2) A term of incarceration of at least 90 days is to be served prior to treatment and continue until the time when bed space is available at a residential sexual abuse treatment center as provided under Subsection (3) and probation is to be imposed for up to a maximum of 10 years.

(3)
(a) The Department of Corrections shall develop qualification criteria for the approval of the sexual abuse treatment programs and professionals under this section. The criteria shall include the screening criteria employed by the department for sexual offenders.
(b) The sexual abuse treatment program shall be at least one year in duration, shall be residential, and shall specifically address the sexual conduct for which the defendant was convicted.

(4) Establishment by the defendant of all the criteria of this section does not mandate the granting under this section of probation or modification of the sentence that would otherwise be imposed by Section 76-3-406 regarding sexual offenses against children. The court has discretion to deny the request based upon its consideration of the circumstances of the offense, including:
(a) the nature, frequency, and duration of the conduct;
(b) the effects of the conduct on any child victim involved;
(c) the best interest of the public and any child victim; and
(d) the characteristics of the defendant, including any risk the defendant presents to the public and specifically to children.

(5) The defendant has the burden to establish by a preponderance of evidence eligibility under all of the criteria of this section.

(6) If the court finds a defendant granted probation under this section fails to cooperate or succeed in treatment or violates probation to any substantial degree, the sentence previously imposed for the offense shall be immediately executed.

(7) The court shall enter written findings of fact regarding the conditions established by the defendant that justify the granting of probation under this section.

(8) In cases involving conviction of any sexual offense against a child other than those offenses provided in Subsection (1), the court shall consider the circumstances described in Subsection (1) as advisory in determining whether or not execution of sentence should be suspended

and probation granted. The defendant is not required to satisfy all of those circumstances for eligibility pursuant to this Subsection (8).

Amended by Chapter 193, 2025 General Session

76-5-407 Consensual conduct in marriage.

The provisions of this part do not apply to consensual conduct between individuals married to each other.

Amended by Chapter 181, 2022 General Session

76-5-409 Corroboration of admission by child's statement.

(1) Notwithstanding any provision of law requiring corroboration of admissions or confessions, and notwithstanding any prohibition of hearsay evidence, a child's statement indicating in any manner the occurrence of the sexual offense involving the child is sufficient corroboration of the admission or the confession regardless of whether or not the child is available to testify regarding the offense.

(2) A child, for purposes of Subsection (1), is a person under the age of 14.

Enacted by Chapter 88, 1983 General Session

76-5-410 Child victim of sexual abuse as competent witness.

A child victim of sexual abuse under the age of 10 is a competent witness and shall be allowed to testify without prior qualification in any judicial proceeding. The trier of fact shall determine the weight and credibility of the testimony.

Amended by Chapter 74, 1985 General Session

76-5-412 Custodial sexual relations -- Penalties -- Defenses and limitations.

(1)

(a) As used in this section:

(i) "Actor" means:

(A) a law enforcement officer, as defined in Section 53-13-103;

(B) a correctional officer, as defined in Section 53-13-104;

(C) a special function officer, as defined in Section 53-13-105; or

(D) an employee of, or private provider or contractor for, the Department of Corrections or a county jail.

(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

(iii) "Person in custody" means an individual, either an adult 18 years old or older, or a minor younger than 18 years old, who is:

(A) a prisoner, as defined in Section 76-5-101, and includes a prisoner who is in the custody of the Department of Corrections created under Section 64-13-2, but who is being housed at the Utah State Hospital established under Section 26B-5-302 or other medical facility;

(B) under correctional supervision, such as at a work release facility or as a parolee or probationer; or

(C) under lawful or unlawful arrest, either with or without a warrant.

(iv) "Private provider or contractor" means a person that contracts or enters into a memorandum of understanding with a governmental or private entity to provide services

or functions that are part of the operation of the Department of Corrections or a county jail under state or local law.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits custodial sexual relations if the actor commits any of the acts under Subsection (2)(b):

(i) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection (4); and

(ii)

(A) the actor knows that the individual is a person in custody; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a person in custody.

(b) Acts referred to in Subsection (2)(a) are:

(i) having sexual intercourse with a person in custody;

(ii) engaging in a sexual act with a person in custody involving the genitals of one individual and the mouth or anus of another individual; or

(iii)

(A) causing the penetration, however slight, of the genital or anal opening of a person in custody by any foreign object, substance, instrument, or device, including a part of the human body; and

(B) intending to cause substantial emotional or bodily pain to any individual.

(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3)

(a) A violation of Subsection (2) is a third degree felony.

(b) Notwithstanding Subsection (3)(a), if the person in custody is younger than 18 years old, a violation of Subsection (2) is a second degree felony.

(c) If the act committed under Subsection (3) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.

(4) The offenses referred to in Subsection (2)(a)(i) and Subsection 76-5-412.2(2)(a)(i) are:

(a) Section 76-5-401, unlawful sexual activity with a minor;

(b) Section 76-5-402, rape;

(c) Section 76-5-402.1, rape of a child;

(d) Section 76-5-402.2, object rape;

(e) Section 76-5-402.3, object rape of a child;

(f) Section 76-5-403, forcible sodomy;

(g) Section 76-5-403.1, sodomy on a child;

(h) Section 76-5-404, forcible sexual abuse;

(i) Section 76-5-404.1, sexual abuse of a child, or Section 76-5-404.3, aggravated sexual abuse of a child; or

(j) Section 76-5-405, aggravated sexual assault.

(5)

(a) It is not a defense to the commission of, or the attempt to commit, the offense of custodial sexual relations under Subsection (2) if the person in custody is younger than 18 years old, that the actor:

(i) mistakenly believed the person in custody to be 18 years old or older at the time of the alleged offense; or

(ii) was unaware of the true age of the person in custody.
(b) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).
(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 322, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-5-412.2 Custodial sexual misconduct -- Penalties -- Defenses.
(1)
(a) As used in this section:
(i) "Actor" means the same as that term is defined in Section 76-5-412.
(ii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(iii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(iv) "Person in custody" means the same as that term is defined in Section 76-5-412.
(v) "Private provider or contractor" means the same as that term is defined in Section 76-5-412.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits custodial sexual misconduct if:
(i) the actor commits any of the acts under Subsection (2)(b) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection 76-5-412(4); and
(ii)
(A) the actor knows that the individual is a person in custody; or
(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a person in custody.
(b) Acts referred to in Subsection (2)(a) are the following acts when committed with the intent to cause substantial emotional or bodily pain to another individual or with the intent to arouse or gratify the sexual desire of any individual:
(i) touching the anus, buttocks, pubic area, or any part of the genitals of a person in custody;
(ii) touching the female breast of a person in custody; or
(iii) otherwise taking indecent liberties with a person in custody.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), if the person in custody is younger than 18 years old, a violation of Subsection (2) is a third degree felony.
(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.
(4)
(a) It is not a defense to the commission of, or attempt to commit, the offense described in Subsection (2) if the person in custody is younger than 18 years old, that the actor:
(i) mistakenly believed the person in custody to be 18 years old or older at the time of the alleged offense; or
(ii) was unaware of the true age of the person in custody.
(b) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).

(5) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-412.4 Custodial solicitation of sexually explicit conduct from a person in custody.

(1)
(a) As used in this section:
(i) "Actor" means the same as that term is defined in Section 76-5-412.
(ii) "Person in custody" means an individual who is:
(A) 18 years old or older; and
(B) otherwise meets the definition of a person in custody as that term is defined in Section 76-5-412.
(iii) "Sexually explicit conduct" means actual or simulated:
(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;
(B) masturbation;
(C) bestiality;
(D) sadistic or masochistic activities;
(E) exhibition of the genitals, pubic region, buttocks, or female breast of any individual;
(F) visual depiction of nudity or partial nudity;
(G) fondling or touching of the genitals, pubic region, buttocks, or female breast; or
(H) the visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.
(iv) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct that duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits custodial solicitation of sexually explicit conduct from a person in custody if:
(a) the actor knowingly requests, demands, or otherwise solicits from a person in custody:
(i) a photograph, image, live video, or a recording of the person in custody engaging in sexually explicit conduct or simulated sexually explicit conduct; or
(ii) a live demonstration or performance by the person in custody engaging in sexually explicit conduct or simulated sexually explicit conduct; and
(b)
(i) the actor knows that the individual described in Subsection (2)(a) is a person in custody; or
(ii) a reasonable person in the actor's position should have known under the circumstances that the individual described in Subsection (2)(a) was a person in custody.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.
(5) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).
(6) This section does not apply to an actor who is acting within the course and scope of the actor's legitimate duties, including documenting photographic evidence.

Enacted by Chapter 253, 2025 General Session

76-5-413 Custodial sexual relations with youth receiving state services -- Penalties -- Defenses and limitations.

(1)

(a) As used in this section:

(i) "Actor" means:

(A) an individual employed by the Department of Health and Human Services created in Section 26B-1-201, or an employee of a private provider or contractor; or

(B) an individual employed by the juvenile court of the state, or an employee of a private provider or contractor.

(ii) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

(iii) "Juvenile court" means the juvenile court of the state created in Section 78A-6-102.

(iv) "Private provider or contractor" means a person that contracts with the:

(A) department to provide services or functions that are part of the operation of the department; or

(B) juvenile court to provide services or functions that are part of the operation of the juvenile court.

(v) "Youth receiving state services" means an individual:

(A) younger than 18 years old, except as provided under Subsection (1)(a)(v)(B), who is:

(I) in the custody of the department under Section 80-6-703; or

(II) receiving services from any division of the department if any portion of the costs of these services is covered by public money; or

(B) younger than 25 years old:

(I) who is in the custody of the Division of Juvenile Justice and Youth Services, or the Division of Child and Family Services; or

(II) whose case is under the jurisdiction of the juvenile court.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits custodial sexual relations with a youth receiving state services if:

(i) the actor commits any of the acts described in Subsection (2)(b); and

(ii)

(A) the actor knows that the individual is a youth receiving state services; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.

(b) Acts referred to in Subsection (2)(a)(i) are:

(i) having sexual intercourse with a youth receiving state services;

(ii) engaging in any sexual act with a youth receiving state services involving the genitals of one individual and the mouth or anus of another individual; or

(iii)

(A) causing the penetration, however slight, of the genital or anal opening of a youth receiving state services by any foreign object, substance, instrument, or device, including a part of the human body; and

(B) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual.

(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3)

(a) A violation of Subsection (2) is a third degree felony.

(b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger than 18 years old, a violation of Subsection (2) is a second degree felony.

(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.

(4) The offenses referred to in Subsection (2) are:

(a) unlawful sexual activity with a minor, in violation of Section 76-5-401;

(b) rape, in violation of Section 76-5-402;

(c) rape of a child, in violation of Section 76-5-402.1;

(d) object rape, in violation of Section 76-5-402.2;

(e) object rape of a child, in violation of Section 76-5-402.3;

(f) forcible sodomy, in violation of Section 76-5-403;

(g) sodomy on a child, in violation of Section 76-5-403.1;

(h) forcible sexual abuse, in violation of Section 76-5-404;

(i) sexual abuse of a child, in violation of Section 76-5-404.1;

(j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;

(k) aggravated sexual assault, in violation of Section 76-5-405; or

(l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).

(5)

(a) It is not a defense to the commission of, or an attempt to commit, the offense described in Subsection (2) if the youth receiving state services is younger than 18 years old, that the actor:

(i) mistakenly believed the youth receiving state services to be 18 years old or older at the time of the alleged offense; or

(ii) was unaware of the true age of the youth receiving state services.

(b) Consent of the youth receiving state services is not a defense to any violation or attempted violation of Subsection (2).

(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 88, 2025 General Session

76-5-413.2 Custodial sexual misconduct with a youth receiving state services -- Penalties -- Defenses and limitations.

(1)

(a) As used in this section:

(i) "Actor" means the same as that term is defined in Section 76-5-413.

(ii) "Department" means the same as that term is defined in Section 76-5-413.

(iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.

(iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

(v) "Juvenile court" means the same as that term is defined in Section 76-5-413.

(vi) "Private provider or contractor" means the same as that term is defined in Section 76-5-413.

(vii) "Youth receiving state services" means the same as that term is defined in Section 76-5-413.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits custodial sexual misconduct with a youth receiving state services if:

(i) the actor commits any of the acts described in Subsection (2)(b); and

(ii)

(A) the actor knows that the individual is a youth receiving state services; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.

(b) Acts referred to in Subsection (2)(a) are the following acts when committed with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:

(i) touching the anus, buttocks, pubic area, or any part of the genitals of a youth receiving state services;

(ii) touching the female breast of a youth receiving state services; or

(iii) otherwise taking indecent liberties with a youth receiving state services.

(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3)

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

(b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger than 18 years old, a violation of Subsection (2) is a third degree felony.

(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.

(4) The offenses referred to in Subsection (2) are:

(a) unlawful sexual activity with a minor, in violation of Section 76-5-401;

(b) rape, in violation of Section 76-5-402;

(c) rape of a child, in violation of Section 76-5-402.1;

(d) object rape, in violation of Section 76-5-402.2;

(e) object rape of a child, in violation of Section 76-5-402.3;

(f) forcible sodomy, in violation of Section 76-5-403;

(g) sodomy on a child, in violation of Section 76-5-403.1;

(h) forcible sexual abuse, in violation of Section 76-5-404;

(i) sexual abuse of a child, in violation of Section 76-5-404.1;

(j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;

(k) aggravated sexual assault, in violation of Section 76-5-405; or

(l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).

(5)

(a) It is not a defense to the commission of, or an attempt to commit, the offense described in Subsection (2) if the youth receiving state services is younger than 18 years old, that the actor:

(i) mistakenly believed the youth receiving state services to be 18 years old or older at the time of the alleged offense; or

(ii) was unaware of the true age of the youth receiving state services.

(b) Consent of the youth receiving state services is not a defense to any violation or attempted violation of Subsection (2).

(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-415 Educator's license subject to action for violation of this part.

Commission of any offense under this Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, by an educator as defined in Section 53E-6-102, is grounds under Section 53E-6-604 for disciplinary action against the educator, including revocation of the educator's license.

Amended by Chapter 173, 2025 General Session

76-5-416.2 Unlawful kissing of a child.

(1)
(a) As used in this section, "child" means an individual who is under 14 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful kissing of a child if the actor:
(a) is 18 years old or older; and
(b) intentionally or knowingly:
(i) kisses a child on the child's mouth; and
(ii) penetrates the minor's mouth with the actor's tongue.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any penetration, however slight, of the mouth of the child by the actor's tongue is sufficient to constitute a violation of this section.

Enacted by Chapter 140, 2024 General Session

76-5-416.4 Unlawful kissing of a minor.

(1)
(a) As used in this section, "minor" means an individual who is 14 years old or older but younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful kissing of a minor if the actor:
(a) intentionally or knowingly:
(i) kisses a minor on the minor's mouth; and
(ii) penetrates the minor's mouth with the actor's tongue; and
(b) is older than the minor by 10 years or more.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any penetration, however slight, of the mouth of the minor by the actor's tongue is sufficient to constitute a violation of this section.

Enacted by Chapter 140, 2024 General Session

76-5-417 Enticing a minor to engage in sexual activity.

(1)
(a) As used in this section:

(i) "Minor" means an individual who is under 18 years old.
(ii) "Electronic communication" means the same as that term is defined in Section 76-12-201.
(iii) "Electronic communication device" means the same as that term is defined in Section 76-12-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits enticing a minor to engage in sexual activity if the actor knowingly:
(a) uses an electronic communication or an electronic communication device to:
(i) solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person who the actor believes to be a minor, to engage in sexual activity that is a violation of state criminal law;
(ii) communicate with any individual with the intent to solicit, seduce, lure, or entice a minor, or attempt to solicit, seduce, lure, or entice a minor, to engage in sexual activity that is a violation of state criminal law; or
(iii)
(A) initiate contact with a minor or a person the actor believes to be a minor; and
(B) subsequent to the action described in Subsection (2)(a)(iii)(A), by any electronic or written means, solicits, seduces, lures, or entices the minor, or attempts to solicit, seduce, lure, or entice the minor, or a person the actor believes to be the minor, to engage in sexual activity that is a violation of state criminal law; or
(b) develops a relationship of trust with a minor or the minor's parent or guardian with the intent to solicit, seduce, lure, or entice the minor, or attempt to solicit, seduce, lure, or entice the minor, to engage in sexual activity that is a violation of state criminal law.
(3) A violation of Subsection (2) is punishable as follows:
(a) enticement to engage in sexual activity that would be a first degree felony for the actor is a:
(i) second degree felony upon the first conviction for violation of this Subsection (3)(a); and
(ii) first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life, upon a second or any subsequent conviction for a violation of this Subsection (3)(a);
(b) enticement to engage in sexual activity that would be a second degree felony for the actor is a third degree felony;
(c) enticement to engage in sexual activity that would be a third degree felony for the actor is a class A misdemeanor;
(d) enticement to engage in sexual activity that would be a class A misdemeanor for the actor is a class B misdemeanor; and
(e) enticement to engage in sexual activity that would be a class B misdemeanor for the actor is a class C misdemeanor.
(4) It is not a defense to a violation, or attempted violation, of Subsection (2) that a law enforcement officer or an undercover operative who is employed by a law enforcement agency was involved in the detection or investigation of the offense.
(5)
(a) When an actor who commits a felony violation of this section has previously been convicted of an offense described in Subsection (5)(b), the court may not in any way shorten the prison sentence, and the court may not:
(i) grant probation;
(ii) suspend the execution or imposition of the sentence;
(iii) enter a judgment for a lower category of offense; or
(iv) order hospitalization.
(b) The sections referred to in Subsection (5)(a) are:

(i) child kidnapping as described in Section 76-5-301.1;
(ii) human trafficking of a child as described in Section 76-5-308.5;
(iii) rape as described in Section 76-5-402;
(iv) rape of a child as described in Section 76-5-402.1;
(v) object rape as described in Section 76-5-402.2;
(vi) object rape of a child as described in Section 76-5-402.3;
(vii) forcible sodomy as described in Section 76-5-403;
(viii) sodomy on a child as described in Section 76-5-403.1;
(ix) forcible sexual abuse as described in Section 76-5-404;
(x) sexual abuse of a child as described in Section 76-5-404.1;
(xi) aggravated sexual abuse of a child as described in Section 76-5-404.3;
(xii) aggravated sexual assault as described in Section 76-5-405;
(xiii) enticing a minor to engage in sexual activity as described in Section 76-5-417;
(xiv) any offense in any other state or federal jurisdiction that constitutes or would constitute a crime in Subsections (5)(b)(i) through (xiii); or
(xv) the attempt, solicitation, or conspiracy to commit any of the offenses in Subsections (5)(b)(i) through (xiv).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-418 Sexual battery.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits sexual battery if, under circumstances not amounting to an offense described in Subsection (4), the actor:
(a) intentionally touches, whether or not through clothing:
(i) the anus, buttocks, or any part of the genitals of another individual;
(ii) or the breast of a female individual; and
(iii) the actor's conduct is under circumstances that the actor knows or should know will likely cause affront or alarm to the individual touched.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) The offenses referred to in Subsection (2) are:
(a) rape under Section 76-5-402;
(b) rape of a child under Section 76-5-402.1;
(c) object rape under Section 76-5-402.2;
(d) object rape of a child under Section 76-5-402.3;
(e) forcible sodomy under Subsection 76-5-403(2);
(f) sodomy on a child under Section 76-5-403.1;
(g) forcible sexual abuse under Section 76-5-404;
(h) sexual abuse of a child under Section 76-5-404.1;
(i) aggravated sexual abuse of a child under Section 76-5-404.3;
(j) aggravated sexual assault under Section 76-5-405; and
(k) an attempt to commit an offense under this Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-419 Lewdness.

(1)
(a) As used in this section:

(i) "Common area of a privacy space" means any area of a privacy space other than:
(A) a toilet stall with a closed door;
(B) immediately in front of a urinal during use; or
(C) a shower stall with a closed door or other closed covering.
(ii) "Privacy space" means the same as that term is defined in Section 76-12-309.
(iii) "Sex-designated" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits lewdness if:
(a) the actor performs:
(i) an act of sexual intercourse or sodomy;
(ii) an act exposing the actor's:
(A) genitals;
(B) female breast below the top of the areola if the actor is female;
(C) buttocks, anus, or pubic area;
(iii) masturbates; or
(iv) any other act of lewdness; and
(b) an action described in Subsection (2)(a) is undertaken:
(i) in a public place; or
(ii) under circumstances which the actor should know will likely cause affront or alarm to, on, or in the presence of another individual who is 14 years old or older.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if at the time of the violation:
(i) the actor is a sex offender as defined in Section 57-8a-102;
(ii) the actor has previously been convicted two or more times of a violation of Subsection (2);
(iii) the actor has previously been convicted of:
(A) a violation of Subsection (2); and
(B) a violation of Section 76-5-420;
(iv) the actor also commits the offense of:
(A) criminal trespass resulting from unlawfully entering a sex-designated changing room as described in Subsection 76-6-206(2)(d);
(B) lewdness involving a child as described in Section 76-5-420;
(C) voyeurism as described in Section 76-12-306;
(D) recorded or photographed voyeurism as described in Section 76-12-307;
(E) distribution of images obtained through voyeurism as described in Section 76-12-308; or
(F) loitering in a privacy space as described in Section 76-12-309; or
(v) the actor is in a sex-designated privacy space, that is not designated for individuals of the actor's sex.
(4) The offenses referred to in Subsection (2) are:
(a) unlawful sexual conduct with a 16 or 17 year old as described in Section 76-5-401.2;
(b) rape as described in Section 76-5-402;
(c) object rape as described in Section 76-5-402.2;
(d) forcible sodomy as described in Section 76-5-403;
(e) forcible sexual abuse as described in Section 76-5-404;
(f) sexual abuse of a child as described in Section 76-5-404.1;
(g) aggravated sexual assault as described in Section 76-5-405;

(h) custodial sexual relations as described in Section 76-5-412;
(i) custodial sexual misconduct as described in Section 76-5-412.2;
(j) custodial sexual relations with youth receiving state services as described in Section 76-5-413;
(k) custodial sexual misconduct with youth receiving state services as described in Section 76-5-413.2; or
(l) an attempt to commit an offense described in Subsection (4)(a) through (k).

(5)
(a) As described in Subsection 53-29-202(4), for purposes of Subsection (3), a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.
(b) Subsection (5)(a) also applies if the charge under Subsection (3) has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(6)
(a) The common area of a privacy space constitutes a public place or circumstance described in Subsection (2) where an act or an attempted act described in Subsection (2) constitutes lewdness.
(b) Within the common area of a dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space, exposing, displaying, or otherwise uncovering genitalia that does not correspond with the sex designation of the changing room constitutes an act or an attempted act described in Subsection (2) that constitutes lewdness.

(7) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-420 Lewdness involving a child.

(1)
(a) As used in this section:
(i) "Child" means an individual younger than 14 years old.
(ii) "Common area of a privacy space" means the same as that term is defined in Section 76-5-419.
(iii) "In the presence of" includes within visual contact through an electronic device.
(iv) "Privacy space" means the same as that term is defined in Section 76-12-309.
(v) "Sex-designated" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits lewdness involving a child if:
(a) the actor, under circumstances not amounting to an offense listed in Subsection (4), intentionally or knowingly does any of the following in the presence of a child:
(i) performs an act of sexual intercourse or sodomy;
(ii) exposes the actor's genitals, female breast below the top of the areola, buttocks, anus, or pubic area:
(A) in a public place; or
(B) in a private place under circumstances the actor should know will likely cause affront or alarm or with the intent to arouse or gratify the sexual desire of the actor or the child; or
(iii) masturbates;

(b) the actor is 18 years old or older and, under circumstances not amounting to an offense listed in Subsection (4), intentionally or knowingly does any of the following in the presence of a child with the intent to cause affront or alarm to the child or with the intent to arouse or gratify the sexual desire of the actor or the child:
(i) simulates masturbation;
(ii) performs an act of simulated intercourse or sodomy;
(iii) displays the actor's male genitals or prosthetic male genitals in a discernibly turgid state, even if completely and opaquely covered;
(iv) engages in erotic touching of the actor's nude breast, regardless of the actor's sex or how the breast was developed or created; or
(v) involves a child in an act that would lead a reasonable person to conclude that the child is engaging in an act of:
(A) simulated intercourse or sodomy; or
(B) simulated masturbation;
(c) the actor, under circumstances not amounting to sexual exploitation of a minor under Section 76-5b-201 or aggravated sexual exploitation of a minor under Section 76-5b-201.1, intentionally or knowingly causes a child to expose the child's genitals, anus, or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child; or
(d) the actor performs any other act of lewdness.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if at the time of the violation, the actor:
(i) is a sex offender as described in Subsection 53-29-202(2)(b) and the offense that the actor committed that resulted in the actor being a sex offender was committed against an individual younger than 18 years old;
(ii) previously has been convicted of a violation of this section;
(iii) commits the violation of Subsection (2) while also committing the offense of:
(A) lewdness as described in Section 76-5-419;
(B) criminal trespass resulting from unlawfully entering a sex-designated changing room as described in Subsection 76-6-206(2)(d);
(C) voyeurism as described in Section 76-12-306;
(D) recorded or photographed voyeurism as described in Section 76-12-307;
(E) distribution of images obtained through voyeurism as described in Section 76-12-308; or
(F) loitering in a privacy space as described in Section 76-12-309; or
(iv) is in a sex-designated privacy space, that is not designated for individuals of the actor's sex.
(4) The offenses referred to in Subsection (2) are:
(a) rape of a child as described in Section 76-5-402.1;
(b) object rape of a child as described in Section 76-5-402.3;
(c) sodomy on a child as described in Section 76-5-403.1;
(d) sexual abuse of a child as described in Section 76-5-404.1;
(e) aggravated sexual abuse of a child as described in Section 76-5-404.3; or
(f) an attempt to commit an offense described in Subsections (4)(a) through (e).
(5)
(a) The common area of a privacy space constitutes a public place or circumstance described in Subsection (2) where an act or an attempted act described in Subsection (2) constitutes a violation of Subsection (2).

(b) Within the common area of a government entity's dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space, exposing, displaying, or otherwise uncovering genitalia that does not correspond with the sex designation of the changing room constitutes an act or an attempted act described in Subsection (2) that constitutes lewdness involving a child.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-421 Indecent exposure of another individual.

(1)
(a) As used in this section:
(i) "First responder" means the same as that term is defined in Section 34A-2-102.
(ii) "Health care professional" means the same as that term is defined in Section 53-3-207.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits indecent exposure of another individual if the actor exposes in a public place, without the individual's consent, the individual's:
(a) undergarments intended to cover the individual's genitals, breasts if the individual is female, buttocks, anus, or pubic area; or
(b) genitals, breast below the top of the areola if the individual is female, buttocks, anus, or pubic area.
(3)
(a) A violation of Subsection (2)(a) is a class C misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2)(b) is a class B misdemeanor.
(c) A violation of Subsection (2)(b) is a class A misdemeanor if the actor committed the violation in the presence of an individual who is younger than 14 years old.
(4) An actor under the age of 18 years old may not be referred to the juvenile court or prosecuting attorney under this section unless the actor has previously received a written warning from a law enforcement officer for conduct described in Subsection (2).
(5) This section does not apply to a first responder or health care professional who removes the clothing of another individual during an emergency to provide medical care to that individual resulting in the exposure of that individual described in Subsection (2).

Enacted by Chapter 204, 2025 General Session

76-5-422 Sexual relations with an adult high school student.

(1)
(a) As used in this section:
(i) "Actor" means an individual who is 21 years old or older.
(ii) "Adult high school student" means an individual who is 18 to 21 years old and enrolled at a high school.
(iii) "High school" means a district, charter, or private school that is comprised of grade 9, 10, 11, or 12.
(iv) "Position of special trust" means the following positions in a high school:
(A) a teacher;
(B) an administrator;
(C) a coach;
(D) a counselor; or

(E) an individual other than an individual listed in Subsections (1)(a)(iv)(A) through (1)(a)(iv)(D) who occupies a position of authority that enables the individual to exercise undue influence over an adult high school student.

(v) "Sexual intercourse" means any penetration, however slight, of:

(A) the genitals or anus of an individual by another individual using any body part, object, or substance; or

(B) the mouth of an individual by another individual's genitals.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits sexual relations with an adult high school student if the actor:

(a)

(i) has sexual intercourse with an adult high school student; or

(ii) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:

(A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult high school student;

(B) touches the breast of a female adult high school student; or

(C) otherwise takes indecent liberties with an adult high school student;

(b) occupies a position of special trust in relation to the adult high school student described in Subsection (2)(a); and

(c) knows or should have known that the individual with which the actor committed the acts described in Subsection (2)(a) was an adult high school student.

(3) A violation of Subsection (2) is a third degree felony.

(4) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a)(ii).

(5) Consent of an adult high school student to an act described in Subsection (2) is not a defense to prosecution under this section.

Enacted by Chapter 204, 2025 General Session

76-5-423 Unlawful sexual activity with a child using virtual reality.

(1)

(a) As used in this section:

(i) "Avatar" means a three-dimensional character that represents a human user in a virtual reality environment.

(ii) "Child" means an individual who is younger than 14 years old.

(iii) "Haptic technology" means technology that can create an experience of touch by applying force, vibration, or motion to the human user.

(iv) "Virtual reality" means a three-dimensional environment in which the human user is fully immersed in a computer-generated simulation through the use of an avatar, regardless of whether the human user is using haptic technology.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful sexual activity with a child using virtual reality if the actor:

(a) is 18 years old or older;

(b) knows that the human user of an avatar is a child; and

(c) for the purpose of arousing or gratifying the sexual desire of any individual, intentionally uses the actor's avatar to engage in sexual activity or simulated sexual activity with the child's avatar involving:

(i) the genitals, pubic area, or anus of the actor's avatar or the child's avatar; and

(ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the child's avatar.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor is less than 10 years older than the child.

(4) Consent of the child to engage in the sexual activity is not a defense to a violation of Subsection (2).

Enacted by Chapter 253, 2025 General Session

76-5-424 Unlawful sexual activity with a minor using virtual reality.

(1)

(a) As used in this section:

(i) "Avatar" means the same as that term is defined in Section 76-5-423.

(ii) "Haptic technology" means the same as that term is defined in Section 76-5-423.

(iii) "Minor" means an individual who is 14 years old or older but younger than 18 years old.

(iv) "Virtual reality" means the same as that term is defined in Section 76-5-423.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful sexual activity with a minor using virtual reality if the actor:

(a) knows that the human user of an avatar is a minor;

(b) is older than the minor by 10 years or more; and

(c) for the purpose of arousing or gratifying the sexual desire of any individual, intentionally uses the actor's avatar to engage in sexual activity or simulated sexual activity with the minor's avatar involving:

(i) the genitals, pubic area, or anus of the actor's avatar or the minor's avatar; and

(ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the minor's avatar.

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

(4) Consent of the minor to engage in the sexual activity is not a defense to a violation of Subsection (2).

Enacted by Chapter 253, 2025 General Session

Part 7
Genital Mutilation

76-5-701 Female genital mutilation definition.

(1) As used in this part, "female genital mutilation" means any procedure that involves partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia, including:

(a) clitoridectomy;

(b) the partial or total removal of the clitoris or the prepuce;

(c) excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;

(d) infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris;
(e) pricking, piercing, incising, or scraping, and cauterizing the genital area; or
(f) any other actions intended to alter the structure or function of the female genitalia for non-medical reasons.
(2) Female genital mutilation is considered a form of child abuse for mandatory reporting under Section 80-2-602.

Amended by Chapter 181, 2022 General Session
Amended by Chapter 335, 2022 General Session

76-5-702 Prohibition on female genital mutilation -- Exceptions.
(1) Terms defined in Sections 76-1-101.5 and 76-5-701 apply to this section.
(2) An actor commits female genital mutilation if the actor:
(a) performs a procedure described in Section 76-5-701 on a female under 18 years old;
(b) gives permission for or permits a procedure described in Section 76-5-701 to be performed on a female under 18 years old; or
(c) removes or causes, permits, or facilitates the removal of a female under 18 years old from this state for the purpose of facilitating the performance of a procedure described in Section 76-5-701 on the female.
(3) A violation of Subsection (2) is a second degree felony.
(4) It is not a defense to this section that the conduct described in Section 76-5-701 is required as a matter of religion, custom, ritual, or standard practice, or that the individual on whom it is performed or the individual's parent or guardian consented to the procedure.
(5) A surgical procedure is not a violation of this section if the procedure is performed by a physician licensed as a medical professional in the place it is performed and the procedure is:
(a) medically advisable;
(b) necessary to preserve or protect the physical health of the individual on whom it is performed; or
(c) requested for sex reassignment surgery by the individual on whom it is performed.
(6) The license of any medical professional licensed in accordance with Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician Assistant Act, who is convicted of a violation of this section shall be permanently revoked by the appropriate licensing board.

Amended by Chapter 181, 2022 General Session

76-5-703 Community education program.
(1) The director of the Department of Health shall develop a community education program regarding female genital mutilation.
(2) The program shall include:
(a) education, prevention, and outreach materials regarding the health risks and emotional trauma inflicted by the practice of female genital mutilation;
(b) ways to develop and disseminate information regarding recognizing the risk factors associated with female genital mutilation; and

(c) training materials for law enforcement, teachers, and others who are mandated reporters under Section 80-2-602, encompassing:
(i) risk factors associated with female genital mutilation;
(ii) signs that an individual may be a victim of female genital mutilation;
(iii) best practices for responses to victims of female genital mutilation; and
(iv) the criminal penalties associated with the facilitation or commission of female genital mutilation.

Amended by Chapter 335, 2022 General Session

76-5-704 Civil cause of action.

(1) An individual upon whom female genital mutilation was performed may bring a civil action in any court of competent jurisdiction for female genital mutilation any time within 10 years of:
(a) the procedure being performed; or
(b) the victim's 18th birthday.
(2) The court may award actual, compensatory, and punitive damages, and any other appropriate relief.
(3) A prevailing plaintiff shall be awarded attorney fees and costs.
(4) Treble damages may be awarded if the plaintiff proves the defendant's acts were willful and malicious.
(5) If a health care provider is charged and prosecuted for a violation of Section 76-5-702, Section 78B-3-416 may not apply to an action against the health care provider under this section.

Amended by Chapter 181, 2022 General Session

Part 8
Offenses Committed Against the Deceased

76-5-801 Definitions.

As used in this part, "ancient human remains" means the same as that term is defined in Section 9-8a-302.

Enacted by Chapter 173, 2025 General Session

76-5-802 Abuse or desecration of a dead human body.

(1)
(a) As used in this section, "sexual penetration" means the penetration, however slight, of the genital or anal opening by any object, substance, instrument, or device, including a part of the human body, or penetration involving the genitals of the actor and the mouth of a dead human body.
(b) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
(2) An actor commits abuse or desecration of a dead human body if the actor intentionally and unlawfully:
(a) disturbs, moves, removes, conceals, or destroys a dead human body or any part of the dead human body;
(b) disinters a buried or otherwise interred dead human body, without authority of a court order;

(c) dismembers a dead human body to any extent, or damages or detaches any part or portion of a dead human body; or
(d) commits or attempts to commit upon any dead human body any act of sexual penetration, regardless of the sex of the actor and of the dead human body.
(3) A violation of Subsection (2) is a third degree felony.
(4) An actor does not violate this section if when the actor directs or carries out procedures regarding a dead human body, the actor complies with:
(a) Title 9, Chapter 8a, Part 3, Antiquities;
(b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
(c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
(d) Section 53H-4-203;
(e) Title 58, Chapter 9, Funeral Services Licensing Act; or
(f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice medicine.
(5) For purposes of this section, a dead human body includes any part of a human body in any stage of decomposition, including ancient human remains.

Amended by Chapter 9, 2025 Special Session 1

76-5-803 Failure to report the finding of a dead human body.
(1) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
(2) An actor commits failure to report the finding of a dead human body if the actor:
(a) finds a dead human body; and
(b) intentionally fails to report the finding of the dead human body to a local law enforcement agency.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) An actor does not violate this section if when the actor directs or carries out procedures regarding a dead human body, the actor complies with:
(a) Title 9, Chapter 8a, Part 3, Antiquities;
(b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
(c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
(d) Section 53H-4-203;
(e) Title 58, Chapter 9, Funeral Services Licensing Act; or
(f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice medicine.
(5) For purposes of this section, a dead human body includes any part of a human body in any stage of decomposition, including ancient human remains.

Amended by Chapter 9, 2025 Special Session 1

Chapter 5b
Sexual Exploitation Act

Part 1
General Provisions

76-5b-102 Legislative determinations -- Purpose of chapter.

(1) The Legislature of Utah determines that:

(a) the sexual exploitation of a minor is excessively harmful to the minor's physiological, emotional, social, and mental development;

(b) the sexual exploitation of a vulnerable adult who lacks the capacity to consent to sexual exploitation can result in excessive harm to the vulnerable adult's physiological, emotional, and social well-being;

(c) a minor cannot intelligently and knowingly consent to sexual exploitation;

(d) regardless of whether it is classified as legally obscene, material that sexually exploits a minor, or a vulnerable adult who does not have the capacity to consent to sexual exploitation, is not protected by the First Amendment of the United States Constitution or by the First or Fifteenth sections of Article I of the Utah Constitution and may be prohibited; and

(e) prohibition of and punishment for the distribution, possession, possession with intent to distribute, and production of materials that sexually exploit a minor, or a vulnerable adult who lacks the capacity to consent to sexual exploitation, is necessary and justified to eliminate the market for those materials and to reduce the harm to the minor or vulnerable adult inherent in the perpetuation of the record of the minor's or vulnerable adult's sexually exploitive activities.

(2) It is the purpose of this chapter to prohibit the production, possession, possession with intent to distribute, and distribution of materials that sexually exploit a minor, or a vulnerable adult who lacks capacity to consent to sexual exploitation, regardless of whether the materials are classified as legally obscene.

Renumbered and Amended by Chapter 320, 2011 General Session

76-5b-103 Definitions.

As used in this chapter:

(1) "Child sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(a) the production of the visual depiction involves the use of a minor engaging in, observing, or being used for sexually explicit conduct;

(b) the visual depiction is:

(i) of a minor engaging in, observing, or being used for sexually explicit conduct; or

(ii) artificially generated and depicts an individual with substantial characteristics of a minor engaging in, observing, or being used for sexually explicit conduct; or

(c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in, observing, or being used for sexually explicit conduct.

(2) "Children's Justice Center" means a facility or satellite office established under the Children's Justice Center Program described in Section 67-5b-102.

(3) "Distribute" means, with or without consideration, to sell, exhibit, display, provide, give, grant admission to, provide access to, or otherwise transfer.

(4) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.

(5) "Identifiable minor" means an individual:

(a)

(i) who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

(b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.

(6) "Identifiable vulnerable adult" means an individual:

(a)

(i) who was a vulnerable adult at the time the visual depiction was created, adapted, or modified; or

(ii) whose image as a vulnerable adult was used in creating, adapting, or modifying the visual depiction; and

(b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.

(7) "Lacks capacity to consent" means the same as that term is defined in Section 76-5-111.4.

(8) "Live performance" means any act, play, dance, pantomime, song, or other activity performed by live actors in person.

(9) "Minor" means an individual who is younger than 18 years old.

(10) "Nudity or partial nudity" means any state of dress or undress in which the human genitals, pubic region, buttocks, or the female breast, at a point below the top of the areola, is less than completely and opaquely covered.

(11) "Produce" means:

(a) the photographing, filming, taping, directing, producing, creating, designing, or composing of child sexual abuse material or vulnerable adult sexual abuse material; or

(b) the securing or hiring of individuals to engage in the photographing, filming, taping, directing, producing, creating, designing, or composing of child sexual abuse material or vulnerable adult sexual abuse material.

(12) "Sexually explicit conduct" means actual or simulated:

(a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;

(b) masturbation;

(c) bestiality;

(d) sadistic or masochistic activities;

(e) lascivious exhibition of the genitals, pubic region, buttocks, or female breast of any individual;

(f) the visual depiction of nudity or partial nudity for the purpose of causing sexual arousal of any individual;

(g) the fondling or touching of the genitals, pubic region, buttocks, or female breast; or

(h) the visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.

(13) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct which duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.

(14) "Vulnerable adult" means the same as that term is defined in Subsection 76-5-111(1).

(15) "Vulnerable adult sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(a) the production of the visual depiction involves the use of a vulnerable adult engaging in sexually explicit conduct;

(b) the visual depiction is of a vulnerable adult engaging in sexually explicit conduct; or

(c) the visual depiction has been created, adapted, or modified to appear that an identifiable vulnerable adult is engaging in sexually explicit conduct.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

Part 2
Sexual Exploitation

76-5b-201 Sexual exploitation of a minor -- Offenses.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits sexual exploitation of a minor when the actor knowingly possesses, views, accesses with the intent to view, or maintains access with the intent to view, child sexual abuse material.

(3)

(a) A violation of Subsection (2) is a second degree felony.

(b) It is a separate offense under this section:

(i) for each minor depicted in the child sexual abuse material; and

(ii) for each time the same minor is depicted in different child sexual abuse material.

(4) For a charge of violating this section, it is an affirmative defense that:

(a) the defendant:

(i) did not solicit the child sexual abuse material from the minor depicted in the child sexual abuse material;

(ii) is not more than two years older than the minor depicted in the child sexual abuse material; and

(iii) upon request of a law enforcement agent or the minor depicted in the child sexual abuse material, removes from an electronic device or destroys the child sexual abuse material and all copies of the child sexual abuse material in the defendant's possession; and

(b) the child sexual abuse material does not depict an offense under Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

(5) In proving a violation of this section in relation to an identifiable minor, proof of the actual identity of the identifiable minor is not required.

(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:

(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:

(i) reporting or data preservation duties required under federal or state law; or

(ii) implementing a policy of attempting to prevent the presence of child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of child sexual abuse material on the property;

(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;

(c) an employee of a court who may be required to view child sexual abuse material during the course of and within the scope of the employee's employment;

(d) a juror who may be required to view child sexual abuse material during the course of the individual's service as a juror;
(e) an attorney or employee of an attorney who is required to view child sexual abuse material during the course of a judicial process and while acting within the scope of employment;
(f) an employee of the Department of Health and Human Services who is required to view child sexual abuse material within the scope of the employee's employment;
(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment;
(h) an attorney who is required to view child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5b-201.1 Aggravated sexual exploitation of a minor.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated sexual exploitation of a minor if the actor:
(a) knowingly distributes or produces child sexual abuse material; or
(b) is the minor's parent or legal guardian and knowingly consents to or permits the minor to be sexually exploited as described in Subsection (2)(a) or Section 76-5b-201.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a first degree felony.
(b) If an actor is under 18 years old at the time of the offense, a violation of Subsection (2) is a second degree felony.
(4) It is a separate offense under this section:
(a) for each minor depicted in the child sexual abuse material; and
(b) for each time the same minor is depicted in different child sexual abuse material.
(5) In proving a violation of this section in relation to an identifiable minor, proof of the actual identity of the identifiable minor is not required.
(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:
(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of child sexual abuse material on the property;
(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;
(c) an employee of a court who may be required to view child sexual abuse material during the course of and within the scope of the employee's employment;
(d) a juror who may be required to view child sexual abuse material during the course of the individual's service as a juror;

(e) an attorney or employee of an attorney who is required to view child sexual abuse material during the course of a judicial process and while acting within the scope of employment;
(f) an employee of the Department of Health and Human Services who is required to view child sexual abuse material within the scope of the employee's employment;
(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or
(h) an attorney who is required to view child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5b-202 Sexual exploitation of a vulnerable adult -- Offenses.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits sexual exploitation of a vulnerable adult if the actor:
(a)
(i)
(A) knowingly produces, possesses, or possesses with intent to distribute material that the actor knows is vulnerable adult sexual abuse material; or
(B) intentionally distributes or views material that the actor knows is vulnerable adult sexual abuse material; and
(ii) the vulnerable adult who appears in, or is depicted in, the vulnerable adult sexual abuse material lacks capacity to consent to the conduct described in Subsection (2)(a); or
(b) is a vulnerable adult's legal guardian and knowingly consents to, or permits the vulnerable adult to be, sexually exploited as described in Subsection (2)(a).
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) It is a separate offense under this section:
(i) for each vulnerable adult depicted in the vulnerable adult sexual abuse material; and
(ii) for each time the same vulnerable adult is depicted in different vulnerable adult sexual abuse material.
(4) It is an affirmative defense to a charge of violating this section that no vulnerable adult was actually depicted in the visual depiction or used in producing or advertising the visual depiction.
(5) In proving a violation of this section in relation to an identifiable vulnerable adult, proof of the actual identity of the identifiable vulnerable adult is not required.
(6) This section may not be construed to impose criminal or civil liability on:
(a) any entity or an employee, director, officer, or agent of an entity, when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under any federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of vulnerable adult sexual abuse material on any tangible or intangible property, or of detecting and reporting the presence of vulnerable adult sexual abuse material on the property; or
(b) any law enforcement officer acting within the scope of a criminal investigation.

Amended by Chapter 231, 2023 General Session

76-5b-203 Distribution of an intimate image -- Penalty.

(1)

(a) As used in this section:

(i) "Intimate image" means any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical, or other means, that depicts:

(A) exposed human male or female genitals or pubic area, with less than an opaque covering;

(B) a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or

(C) the individual engaged in any sexually explicit conduct.

(ii) "Sexually explicit conduct" means actual or simulated:

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;

(B) masturbation;

(C) bestiality;

(D) sadistic or masochistic activities;

(E) exhibition of the genitals, pubic region, buttocks, or female breast of any individual;

(F) visual depiction of nudity or partial nudity;

(G) fondling or touching of the genitals, pubic region, buttocks, or female breast; or

(H) visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.

(iii) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct that duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.

(iv) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits the offense of distribution of an intimate image if:

(i) the actor knowingly or intentionally distributes to a third party, or knowingly duplicates or copies an intimate image of an individual who is 18 years old or older and knows or should know that the distribution, duplication or copying would cause a reasonable person to suffer emotional distress or harm;

(ii) the actor has not received consent from the individual depicted in the image to distribute the intimate image;

(iii) the intimate image was created by or provided to the actor under circumstances in which the individual depicted in the image has a reasonable expectation of privacy; and

(iv) except as provided in Subsection (2)(b), actual emotional distress or harm is caused to the individual depicted in the image as a result of the distribution.

(b) Subsection (2)(a)(iv) is not an element of the offense described in Subsection (2)(a) if:

(i) the individual depicted in the intimate image was the victim of a crime;

(ii) the intimate image was provided to law enforcement as part of an investigation or prosecution of a crime committed against the victim;

(iii) the intimate image was distributed without a legitimate law enforcement or investigative purpose by an individual who had access to the intimate image due to the individual's association with the investigation or prosecution described in Subsection (2)(b)(ii); and

(iv) the victim is incapacitated or deceased.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.
(4) This section does not apply to:
(a) except as provided in Section 76-5b-203.5:
(i) lawful practices of law enforcement agencies;
(ii) prosecutorial agency functions;
(iii) the reporting of a criminal offense;
(iv) court proceedings or any other judicial proceeding; or
(v) lawful and generally accepted medical practices and procedures;
(b) an intimate image if the individual portrayed in the image voluntarily allows public exposure of the image;
(c) an intimate image that is portrayed in a lawful commercial setting; or
(d) an intimate image that is related to a matter of public concern or interest.
(5)
(a) This section does not apply to an Internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of an intimate image by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the intimate image; and
(iii) the provider does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the intimate image.
(b) This section does not apply to a hosting company, as defined in Section 76-5c-401, if:
(i) the distribution of an intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the intimate image; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the intimate image.
(c) A service provider, as defined in Section 76-5c-401, is not negligent under this section if it complies with Section 76-5c-402.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5b-203.5 Misuse of intimate image during a criminal action.
(1)
(a) As used in this section:
(i) "Criminal action" means the same as that term is defined in Section 77-1-3.
(ii) "Intimate image" means the same as that term is defined in Section 76-5b-203.

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits misuse of an intimate image during a criminal action if the actor:
(a) obtains access to an intimate image in the course of a criminal action; and
(b) intentionally displays, duplicates, copies, or shares the intimate image, unless:
(i) displaying, duplicating, copying, or sharing the intimate image is done solely for the purpose of the adjudication, defense, prosecution or investigation of a criminal matter involving the intimate image;
(ii) each individual who is the subject of the intimate image gives written permission to display, duplicate, copy, or share the intimate image; or
(iii) the intimate image was not created by or provided to the actor under circumstances in which the depicted individual has a reasonable expectation of privacy.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor for a first offense; or
(b) a third degree felony for each subsequent offense.
(4) Nothing in this section precludes an agency that employs an individual who is involved in a criminal action from establishing internal policies for an individual's violation of this section.

Amended by Chapter 181, 2022 General Session

76-5b-204 Sexual extortion -- Penalties.
(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Child" means any individual under 18 years old.
(iii) "Counterfeit intimate image" means the same as that term is defined in Section 76-5b-205.
(iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.
(v) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.
(vi) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.
(vii) "Simulated sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits the offense of sexual extortion if the actor:
(i) with an intent to coerce a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute an image, video, or other recording of any individual naked or engaged in sexually explicit conduct, communicates by any means a threat:
(A) to the victim's person, property, or reputation; or
(B) to distribute an intimate image, counterfeit intimate image, or video of the victim;
(ii) knowingly causes a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any individual naked or engaged in sexually explicit conduct by means of a threat:
(A) to the victim's person, property, or reputation; or
(B) to distribute an intimate image, counterfeit intimate image, or video of the victim; or
(iii) with intent to obtain a thing of value from a victim communicates, by any means, a threat to distribute an intimate image, counterfeit intimate image, or video of the victim.

(b) An actor commits aggravated sexual extortion when, in conjunction with the offense described in Subsection (2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:
(i) the victim is a child or vulnerable adult;
(ii) the offense was committed by the use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping;
(iii) the victim suffered bodily injury or severe psychological injury during, or as a result of, the offense;
(iv) the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense;
(v) the actor, before sentencing for the offense, was previously convicted of any sexual offense;
(vi) the actor occupied a position of special trust in relation to the victim;
(vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, or sexual performance by the victim before any other individual, human trafficking, or human smuggling; or
(viii) the actor caused the penetration, however slight, of the genital or anal opening of the victim by any part or parts of the human body, or by any other object.

(3)
(a) If the actor is an adult:
(i) a violation of Subsection (2)(a) is a third degree felony;
(ii) a violation of Subsection (2)(b)(i), (ii), (iv), (v), (vi), (vii), or (viii) in which the victim is an adult is a second degree felony;
(iii) a violation of Subsection (2)(b)(iii) in which the victim is an adult is a first degree felony; or
(iv) a violation of Subsection (2)(b) in which the victim is a child or a vulnerable adult is a first degree felony.
(b) If the actor is a child:
(i) a violation of Subsection (2)(a) is a class A misdemeanor; or
(ii) a violation of Subsection (2)(b) is a third degree felony if there is more than a two-year age gap between the actor and the victim.
(c) An actor commits a separate offense under this section:
(i) for each victim the actor subjects to the offense outlined in Subsection (2)(a); and
(ii) for each separate time the actor subjects a victim to the offense outlined Subsection (2)(a).
(d) This section does not preclude an actor from being charged and convicted of a separate criminal act if the actor commits the separate criminal act while the individual violates or attempts to violate this section.

(4) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to liability under this section related to content provided by a user of the interactive computer service.

Amended by Chapter 178, 2025 General Session

76-5b-205 Unlawful distribution of a counterfeit intimate image -- Penalty.

(1)
(a) As used in this section:
(i) "Child" means an individual under 18 years old.
(ii) "Counterfeit intimate image" means any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image , picture, or video, whether made or produced by electronic, mechanical, or other means, that has been edited, manipulated,

generated, or altered to depict the likeness of an identifiable individual and purports to, or is made to appear to, depict that individual's:

(A) exposed human male or female genitals or pubic area, with less than an opaque covering;

(B) a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or

(C) the individual engaged in any sexually explicit conduct or simulated sexually explicit conduct.

(iii) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.

(iv) "Simulated sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.

(v) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits the offense of unlawful distribution of a counterfeit intimate image if the actor knowingly or intentionally distributes a counterfeit intimate image that the actor knows or should reasonably know would cause a reasonable person to suffer emotional or physical distress or harm, if:

(i) the actor has not received consent from the depicted individual to distribute the counterfeit intimate image; and

(ii) the counterfeit intimate image was created or provided by the actor without the knowledge and consent of the depicted individual.

(b) An actor who is 18 years old or older commits aggravated unlawful distribution of a counterfeit intimate image if, in committing the offense described in Subsection (2)(a), the individual depicted in the counterfeit intimate image is a child.

(3)

(a)

(i) A violation of Subsection (2)(a) that is knowing or intentional is a class A misdemeanor.

(ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2)(a) that is knowing or intentional is a third degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.

(b)

(i) A violation of Subsection (2)(b) that is knowing or intentional is a third degree felony.

(ii) Notwithstanding Subsection (3)(b)(i), a violation of Subsection (2)(b) that is knowing or intentional is a second degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.

(c) This section does not apply to an actor who engages in conduct that constitutes a violation of this section to the extent that the actor is chargeable, for the same conduct, under Section 76-5b-201, sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual exploitation of a minor.

(4) This section does not apply to:

(a)

(i) lawful practices of law enforcement agencies;

(ii) prosecutorial agency functions;

(iii) the reporting of a criminal offense;

(iv) court proceedings or any other judicial proceeding; or

(v) lawful and generally accepted medical practices and procedures;

(b) a counterfeit intimate image if the individual depicted in the image voluntarily allows public exposure of the image;

(c) a counterfeit intimate image that is portrayed in a lawful commercial setting; or
(d) a counterfeit intimate image that is related to a matter of public concern or interest or protected by the First Amendment to the United States Constitution or Article I, Sections 1 and 15 of the Utah Constitution.

(5)
(a) This section does not apply to an Internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of a counterfeit intimate image by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the counterfeit intimate image; and
(iii) the provider does not knowingly receive from or through a person who distributes the counterfeit intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the counterfeit intimate image.
(b) This section does not apply to a hosting company, as defined in Section 76-5c-401, if:
(i) the distribution of a counterfeit intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the counterfeit intimate image;
(iii) the hosting company does not knowingly receive from or through a person who distributes the counterfeit intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the counterfeit intimate image; and
(iv) the hosting company immediately removes the counterfeit intimate image upon notice from a law enforcement agency, prosecutorial agency, or the individual purportedly depicted in the counterfeit intimate image.
(c) A service provider, as defined in Section 76-5c-401, is not negligent under this section if it complies with Section 76-5c-402.

Amended by Chapter 173, 2025 General Session

76-5b-206 Failure to report child sexual abuse material by a computer technician.

(1)
(a) As used in this section, "computer technician" means an individual who in the course and scope of the individual's employment for compensation installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment.
(b) Terms defined in Sections 76-1-101.5 and 76-5b-103 apply to this section.

(2) An actor commits failure to report child sexual abuse material by a computer technician if:
(a) the actor is a computer technician;
(b) in the actor's course of employment for compensation the actor views an image on a computer or other electronic device that:

(i) is child sexual abuse material;
(ii) appears to be child sexual abuse material; or
(iii) the actor reasonably believes is child sexual abuse material; and
(c) the actor willfully fails to immediately report the finding of the image to:
(i) a state or local law enforcement agency;
(ii) the Cyber Tip Line at the National Center for Missing and Exploited Children; or
(iii) an employee designated by the employer of the computer technician in accordance with Subsection (7).
(3) A violation of Subsection (2) a class B misdemeanor.
(4) The identity of the computer technician who reports an image that is or appears to be child sexual abuse material shall be confidential, except as necessary for the criminal investigation and the judicial process.
(5)
(a) If a computer technician makes or does not make a report under this section and is acting in good faith, the technician is immune from any criminal or civil liability related to reporting or not reporting the image.
(b) Good faith described in Subsection (5)(a) may be presumed from a computer technician's previous course of conduct when the computer technician has made appropriate reports.
(6) It is a defense to prosecution under this section that the computer technician did not report the image because the computer technician reasonably believed the image did not depict an individual younger than 18 years old.
(7)
(a) An employer of a computer technician may implement a procedure that requires:
(i) the computer technician report an image as is required under Subsection (2) to an employee designated by the employer to receive the report of the image; and
(ii) the designated employee to immediately forward the report provided by the computer technician to an agency described in Subsection (2)(c)(i).
(b) Compliance by the computer technician and the designated employee with the reporting process under Subsection (7)(a) is compliance with the reporting requirement of Subsection (2)(c) and establishes immunity under Subsection (5)(a).
(8) This section does not apply to an Internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if the provider reports the image in compliance with 18 U.S.C. 2258A or a successor federal statute that requires reporting by a provider of an image of child sexual abuse material.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Miscellaneous

76-5b-301 Determination whether material violates chapter.
(1) In determining whether material is in violation of this chapter, the material need not be considered as a whole, but may be examined by the trier of fact in part only.

(2) It is not an element of the offense of sexual exploitation of a minor that the material appeal to the prurient interest in sex of the average person nor that prohibited conduct need be portrayed in a patently offensive manner.
(3) It is not an element of the offense of sexual exploitation of a vulnerable adult that the material appeal to the prurient interest in sex of the average person nor that prohibited conduct need be portrayed in a patently offensive manner.

Renumbered and Amended by Chapter 320, 2011 General Session

76-5b-302 Lack of knowledge of age not a defense.

It is not a defense to an offense described in this chapter that the accused did not know the age of the victim.

Enacted by Chapter 320, 2011 General Session

76-5b-303 Severability.

(1) If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a final decision of a court, the remainder of this chapter shall be given effect without the invalid provision or application.
(2) The provisions of this chapter are severable.

Enacted by Chapter 142, 2024 General Session

Chapter 5c
Pornographic and Harmful Materials and Performances

Part 1
General Provisions

76-5c-101 Definitions.

As used in this chapter:
(1) "Blinder rack" means an opaque cover that covers the lower 2/3 of a material so that the lower 2/3 of the material is concealed from view.
(2) "Constructive awareness" means that:
(a) a reasonable inspection or observation by an individual under the circumstances would have disclosed the nature of the subject matter; and
(b) a failure to inspect or observe by the individual is either for the purpose of avoiding the disclosure or the individual is criminally negligent.
(3) "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this part has occurred, is occurring, or will occur.
(4) "Criminally negligent" means the same as that term is defined in Section 76-2-103.
(5) "Distribute" means to transfer possession of a material with or without consideration.
(6) "Exhibit" means to show.
(7)

(a) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:
(i) taken as a whole, appeals to the prurient interest in sex of minors;
(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
(iii) taken as a whole, does not have serious value for minors.
(b) Serious value includes only serious literary, artistic, political, or scientific value for minors.
(8) "Knowingly," regarding material or a performance, means an awareness, whether actual awareness or constructive awareness, of the character of the material or performance.
(9)
(a) "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication.
(b) "Material" includes undeveloped photographs, molds, printing plates, and other latent representational objects.
(10) "Minor" means an individual younger than 18 years old.
(11) "Negligently" means simple negligence, the failure to exercise that degree of care that a reasonable and prudent person would exercise under like or similar circumstances.
(12) "Nudity" means:
(a) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering;
(b) the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or
(c) the depiction of covered male genitals in a discernibly turgid state.
(13) "Performance" means any physical human bodily activity, whether engaged in alone or with other individuals, including singing, speaking, dancing, acting, simulating, or pantomiming.
(14) "Pornographic" means:
(a) the average individual, applying contemporary community standards, finds that, taken as a whole, the material or performance appeals to prurient interest in sex;
(b) the material or performance is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
(c) taken as a whole the material or performance does not have serious literary, artistic, political, or scientific value.
(15) "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.
(16) "Sadomasochistic abuse" means:
(a) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or
(b) the condition of being fettered, bound, or otherwise physically restrained on the part of an individual clothed as described in Subsection (14)(a).
(17) "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.

(18) "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-102 Evidence related to a material's or performance's literary, artistic, political, or scientific value.

(1) In a prosecution under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the actor for the sake of the matter's prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which the matter is used, the matter has no serious literary, artistic, political, or scientific value.

(2) In a prosecution under this chapter neither the prosecution or the defense is required to introduce expert witness testimony to testify as to whether a material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-103 Relation to other state and local laws.

(1)

(a) A county, city, or other political subdivision has the right to regulate pornographic materials or materials harmful to minors as this chapter does not proscribe or limit the regulation of pornographic materials or materials harmful to minors by a county, city, or other political subdivision.

(b) Without limitation, a political subdivision may further regulate pornographic materials or materials harmful to minors by ordinances relating to:

(i) zoning;

(ii) licensing;

(iii) public nuisances;

(iv) a specific type of business such as adult bookstores or drive-in movies; or

(v) use of blinder racks.

(2) This chapter does not preclude the application of other laws of this state to pornographic materials or materials harmful to minors and, without limitation, this chapter is not in derogation of Subsection 76-9-1301(2) and Section 76-9-1306.

(3)

(a) The commission of a crime under this chapter offends public decency under Subsection 76-9-1301(2).

(b) It is the intent of this chapter to give the broadest meaning permissible under the United States Constitution and the Utah Constitution to the words "offends public decency" in Subsection 76-9-1301(2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-104 Injunctive relief -- Jurisdiction -- Consent to be sued.

(1)

(a) Subject to Subsections (1)(b), (c), (d), and (e), a district court has full power, authority, and jurisdiction, upon application by any county attorney or city attorney within the county attorney's or city attorney's respective jurisdictions or the attorney general, to issue any and all proper restraining orders, preliminary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this chapter.
(b) No restraining order or injunction, however, shall issue except upon notice to the person sought to be enjoined.
(c) The person sought to be enjoined is entitled to a trial of the issues commencing within three days after the day on which the answer to the complaint is filed and a decision by the court is required to be rendered within two days after the conclusion of the trial.
(d) If a final order or judgment of injunction is entered against the person sought to be enjoined, this final order or judgment shall contain a provision directing the person to surrender to the sheriff of the county in which the action was brought any pornographic material in the person's possession which is subject to the injunction.
(e) The sheriff receiving the material described in Subsection (1)(d) shall be directed to seize and destroy the material.

(2) Any person not qualified to do business in the state who sends or brings any pornographic material into the state with the intent to distribute or exhibit the pornographic material to others in this state consents that the person may be sued in any proceedings commenced under this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-105 Lease void if property used for conduct prohibited by chapter.

(1) If a tenant or occupant of real property uses the real property for an activity for which the tenant or occupant or tenant's or occupant's employee is convicted under any provision of this chapter, the conviction makes void the lease or other title under which the tenant or occupant holds at the option of the fee owner or any intermediate lessor.
(2) Subject to Subsection (3), ten days after the day on which the fee owner or intermediate lessor gives notice in writing to the tenant or occupant that the fee owner or intermediate lessor is exercising the option to void the lease or other title as described in Subsection (1), the right of possession to the property reverts to the fee owner or intermediate lessor exercising the option.
(3) The fee owner's or intermediate lessor's option described in Subsection (2) does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupant, or the tenant's or occupant's employee.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-106 Corporate defendants -- Summons -- Subpoena duces tecum.

(1)
(a) The attendance in court by a corporation for purposes of commencing or prosecuting a criminal action against the corporation under this chapter may be accomplished by the issuance and service of a summons issued by a magistrate if the magistrate finds probable cause that material in the possession of the corporation is pornographic or harmful to minors, which finding shall be upon affidavit describing with specificity the material alleged to be pornographic or harmful to minors or by another manner or means the magistrate finds necessary.

(b) Where practical, the material alleged to be pornographic or harmful to minors shall be attached to the affidavit described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.
(c) The summons must be served upon the corporation by delivery of the summons to an officer, director, managing or general agent, or cashier, or assistant cashier of the corporation.
(2) The production of material alleged to be pornographic or harmful to minors in any proceedings under this chapter against a corporation may be compelled by the issuance and service of a subpoena duces tecum.
(3) This section does not prohibit or limit the use of a subpoena duces tecum in proceedings against individuals under this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-107 Search and seizure -- Affidavit -- Issuance of warrant -- Hearing upon claim that material seized not pornographic or harmful to minors -- Procedures cumulative.
(1)
(a) An affidavit for a search warrant shall be filed with a magistrate describing with specificity the material sought to be seized.
(b) Where practical, the material alleged to be pornographic or harmful to minors shall be attached to the affidavit for a search warrant described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.
(2)
(a) Upon the filing of an affidavit for a search warrant under Subsection (1), the magistrate shall determine, by examination of the material sought to be seized if attached, by examination of the affidavit describing the material, or by another manner or means that the magistrate finds necessary, whether probable cause exists to believe that the material is pornographic or harmful to minors and whether probable cause exists for the immediate issuance of a search warrant.
(b) Upon making the determination that probable cause exists under Subsection (2)(a), the magistrate shall issue a search warrant ordering the seizure of the material described in the affidavit for a search warrant according to the provisions of the Utah Rules of Criminal Procedure.
(3)
(a) If a search warrant is issued under Subsection (2) and the material alleged to be pornographic or harmful to minors is seized under the provisions of this section, any person claiming to be in possession of this material or claiming ownership of the material at the time of the material's seizure may file a notice in writing with the magistrate within 10 days after the day on which the material was seized, to assert that the material is not pornographic or harmful to minors.
(b) The magistrate shall set a hearing within seven days after the filing of the notice described in Subsection (3)(a), or at another time with the consent of the claimant, at which evidence may be presented regarding whether there is probable cause to believe that the material seized is pornographic or harmful to minors.
(c)
(i) At the conclusion of the hearing described in Subsection (3)(b), the magistrate shall make a further determination of whether probable cause exists to believe that the material is pornographic or harmful to minors.

(ii) The magistrate's determination described in Subsection (3)(c)(i) shall be rendered by the court within two days after the day on which the hearing described in Subsection (3)(b) concludes.

(d) If at the hearing described in Subsection (3)(b) the magistrate finds that no probable cause exists to believe that the material is pornographic or harmful to minors, the material shall be returned to the person from whom it was seized.

(e) If the material seized is a film, and the claimant demonstrates that no other copy of the film is available to the claimant, the court shall allow the film to be copied at the claimant's expense pending the hearing described in Subsection (3)(b).

(4) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored unless it is subject to confiscation as contraband, in which case the property may not be returned.

(5)

(a) Procedures under this section for the seizure of allegedly pornographic material or material harmful to minors are cumulative of all other lawful means of obtaining evidence as provided by the laws of this state.

(b) This section does not prevent the obtaining of allegedly pornographic material or material harmful to minors by purchase, subpoena duces tecum, or under injunction proceedings as authorized by this act or by any other provision of law of the state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-108 Prosecution by county, district, or city attorney.

(1) Subject to Subsection (2), a prosecution for a violation of this chapter, including for a felony violation, shall be brought by the county attorney or, if within a prosecution district, the district attorney of the county where the violation occurs.

(2) If a violation occurs in a city of the first or second class, a prosecution may be brought by the county attorney, district attorney, or city attorney, notwithstanding any provision of law limiting the powers of a city attorney.

(3) All fines imposed for a violation of this chapter shall be paid to the county or city where the prosecuting attorney is located.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-109 Affirmative defenses.

(1) It is an affirmative defense to a prosecution under this chapter that the distribution of pornographic material is restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material.

(2) It is not a defense to a prosecution under this chapter that the actor is a motion picture projectionist, usher, ticket-taker, bookstore employee, or otherwise is required to violate this chapter incident to the actor's employment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-110 Exemptions to chapter.

(1) This chapter does not apply to the Department of Corrections or any treatment program by or under contract with the Department of Corrections when the use of material that is

pornographic is limited to the assessment or treatment of an offender as defined in Section 64-13-1.

(2) A woman breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a violation of this chapter, irrespective of whether the woman's breast is covered during or incidental to feeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-111 Severability clause.

(1) If any provision, part, section, or subsection of this chapter or the application of any provision, part, section, or subsection to any person or circumstance is held invalid by a final decision of a court, the remainder of this chapter shall be given effect without the invalid provision, part, section, or subsection or application.

(2) The provisions of this chapter are severable.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2
General Offenses

76-5c-201 Definitions.

As used in this part:

(1) "Hosting company" means the same as that term is defined in Section 76-5c-401.

(2) "Internet service provider" means the same as that term is defined in Section 76-5c-401.

Enacted by Chapter 173, 2025 General Session

76-5c-202 Distributing pornographic material.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing pornographic material if the actor knowingly:

(a) sends or brings pornographic material into the state with intent to distribute or exhibit the pornographic material to another individual;

(b) prepares, publishes, prints, or possesses pornographic material with intent to distribute or exhibit the pornographic material to another individual;

(c) distributes or offers to distribute, or exhibits or offers to exhibit, pornographic material to another individual;

(d) writes, creates, or solicits the publication or advertising of pornographic material;

(e) promotes the distribution or exhibition of material the actor represents to be pornographic; or

(f) presents or directs a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.

(3)

(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a third degree felony if the actor is 18 years old or older and is subject to:

(i) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 or 17 years old.
(c) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.
(4) It is a separate offense under this section for:
(a) each day's exhibition of a pornographic motion picture film;
(b) each day in which a pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual; or
(c) each act of distributing of pornographic material described in Subsection (2).
(5)
(a) This section does not apply to an Internet service provider if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
(6) Subsection (3)(a) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-203 Aiding or abetting a minor in distributing pornographic material.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits aiding or abetting a minor in distributing pornographic material if the actor:
(a) is 18 years old or older; and
(b) knowingly solicits, requests, commands, encourages, or intentionally aids a minor in:
(i) sending or bringing pornographic material into the state with intent to distribute or exhibit the pornographic material to another individual;
(ii) preparing, publishing, printing, or possessing pornographic material with intent to distribute or exhibit the pornographic material to another individual;
(iii) distributing or offering to distribute, or exhibiting or offering to exhibit, pornographic material to another individual;

(iv) writing, creating, or soliciting the publication or advertising of pornographic material;
(v) promoting the distribution or exhibition of material the minor represents to be pornographic; or
(vi) presenting or directing a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.
(3) A violation of Subsection (2) is a third degree felony subject to:
(a) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(4)
(a) Each act of distributing pornographic material described in Subsection (2) is a separate offense.
(b) It is a separate offense under this section for:
(i) each day's exhibition of any pornographic motion picture film; and
(ii) each day in which any pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual.
(5)
(a) This section does not apply to an Internet service provider if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
(6) Subsection (3) supersedes Section 77-18-105.

Enacted by Chapter 173, 2025 General Session

76-5c-204 Inducing acceptance of pornographic material.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits inducing acceptance of pornographic material if the actor knowingly:
(a) requires or demands as a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material or material reasonably believed by the purchaser or consignee to be pornographic; or

(b) denies, revokes, or threatens to deny or revoke a franchise, or to impose any penalty, financial or otherwise, because of the failure or refusal to accept pornographic material or material reasonably believed by the purchaser or consignee to be pornographic.

(3) A violation of Subsection (2) is a third degree felony subject to:

(a) a minimum mandatory fine of not less than $1,000 plus $10 for each article exhibited up to the maximum allowed by law; and

(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(4)

(a) This section does not apply to an Internet service provider if:

(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:

(A) transmitting or routing data from one person to another person; or

(B) providing a connection between one person and another person;

(ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and

(iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.

(b) This section does not apply to a hosting company if:

(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;

(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and

(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.

(5) Subsection (3) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-205 Distributing material harmful to minors.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing material harmful to minors if the actor:

(a)

(i) intentionally distributes or offers to distribute, or exhibits or offers to exhibit, material harmful to minors to an individual;

(ii) intentionally produces, performs, or directs any performance, before an individual that is harmful to minors; or

(iii) intentionally participates in a performance before an individual that is harmful to minors; and

(b)

(i) knows or believes the individual described in Subsection (2)(a) is a minor; or

(ii) negligently fails to determine if the individual described in Subsection (2)(a) is a minor and the individual is a minor.

(3)

(a) Except as provided in Subsection (3)(b), (c), (d), or (e), a violation of Subsection (2) is a second degree felony if the actor is 18 years old or older and has previously been convicted or adjudicated of a violation of Subsection (2) and is subject to:

(i) a minimum mandatory fine of not less than $5,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(ii) incarceration, without suspension of sentence, for a term of not less than one year.
(b) Except as provided in Subsection (3)(c), (d), or (e), a violation of Subsection (2) is a third degree felony if:
(i) the actor is 18 years old or older and is subject to:
(A) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(B) incarceration, without suspension of sentence, for a term of not less than 14 days; or
(ii) the actor is younger than 18 years old and has previously been convicted of a violation of Subsection (2).
(c) Except as provided in Subsection (3)(d) or (e), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older and the minor described in Subsection (2) is 16 years old or older, but younger than 18 years old, and the actor is less than seven years older than the minor at the time of the offense.
(d) Except as provided in Subsection (3)(e), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 years old or 17 years old.
(e) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.
(4)
(a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the pornographic material.
(5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.
(6) It is an affirmative defense to a prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:

(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
(b) placed behind a blinder rack; or
(c)
(i) displayed in an area from which a minor is physically excluded; and
(ii) the material cannot be viewed by the minor from an area where the minor is allowed.
(7) Subsections (3)(a) and (3)(b)(i) supersede Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-206 Aiding or abetting a minor in distributing material harmful to minors.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits aiding or abetting a minor in distributing material harmful to minors if:
(a) the actor is 18 years old or older; and
(b) the actor knowingly solicits, requests, commands, encourages, or intentionally aids a minor to:
(i) intentionally distribute or offer to distribute, or exhibit or offer to exhibit, material harmful to minors to an individual;
(ii) intentionally produce, perform, or direct any performance, before an individual that is harmful to minors; or
(iii) intentionally participate in any performance, before an individual that is harmful to minors; and
(c)
(i) the minor described in Subsection (2)(b) knows or believes the individual described in Subsections (2)(b)(i) through (iii) is a minor; or
(ii) the minor described in Subsection (2)(b) negligently fails to determine if the individual described in Subsections (2)(b)(i) through (iii) is a minor and the individual is a minor.
(3) A violation of Subsection (2) is a third degree felony subject to:
(a) a minimum mandatory fine of not less than $5,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(b) incarceration, without suspension of sentence, for a term of not less than one year.
(4)
(a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:

(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the pornographic material.
(5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.
(6) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
(b) placed behind a blinder rack; or
(c)
(i) displayed in an area from which a minor is physically excluded; and
(ii) the material cannot be viewed by the minor from an area where the minor is allowed.
(7) Subsection (3) supersedes Section 77-18-105.

Enacted by Chapter 173, 2025 General Session

76-5c-207 Indecent public display in the presence of a minor.
(1)
(a) As used in this section:
(i) "Description or depiction of illicit sex or sexual immorality" means:
(A) human genitals in a state of sexual stimulation or arousal;
(B) acts of human masturbation, sexual intercourse, or sodomy;
(C) fondling or other erotic touching of human genitals or pubic region; or
(D) fondling or other erotic touching of the human buttock or female breast.
(ii) "Serious value" means having serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.
(iii) "Nude or partially denuded figure" means:
(A) less than completely and opaquely covering human:
(I) genitals;
(II) pubic regions;
(III) buttocks; or
(IV) female breasts below a point immediately above the top of the areola; or
(B) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits indecent public display in the presence of a minor if the actor willfully or knowingly:
(a) engages in the business of selling, lending, giving away, showing, advertising for sale, or distributing to a minor or has in the actor's possession with intent to engage in that business or to otherwise offer for sale or commercial distribution to a minor any material with:
(i) a description or depiction of illicit sex or sexual immorality; or

(ii) a nude or partially denuded figure; or
(b) publicly displays at a newsstand or another establishment frequented by minors, or where the minors are or may be invited as a part of the general public:
(i)
(A) a motion picture;
(B) a live, taped, or recorded performance;
(C) a still picture or photograph; or
(D) a book, pocket book, pamphlet, or magazine; and
(ii) the cover or content of the items described in Subsection (2)(b)(i):
(A) exploits, is devoted to, or is principally made up of a description or depiction of illicit sex or sexual immorality; or
(B) consists of a picture of nude or partially denuded figures.
(3) A violation of this section is a class A misdemeanor subject to:
(a) a minimum mandatory fine of not less than $500; and
(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(4) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
(b) placed behind a blinder rack; or
(c)
(i) displayed in an area from which a minor is physically excluded; and
(ii) the material cannot be viewed by the minor from an area where the minor is allowed.
(5) This section does not apply to any material which, when taken as a whole, has serious value for minors, however, a description or depiction of illicit sex or sexual immorality has no serious value for minors.
(6) This section supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-208 Creating, viewing, or accessing pornographic or indecent material on school property.
(1)
(a) As used in this section:
(i) "Description or depiction of illicit sex or sexual immorality" means the same as that term is defined in Section 76-5c-207.
(ii) "Nude or partially denuded figure" means the same as that term is defined in Section 76-5c-207.
(iii) "Pornographic or indecent material" means any material that:
(A) is harmful to minors;
(B) is pornographic;
(C) is a description of or depiction of illicit sex or sexual immorality; or
(D) contains a nude or partially denuded figure.
(iv) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits creating, viewing, or accessing pornographic or indecent material on school property if the actor

willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older.

(b) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 18 years old.

(4) The offenses referred to in Subsection (2) are:

(a) distributing pornographic material as described in Section 76-5c-202;

(b) aiding or abetting a minor in distributing pornographic material as described in Section 76-5c-203;

(c) inducing acceptance of pornographic material as described in Section 76-5c-204;

(d) distributing material harmful to minors as described in Section 76-5c-205;

(e) aiding or abetting a minor in distributing material harmful to minors as described in Section 76-5c-206; or

(f) indecent public display in the presence of a minor as described in Section 76-5c-207.

(5) This section does not:

(a) prohibit disciplinary action for actions that violate this section; or

(b) apply to school or law enforcement personnel when the school or law enforcement personnel views or otherwise gains access to pornographic or indecent material while on school property for the limited purpose of:

(i) investigating a violation of this section; or

(ii) enforcing this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-209 Possession of a child sex doll.

(1)

(a) As used in this section, "child sex doll" means a doll, mannequin, or robot:

(i) that is anatomically correct, with the features of, or with features that resemble those of, a minor; and

(ii) that is intended for use in sexual acts.

(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits possession of a child sex doll if the actor knowingly or intentionally possesses a child sex doll.

(3) A violation of Subsection (2) is a class A misdemeanor, with a mandatory fine of not less than $2,500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-210 Distributing or purchasing a child sex doll.

(1)

(a) As used in this section:

(i) "Child sex doll" means the same as that term is defined in Section 76-5c-209.

(ii) "Distribute" means to sell, or with or without consideration, offer to sell, advertise, provide, ship, deliver for shipment, offer to deliver for shipment, or transfer.

(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing or purchasing a child sex doll if the actor knowingly, intentionally, or recklessly distributes, purchases, or offers to purchase a child sex doll.
(3) A violation of Subsection (2) is a third degree felony, with a mandatory fine of not less than $10,000.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-211 Deactivation of a pornography device filter on a minor's device.
(1)
(a) As used in this section, "device" means the same as that term is defined in 78B-6-2601.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits deactivation of a pornography device filter on a minor's device if the actor:
(a) is 18 years old or older;
(b) intentionally disables the filter required under Section 78B-6-2602 that is on a device in the possession of a minor;
(c) disabled the filter for the purpose of disseminating pornography to the minor described in Subsection (2)(b); and
(d) is not the parent or legal guardian of the minor described in Subsection (2)(b).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to a fine of not more than $2,500.
(b) A violation of Subsection (2) is a third degree felony subject to a fine of not more than $5,000 if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-212 Fee owner or intermediate lessor allowing real property to be used for illicit pornographic purposes.
(1)
(a) As used in this section, "allow" means a failure to exercise the option to void the lease or other title described in Section 76-5c-105 within 10 days after the day on which the fee owner or lessor receives notice in writing from the county attorney of the county where the property is situated, or if situated in a city of the first or second class, from the city attorney of that city, that the property is being used for a purpose prohibited under this chapter.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits fee owner or intermediate lessor allowing real property to be used for pornographic purposes if:
(a) the actor is a fee owner or intermediate lessor of real property;
(b) the actor knowingly allows the real property described in Subsection (2)(a) to be used by a tenant or occupant, or a tenant's or occupant's employee, for the purpose of distributing or exhibiting pornographic materials, or for pornographic performances; and
(c) the tenant or occupant, or the tenant's or occupant's employee, has been convicted of a violation of this chapter for an offense that occurred on the property and all avenues of direct appeal from the conviction have been exhausted or abandoned.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any fine assessed for a conviction under this section becomes a lien upon the real property described in Subsection (2)(a), if the fine is not paid within 30 days after the day on which the judgment is entered.

Enacted by Chapter 173, 2025 General Session

76-5c-213 Tenant or occupant failing to exit real property after using the property for pornographic purposes.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits tenant or occupant failing to exit real property after using the property for pornographic purposes if the actor:

(a) is a tenant or occupant of real property;

(b) received notice in writing that the fee owner or intermediate lessor of the real property is exercising the option to void the lease or other title described in Section 76-5c-105; and

(c) does not permanently exit the premises within 10 days after the day on which the actor received the notice described in Subsection (2)(b).

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

Enacted by Chapter 173, 2025 General Session

76-5c-214 Conspiracy to commit a pornographic or harmful materials violation.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits conspiracy to commit a pornographic or harmful materials violation if the actor conspires with two or more persons to commit a violation of this chapter.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony subject to:

(i) a minimum mandatory fine of not less than $1,000; and

(ii) incarceration, without suspension of the sentence in any way, for a term of not less than 60 days.

(b) A violation of Subsection (2) is a second degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:

(i) a minimum mandatory fine of not less than $5,000; and

(ii) incarceration, without suspension of the sentence in any way, for a term of not less than one year.

(4) Subsection (3) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Distribution and Exhibition of Motion Picture Films

76-5c-301 Definitions.

As used in this part:

(1) "Exhibit" means to show in a public place or in a place where the public is admitted, whether or not an admission fee is charged.

(2)

(a) "Distributor" means a person from which a film is acquired by sale, lease, loan, or any other means, directly or indirectly, for the purpose of exhibiting the film in this state or elsewhere.

(b) "Distributor" does not include a person whose function with respect to a film is limited to the transportation or storage of the film.
(3) "Film" means what is usually known as a motion picture film and that is intended to be shown commercially for profit by devices of any kind whatsoever.
(4) "Person" includes an individual, firm, association, partnership, or corporation.
(5) "Public place" includes a place that admission is gained by payment of a membership or admission fee, however designated, notwithstanding it is designated as a private club or by words of like import.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-302 Intent of part -- Exemptions from part.
(1) It is the intent of this part to prevent the commercial distribution and exhibition of films in this state which are pornographic.
(2) The Legislature finds that there is substantial evidence that elements of organized crime have engaged to an increasing degree in the production and distribution of pornographic films and, therefore, it is the further intent of this part to facilitate the criminal prosecution of distributors of pornographic films.
(3) It is not the intent of this part to:
(a) limit the regulation of films by counties, cities, towns, and other political subdivisions of the state, as these political subdivisions are specifically given the right by this part to further regulate films; or
(b) limit or abridge the power to otherwise prosecute violations of any other provisions of law including those provisions of this chapter.
(4) This part does not apply to a film:
(a) distributed to or exhibited by any accredited university, college, school, library, or other educational institution, church, or museum, if there is scientific, religious, or educational justification for the exhibition of the film; or
(b) exhibited by the Department of Corrections or exhibited as part of any treatment program operated by or under contract with the department if the exhibition of the film is solely for the assessment or treatment of an offender as defined under Section 64-13-1.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-303 Qualification for distribution of films.
(1) A distributor that is a corporation shall be qualified to distribute films within this state if:
(a) the corporation is a domestic corporation in good standing or a foreign corporation authorized to transact business in this state; and
(b) the corporation submits the corporation to the jurisdiction and laws of this state relating to being a distributor in this state.
(2) A distributor which is not a corporation shall be qualified to distribute films within this state if:
(a) the distributor has and continuously maintains a registered office in this state; and
(b) the distributor has a registered agent whose business address is at that registered office and which is either an individual residing and domiciled in this state, a domestic corporation in good standing, or a foreign corporation authorized to transact business in this state.
(3) This section does not affect the right to serve process, a notice, or a demand, required or permitted by law to be served upon a distributor, in any other manner provided by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-304 Change of registered office or agent by film distributor -- Service of process, notice, or demand on registered agent.

(1) A distributor qualified to distribute films in this state may change the distributor's registered office or registered agent in accordance with Title 16, Chapter 17, Model Registered Agents Act.

(2) Any process, notice, or demand required or permitted by law to be served upon the distributor may be served upon the registered agent of that distributor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-305 Distribution of a pornographic film for exhibition.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.

(2) An actor commits distribution of a pornographic film for exhibition if the actor knowingly or with criminal negligence distributes a film for exhibition that is pornographic.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to:

(i) a fine not less than $1,000; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:

(i) a fine not less than $5,000; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than six months.

(4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.

(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.

(6) Each copy of a pornographic film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-306 Distributing a film without being qualified.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.

(2) An actor commits distributing a film without being qualified if the actor knowingly:

(a) distributes a film for exhibition; and

(b) is not qualified to distribute a film for exhibition.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:

(i) a fine not less than $299; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
(i) a fine not less than $1,000; and
(ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
(4) It is an affirmative defense to a prosecution under this section that the distribution of a film is exempt from the restrictions of this part described in Section 76-5c-302.
(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
(6) Each day's exhibition of a film, and each copy of a film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-307 Improperly exhibiting a film.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
(2) An actor commits improperly exhibiting a film if the actor knowingly:
(a) exhibits a film; and
(b) did not acquire the film from a distributor qualified to distribute a film.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:
(i) a fine not less than $299; and
(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
(i) a fine not less than $1,000; and
(ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
(4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.
(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
(6) Each day's exhibition of a film exhibited in violation of this section is a separate offense.

Enacted by Chapter 173, 2025 General Session

Part 4
Requirements and Penalties for Content and Internet Providers

76-5c-401 Definitions.
As used in this part:
(1) "Consumer" means an individual residing in this state who subscribes to a service provided by a service provider for personal or residential use.

(2) "Content provider" means a person domiciled in Utah or that generates or hosts content in Utah, and that creates, collects, acquires, or organizes electronic data for electronic delivery to a consumer with the intent of making a profit.
(3)
(a) "Hosting company" means a person that provides services or facilities for storing or distributing content over the Internet without editorial or creative alteration of the content.
(b) A hosting company may have policies concerning acceptable use without becoming a content provider under Subsection (2).
(4) "Internet service provider" means a person engaged in the business of providing broadband Internet access service, with the intent of making a profit, to consumers in Utah.
(5) "Properly rated" means content using a labeling system to label material harmful to minors provided by the content provider in a way that:
(a) accurately apprises a consumer of the presence of material harmful to minors; and
(b) allows the consumer the ability to control access to material harmful to minors based on the material's rating by use of reasonably priced commercially available software, including software in the public domain.
(6) "Restrict" means to limit access to material harmful to minors by:
(a) properly rating content; or
(b) any other reasonable measures feasible under available technology.
(7)
(a) "Service provider" means an Internet service provider.
(b) "Service provider" does not include a person who does not terminate a service in this state, but merely transmits data through:
(i) a wire;
(ii) a cable; or
(iii) an antenna.
(c) "Service provider," notwithstanding Subsection (7)(b), includes a person who leases or rents a wire or cable for the transmission of data.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-402 Data service providers -- Internet content harmful to minors.
(1)
(a) Upon request by a consumer, a service provider shall filter content to prevent the transmission of material harmful to minors to the consumer.
(b) A service provider complies with Subsection (1)(a) if the service provider makes a good faith effort to apply a generally accepted and commercially reasonable method of filtering.
(c) At the time of a consumer's subscription to a service provider's service, the service provider shall notify the consumer in a conspicuous manner that the consumer may request to have material harmful to minors blocked under Subsection (1)(a).
(2) The Division of Consumer Protection within the Department of Commerce shall:
(a) every other year request from each service provider information on how the service provider complies with Subsection (1)(a);
(b) publish on the division's website a compilation of the information the division receives under Subsection (2)(a); and
(c) update the compilation described in Subsection (2)(b) every other year.
(3)

(a) A service provider may comply with Subsection (1)(a) by providing in-network filtering to prevent the receipt of material harmful to minors, provided that the filtering does not affect or interfere with access to Internet content for consumers who do not request filtering under Subsection (1)(a).
(b) A service provider may comply with Subsection (1)(a) by engaging a third party to provide or referring a consumer to a third party that provides a commercially reasonable method of filtering to block the receipt of material harmful to minors.
(c) A service provider may charge a consumer a commercially reasonable fee for providing filtering under this Subsection (3).
(4) If the attorney general determines that a service provider violates Subsection (1), the attorney general shall:
(a) notify the service provider that the service provider is in violation of Subsection (1); and
(b) notify the service provider that the service provider has 90 days to comply with the provision being violated or be subject to the civil penalties described in Subsection (5).
(5)
(a) A service provider that intentionally or knowingly violates Subsection (1)(a) is subject to a civil fine of $2,500 for each separate violation of Subsection (1)(a), up to $15,000 per day.
(b) A service provider that intentionally or knowingly violates Subsection (1)(c) is subject to a civil fine up to $10,000.
(6) A proceeding to impose a civil fine under Subsection (5) may only be brought by the attorney general.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-403 Content providers -- Material harmful to minors.
(1) A content provider that is domiciled in Utah, or generates or hosts content in Utah, shall restrict access to material harmful to minors.
(2) If the attorney general determines that a content provider violates Subsection (1), the attorney general shall:
(a) notify the content provider that the content provider is in violation of Subsection (1); and
(b) notify the content provider that the content provider has 30 days to comply with Subsection (1) or be subject to the civil penalties described in Subsection (3).
(3)
(a) If a content provider intentionally or knowingly violates this section more than 30 days after receiving the notice provided under Subsection (2), the content provider is subject to a civil fine of $2,500 for each separate violation of Subsection (1), up to $10,000 per day.
(b) A proceeding to impose the civil fine under this section may be brought only by the attorney general.
(4) The Division of Consumer Protection shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish acceptable rating methods to be implemented by a content provider under Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 5d

Prostitution

Part 1
General Provisions

76-5d-101 Definitions.

As used in this chapter:

(1) "Adult" is an individual who is 18 years old or older.

(2) "Child" is an individual younger than 18 years old.

(3) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.

(4) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV) infection determined by current medical standards and detected by any of the following:

(a) presence of antibodies to HIV, verified by a positive confirmatory test, such as Western blot with an interpretation based on criteria currently recommended by the Association of State and Territorial Public Health Laboratory Directors or another confirmatory test approved by the Utah State Health Laboratory;

(b) presence of HIV antigen;

(c) isolation of HIV; or

(d) demonstration of HIV proviral DNA.

(5) "HIV positive individual" means an individual who has an HIV infection.

(6) "Local law enforcement agency" means an agency responsible for investigating violations of offenses in Part 2, General Offenses, the filing of charges that may lead to convictions, and the conducting of, or obtaining the results of, tests for HIV infection.

(7) "Positive" means an indication of HIV infection.

(8) "Prostituted individual" means an individual engaged in prostitution or sexual solicitation.

(9) "Prostitution" means engaging in sexual activity with another individual in exchange for a fee or the functional equivalent of a fee.

(10) "Public place" means a place to which the public or any substantial group of the public has access.

(11) "Sexual activity" means, regardless of the gender of either participant:

(a) an act of masturbation, sexual intercourse, or any sexual act involving the genitals of one individual and the mouth or anus of another individual; or

(b) the touching of the genitals, female breast, or anus of one individual with any other body part of another individual with the intent to sexually arouse or gratify either individual.

(12) "Sexual solicitation" means the conduct described in Section 76-5d-209, sexual solicitation by an actor offering to engage in sexual activity for compensation.

(13) "Test" means a test for HIV infection in accordance with standards recommended by the Department of Health and Human Services.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-102 Local ordinance consistent with code provisions.

An ordinance adopted by a local authority governing the matters covered by this chapter is required to be consistent with the provisions of this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-103 Mandatory testing -- Retention of medical file -- Civil liability.

(1) An individual who has entered a plea of guilty, a plea of no contest, a plea of guilty with a mental condition, or been found guilty of a violation of Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 is required to submit before sentencing to a mandatory test to determine if the individual is an HIV positive individual.

(2)

(a) If the mandatory test described in Subsection (1) has not been conducted before sentencing, and the convicted individual is already confined in a county jail or state prison, the individual is required to be tested while in confinement.

(b) For an individual described in Subsection (1) who is confined in a county jail, the local law enforcement agency shall cause the individual's blood specimen to be taken and tested.

(c) For an individual described in Subsection (1) who is confined in a state prison, the Department of Corrections shall cause the individual's blood specimen to be taken and tested.

(3)

(a) The local law enforcement agency shall collect and retain in the individual's medical file the following data:

(i) the HIV infection test results;

(ii) a copy of the written notice as provided in Section 76-5d-104;

(iii) photographic identification; and

(iv) fingerprint identification.

(b) The local law enforcement agency shall classify the medical file described in Subsection (3)(a) as a private record pursuant to Subsection 63G-2-302(1)(b) or a controlled record pursuant to Section 63G-2-304.

(4)

(a) An individual required to be tested under this section is responsible for the costs of testing, unless the individual is indigent.

(b) If an individual is indigent, the costs for the testing will be paid by the local law enforcement agency or the Department of Corrections from the General Fund.

(5)

(a) The laboratory performing testing shall report test results to only designated officials in the Department of Corrections, the Department of Health and Human Services, and the local law enforcement agency submitting the blood specimen.

(b) Each department or agency shall designate the officials described in Subsection (5)(a) by written policy.

(c) Designated officials may release information identifying an individual under Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 who has tested HIV positive as provided under Subsection 63G-2-202(1) and for purposes of prosecution pursuant to Section 76-5d-212.

(6)

(a) An employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services who discloses the HIV test results under this section is not civilly liable except when disclosure constitutes fraud or willful misconduct under Section 63G-7-202.

(b) An employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services who discloses the HIV test results under this

section is not civilly or criminally liable, except when disclosure constitutes a knowing violation of Section 63G-2-801.

(7) When a medical file is released as provided in Section 63G-2-803, the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services, or an officer or employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services, is not liable for damages for release of the medical file.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-104 Notice to a convicted individual of HIV positive test results.

(1) An individual convicted under Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 who has tested positive for the HIV infection shall be notified of the test results in person by:
  (a) the local law enforcement agency;
  (b) the Department of Corrections, for an individual confined in a state prison;
  (c) the Department of Health and Human Services; or
  (d) an authorized representative of an agency listed in Subsections (1)(a) through (c).

(2) The notice described in Subsection (1) shall contain the signature of the HIV positive individual, indicating the individual's receipt of the notice, the name and signature of the individual providing the notice, and:
  (a) the date of the test;
  (b) the positive test results;
  (c) the name of the HIV positive individual; and
  (d) the following language:

"An individual who has been convicted of engaging in prostitution under Section 76-5d-202, patronizing a prostituted individual who is an adult under Section 76-5d-203, patronizing a prostituted individual who is a child under Section 76-5d-204, entering or remaining in a place of prostitution under Section 76-5d-205, sexual solicitation by an actor offering to engage in sexual activity for compensation under Section 76-5d-209, sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity under Section 76-5d-210, or sexual solicitation by an actor offering compensation to a child in exchange for sexual activity under Section 76-5d-211, after being tested and diagnosed as an HIV positive individual and either had actual knowledge that the individual is an HIV positive individual or the individual has previously been convicted of any of the criminal offenses listed above is guilty of a third degree felony under Section 76-5d-212."

(3) Failure to provide the notice described in Subsection (1), or to provide the notice in the manner or form prescribed under this section, does not:
  (a) create any civil liability; or
  (b) create a defense to a prosecution under this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-105 Examination of testing procedures and results in legal proceedings.

(1) Employees of a laboratory who conduct laboratory analysis of blood samples for presence of antibody to HIV provided pursuant to a request by a law enforcement agency or the Department

of Corrections under Section 76-5d-103, may be examined in a legal proceeding of any kind or character as to:
(a) the nature of the testing;
(b) the validity of the testing;
(c) the results of the test;
(d) the HIV positivity or negativity of the individual tested;
(e) the evidentiary chain of custody; and
(f) other factors relevant to the prosecution, subject to the court's ruling.
(2) This section applies only to the criminal investigation and prosecution under Section 76-5d-212, engaging in prostitution or sexual solicitation as an HIV positive offender.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-106 Safe harbor for children as victims in commercial sex or sexual solicitation.
(1) As used in this section:
(a) "Child engaged in commercial sex or sexual solicitation" means a child who:
(i) engages, offers, or agrees to engage in any sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee;
(ii) takes steps in arranging a meeting through any form of advertising, agreeing to meet, and meeting at an arranged place for the purpose of sexual activity in exchange for receiving a fee or the functional equivalent of a fee;
(iii) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity; or
(iv) engages in sexual solicitation.
(b) "Division" means the Division of Child and Family Services created in Section 80-2-201.
(c) "Juvenile receiving center" means the same as that term is defined in Section 80-1-102.
(2) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall:
(a) conduct an investigation regarding possible human trafficking of the child pursuant to Sections 76-5-308, 76-5-308.1, and 76-5-308.5;
(b) refer the child to the division;
(c) bring the child to a juvenile receiving center, if available; and
(d) contact the child's parent or guardian, if practicable.
(3) When law enforcement refers a child to the division under Subsection (2)(b), the division shall provide services to the child under Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

Part 2
General Offenses

76-5d-201 Definitions.

As used in this part, "place of prostitution" means a place or business where prostitution or promotion of prostitution is arranged, regularly carried on, or attempted by one or more individuals under the control, management, or supervision of another individual.

Enacted by Chapter 173, 2025 General Session

76-5d-202 Engaging in prostitution.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) An actor commits the offense of engaging in prostitution if the actor:

(a) is 18 years old or older; and

(b) engages in sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of:

(i) a violation of Subsection (2);

(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or

(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).

(4) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the following offenses, or an attempt to commit any of the following offenses, and the actor reports the offense or attempt to law enforcement in good faith:

(a) assault as described in Section 76-5-102;

(b) aggravated assault as described in Section 76-5-103;

(c) mayhem as described in Section 76-5-105;

(d) aggravated murder, murder, manslaughter, negligent homicide, child abuse homicide, or homicide by assault as described in Chapter 5, Part 2, Criminal Homicide;

(e) kidnapping, child kidnapping, aggravated kidnapping, human trafficking or aggravated human trafficking, human smuggling or aggravated human smuggling, or human trafficking of a child as described in Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

(f) rape as described in Section 76-5-402;

(g) rape of a child as described in Section 76-5-402.1;

(h) object rape as described in Section 76-5-402.2;

(i) object rape of a child as described in Section 76-5-402.3;

(j) forcible sodomy as described in Section 76-5-403;

(k) sodomy on a child as described in Section 76-5-403.1;

(l) forcible sexual abuse as described in Section 76-5-404;

(m) sexual abuse of a child as described in Section 76-5-404.1, or aggravated sexual abuse of a child, Section 76-5-404.3;

(n) aggravated sexual assault as described in Section 76-5-405;

(o) sexual exploitation of a minor as described in Section 76-5b-201;

(p) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;

(q) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;

(r) burglary of a dwelling as described in Subsection 76-6-202(3)(b);

(s) aggravated burglary as described in Section 76-6-203;
(t) robbery as described in Section 76-6-301;
(u) aggravated robbery as described in Section 76-6-302; or
(v) theft by extortion as described in Section 76-6-406 under the circumstances described in Subsection 76-6-406(1)(a)(i) or (ii).
(5) A violation under this section that is a class A misdemeanor may be prosecuted by an attorney of a city or a town as well as by prosecutors authorized in the code to prosecute a violation under this section.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-203 Patronizing a prostituted individual who is an adult.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits the offense of patronizing a prostituted individual who is an adult if:
(a) the actor pays, offers to pay, or agrees to pay an adult prostituted individual, or an adult individual the actor believes to be a prostituted individual, a fee, or the functional equivalent of a fee; and
(b) the payment, offer of payment, or agreement for payment described in Subsection (2)(a) is for the purpose of engaging in an act of sexual activity.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted two or more times of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and
(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-204 Patronizing a prostituted individual who is a child.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits patronizing a prostituted individual who is a child if:
(a) the actor is 12 years old or older;
(b) the actor pays, offers to pay, or agrees to pay a prostituted individual, or an individual the actor believes to be a prostituted individual, a fee, or the functional equivalent of a fee;
(c) the payment, offer of payment, or agreement for payment described in Subsection (2)(b) is for the purpose of engaging in an act of sexual activity; and
(d) the prostituted individual, or the individual the actor believes to be a prostituted individual, described in Subsection (2)(b) is:

(i) a child; or
(ii) believed by the actor to be a child.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony with a mandatory fine of not less than $20,000.
(b) If the actor is under 18 years old at the time of the offense, a violation of Subsection (2) is:
(i) a third degree felony if:
(A) the actor is 17 years old and the prostituted individual is 13 years old or younger; or
(B) the actor is 16 years old and the prostituted individual is 12 years old or younger;
(ii) a class A misdemeanor if:
(A) the actor is 17 years old and the prostituted individual is 14 years old;
(B) the actor is 16 years old and the prostituted individual is 13 years old;
(C) the actor is 15 years old and the prostituted individual is 12 years old or younger; or
(D) the actor is 14 years old and the prostituted individual is 11 years old or younger;
(iii) a class B misdemeanor if:
(A) the actor is 17 years old and the prostituted individual is 15 years old;
(B) the actor is 16 years old and the prostituted individual is 14 years old;
(C) the actor is 15 years old and the prostituted individual is 13 years old;
(D) the actor is 14 years old and the prostituted individual is 12 years old;
(E) the actor is 13 years old and the prostituted individual is 11 years old or younger; or
(F) the actor is 12 years old and the prostituted individual is 10 years old or younger; or
(iv) a class C misdemeanor if:
(A) the actor is 17 years old and the prostituted individual is 16 or 17 years old;
(B) the actor is 16 years old and the prostituted individual is 15 years old or older;
(C) the actor is 15 years old and the prostituted individual is 14 years old or older;
(D) the actor is 14 years old and the prostituted individual is 13 years old or older;
(E) the actor is 13 years old and the prostituted individual is 12 years old or older; or
(F) the actor is 12 years old and the prostituted individual is 11 years old or older.
(4) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this section that the actor mistakenly believed the individual described in Subsection (2) to be 18 years old or older at the time of the offense or was unaware of the individual's true age.
(5) If the violation of Subsection (2) amounts to an offense that is subject to a greater penalty under another provision of law, this section does not prohibit prosecution and sentencing for the more serious offense.
(6) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and
(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Enacted by Chapter 173, 2025 General Session

76-5d-205 Entering or remaining in a place of prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits entering or remaining in a place of prostitution if the actor enters or remains in a place of prostitution for the purpose of engaging in sexual activity.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted two or more times of:
(i) a violation of Subsection (2); or
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and
(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Enacted by Chapter 173, 2025 General Session

76-5d-206 Aiding prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits aiding prostitution if the actor:
(a)
(i) solicits an individual to patronize a prostituted individual, or to patronize an individual the actor believes to be a prostituted individual;
(ii) procures or attempts to procure a prostituted individual, or an individual the actor believes to be a prostituted individual, for a patron;
(iii) leases, operates, or otherwise permits a place controlled by the actor, alone or in association with another individual, to be used for prostitution or the promotion of prostitution; or
(iv) provides a service or commits an act that enables another individual to commit a violation of this Subsection (2) or facilitates another individual's ability to commit a violation of this Subsection (2); or
(b) solicits, receives, or agrees to receive a benefit for committing any of the acts prohibited by Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order a fine of not less than $10,000 and may not waive or suspend the fine.
(5) A violation under this section that is a class A misdemeanor may be prosecuted by an attorney of a city or a town as well as by prosecutors authorized in the code to prosecute a violation under this section.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-207 Exploitation of prostitution.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits exploitation of prostitution if the actor:
(a) procures an individual for a place of prostitution;
(b) encourages, induces, or otherwise purposely causes another individual to become or remain a prostituted individual;
(c) transports an individual into or within this state with the purpose to promote the individual's engagement in prostitution;
(d) procures or pays for an individual's transportation with the purpose of promoting the individual's engagement in prostitution;
(e) not being a child or legal dependent of a prostituted individual, shares the proceeds of prostitution with a prostituted individual, or an individual the actor believes to be a prostituted individual, pursuant to the actor's and prostituted individual's understanding that the actor is to share in the proceeds of the prostitution; or
(f) owns, controls, manages, supervises, or otherwise keeps, alone or in association with another individual, a place of prostitution or a business where prostitution occurs or is arranged, encouraged, supported, or promoted.
(3) A violation of Subsection (2) is a third degree felony.
(4) Upon a conviction for a violation of this section, the court shall order the maximum fine amount and may not waive or suspend the fine.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-208 Aggravated exploitation of prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits aggravated exploitation of prostitution if:
(a) in committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor uses any force, threat, or fear against any individual;
(b) the individual whom the actor procured, transported, or persuaded or with whom the actor shares the proceeds of prostitution, is a child or is the spouse of the actor; or
(c) in the course of committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor commits human trafficking or human smuggling in violation of Section 76-5-308, 76-5-308.1, 76-5-308.3, or 76-5-308.5.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.
(b) A violation of Subsection (2) is a first degree felony if the violation involves a child.
(4) Upon a conviction for a violation of this section, the court shall order the maximum fine amount and may not waive or suspend the fine.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-209 Sexual solicitation by an actor offering to engage in sexual activity for compensation.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits the offense of sexual solicitation by an actor offering to engage in sexual activity for compensation if the actor:

(a) is 18 years old or older; and
(b)
(i) offers or agrees to commit any sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee;
(ii)
(A) takes steps to arrange a meeting with another individual through any form of advertising or agreement to meet;
(B) meets the individual at an arranged place; and
(C) arranged and met the individual for the purpose of being hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee;
(iii) loiters in, or within view of, a public place for the purpose of being hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee; or
(iv) with intent to be hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee, engages in, or offers or agrees to engage in, any of the following acts:
(A) exposure or touching of an individual's genitals, buttocks, anus, pubic area, or female breast below the top of the areola;
(B) masturbation; or
(C) any act of lewdness.
(3) A violation of Subsection (2) or under a local ordinance adopted in compliance with Section 76-5d-102 is:
(a) a class B misdemeanor on a first or second violation; or
(b) a class A misdemeanor on a third or subsequent violation.
(4) An intent to be hired to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b)(iv) under the totality of the existing circumstances.
(5)
(a) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall follow the procedure described in Subsection 76-5d-106(2).
(b) A child engaged in commercial sex or sexual solicitation shall be referred to the Division of Child and Family Services for services and may not be subjected to delinquency proceedings.
(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.
(7) As part of a sentence imposed under Subsection (3), the court may lower, waive, or suspend a fine if the actor completes a court-approved program that provides information or services intended to help an individual no longer engage in prostitution.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-210 Sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits the offense of sexual solicitation by an actor offering compensation in exchange for sexual activity if the actor:

(a) pays, offers to pay, or agrees to pay a fee or the functional equivalent of a fee to an adult to hire the adult to commit any sexual activity; or
(b) with intent to pay an adult to be hired to commit any sexual activity for a fee or the functional equivalent of a fee, requests or directs the adult to engage in any of the following acts:
(i) exposure or touching of an adult's genitals, buttocks, anus, pubic area, or female breast below the top of the areola;
(ii) masturbation; or
(iii) any act of lewdness.
(3) A violation of Subsection (2) or under a local ordinance adopted in compliance with Section 76-5d-102 is:
(a) a class A misdemeanor on a first or second violation; or
(b) a third degree felony on a third or subsequent violation.
(4) As part of a sentence imposed under Subsection (3), the court shall order the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.
(5) The actor's intent to hire an adult to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b) under the totality of the existing circumstances.
(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.

Enacted by Chapter 173, 2025 General Session

76-5d-211 Sexual solicitation by an actor offering compensation to a child in exchange for sexual activity.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) Under circumstances not amounting to an offense described in Subsection (4), an actor commits the offense of sexual solicitation by an actor offering compensation to a child in exchange for sexual activity if the actor:
(a) is 12 years old or older; and
(b)
(i) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee, to a child to hire the child to commit any sexual activity; or
(ii) with intent to pay a child to be hired to commit any sexual activity for a fee, or the functional equivalent of a fee, requests or directs the child to engage in any of the following acts:
(A) exposure or touching of the child's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola;
(B) masturbation; or
(C) any act of lewdness.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.
(b) If the actor is under 18 years old at the time of the offense, a violation of Subsection (2) is:
(i) a third degree felony if:
(A) the actor is 17 years old and the child is 13 years old or younger; or

(B) the actor is 16 years old and the child is 12 years old or younger;
(ii) a class A misdemeanor if:
(A) the actor is 17 years old and the child is 14 years old;
(B) the actor is 16 years old and the child is 13 years old;
(C) the actor is 15 years old and the child is 12 years old or younger; or
(D) the actor is 14 years old and the child is 11 years old or younger;
(iii) a class B misdemeanor if:
(A) the actor is 17 years old and the child is 15 years old;
(B) the actor is 16 years old and the child is 14 years old;
(C) the actor is 15 years old and the child is 13 years old;
(D) the actor is 14 years old and the child is 12 years old;
(E) the actor is 13 years old and the child is 11 years old or younger; or
(F) the actor is 12 years old and the child is 10 years old or younger; or
(iv) a class C misdemeanor if:
(A) the actor is 17 years old and the child is 16 or 17 years old;
(B) the actor is 16 years old and the child is 15 years old or older;
(C) the actor is 15 years old and the child is 14 years old or older;
(D) the actor is 14 years old and the child is 13 years old or older;
(E) the actor is 13 years old and the child is 12 years old or older; or
(F) the actor is 12 years old and the child is 11 years old or older.

(4) The offenses referred to in Subsection (2) are:
(a) human trafficking for labor as described in Section 76-5-308;
(b) human trafficking for sexual exploitation as described in Section 76-5-308.1;
(c) human smuggling as described in Section 76-5-308.3;
(d) human trafficking of a child as described in Section 76-5-308.5;
(e) aggravated human trafficking as described in Section 76-5-310; and
(f) aggravated human smuggling as described in Section 76-5-310.1.

(5) The actor's intent to hire a child to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b) under the totality of the existing circumstances.

(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.

(7)
(a) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall follow the procedure described in Subsection 76-5d-106(2).
(b) A child engaged in commercial sex or sexual solicitation shall be referred to the Division of Child and Family Services for services and may not be subjected to delinquency proceedings.

Enacted by Chapter 174, 2025 General Session

76-5d-212 Engaging in prostitution or sexual solicitation as an HIV positive offender.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) An actor commits engaging in prostitution or sexual solicitation as an HIV positive offender if the actor:

(a) is an HIV positive individual;
(b) is convicted of:
(i) engaging in prostitution under Section 76-5d-202;
(ii) patronizing a prostituted individual who is an adult under Section 76-5d-203;
(iii) patronizing a prostituted individual who is a child under Section 76-5d-204;
(iv) entering or remaining in a place of prostitution under Section 76-5d-205;
(v) sexual solicitation by an actor offering to engage in sexual activity for compensation under Section 76-5d-209;
(vi) sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity under Section 76-5d-210; or
(vii) sexual solicitation by an actor offering compensation to a child in exchange for sexual activity under Section 76-5d-211; and
(c)
(i) has actual knowledge that the actor is an HIV positive individual; or
(ii) has previously been convicted of a violation of Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211.
(3) A violation of Subsection (2) is a third degree felony.
(4) Upon conviction under this section, and as a condition of probation, the actor shall receive treatment and counseling for HIV infection and drug abuse as provided in Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

Chapter 6
Offenses Against Property

Part 1
Property Destruction

76-6-101 Definitions.
(1) As used in this part:
(a) "Etching" means defacing, damaging, or destroying hard surfaces by means of an abrasive object, a knife, or an engraving device, or a chemical action which uses any caustic cream, gel, liquid, or solution.
(b) "Fire" means a flame, heat source capable of combustion, or material capable of combustion that is caused, set, or maintained by a person for any purpose.
(c) "Graffiti" means any form of unauthorized printing, writing, spraying, scratching, painting, affixing, etching, or inscribing on the property of another regardless of the content or the nature of the material used in the commission of the act.
(d) "Habitable structure" means a structure that has the apparent purpose of or is used for lodging or assembling persons or conducting business whether a person is actually present or not.
(e) "Property" means:

(i) any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure; and
(ii) the property of another, if anyone other than the actor has a possessory or proprietary interest in any portion of the property.
(f) "Value" means:
(i) the market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
(ii) where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
(2) Terms defined in Section 76-1-101.5 apply to this part.
(3) If the property damaged has a value that cannot be ascertained by the criteria set forth in Subsection (1)(f), the property shall be considered to have a value less than $500.

Amended by Chapter 102, 2023 General Session
Amended by Chapter 111, 2023 General Session

76-6-102 Arson.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:
(a) any property with intention of defrauding an insurer; or
(b) the property of another.
(3)
(a) A violation of Subsection (2)(a) is a second degree felony.
(b) A violation of Subsection (2)(b) is a second degree felony if:
(i) the damage caused is or exceeds $5,000 in value;
(ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section 76-1-101.5;
(iii)
(A) the damage caused is or exceeds $1,500 but is less than $5,000 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).
(c) A violation of Subsection (2)(b) is a third degree felony if:
(i) the damage caused is or exceeds $1,500 but is less than $5,000 in value;
(ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section 76-1-101.5;
(iii) the fire or explosion endangers human life; or
(iv)
(A) the damage caused is or exceeds $500 but is less than $1,500 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).
(d) A violation of Subsection (2)(b) is a class A misdemeanor if the damage caused:
(i) is or exceeds $500 but is less than $1,500 in value; or
(ii)
(A) is less than $500; and

(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).

(e) A violation of Subsection (2)(b) is a class B misdemeanor if the damage caused is less than $500.

Amended by Chapter 111, 2023 General Session

76-6-103 Aggravated arson.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits aggravated arson if by means of fire or explosives the actor intentionally and unlawfully damages:

(a) a habitable structure; or

(b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.

(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

76-6-104 Reckless burning.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits reckless burning if the actor:

(a) recklessly starts a fire or causes an explosion which endangers human life;

(b) having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;

(c) builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or

(d) damages the property of another by reckless use of fire or causing an explosion.

(3)

(a) A violation of Subsection (2)(a) or (b) is a class A misdemeanor.

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

(c) A violation of Subsection (2)(d) is:

(i) a class A misdemeanor if damage to property is or exceeds $1,500 in value;

(ii) a class B misdemeanor if the damage to property is or exceeds $500 but is less than $1,500 in value; and

(iii) a class C misdemeanor if the damage to property is or exceeds $150 but is less than $500 in value.

(d) Any other violation under Subsection (2)(d) is an infraction.

Amended by Chapter 111, 2023 General Session

76-6-104.5 Abandonment of a fire -- Penalties.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits abandonment of a fire if, under circumstances not amounting to the offense of arson, aggravated arson, or causing a catastrophe, the actor leaves a fire:

(a) without first completely extinguishing it; and

(b) with the intent to not return to the fire.

(3) A violation of Subsection (2):
(a) is a class C misdemeanor if there is no property damage;
(b) is a class B misdemeanor if property damage is less than $1,000 in value; and
(c) is a class A misdemeanor if property damage is or exceeds $1,000 in value.
(4) An actor does not commit a violation of Subsection (2) if the actor leaves a fire to report an uncontrolled fire.
(5) If a violation of Subsection (2) involves a wildland fire, the actor is also liable for suppression costs under Section 65A-3-4.
(6) A fire spreading or reigniting is prima facie evidence that the actor did not completely extinguish the fire as required by Subsection (2)(a).

Amended by Chapter 111, 2023 General Session

76-6-105 Causing a catastrophe -- Penalties.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits causing a catastrophe if the actor causes widespread injury or damage to persons or property by:
(a) use of a weapon of mass destruction as defined in Section 76-15-301; or
(b) explosion, fire, flood, avalanche, collapse of a building, or other harmful or destructive force or substance that is not a weapon of mass destruction.
(3) A violation of Subsection (2) is:
(a) a first degree felony if the actor causes the catastrophe knowingly and by the use of a weapon of mass destruction;
(b) a second degree felony if the actor causes the catastrophe knowingly and by a means other than a weapon of mass destruction; and
(c) a class A misdemeanor if the actor causes the catastrophe recklessly.
(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 173, 2025 General Session

76-6-106 Criminal mischief.
(1)
(a) As used in this section, "critical infrastructure" includes:
(i) financial and banking systems;
(ii) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed guideways, or other transportation systems intended for the transportation of persons or property;
(iii) health care facilities as listed in Section 26B-2-201, and emergency fire, medical, and law enforcement response systems;
(iv) public health facilities and systems;
(v) food distribution systems; and
(vi) other government operations and services.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits criminal mischief if the actor:
(a) intentionally and unlawfully tampers with the property of another and as a result:

(i) recklessly endangers:
(A) human life; or
(B) human health or safety; or
(ii) recklessly causes or threatens a substantial interruption or impairment of any critical infrastructure; or
(b) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.
(3)
(a) A violation of Subsection (2)(a)(i)(A) is a class A misdemeanor.
(b) A violation of Subsection (2)(a)(i)(B) is a class B misdemeanor.
(c) A violation of Subsection (2)(a)(ii) is a second degree felony.
(d) Any other violation of this section is a:
(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.
(4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.
(5) In addition to any other penalty authorized by law, a court shall order an actor convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to a violation of Subsection (2)(a)(ii), unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 179, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-6-106.1 Property damage or destruction.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage or destruction if the actor under circumstances not amounting to arson or criminal mischief:
(a) damages or destroys property with the intention of defrauding an insurer; or
(b) intentionally damages, defaces, or destroys the property of another.
(3)
(a)
(i) Except as provided in Subsection (3)(a)(ii), a violation of Subsection (2)(a) is a third degree felony.
(ii) A violation of Subsection (2)(a) is a second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000.
(b) A violation of Subsection (2)(b) is a:

(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.

(4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.

Enacted by Chapter 111, 2023 General Session

76-6-106.2 Property damage or destruction by a trespasser on real property.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage or destruction by a trespasser on real property if, under circumstances not amounting to burglary as defined in Section 76-6-202 or 76-6-203, the actor:
(a) enters or remains unlawfully on real property; and
(b) causes damage or pecuniary loss equal to or in excess of $1,500.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 295, 2025 General Session

76-6-106.3 Destruction or tampering with a critical infrastructure facility -- Penalty.

(1)
(a) As used in this section:
(i) "Critical infrastructure facility" means:
(A) a petroleum or alumina refinery;
(B) critical electric infrastructure, as defined in 18 C.F.R. Sec. 388.113, including an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure;
(C) a chemical, polymer, or rubber manufacturing facility;
(D) a water facility as defined in Section 73-1-14, water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station;
(E) a natural gas compressor station;
(F) a liquid natural gas terminal or storage facility;
(G) a telecommunications switching, routing, or regeneration office or facility;
(H) wireless telecommunications infrastructure, including cell towers;
(I) telecommunications equipment, facilities, or infrastructure used for the transmission or distribution of a communications service;
(J) a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility;
(K) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
(L) a transmission facility used by a federally licensed radio or television station;

(M) a steelmaking facility that uses an electric arc furnace to make steel;
(N) a facility identified and regulated by the Chemical Facility Anti-Terrorism Standards program under 6 U.S.C. Sec. 622;
(O) a natural gas distribution utility facility, including natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, meters, aboveground piping and facilities, a regulator station, and a natural gas storage facility;
(P) a crude oil or refined products production, storage, and distribution facility, including a wellhead and associated production and collection infrastructure, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping, and truck loading or offloading facility;
(Q) a grain mill or processing facility;
(R) a generation, transmission, or distribution system of broadband Internet access; or
(S) an aboveground portion of an oil, gas, hazardous liquid or chemical production facility including the wellhead and associated production and collection infrastructure, pipeline, tank, railroad facility, or other storage facility that is enclosed by a physical barrier or is marked with signs prohibiting trespassing if the enclosures or signs are designed to exclude intruders.

(ii) "Critical infrastructure facility" includes a facility described in Subsection (1)(a)(i) that is:
(A) under construction; or
(B) operational.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor is guilty of destruction or tampering with a critical infrastructure facility if the actor, by physical, cyber, or other means, causes widespread injury or damage to persons or property by:
(a) destroying or substantially damaging:
(i) a critical infrastructure facility; or
(ii) a critical infrastructure facility's equipment; or
(b) substantially tampering with, inhibiting, or impeding the operation of a critical infrastructure facility.

(3)
(a) A violation of Subsection (2) is a first degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a second degree felony if done recklessly.

Enacted by Chapter 179, 2023 General Session

76-6-107 Defacement by graffiti defined -- Penalties -- Removal costs -- Reimbursement liability -- Victim liability.

(1)
(a) As used in this section, "victim" means the person whose property is defaced or damaged by the use of graffiti and who bears the expense for removal of the graffiti.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits defacement by graffiti if the actor, without permission, defaces or damages the property of another by graffiti.

(3) A violation of Subsection (2) is a:
(a) second degree felony if the damage caused is in excess of $5,000;
(b) third degree felony if the damage caused is equal to or in excess of $1,000 but less than or equal to $5,000;

(c) class A misdemeanor if the damage caused is equal to or in excess of $300 but less than $1,000; and
(d) class B misdemeanor if the damage caused is less than $300.
(4) Damages under Subsection (3) include removal costs, repair costs, or replacement costs, whichever is less.
(5) The court shall order an individual convicted under Subsection (3) to pay restitution to the victim in an amount equal to the costs incurred by the victim as a result of the graffiti.
(6) An additional amount of $1,000 in restitution shall be added to removal costs if the graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in order to remove it, or the entity responsible for the area in which the clean-up is to take place must provide assistance in order for the removal to take place safely.
(7) An individual who voluntarily, at the individual's own expense, and with the consent of the property owner, removes graffiti for which the individual is responsible may be credited for the removal costs against restitution ordered by a court.
(8) Before an authorized government agency may issue a citation or assess a fine to a victim for the victim's failure to remove graffiti from the victim's property, the agency shall:
(a) provide written notice to the victim alerting the victim of the graffiti;
(b) allow the victim one week after the day on which the agency provides written notice of the graffiti to remove the graffiti; and
(c) provide the victim with a list of resources available to assist the victim with removal of the graffiti.
(9)
(a) After receiving notification of graffiti under Subsection (8)(a), a victim who is unable to remove the graffiti due to physical or financial hardship may alert the agency that provided notice under Subsection (8)(a) of the hardship.
(b) If an authorized government agency finds a victim has demonstrated that the victim would experience significant hardship in removing the graffiti, the agency:
(i) may not issue a citation or assess a fee to the victim for failure to remove the graffiti; and
(ii) shall provide, or hire an outside entity to provide, the assistance necessary to remove the graffiti from the victim's property.
(c) An authorized government agency that provides, or hires an outside agency to provide, assistance under Subsection (9)(b)(ii), may request reimbursement from a restitution order, under Subsection (5), against an individual who used graffiti to damage the property that the agency removed, or paid another to remove.

Amended by Chapter 111, 2023 General Session

76-6-107.5 Defacing by graffiti on public lands.
(1)
(a) As used in this section, "public lands" means state or federally owned property that is held substantially in the property's natural state, including canyons, parks owned or managed by the state, national parks, land managed by the Bureau of Land Management, and other lands owned or maintained by a government entity for outdoor recreational use.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits defacing by graffiti on public lands if the actor creates, or assists in creating, graffiti on any public lands or state-owned object permanently located on public lands.
(3) A violation of Subsection (2) is;
(a) a class B misdemeanor; or

(b) if the individual was previously convicted of violating this section, a class A misdemeanor.
(4) If an actor is convicted of defacing by graffiti on public lands, the court shall sentence the actor to a term of community service as follows:
(a) for a first conviction, the court shall sentence the actor to 100 hours of community service, to be completed within 90 days after the day on which the court issues the order;
(b) for a second conviction, the court shall sentence the actor to 200 hours of community service, to be completed within 180 days after the day on which the court issues the order; or
(c) for a third or subsequent conviction, the court shall sentence the actor to 300 hours of community service, to be completed within 270 days after the day on which the court issues the order.
(5) If an actor is enrolled in school or maintains full or part-time employment, the ordered community service may not be scheduled at a time the actor is scheduled to be in school or performing the individual's employment duties.
(6) A sentence of community service described in Subjection (4) shall, to the greatest extent possible, be for the benefit of public lands.
(7) If an actor is convicted of defacing by graffiti on public lands, the court may impose a fine up to the full amount of the estimated cost to restore the damaged land, caused by the actor, to the land's original state.
(8) An actor who voluntarily, at the actor's own expense, and with the consent of the property owner, removes graffiti for which the actor is responsible shall be credited for costs ordered by the court under Subsection (7).

Amended by Chapter 111, 2023 General Session
Amended by Chapter 411, 2023 General Session

76-6-108 Damage to or interruption of a communication device -- Penalty.
(1)
(a) As used in this section:
(i) "Communication device" means any device, including a telephone, cellular telephone, computer, or radio, which may be used in an attempt to summon police, fire, medical, or other emergency aid.
(ii) "Emergency aid" means aid or assistance, including law enforcement, fire, or medical services, commonly summoned by persons concerned with imminent or actual:
(A) jeopardy to any person's health or safety; or
(B) damage to any person's property.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits damage to or interruption of a communication device if the actor attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of a communication device when the other person is attempting to summon emergency aid or has communicated a desire to summon emergency aid, and in the process the actor:
(a) uses force, intimidation, or any other form of violence;
(b) destroys, disables, or damages a communication device; or
(c) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-111 Wanton destruction of livestock -- Penalties -- Restitution criteria -- Seizure and disposition of property.

(1)

(a) As used in this section:

(i) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

(ii) "Livestock" means a domestic animal or fur bearer raised or kept for profit or as an asset, including:

(A) cattle;

(B) sheep;

(C) goats;

(D) swine;

(E) horses;

(F) mules;

(G) poultry;

(H) domesticated elk as defined in Section 4-39-102; and

(I) livestock guardian dogs.

(iii) "Livestock guardian dog" means a dog that is being used to live with and guard livestock, other than itself, from predators.

(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) Unless authorized by Section 4-25-201, 4-25-202, 4-25-401, 4-39-401, or 18-1-3, an actor commits wanton destruction of livestock if the actor:

(a) injures, physically alters, releases, or causes the death of livestock; and

(b) does so:

(i) intentionally or knowingly; and

(ii) without the permission of the owner of the livestock.

(3) A violation of Subsection (2) is a:

(a) class B misdemeanor if the aggregate value of the livestock is $250 or less;

(b) class A misdemeanor if the aggregate value of the livestock is more than $250, but does not exceed $750;

(c) third degree felony if the aggregate value of the livestock is more than $750, but does not exceed $5,000; and

(d) second degree felony if the aggregate value of the livestock is more than $5,000.

(4) For purposes of this section, a livestock guardian dog is presumed to belong to an owner of the livestock with which the livestock guardian dog was living at the time of an alleged violation of Subsection (2).

(5) When a court orders an actor who is convicted of wanton destruction of livestock to pay restitution under Title 77, Chapter 38b, Crime Victims Restitution Act, the court shall consider the restitution guidelines in Subsection (6) when setting the amount of restitution under Section 77-38b-205.

(6) The minimum restitution value for cattle and sheep is the sum of the following, unless the court states on the record why it finds the sum to be inappropriate:

(a) the fair market value of the animal, using as a guide the market information obtained from the Department of Agriculture and Food created under Section 4-2-102; and

(b) 10 years times the average annual value of offspring, for which average annual value is determined using data obtained from the National Agricultural Statistics Service within the United States Department of Agriculture, for the most recent 10-year period available.

(7) A material, device, or vehicle used in violation of Subsection (2) is subject to forfeiture under the procedures and substantive protections established in Title 77, Chapter 11b, Forfeiture of Seized Property.
(8) A peace officer may seize a material, device, or vehicle used in violation of Subsection (2):
(a) upon notice and service of process issued by a court having jurisdiction over the property; or
(b) without notice and service of process if:
(i) the seizure is incident to an arrest under:
(A) a search warrant; or
(B) an inspection under an administrative inspection warrant;
(ii) the material, device, or vehicle has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or
(iii) the peace officer has probable cause to believe that the property has been used in violation of Subsection (2).
(9)
(a) A material, device, or vehicle seized under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of a court or official having jurisdiction.
(b) A peace officer who seizes a material, device, or vehicle under this section may:
(i) place the property under seal;
(ii) remove the property to a place designated by the warrant under which it was seized; or
(iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

76-6-112 Agricultural operation interference -- Penalties.
(1)
(a) As used in this section, "agricultural operation" means private property used for the production of livestock, poultry, livestock products, or poultry products.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits agricultural operation interference if the actor:
(a) without consent from the owner of the agricultural operation, or the owner's agent, knowingly or intentionally records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation;
(b) obtains access to an agricultural operation under false pretenses;
(c)
(i) applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;
(ii) knows, at the time that the actor accepts employment at the agricultural operation, that the owner of the agricultural operation prohibits the employee from recording an image of, or sound from, the agricultural operation; and
(iii) while employed at, and while present on, the agricultural operation, records an image of, or sound from, the agricultural operation; or
(d) without consent from the owner of the operation or the owner's agent, knowingly or intentionally records an image of, or sound from, an agricultural operation while the person is committing criminal trespass, as described in Section 76-6-206, on the agricultural operation.
(3)

(a) A violation of Subsection (2)(a) is a class A misdemeanor.
(b) A violation of Subsection (2)(b), (c), or (d) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-113 Property damage resulting in economic interruption -- Enhanced penalties.

(1)
(a) As used in this section:
(i) "Business" means an enterprise carried on for the purpose of gain or economic profit.
(ii) "Governmental entity" means the state, a county, a municipality, a special district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.
(iii) "Economic interruption" means any disruption or cessation to the operations of a business or governmental entity that results in:
(A) the business or governmental entity ceasing operations for at least one day; or
(B) the employees of the business or governmental entity being unable to perform labor for the business or governmental entity for at least one day.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage resulting in economic interruption if:
(a) the actor intentionally, knowingly, recklessly, or negligently damages, defaces, or destroys a business's or governmental entity's property; and
(b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business or governmental entity.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense under this section that the actor did not know that the victim is a business or governmental entity.
(5) If the trier of facts finds that the actor committed a violation of Subsection (2), the actor is guilty of:
(a) a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2); and
(b) a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).
(6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction that is from a separate criminal episode than:
(a) the most recent violation of Subsection (2); and
(b) any other prior conviction that is used to enhance the penalty for the most recent violation of Subsection (2).
(7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (5).

Enacted by Chapter 230, 2024 General Session

Part 2

Burglary and Criminal Trespass

76-6-201 Definitions.

As used in this part:

(1)
(a) "Building," in addition to its ordinary meaning, means any watercraft, aircraft, trailer, or other structure or vehicle adapted for overnight accommodation of persons or for carrying on business and includes:
(i) each separately secured or occupied portion of the structure or vehicle; and
(ii) each structure appurtenant to or connected with the structure or vehicle.
(b) "Building" does not include a railroad car.
(2) "Dwelling" means a building which is usually occupied by a person lodging in the building at night, whether or not a person is actually present.
(3) "Enter or remain unlawfully" means a person enters or remains in or on any premises when:
(a) at the time of the entry or remaining, the premises or any portion of the premises are not open to the public; and
(b) the actor is not otherwise licensed or privileged to enter or remain on the premises or any portion of the premises.
(4) "Enter" means:
(a) intrusion of any part of the body; or
(b) intrusion of any physical object under control of the actor.
(5) "Railroad car":
(a) in addition to its ordinary meaning, includes a sleeping car or any container or trailer that is on a railroad car; and
(b) includes only a railroad car that is operable and part of an ongoing railroad operation.
(6)
(a) "State property" means real property owned by or leased to the state.
(b) "State property" includes real property owned by, leased to, or managed by the School and Institutional Trust Lands Administration created in Section 53C-1-201.
(c) "State property" does not include property owned by or leased to a political subdivision of the state.

Amended by Chapter 504, 2025 General Session

76-6-202 Burglary.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits burglary if the actor enters or remains unlawfully in a building or any portion of a building with intent to commit:
(a) a felony;
(b) theft;
(c) an assault on any person;
(d) lewdness, in violation of Section 76-5-419;
(e) sexual battery, in violation of Section 76-5-418;
(f) lewdness involving a child, in violation of Section 76-5-420;
(g) voyeurism, in violation of Section 76-12-306;
(h) recorded or photographed voyeurism, in violation of Section 76-12-307; or
(i) distribution of images obtained through voyeurism, in violation of Section 76-12-308.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the violation is committed in a dwelling.
(4) A violation of this section is a separate offense from any of the offenses listed in Subsections (2)(a) through (i), and which may be committed by the actor while in the building.

Amended by Chapter 11, 2025 Special Session 1

76-6-202.2 Interruption of a connected service in the commission of a burglary.
(1)
(a) As used in this section:
(i) "Burglary" means an offense under Section 76-6-202.
(ii) "Connected service" means electrical, Internet, or telephone service.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits interruption of a connected service in the commission of a burglary if, in attempting, committing, or fleeing from a burglary, the actor knowingly damages, disables, or interrupts a connected service.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 326, 2024 General Session

76-6-203 Aggravated burglary.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits aggravated burglary if in attempting, committing, or fleeing from a burglary the actor or another participant in the crime:
(a) causes bodily injury to any person who is not a participant in the crime;
(b) uses or threatens the immediate use of a dangerous weapon against any person who is not a participant in the crime; or
(c) possesses or attempts to use any explosive or dangerous weapon.
(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

76-6-204 Burglary of a vehicle -- Charge of other offense.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary of a vehicle if the actor unlawfully enters any vehicle with intent to commit a felony or theft.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) A charge against an actor for a violation of Subsection (2) does not preclude a charge for a commission of any other offense.

Amended by Chapter 111, 2023 General Session

76-6-204.5 Burglary of a railroad car -- Charge of other offenses.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary of a railroad car if the actor breaks the lock or seal on any railroad car, with the intent to commit a felony or theft.

(3) A violation of Subsection (2) is a third degree felony.
(4) Charging a person for a violation of Subsection (2) does not preclude charging the person for any other offense.

Amended by Chapter 111, 2023 General Session

76-6-205 Manufacture or possession of instrument for burglary or theft.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits manufacture or possession of an instrument for burglary or theft if the actor manufactures or possesses any instrument, tool, device, article, or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that another person intends to use the same in the commission of a burglary or theft.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-206 Criminal trespass.
(1)
(a) As used in this section:
(i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
(ii) "Graffiti" means the same as that term is defined in Section 76-6-101.
(iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:
(A) the private property or any portion of the private property is not open to the public; and
(B) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft over the private property or any portion of the private property.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204, a violation of Section 76-6-106.2, or a violation of Section 76-9-113 regarding commercial obstruction or Section 76-9-114 regarding aggravated commercial obstruction:
(a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:
(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti;
(ii) intends to commit any crime, other than theft or a felony; or
(iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear for the safety of another;
(b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice against entering is given by:
(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
(ii) fencing or other enclosure obviously designed to exclude intruders; or
(iii) posting of signs reasonably likely to come to the attention of intruders;
(c) the actor enters a condominium unit in violation of Section 57-8-7(8); or
(d) the actor enters a sex-designated changing room in violation of Subsection 63G-31-302(3).

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or (d) is a class B misdemeanor.
(b) The following is a class A misdemeanor:
(i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;
(ii) if a violation of Subsection (2)(d) is committed while also committing the offense of:
(A) lewdness under Section 76-5-419;
(B) lewdness involving a child under Section 76-5-420;
(C) voyeurism under Section 76-12-306;
(D) recorded or photographed voyeurism under Section 76-12-307;
(E) distribution of images obtained through voyeurism under Section 76-12-308; or
(F) loitering in a privacy space under Section 76-12-309; or
(iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy space, as defined in Section 76-12-309, that is not designated for individuals of the actor's sex.
(c) A violation of Subsection (2)(c) is an infraction.
(4) It is a defense to prosecution under this section that:
(a) the property was at the time open to the public; and
(b) the defendant complied with all lawful conditions imposed on access to or remaining on the property.
(5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2) or $500, whichever is greater; and
(b) reasonable attorney fees not to exceed $250, and court costs.
(6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or the owner's assignee.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 295, 2025 General Session

76-6-206.1 Criminal trespass of abandoned or inactive mines.
(1)
(a) For purposes of this section:
(i) "Abandoned or inactive mine" means an underground mine which is no longer open for access or no longer under excavation and has been clearly marked as closed or protected from entry.
(ii) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
(iii) "Enter" means intrusion of the entire body.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass of an abandoned or inactive mine if, under circumstances not amounting to burglary, the actor:
(a) intentionally enters and remains unlawfully in the underground workings of an abandoned or inactive mine; or
(b) intentionally and without authority removes, destroys, or tampers with any warning sign, covering, fencing, or other method of protection from entry placed on, around, or over any mine shaft, mine portal, or other abandoned or inactive mining excavation property.
(3)
(a) A violation of Subsection (2)(a) is a class B misdemeanor.

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

Amended by Chapter 111, 2023 General Session

76-6-206.2 Criminal trespass on state park lands.

(1)
(a) As used in this section:
(i) "Authorization" means specific written permission by, or contractual agreement with, the Division of State Parks.
(ii) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.
(iii) "Division" means the Division of State Parks created in Section 79-4-201.
(iv) "State park lands" means all lands administered by the division.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the actor:
(a) constructs improvements or structures on state park lands;
(b) uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization;
(c) knowingly or intentionally uses state park lands for commercial gain;
(d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section 72-3-112; or
(e) remains, after being ordered to leave by a person with actual authority to act for the division, or by a law enforcement officer.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) A person does not commit criminal trespass if that person enters onto state park lands:
(a) without first paying the required fee; and
(b) for the sole purpose of pursuing recreational activity.
(5)
(a) In addition to an order for restitution under Section 77-38b-205, an actor who commits any act described in Subsection (2) may also be liable for civil damages in the amount of three times the value of:
(i) damages resulting from a violation of Subsection (2);
(ii) the water, mineral, vegetation, improvement, or structure on state park lands that is removed, destroyed, used, or consumed without authorization;
(iii) the historical, prehistorical, archaeological, or paleontological resource on state park lands that is removed, destroyed, used, or consumed without authorization; or
(iv) the consideration which would have been charged by the division for unauthorized use of the land and resources during the period of trespass.
(b) Civil damages awarded under Subsection (5)(a):
(i) may be collected in a separate action by the division; and
(ii) shall be deposited into the State Parks Restricted Account as established in Section 79-4-402.

Amended by Chapter 153, 2025 General Session

76-6-206.3 Criminal trespass on agricultural land or range land.

(1)
(a) As used in this section:
(i) "Agricultural or range land" and "land" mean land as defined under Subsections (1)(a)(iv) and (v).
(ii) "Authorization" means specific written permission by, or contractual agreement with, the owner or manager of the property.
(iii) "Criminal trespass" means the elements of the crime of criminal trespass under Section 76-6-206.
(iv) "Land in agricultural use" has the same meaning as in Section 59-2-502.
(v)
(A) "Range land" means privately owned land that is not fenced or divided into lots and that is generally unimproved.
(B) "Range land" includes land used for livestock.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass on agricultural or range land and is liable for the civil damages under Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization or a right under state law, the actor enters or remains on agricultural or range land regarding which notice prohibiting entry is given by:
(a) personal communication to the actor by the owner of the land, an employee of the owner, or a person with apparent authority to act for the owner;
(b) fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders; or
(c) posted signs or markers that would reasonably be expected to be seen by persons in the area of the borders of the land.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to an order for restitution under Section 77-38b-205, an actor who commits any violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2) or $500, whichever is greater;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.
(5) Civil damages under Subsection (4) may be collected in a separate action by the owner of the agricultural or range land or the owner's assignee.

Amended by Chapter 111, 2023 General Session

76-6-206.4 Criminal trespass by long-term guest to a residence.
(1)
(a) As used in this section:
(i) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
(ii) "Long-term guest" means an individual who is not a tenant, nor the immediate family member of an owner or tenant, but who is given express or implied permission by an owner or tenant of the residence or someone with apparent authority to act for an owner or tenant to enter a portion of a residence or temporarily occupy a portion of a residence:
(A) for a period of time longer than 48 hours; and
(B) without providing the owner or tenant of the residence compensation or entering into an agreement that the individual provide labor in lieu of providing the owner or primary occupant compensation for occupying the residence.

(iii) "Residence" means an improvement to real property used or occupied as a primary or secondary dwelling.
(iv) "Tenant" means a person who has the right to occupy a residence under a rental agreement or lease, or has a tenancy by operation of law.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2)
(a) Except as provided in Subsection (2)(b), a long-term guest commits criminal trespass of a residence if the long-term guest, in circumstances not amounting to burglary, remains in a residence after receiving notice to leave the residence from:
(i) an owner;
(ii) a tenant; or
(iii) someone with apparent authority to act for an owner or a tenant.
(b) A long-term guest does not commit criminal trespass if:
(i) the long-term guest has express permission to remain in the residence from a separate owner or tenant; and
(ii) the express permission is not:
(A) revoked by the owner or tenant described in Subsection (2)(b)(i); or
(B) rendered void under Subsection (2)(c).
(c) The express permission described in Subsection (2)(b) is void if:
(i) the long-term guest or a visitor of the long-term guest:
(A) uses or distributes illegal drugs at the residence;
(B) distributes alcohol to a minor at the residence;
(C) commits a crime against a person or property at the residence; or
(D) commits a behavior that threatens or substantially endangers the security, safety, well-being, or health of other persons at the residence or threatens or damages property at the residence; or
(ii) the long-term guest commits a felony after occupying the residence, regardless of whether the long-term guest enters into a plea agreement for a lower offense and regardless of where the felony takes place.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Before a law enforcement officer escorts a long-term guest from a residence for a violation of Subsection (2), the law enforcement officer shall provide the long-term guest a reasonable time for the long-term guest to collect the long-term guest's personal belongings.

Amended by Chapter 223, 2024 General Session

76-6-206.5 Cutting, destroying, or rendering ineffective fencing of agricultural or range land.
(1) Terms defined in Sections 76-1-101.5, 76-6-201, and 76-6-206.3 apply to this section.
(2) An actor commits cutting, destroying, or rendering ineffective the fencing of agricultural or range land if the person willfully cuts, destroys, or renders ineffective any fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of $500;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.

(5) Civil damages under Subsection (4) may be collected in a separate action by the owner of the agricultural or range land or the owner's assignee.

Enacted by Chapter 111, 2023 General Session

76-6-206.6 Criminal trespass on private property for recreational purposes related to use of public waters.

(1)
(a) As used in this section:
(i) "Bank" means the land within three feet of a public water.
(ii) "Private property" means the bed or bank of a non-navigable freshwater stream or river that flows through privately owned land and is privately owned.
(iii) "Private property to which access is restricted" means the same as that term is defined in Section 73-29-102.
(iv) "Recreational purpose" includes one or more of the following:
(A) hunting;
(B) fishing;
(C) swimming;
(D) skiing;
(E) snowshoeing;
(F) camping;
(G) picnicking;
(H) hiking;
(I) studying nature;
(J) engaging in water sports;
(K) mountain biking; or
(L) viewing or enjoying historical, archaeological, scenic, or scientific sites.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor is guilty of criminal trespass if for recreational purposes, under circumstances not amounting to a greater offense, and without authorization or a right under state law:
(a) the actor touches or remains unlawfully on private property to which access is restricted in violation of Section 73-29-201 and:
(i) intends to cause annoyance or injury to a person or damage to property;
(ii) intends to commit a crime, other than theft or a felony; or
(iii) is reckless as to whether the actor's presence will cause fear for the safety of another; or
(b) knowing the actor's touching or presence is unlawful, the actor touches or remains on private property to which notice against entering is given by:
(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
(ii) fencing or other enclosure obviously designed to exclude intruders; or
(iii) posting of signs reasonably likely to come to the attention of intruders.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) It is a defense to prosecution under this section that:
(a)
(i) the private property was at the time open to the public; and
(ii) the actor complied with all lawful conditions imposed on access to or remaining on the private property;
(b) the actor acted in compliance with an express easement; or

(c) the actor touched the private property as allowed by Section 73-29-202.
(5) In addition to an order for restitution under Section 77-38b-205, an actor who violates Subsection (2) is also liable for:
(a) statutory damages in the amount of the greater of:
(i) three times the value of damages resulting from the violation of Subsection (2); or
(ii) $500;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.
(6) Civil damages under Subsection (5) may be collected in a separate action by the private property owner or the owner's assignee.

Enacted by Chapter 474, 2023 General Session

76-6-207 Burglary of a research facility -- Penalties.
(1)
(a) As used in this section:
(i) "Building," in addition to its commonly-accepted meaning, means any watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodations of individuals or for carrying on business and includes:
(A) each separately secured or occupied portion of the building or vehicle; and
(B) each structure appurtenant or connected to the building or vehicle.
(ii) "Enter" means:
(A) an intrusion of any part of the body; or
(B) the intrusion of any physical object, sound wave, light ray, electronic signal, or other means of intrusion under the control of the actor.
(iii) "Research" means studious and serious inquiry, examination, investigation, or experimentation aimed at the discovery, examination, or accumulation of facts, data, devices, theories, technologies, or applications done for any public, governmental, proprietorial, or teaching purpose.
(iv) "Research facility" means a building, or separately secured yard, pad, pond, laboratory, pasture, pen, or corral which is not open to the public, the major use of which is to conduct research, to house research subjects, to store supplies, equipment, samples, specimens, records, data, prototypes, or other property used in or generated from research.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary of a research facility if the actor enters or remains unlawfully in a research facility with the intent to:
(a) obtain unauthorized control over any property, sample, specimen, record, data, test result, or proprietary information in the facility;
(b) alter or eradicate any sample, specimen, record, data, test result, or proprietary information in the facility;
(c) damage, deface, or destroy any property in the facility;
(d) release from confinement or remove any animal or biological vector in the facility regardless of whether or not that animal or vector is dangerous;
(e) commit an assault on an individual;
(f) commit any other felony; or
(g) interfere with the personnel or operations of a research facility through conduct that does not constitute an assault.
(3)

(a) A violation of Subsection (2)(g) is a class A misdemeanor.
(b) A violation of Subsection (2)(a), (b), (c), (d), (e), or (f) is a second degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-6-208 Unsanctioned camping on state property.
(1)
(a) As used in this section, "camping" means:
(i) erecting or occupying structures, including tents, temporary structures, recreational vehicles, travel trailers, or motor vehicles, for camping or other living accommodation activities, including sleeping, for any period of time;
(ii) using camping-related items, including cots, beds, sleeping bags, or hammocks, for sleeping or other living accommodation activities; or
(iii) cooking using a camp fire, propane stove, or other heat-producing portable cooking equipment.
(b) Terms defined in Sections 76-1-105.1 and 76-1-201 apply to this section.
(2) An actor commits unsanctioned camping if the actor is camping on state property unless the state expressly authorizes camping on the state property.
(3) A violation of Subsection (2) is a class C misdemeanor.

Enacted by Chapter 504, 2025 General Session

Part 3
Robbery

76-6-301 Robbery.
(1)
(a) As used in this section, an act is considered to be "in the course of committing a theft or unauthorized possession of property" if the act occurs:
(i) in the course of an attempt to commit theft or unauthorized possession of property;
(ii) in the commission of theft or unauthorized possession of property; or
(iii) in the immediate flight after the attempt or commission.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits robbery if the actor:
(a) unlawfully and intentionally takes or attempts to take personal property in the possession of an individual from the individual's person, or immediate presence, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently or temporarily of the personal property; or
(b) intentionally or knowingly uses force or fear of immediate force against an individual in the course of committing a theft or unauthorized possession of property.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 111, 2023 General Session

76-6-302 Aggravated robbery.
(1)

(a) As used in this section, an act is considered to be "in the course of committing a robbery" if the act occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of a robbery.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated robbery if in the course of committing a robbery, the actor:
(a) uses or threatens to use a dangerous weapon;
(b) causes serious bodily injury to another individual; or
(c) takes or attempts to take an operable motor vehicle.
(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

Part 4
Theft

76-6-401 Definitions.

As used in this part:
(1) "Deception" occurs when a person intentionally:
(a) creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that is likely to affect the judgment of another in the transaction;
(b) fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true;
(c) prevents another person from acquiring information likely to affect the person's judgment in the transaction;
(d) sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the lien, security interest, claim, or impediment is valid or is a matter of official record; or
(e) promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed, except that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.
(2) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.
(3) "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.
(4) "Obtain or exercise unauthorized control" means conduct originally defined or known as common-law larceny by trespassory taking, larceny by conversion, larceny by bailee, or embezzlement.
(5) "Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor, services, or

otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula, or invention which the owner intends to be available only to persons selected by the owner.

(6) "Purpose to deprive" means to have the conscious object:

(a) to withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost;

(b) to restore the property only upon payment of a reward or other compensation; or

(c) to dispose of the property under circumstances that make it unlikely that the owner will recover it.

Amended by Chapter 57, 2021 General Session

76-6-402 Presumptions and defenses.

The following presumption shall be applicable to this part:

(1) Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.

(2) It is not a defense under this part that the actor:

(a) has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, unless the interest is a security interest for the repayment of a debt or obligation; or

(b) takes livestock, as defined in Section 76-3-203.16, from the owner because the livestock is sick, injured, or a liability to the owner.

(3) It is a defense under this part that the actor:

(a) acted under an honest claim of right to the property or service involved;

(b) acted in the honest belief that the actor had the right to obtain or exercise control over the property or service in the manner the actor obtained or exercised control; or

(c) obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

(4) A livestock guardian dog is presumed to belong to an owner of the livestock with which the livestock guardian dog is living at the time of an alleged violation of this part.

Amended by Chapter 121, 2023 General Session

76-6-402.5 Defense regarding metal dealers.

It is a defense against a charge of theft under this part and a defense against a civil claim for conversion if any dealer as defined in Section 76-6-1402 has acted in compliance with Title 76, Chapter 6, Part 14, Regulation of Metal Dealers.

Amended by Chapter 187, 2013 General Session

76-6-403 Theft -- Evidence to support accusation.

Conduct denominated theft in this part constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in this part, subject to the power of the court to ensure a fair trial by granting a continuance or other

appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

Amended by Chapter 111, 2023 General Session

76-6-404 Theft -- Elements.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft if the actor obtains or exercises unauthorized control over another person's property with a purpose to deprive the person of the person's property.
(3) A violation of Subsection (2) is:
  (a) a second degree felony if the:
    (i) value of the property is or exceeds $5,000;
    (ii) property stolen is a firearm or an operable motor vehicle; or
    (iii) property is stolen from the person of another;
  (b) a third degree felony if:
    (i) the value of the property is or exceeds $1,500 but is less than $5,000;
    (ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
      (A) any theft, any robbery, or any burglary with intent to commit theft;
      (B) any offense under Part 5, Fraud;
      (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
      (D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
    (iii)
      (A) the value of property is or exceeds $500 but is less than $1,500;
      (B) the theft occurs on a property where the offender has committed any theft within the past five years; and
      (C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
    (iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
  (c) a class A misdemeanor if:
    (i) the value of the property stolen is or exceeds $500 but is less than $1,500;
    (ii)
      (A) the value of property is less than $500;
      (B) the theft occurs on a property where the offender has committed any theft within the past five years; and
      (C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
    (iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

(4)

(a) A court shall impose the mandatory jail sentence described in Subsection (4)(b), and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of this section;

(ii)

(A) the violation is the actor's second or subsequent conviction for any level of offense under this section; or

(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of this section; and

(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b) The mandatory jail sentences referred to in Subsection (4)(a) are:

(i) for a felony or a class A misdemeanor, 360 days in jail;

(ii) for a class B misdemeanor, 180 days in jail; and

(iii) for a class C misdemeanor, 90 days in jail.

(c)

(i) Except as provided in Subsection (4)(c)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(b).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(b).

Amended by Chapter 434, 2025 General Session

76-6-404.5 Unauthorized possession of property.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unauthorized possession of property if the actor obtains or exercises unauthorized control over another person's property, without the consent of the property's owner or legal custodian, and with the intent to temporarily appropriate, possess, or use the property or to temporarily deprive the property's owner or legal custodian of possession of the property.

(3) A violation of Subsection (2) is:

(a) a third degree felony if:

(i) the value of the property is or exceeds $5,000;

(ii) the property is a firearm or an operable motor vehicle; or

(iii) the property is taken from the person of another;

(b) a class A misdemeanor if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

(B) 25 pounds or more of a suspect metal item is defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;

(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);

(iv)

(A) the value of property is or exceeds $500 but is less than $1,500;

(B) the unauthorized possession of property occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class B misdemeanor if:

(i) the value of the property is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of property is less than $500;

(B) the unauthorized possession of property occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class C misdemeanor if the value of the property is less than $500 and the unauthorized possession of property is not an offense under Subsection (3)(c).

(4) Unauthorized possession of property is a lesser included offense of the offense of theft under Section 76-6-404.

(5) The consent of the owner or legal custodian of the property to the property's control by the actor is not presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the property by any person.

Amended by Chapter 178, 2025 General Session

76-6-404.7 Theft of motor vehicle fuel.

(1)

(a) As used in this section, "motor vehicle fuel" means any combustible gas, liquid, matter, or substance that is used in an internal combustion engine for the generation of power.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft of motor vehicle fuel if the actor:

(a) causes a motor vehicle to leave any premises where motor vehicle fuel is offered for retail sale when motor fuel has been dispensed into:

(i) the fuel tank of the motor vehicle; or

(ii) any other container that is then removed from the premises by means of the motor vehicle; and

(b) commits the act under Subsection (2)(a) with the intent to deprive the owner or operator of the premises of the motor vehicle fuel without making full payment for the fuel.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the motor vehicle fuel is or exceeds $5,000;

(b) a third degree felony if:

(i) the value of the motor vehicle fuel is or exceeds $1,500 but is less than $5,000;

(ii) the value of the motor vehicle fuel is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);

(iii)

(A) the value of the motor vehicle fuel is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the motor vehicle fuel is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of the motor vehicle fuel is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the motor vehicle fuel is less than $500 and the theft is not an offense under Subsection (3)(c).

(4)

(a) In addition to the penalties described in Subsection (3), the sentencing court may order the suspension of the driver license of an actor convicted of theft of motor vehicle fuel.
(b) The suspension described in Subsection (4)(a) may not be for more than 90 days as provided in Section 53-3-220.

Amended by Chapter 178, 2025 General Session

76-6-405 Theft by deception.

(1)
(a) As used in this section, "puffing" means an exaggerated commendation of wares or worth in a communication addressed to an individual, group, or the public.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits theft by deception if the actor obtains or exercises control over property of another person:
(i) by deception; and
(ii) with a purpose to deprive the other person of property.
(b) The deception described in Subsection (2)(a)(i) and the deprivation described in Subsection (2)(a)(ii) may occur at separate times.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000; or
(ii) property stolen is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of property is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4) Theft by deception does not occur when there is only:
(a) falsity as to matters having no pecuniary significance; or
(b) puffing by statements unlikely to deceive an ordinary person in the group addressed.

Amended by Chapter 434, 2025 General Session

76-6-406 Theft by extortion.
(1)
(a) As used in this section, extortion occurs when an actor threatens to:
(i) cause physical harm in the future to the person threatened, to any other person, or to property at any time;
(ii) subject the person threatened or any other person to physical confinement or restraint;
(iii) engage in other conduct constituting a crime;
(iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;
(v) reveal any information sought to be concealed by the person threatened;
(vi) testify, provide information, or withhold testimony or information with respect to a person's legal claim or defense;
(vii) take action as an official against anyone or anything, or withhold official action, or cause such action or withholding;
(viii) bring about or continue a strike, boycott, or other similar collective action to obtain property that is not demanded or received for the benefit of the group that the actor purports to represent; or
(ix) do any other act which would not in itself substantially benefit the actor but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft by extortion if the actor obtains or exercises control over the property of another person by extortion and with a purpose to deprive the person of the person's property.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000;
(ii) property stolen is a firearm or an operable motor vehicle; or
(iii) property is stolen from the person of another;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years

before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of property is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) A person who is adversely impacted by the conduct prohibited in Subsection (2) may bring a civil action for equitable relief and damages.
(b) In accordance with Section 78B-2-305, a person who brings an action under Subsection (4)(a) shall commence the action within three years after the day on which the cause of action arises.

Amended by Chapter 434, 2025 General Session

76-6-407 Theft of lost, mislaid, or mistakenly delivered property.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of lost, mislaid, or mistakenly delivered property if the actor:
(a) obtains another person's property and knows the property to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return the property to the owner; and

(b) has the purpose to deprive the owner of the property when the actor obtains the property or at any time before taking the measures described in Subsection (2)(a).

(3) A violation of Subsection (2) is:

(a) a second degree felony if the:

(i) value of the property is or exceeds $5,000;

(ii) property stolen is a firearm or an operable motor vehicle; or

(iii) property is stolen from the person of another;

(b) a third degree felony if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;

(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);

(iv)

(A) the value of property is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the property stolen is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of property is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session

76-6-408 Theft by receiving stolen property -- Duties of pawnbrokers, secondhand businesses, coin dealers, and catalytic converter purchasers.

(1)

(a) As used in this section:

(i) "Catalytic converter purchaser" means the same as that term is defined in Section 13-32a-102.

(ii) "Coin dealer" means the same as that term is defined in Section 13-32a-102.

(iii) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.

(iv) "Receives" means acquiring possession, control, title, or lending on the security of the property.

(v) "Scrap metal processor" means the same as that term is defined in Section 76-6-1402.

(vi) "Secondhand actor" means:

(A) a pawnbroker;

(B) a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property; or

(C) an agent, employee, or representative of a pawnbroker or person who buys, receives, or obtains property.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft by receiving stolen property if the actor receives, retains, or disposes of the property of another knowing that the property is stolen, or believing that the property is probably stolen, or who conceals, sells, withholds, or aids in concealing, selling, or withholding the property from the owner, knowing or believing the property to be stolen, intending to deprive the owner of the property.

(3) A violation of Subsection (2) is:

(a) a second degree felony if:

(i) the value of the property is or exceeds $5,000; or

(ii) the property is a firearm or an operable motor vehicle;

(b) a third degree felony if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less the $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;

(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C); or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years

before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the property is or exceeds $500 but is less than $1,500; or

(ii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the property is less than $500 and the theft is not an offense under Subsection (3)(c).

(4) Except as provided in Subsection (5), the knowledge or belief required under Subsection (2) is presumed in the case of an actor who:

(a) is found in possession or control of other property stolen on a separate occasion; or

(b) has received other stolen property within the year preceding the receiving offense charged.

(5)

(a) The knowledge or belief required under Subsection (2) may only be presumed of a secondhand actor if the secondhand actor does not substantially comply with the material requirements of Section 13-32a-104.

(b) The knowledge or belief required under Subsection (2) may only be presumed of a coin dealer or an employee of a coin dealer if the coin dealer or the employee of the coin dealer does not substantially comply with the requirements of Section 13-32a-104.5.

(c) The knowledge or belief required under Subsection (2) may only be presumed of a catalytic converter purchaser if the catalytic converter purchaser does not substantially comply with the material requirements of Section 13-32a-104.7.

(6) Unless acting as a catalytic converter purchaser, Subsection (5)(c) does not apply to a scrap metal processor.

(7) This section does not preclude the admission of evidence in accordance with the Utah Rules of Evidence.

(8) An actor who violates Subsection (2) is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Amended by Chapter 178, 2025 General Session

76-6-409 Theft of service.

(1)

(a) As used in this section, "service" includes:

(i) labor, professional service, a public utility or transportation service, restaurant, hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of equipment, a tool, a vehicle, or a trailer for temporary use, telegraph service, steam, admission to entertainment, an exhibition, a sporting event, or other event for which a charge is made;

(ii) gas, electricity, water, sewer, or cable television service, only if the service is obtained by threat, force, or a form of deception not described in Section 76-6-409.3; and

(iii) telephone service, only if the service is obtained by threat, force, or a form of deception not described in Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft of service if:

(a) the actor, by deception, threat, force, or another means designed to avoid due payment, obtains a service that the actor knows is available only for compensation; or

(b) the actor:
(i) has control over the disposition of another person's service; and
(ii)
(A) diverts the other person's service to the benefit of the actor, knowing that the actor is not entitled to the service; or
(B) diverts the other person's service to the benefit of a third person, knowing that the third person is not entitled to the service.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the service is or exceeds $5,000;
(b) a third degree felony if:
(i) the value of the service is or exceeds $1,500 but is less than $5,000;
(ii) the value of the service is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of the service is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the service stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the service is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the service is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session

76-6-409.1 Unlawful device for theft of service -- Seizure and destruction -- Civil actions for damages.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful device for theft of service if the actor:
(a) makes or possesses an instrument, apparatus, equipment, or device for the use of, or for the purpose of, committing or attempting to commit theft under Section 76-6-409 or 76-6-409.3; or
(b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another person:
(i) an instrument, apparatus, equipment, or device; or
(ii) any information, plan, or instruction for obtaining, making, or assembling an instrument, apparatus, equipment, or device, with intent that the instrument, apparatus, equipment, or device be used, or caused to be used, to commit or attempt to commit theft under Section 76-6-409 or 76-6-409.3.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Any instrument, apparatus, equipment, device, information, plan, or instruction referred to in Subsection (2) may be seized pursuant to a court order, lawful search and seizure, lawful arrest, or other lawful process.
(c) Upon the conviction of an actor for a violation of this section, the sheriff of the county in which the actor was convicted shall destroy as contraband any instrument, apparatus, equipment, device, information, plan, or instruction.
(4) A criminal prosecution under this section does not affect any person's right of civil action for redress for damages suffered as a result of a violation of this section.

Amended by Chapter 111, 2023 General Session

76-6-409.3 Theft of utility or cable television services -- Restitution -- Civil action for damages.

(1)
(a) As used in this section:
(i) "Cable television service" means an audio, video, or data service provided for payment by a cable television company over the cable company's cable system facilities, but does not include the use of a satellite dish or antenna.
(ii) "Occupant" includes a person, including the owner, who occupies the whole or part of a building, whether alone or with others.
(iii) "Owner" includes a partial owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of a building and the property on which the building is located.
(iv) "Person" means an individual, firm, partnership, corporation, company, association, or other legal entity.
(v) "Tenant" includes a person, including the owner, who occupies the whole or part of any building, whether alone or with others.
(vi) "Utility" means any public utility, municipally owned utility, or cooperative utility that provides electricity, gas, water, or sewer, or any combination of electricity, gas, water, or sewer, for sale to consumers.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of a utility or cable television service if, with intent to avoid due payment to the utility or cable television company, the actor makes gas, electricity, water, sewer, or cable television available to a tenant or occupant, including to the actor, by committing any of the following acts:

(a) connecting a tube, pipe, wire, cable, or other instrument with any meter, device, or other instrument used for conducting gas, electricity, water, sewer, or cable television in a manner as permits the use of the gas, electricity, water, sewer, or cable television without the gas, electricity, water, sewer, or cable television passing through a meter or other instrument recording the usage for billing;

(b) altering, injuring, or preventing the normal action of a meter, valve, stopcock, or other instrument used for measuring quantities of gas, electricity, water, or sewer service, or making or maintaining any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by the company that the actor is not authorized by the company to receive;

(c) reconnecting a gas, electricity, water, sewer, or cable television connection or otherwise restoring service when one or more of those utilities or cable service has been lawfully disconnected or turned off by the provider of the utility or cable service;

(d) intentionally breaking, defacing, or causing to be broken or defaced a seal, locking device, or other part of a metering device for recording usage of gas, electricity, water, or sewer service, or a security system for the recording device, or a cable television control device;

(e) removing a metering device designed to measure quantities of gas, electricity, water, or sewer service;

(f) transferring from one location to another location a metering device for measuring quantities of public utility services of gas, electricity, water, or sewer service;

(g) changing the indicated consumption, jamming the measuring device, bypassing the meter or measuring device with a jumper so that it does not indicate use or registers use incorrectly, or otherwise obtaining quantities of gas, electricity, water, or sewer service from the utility without the gas, electricity, water, or sewer service passing through a metering device for measuring quantities of consumption for billing purposes;

(h) using a metering device belonging to the utility that has not been assigned to the location and installed by the utility;

(i) fabricating or using a device to pick or otherwise tamper with the locks used to deter utility service diversion, meter tampering, meter thefts, and unauthorized cable television service;

(j) assisting or instructing a person in obtaining or attempting to obtain any cable television service without payment of all lawful compensation to the company providing the service;

(k) making or maintaining a connection or connections, whether physical, electrical, mechanical, acoustical, or by other means, with a cable, wire, component, or other device used for the distribution of cable television services without authority from the cable television company; or

(l) possessing without authority any device or printed circuit board designed in whole or in part to receive any cable television programming or service offered for sale over a cable television system, unless the device or printed circuit board includes the use of a satellite dish or antenna, with the intent that the device or printed circuit be used for the reception of the cable television company's services without payment.

(3)

(a) A violation of Subsection (2), if the violation is a theft of a utility service, is:

(i) a second degree felony if:

(A) the value of the gas, electricity, water, or sewer service is or exceeds $5,000; or

(B) if the actor previously has been convicted of a violation of this section;

(ii) a third degree felony if the value of the gas, electricity, water, or sewer service is or exceeds $1,500 but is not more than $5,000;

(iii) a class A misdemeanor if the value of the gas, electricity, water, or sewer service is or exceeds $500 but is not more than $1,500; or

(iv) a class B misdemeanor if the value of the gas, electricity, water, or sewer service is less than $500.

(b) A violation of Subsection (2), if the violation is a theft of a cable television service, is:

(i) a second degree felony if the value of the service is or exceeds $5,000;

(ii) a third degree felony if:

(A) the value of the service is or exceeds $1,500 but is less than $5,000;

(B) the value of the service is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(I) any theft, any robbery, or any burglary with intent to commit theft;

(II) any offense under Part 5, Fraud;

(III) any attempt to commit any offense under Subsection (3)(b)(ii)(B)(I) or (II); or

(IV) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(B)(I), (II), or (III); or

(C) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(B)(I) through (IV), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(iii) a class A misdemeanor if:

(A) the value of the service stolen is or exceeds $500 but is less than $1,500; or

(B) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(B)(I) through (IV), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(iv) a class B misdemeanor if the value of the service is less than $500 and the theft is not an offense under Subsection (3)(b)(iii).

(c)

(i) An actor who violates this section shall make restitution to the utility or cable television company for the value of the gas, electricity, water, sewer, or cable television service consumed in violation of this section plus all reasonable expenses and costs incurred on account of the violation of this section.

(ii) Reasonable expenses and costs include expenses and costs for investigation, disconnection, reconnection, service calls, employee time, and equipment use.

(4)

(a) The presence on property in the possession of an actor of a device or alteration that permits the diversion or use of utility or cable service to avoid the registration of the use by or on a meter installed by the utility or to otherwise avoid the recording of use of the service for payment or otherwise avoid payment gives rise to an inference that the actor in possession of the property installed the device or caused the alteration if:

(i) the presence of the device or alteration can be attributed only to a deliberate act in furtherance of an intent to avoid payment for utility or cable television service; and

(ii) the actor charged has received the direct benefit of the reduction of the cost of the utility or cable television service.

(b) An actor who aids or abets in a prohibited act is a party to the offense under Section 76-2-202.

(5)
(a) Criminal prosecution under this section does not affect the right of a utility or cable television company to bring a civil action for redress for damages suffered as a result of the commission of any of the acts prohibited by this section.
(b) This section does not abridge or alter any other right, action, or remedy otherwise available to a utility or cable television company.

Amended by Chapter 178, 2025 General Session

76-6-409.5 Definitions.

As used in this section and Sections 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, and 76-6-409.10:

(1) "Access device" means any telecommunication device including the telephone calling card number, electronic serial number, account number, mobile identification number, or personal identification number that can be used to obtain telephone service.
(2) "Clone cellular telephone" or "counterfeit cellular telephone" means a cellular telephone whose electronic serial number has been altered from the electronic serial number that was programmed in the telephone by the manufacturer by someone other than the manufacturer.
(3) "Cloning paraphernalia" means materials that, when possessed in combination, are capable of the creation of a cloned cellular telephone. These materials include scanners to intercept the electronic serial number and mobile identification number, cellular telephones, cables, EPROM chips, EPROM burners, software for programming the cloned telephone with a false electronic serial number and mobile identification number combination, a computer containing such software, and lists of electronic serial number and mobile identification number combinations.
(4) "Electronic serial number" means the unique number that:
(a) was programmed into a cellular telephone by its manufacturer;
(b) is transmitted by the cellular telephone; and
(c) is used by cellular telephone providers to validate radio transmissions to the system as having been made by an authorized device.
(5) "EPROM" or "Erasable programmable read-only memory" means an integrated circuit memory that can be programmed from an external source and erased, for reprogramming, by exposure to ultraviolet light.
(6) "Intercept" means to electronically capture, record, reveal, or otherwise access, the signals emitted or received during the operation of a cellular telephone without the consent of the sender or receiver, by means of any instrument, device or equipment.
(7) "Manufacture of an unlawful telecommunication device" means to produce or assemble an unlawful telecommunication device, or to modify, alter, program, or reprogram a telecommunication device to be capable of acquiring or facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider.
(8) "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone carrier.
(9) "Possess" means to have physical possession or otherwise to exercise control over tangible property.
(10) "Sell" means to offer to, agree to offer to, or to sell, exchange, give, or dispose of an unlawful telecommunications device to another.
(11) "Telecommunication device" means:
(a) any type of instrument, device, machine, or equipment which is capable of transmitting or receiving telephonic, electronic, or radio communications; or

(b) any part of an instrument, device, machine, or equipment, or other computer circuit, computer chip, electronic mechanism, or other component, which is capable of facilitating the transmission or reception of telephonic or electronic communications within the radio spectrum allocated to cellular radio telephony.

(12) "Telecommunication service" includes any service provided for a charge or compensation to facilitate the origination, transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, television optical or other electromagnetic system.

(13) "Telecommunication service provider" means any person or entity providing telecommunication service including a cellular telephone or paging company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(14) "Unlawful telecommunication device" means any telecommunication device that is capable of, or has been altered, modified, programmed, or reprogrammed, alone or in conjunction with another access device, so as to be capable of, acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. Unlawful devices include tumbler phones, counterfeit phones, tumbler microchips, counterfeit microchips, and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.

Amended by Chapter 111, 2023 General Session

76-6-409.6 Use of telecommunication device to avoid lawful charge for service.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.

(2) An actor commits use of a telecommunication device to avoid lawful charge for service if the actor uses a telecommunication device:

(a) with the intent to avoid the payment of a lawful charge for telecommunication service; or

(b) with the knowledge that the use of the telecommunication device was to avoid the payment of a lawful charge for telecommunication service.

(3)

(a) A violation of Subsection (2) is:

(i) a class B misdemeanor, if the value of the telecommunication service is less than $300 or cannot be ascertained;

(ii) a class A misdemeanor, if the value of the telecommunication service charge is or exceeds $300 but is not more than $1,000;

(iii) a third degree felony, if the value of the telecommunication service is or exceeds $1,000 but is not more than $5,000; or

(iv) a second degree felony, if:

(A) the value of the telecommunication service is or exceeds $5,000;

(B) the cloned cellular telephone was used to facilitate the commission of a felony; or

(C) the actor previously has been convicted of a violation of this section.

(b) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.7 Possession of unlawful telecommunication device.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.

(2) An actor commits possession of unlawful telecommunication device if the actor knowingly possesses an unlawful telecommunication device.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor knowingly possesses five or more unlawful telecommunication devices in the same criminal episode.
(c) A violation of Subsection (2) is a second degree felony if the actor:
(i) knowingly and unlawfully possesses an instrument capable of intercepting electronic serial number and mobile identification number combinations under circumstances evidencing an intent to clone; or
(ii) knowingly and unlawfully possesses cloning paraphernalia under circumstances evidencing an intent to clone.
(d) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.8 Sale of an unlawful telecommunication device.
(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.
(2) An actor commits sale of unlawful telecommunication device if the actor intentionally sells an unlawful telecommunication device or material, including hardware, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use such material in the manufacture of an unlawful telecommunication device.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the offense involves the intentional sale of five or more unlawful telecommunication devices within a six-month period.
(c) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.9 Manufacture of an unlawful telecommunication device.
(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.
(2) An actor commits manufacture of unlawful telecommunication device if the actor intentionally manufactures an unlawful telecommunication device.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the offense involves the intentional manufacture of five or more unlawful telecommunication devices within a six-month period.
(c) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.10 Payment of restitution -- Civil action -- Other remedies retained.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.
(2)
(a)
(i) An actor who violates Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9 shall make restitution to the telecommunication service provider for the value of the telecommunication service consumed in the violation plus all reasonable expenses and costs incurred on account of the violation.
(ii) Reasonable expenses and costs include expenses and costs for investigation, service calls, employee time, and equipment use.
(b) A criminal prosecution under Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9 does not affect the right of a telecommunication service provider to bring a civil action for redress for damages suffered as a result of the commission of any of the acts prohibited by Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.
(3) This section does not abridge or alter any other right, action, or remedy otherwise available to a telecommunication service provider.

Amended by Chapter 111, 2023 General Session

76-6-410 Theft by custodian of property pursuant to repair or rental agreement.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft by custodian of property pursuant to repair or rental agreement if:
(a)
(i) the actor has custody of property pursuant to an agreement between the actor or another person and the property's owner;
(ii) the actor or another person is to perform for compensation a specific service for the property's owner involving the maintenance, repair, or use of the owner's property; and
(iii) the actor intentionally uses or operates the owner's property, without the consent of the owner, for the actor's own purposes in a manner constituting a gross deviation from the agreed purpose; or
(b)
(i) the actor has custody of any property pursuant to a rental or lease agreement in which the property is to be returned in a specified manner or at a specified time; and
(ii) the actor intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000; or
(ii) property stolen is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the property is:
(A) a catalytic converter as defined under Section 76-6-1402; or
(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;
(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years

before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500; or
(ii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session

76-6-410.5 Theft of a rental vehicle.

(1)
(a) As used in this section:
(i) "Motor vehicle" means a self-propelled vehicle that is intended primarily for use and operation on the highways.
(ii) "Rental agreement" means a written agreement stating the terms and conditions governing the use of a motor vehicle provided by a rental company.
(iii) "Rental company" means a person or organization in the business of providing motor vehicles to the public.
(iv) "Renter" means a person or organization obtaining the use of a motor vehicle from a rental company under the terms of a rental agreement.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of a rental vehicle if the actor:
(a) is a renter; and
(b) without notice to and permission of the rental company, knowingly fails without good cause to return the vehicle within 72 hours after the time established for the return in the rental agreement.
(3) A violation of Subsection (2) is a second degree felony.
(4) If a motor vehicle is not rented on a periodic tenancy basis, the rental company shall include the following information, legibly written, as part of the terms of the rental agreement:
(a) the date and time the motor vehicle is required to be returned; and
(b) the maximum penalties under state law if the motor vehicle is not returned within 72 hours from the date and time stated in compliance with Subsection (4)(a).

Amended by Chapter 111, 2023 General Session

76-6-412.1 Civil remedy for animal theft.

In addition to a criminal penalty under this chapter, an actor who commits theft of a stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, poultry, a fur-bearing animal raised for commercial purposes, or a livestock guardian dog, is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Enacted by Chapter 111, 2023 General Session

76-6-413 Release of a fur-bearing animal -- Finding.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits release of a fur-bearing animal if the actor intentionally and without permission of the owner releases a fur-bearing animal raised for commercial purposes.
(3)
  (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
  (b) A violation of Subsection (2) is a second degree felony if the value of the property is or exceeds $5,000.
(4) The Legislature finds that the release of a fur-bearing animal raised for commercial purposes subjects the animal to unnecessary suffering through deprivation of food and shelter and compromises the animal's genetic integrity, thereby permanently depriving the owner of substantial value.
(5) An actor who violates Subsection (2) is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Amended by Chapter 111, 2023 General Session

76-6-414 Theft resulting in economic interruption.

(1)
  (a) As used in this section:
    (i) "Business" means the same as that term is defined in Section 76-6-113.
    (ii) "Governmental entity" means the same as that term is defined in Section 76-6-113.
    (iii) "Economic interruption" means the same as that term is defined in Section 76-6-113.
  (b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.
(2) An actor commits theft resulting in economic interruption if:
  (a) the actor intentionally, knowingly, recklessly, or negligently obtains or exercises unauthorized control over a business's or governmental entity's property with the intent to deprive the business or governmental entity of the property; and
  (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business or governmental entity.
(3)
  (a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class A misdemeanor.
  (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).
  (c) A violation of Subsection (2) is a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).

(4) It is not a defense under this section that the actor did not know that the victim is a business or governmental entity.
(5) A prior conviction used for a penalty enhancement under Subsection (3)(b) or (c) is a conviction that is from a separate criminal episode than:
(a) the most recent violation of Subsection (2); and
(b) any other prior conviction that is used to enhance the penalty for the most recent violation of Subsection (2).
(6) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (3)(b) or (c).

Amended by Chapter 173, 2025 General Session

76-6-415 Metal or catalytic converter theft.
(1)
(a) As used in this section:
(i) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.
(ii) "Ferrous metal" means the same as that term is defined in Section 76-6-1402.
(iii)
(A) "Metal" means nonferrous metal, ferrous metal, or regulated metal.
(B) "Metal" includes suspect metal items.
(C) "Metal" does not include jewelry.
(iv) "Nonferrous metal" means the same as that term is defined in Section 76-6-1402.
(v) "Regulated metal" means the same as that term is defined in Section 76-6-1402.
(vi) "Suspect metal items" means the same as that term is defined in Section 76-6-1402.
(b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.
(2) An actor commits metal or catalytic converter theft if the actor obtains or exercises unauthorized control over another person's metal or catalytic converter with a purpose to deprive the person of the person's metal or catalytic converter.
(3) A violation of Subsection (2) is:
(a) a second degree felony if:
(i) the value of the metal is or exceeds $5,000; or
(ii) the metal is stolen from the person of another;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the property is:
(A) a catalytic converter; or
(B) 25 pounds or more of a suspect metal item if the value is less than $5,000 and the suspect metal item is made of or contains aluminum or copper and is not a lead battery;
(iii) the value of the metal is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
(iv)
(A) the value of the metal is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the actor has committed any theft within the past five years; and
(C) the actor has received written notice from the merchant prohibiting the actor from entering the property pursuant to Subsection 78B-3-108(4); or
(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the metal stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the metal is less than $500;
(B) the theft occurs on a property where the actor has committed any theft within the past five years; and
(C) the actor has received written notice from the merchant prohibiting the actor from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the metal stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Enacted by Chapter 434, 2025 General Session

Part 5
Fraud

76-6-501 Definitions -- Forgery.
(1)
(a) As used in this section:
(i) "Authentication feature" means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified.
(ii) "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware or software, or scanning, printing, or laminating equipment that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.
(iii) "False authentication feature" means an authentication feature that:
(A) is genuine in origin but that, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;
(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made

identification document, document-making implement, or means of identification to which the authentication feature is intended to be affixed or embedded by the issuing authority; or

(C) appears to be genuine, but is not.

(iv) "False identification document" means a document of a type intended or commonly accepted for the purposes of identification of individuals, and that:

(A) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(B) appears to be issued by or under the authority of a governmental entity.

(v) "Governmental entity" means the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization, or a quasi-governmental organization.

(vi) "Identification document" means a document made or issued by or under the authority of a governmental entity, which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

(vii) "Issuing authority" means:

(A) any governmental entity that is authorized to issue identification documents, means of identification, or authentication features; or

(B) a business organization or financial institution or its agent that issues a financial transaction card as defined in Section 76-6-506.

(viii) "Means of identification" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including:

(A) name, social security number, date of birth, government issued driver license or identification number, alien registration number, government passport number, or employer or taxpayer identification number;

(B) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; or

(C) unique electronic identification number, address, or routing code.

(ix) "Personal identification card" means an identification document issued by a governmental entity solely for the purpose of identification of an individual.

(x) "Produce" includes altering, authenticating, or assembling.

(xi) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States.

(xii) "Traffic" means to:

(A) transport, transfer, or otherwise dispose of an item to another, as consideration for anything of value; or

(B) make or obtain control of with intent to transport, transfer, or otherwise dispose of an item to another.

(xiii) "Writing" includes printing, electronic storage or transmission, or any other method of recording valuable information including forms such as:

(A) checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any other symbols of value, right, privilege, or identification;

(B) a security, revenue stamp, or any other instrument or writing issued by a government or any agency; or

(C) a check, an issue of stocks, bonds, or any other instrument or writing representing an interest in or claim against property, or a pecuniary interest in or claim against any person or enterprise.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits forgery if, with purpose to defraud anyone, or with knowledge that the actor is facilitating a fraud to be perpetrated by anyone, the actor:

(a) alters any writing of another person without the person's authority or utters the altered writing; or

(b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication, or utterance:

(i) purports to be the act of another person, whether the person is existent or nonexistent;

(ii) purports to be an act on behalf of another party with the authority of that other party; or

(iii) purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when an original did not exist.

(3) A violation of Subsection (2) is a third degree felony.

(4) It is not a defense to a charge of forgery under Subsection (2)(b)(ii) if an actor signs his own name to the writing if the actor does not have authority to make, complete, execute, authenticate, issue, transfer, publish, or utter the writing on behalf of the party for whom the actor purports to act.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11b, Forfeiture of Seized Property.

(7) The court shall order, in addition to the penalty prescribed for any person convicted of a violation of this section, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, false transaction cards, document-making implements, or means of identification.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

76-6-501.5 Producing or transferring false identification.

(1) Terms defined in Sections 76-1-101.5 and 76-6-501 apply to this section.

(2) An actor commits producing or transferring a false identification document if the actor:

(a) knowingly and without lawful authority produces, attempts, or conspires to produce an identification document, authentication feature, or a false identification document that is or appears to be issued by or under the authority of an issuing authority;

(b) transfers, or possesses with intent to transfer, an identification document, authentication feature, or a false identification document knowing that the document or feature was stolen or produced without lawful authority;

(c) produces, transfers, or possesses a document-making implement or authentication feature with the intent that the document-making implement or the authentication feature be used in the production of a false identification document or another document-making implement or authentication feature; or

(d) traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification.

(3) A violation of Subsection (2) is a second degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.
(6) The court shall order, in addition to the penalty prescribed for a person convicted of a violation of this section, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, false transaction cards, document-making implements, or means of identification.

Enacted by Chapter 111, 2023 General Session

76-6-502 Possession of forged writing or device for a forgery writing.
(1)
(a) As used in this section:
(i) "Device" means any equipment, mechanism, material, or program.
(ii) "Writing" means the same as that term is defined in Section 76-6-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor who, with intent to defraud, knowingly possesses a writing that is a forgery under Section 76-6-501 or 76-6-501.5, or who with intent to defraud knowingly possesses a device for making a writing that is a forgery under Section 76-6-501 or 76-6-501.5, commits possession of a forged writing or device for making a forgery writing.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-503.5 Wrongful liens.
(1)
(a) As used in this section, "lien" means:
(i) an instrument or document filed pursuant to Section 70A-9a-516;
(ii) a nonconsensual common law document as defined in Section 38-9-102;
(iii) a wrongful lien as defined in Section 38-9-102; or
(iv) any instrument or document that creates or purports to create a lien or encumbrance on an owner's interest in real or personal property or a claim on another's assets.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits the crime of wrongful lien if the actor knowingly makes, utters, records, or files a lien:
(a) having no objectively reasonable basis to believe that the actor has a present and lawful property interest in the property or a claim on the assets; or

(b) if the actor files the lien in violation of a civil wrongful lien injunction pursuant to Title 38, Chapter 9a, Wrongful Lien Injunctions.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.

(b) If an actor has been previously convicted of an offense under this section or Section 76-6-503.6, a violation of Subsection (2) is a second degree felony.

(4) This section does not prohibit prosecution for any act in violation of Section 76-8-414 or for any offense greater than an offense under this section.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-503.6 Fraudulent handling of recordable writings.

(1) Terms defined in Sections 76-1-101.5 and 76-6-503.5 apply to this section.

(2) An actor commits fraudulent handling of recordable writings if the actor:

(a) has intent to deceive or injure; and

(b) falsifies, destroys, removes, records, or conceals any will, deed, mortgage, security instrument, lien, or other writing for which the law provides public recording.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.

(b) If an actor has been previously convicted of an offense under this section or Section 76-6-503.5, a violation of Subsection (2) is a second degree felony.

(4) This section does not prohibit prosecution for any act in violation of Section 76-8-414 or for any offense greater than an offense under this section.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-503.7 Records filed with intent to harass or defraud.

(1)

(a) As used in this section, "filing office" means the same as that term is defined in Section 70A-9a-513.5.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits filing a record with intent to harass or defraud if:

(a) the actor causes a record to be communicated to the filing office for filing;

(b) the actor is not authorized to file the record under Section 70A-9a-509, 70A-9a-708, or 70A-9a-807;

(c) the record is not related to an existing or anticipated transaction that is or will be governed by Title 70A, Chapter 9a, Uniform Commercial Code - Secured Transactions; and
(d) the record is filed knowingly or intentionally to:
(i) harass the person identified as the debtor in the record; or
(ii) defraud the person identified as the debtor in the record.
(3)
(a) A violation of Subsections (2)(a), (b), (c), and (d)(i) is a class B misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense.
(b) A violation of Subsections (2)(a), (b), (c), and (d)(ii) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-504 Tampering with records.
(1)
(a) As used in this section, "writing" means the same as that term is defined in Section 76-6-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits tampering with records if the actor:
(a) having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, other than the writings enumerated in Section 76-6-503.5 for which the law provides public recording or any record, public or private; and
(b) executes an action described in Subsection (2)(a) with intent to:
(i) deceive or injure any person; or
(ii) conceal any wrongdoing.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-505 Issuing a bad check or draft -- Presumption.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a)
(i) An actor commits issuing a bad check or draft if:
(A) the actor issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent;
(B) the actor knows the check or draft will not be paid by the drawee; and

(C) payment is refused by the drawee.

(ii) For purposes of this Subsection (2)(a), an actor who issues a check or draft for which payment is refused by the drawee is presumed to know the check or draft would not be paid if the actor had no account with the drawee at the time of issue.

(b) An actor commits issuing a bad check or draft if:

(i) the actor issues or passes a check or draft for:

(A) the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value; or

(B) paying for any services, wages, salary, labor, or rent;

(ii) payment of the check or draft is legally refused by the drawee; and

(iii) the actor fails to make good and actual payment to the payee in the amount of the refused check or draft within 14 days of the actor receiving actual notice of the check or draft's nonpayment.

(3) A violation of Subsection (2)(a) or (b) is punished as follows:

(a) if the check or draft or series of checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is less than $500, the offense is a class B misdemeanor;

(b) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $500 but is less than $1,500, the offense is a class A misdemeanor;

(c) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $1,500 but is less than $5,000, the offense is a third degree felony; or

(d) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $5,000, the offense is a second degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506 Financial transaction card offenses -- Definitions.

As used in Sections 76-6-506.2, 76-6-506.3, 76-6-506.6, 76-6-506.8, and 76-6-506.9:

(1) "Authorized credit card merchant" means a person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card by a card holder and to present valid credit card sales drafts to the issuer for payment.

(2) "Automated banking device" means any machine which, when properly activated by a financial transaction card or a personal identification code, may be used for any of the purposes for which a financial transaction card may be used.

(3) "Card holder" means any person or organization named on the face of a financial transaction card to whom or for whose benefit a financial transaction card is issued.

(4) "Credit card sales draft" means any sales slip, draft, or other written or electronic record of a sale of money, goods, services, or anything else of value made or purported to be made to or at the request of a card holder with a financial transaction card, financial transaction card

credit number, or personal identification code, whether the record of the sale or purported sale is evidenced by a sales draft, voucher, or other similar document in writing or electronically recorded and transmitted.

(5) "Financial transaction card" means:

(a) any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the card holder in obtaining money, goods, services, or anything else of value on credit, or in certifying or guaranteeing to a person or business the availability to the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to the order of the person or business;

(b) any instrument or device used in providing the card holder access to a demand or time deposit account for the purpose of making deposits of money or checks in the account, or withdrawing funds from the account in the form of money, money orders, travelers' checks, or other form representing value, or transferring funds from any demand or time deposit account to any credit card account in full or partial satisfaction of any outstanding balance existing in the credit card account; or

(c) a card, code, or device that is:

(i) issued to a consumer on a prepaid basis in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment;

(ii) activated or inactivated; and

(iii) redeemable upon presentation:

(A) by a consumer at a single merchant or group of affiliated merchants; or

(B) at multiple unaffiliated merchants for goods or services within the payment card network.

(6) "Issuer" means a business organization or financial institution or its agent that issues a financial transaction card.

(7) "Personal identification code" means any numerical or alphabetical code assigned to a card holder by the issuer to permit the authorized electronic use of the holder's financial transaction card.

Amended by Chapter 178, 2025 General Session

76-6-506.2 Unlawful use of financial transaction card.

(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.

(2) An actor commits unlawful use of financial transaction card if the actor:

(a) knowingly uses a revoked, expired, stolen, or fraudulently obtained financial transaction card to obtain or attempt to obtain credit, goods, property, or services;

(b) knowingly, with the intent to defraud, uses a financial transaction card, credit number, personal identification code, or any other information contained on the card or in the account from which the card is issued, to obtain or attempt to obtain credit, goods, or services;

(c) knowingly, with the intent to defraud, uses a financial transaction card to willfully exceed an authorized credit line by $500 or more, or by 50% or more of the line of credit, whichever is greater; or

(d) knowingly, with the intent to defraud, presents or causes to be presented to the issuer or an authorized credit card merchant, for payment or collection, any credit card sales draft, if:

(i) the draft is counterfeit or fictitious;

(ii) the purported sales evidenced by any credit card sales draft did not take place;

(iii) the purported sale was not authorized by the card holder; or

(iv) the items or services purported to be sold as evidenced by the credit card sales drafts are not delivered or rendered to the card holder or person intended to receive them.

(3)

(a) A violation of Subsection (2) is:

(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;

(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or

(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.

(b) Multiple violations of Subsection (2)(a) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.

(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.3 Unlawful acquisition, possession, or transfer of financial transaction card.

(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.

(2) An actor commits unlawful acquisition, possession, or transfer of a financial transaction card if the actor:

(a) under circumstances that do not constitute a violation of Subsection (2)(b):

(i) acquires a financial transaction card from another without the consent of the card holder or the issuer;

(ii) receives a financial transaction card with intent to use the financial transaction card in violation of Section 76-6-506.2;

(iii) sells or transfers a financial transaction card to a person with knowledge that the financial transaction card will be used in violation of Section 76-6-506.2;

(iv)

(A) acquires a financial transaction card that the individual knows was lost, mislaid, stolen, or delivered under a mistake as to the identity or address of the card holder; and

(B)

(I) retains possession with intent to use the financial transaction card in violation of Section 76-6-506.2; or

(II) sells or transfers the financial transaction card to a person with knowledge that the financial transaction card will be used in violation of Section 76-6-506.2; or

(v) possesses, sells, or transfers any information necessary for the use of a financial transaction card, including the credit number of the card, the expiration date of the card, or the personal identification code related to the card:

(A)
(I) without the consent of the card holder or the issuer; or
(II) with knowledge that the information has been acquired without consent of the card holder or the issuer; and
(B) with intent to use the information in violation of Section 76-6-506.2; or
(b) possesses, sells, or transfers any information necessary for the use of 100 or more financial transaction cards, including the credit number of a card, the expiration date of a card, or the personal identification code related to a card:
(i) with intent to use the information in violation of Section 76-6-506.2; or
(ii) with knowledge that the information will be used by another in violation of Section 76-6-506.2.
(3)
(a) A violation of Subsection (2)(a) is a third degree felony.
(b) A violation of Subsection (2)(b) is a second degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.6 Financial transaction card offenses -- Unauthorized factoring of credit card sales drafts.
(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits an unauthorized factoring of credit card sales draft if the actor acts:
(a) knowingly, with intent to defraud;
(b) without the express authorization of the issuer; and
(c) to employ, solicit, or otherwise cause an authorized credit card merchant, or for the authorized credit card merchant himself or herself, to present any credit card sales draft to the issuer:
(i) for payment pertaining to any sale or purported sale of goods or services; and
(ii) the sale or purported sale was not made by the authorized credit card merchant in the ordinary course of business.
(3)
(a) A violation of Subsection (2) is:
(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.
(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.

(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.7 Obtaining encoded information on a financial transaction card with the intent to defraud the issuer, holder, or merchant.

(1)
(a) As used in this section:
(i) "Card holder" means the same as that term is defined in Section 76-6-506.
(ii) "Financial transaction card" or "card" means any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the card holder in:
(A) obtaining money, goods, services, or anything else of value on credit; or
(B) certifying or guaranteeing to a merchant the availability to the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check as the instrument for obtaining, purchasing, or receiving goods, services, money, or any other thing of value from the merchant.
(iii)
(A) "Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator.
(B) "Merchant" also means a person:
(I) who receives from a card holder, or a third person the merchant believes to be the card holder, a financial transaction card or information from a financial transaction card, or what the merchant believes to be a financial transaction card or information from a card; and
(II) who accepts the financial transaction card or information from a card under Subsection (1)(a)(ii)(B) as the instrument for obtaining, purchasing, or receiving goods, services, money, or any other thing of value from the merchant.
(iv) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a financial transaction card onto the magnetic strip or stripe of a different financial transaction card.
(v) "Scanning device" means a scanner, reader, or any other electronic device used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a financial transaction card.
(b) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits obtaining encoded information on a financial transaction card with the intent to defraud the issuer, holder, or merchant if the actor uses:
(a) a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a financial transaction card:
(i) without the permission of the card holder; and

(ii) with intent to defraud the card holder, the issuer, or a merchant; or
(b) a reencoder to place information encoded on the magnetic strip or stripe of a financial transaction card onto the magnetic strip or stripe of a different card:
(i) without the permission of the authorized user of the card from which the information is being reencoded; and
(ii) with the intent to defraud the card holder, the issuer, or a merchant.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) An actor who has been convicted previously of an offense under Subsection (2) is guilty of a second degree felony upon a second conviction and any subsequent conviction for the offense.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.8 False application for financial transaction card.
(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits false application for a card if the actor:
(a) knowingly, with the intent to defraud:
(i) makes application for a financial transaction card to an issuer; and
(ii) makes or causes to be made a false statement or report of the actor's name, occupation, financial condition, assets, or personal identifying information; or
(b) willfully and substantially undervalues or understates any indebtedness for the purposes of influencing the issuer to issue the financial transaction card.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.
(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-506.9 Use of fraudulent financial transaction card.

(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.

(2) An actor commits fraudulent use of a financial transaction card if the actor knowingly uses a false, fictitious, altered, or counterfeit financial transaction card to obtain or attempt to obtain credit, goods, property, or services.

(3)

(a) A violation of Subsection (2) is:

(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;

(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or

(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.

(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.

(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-507 Deceptive business practices.

(1)

(a) As used in this section:

(i) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.

(ii) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits deceptive business practices if the actor, in the course of business:

(a) uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

(b) takes or attempts to take more than the represented quantity of any commodity or service when as buyer the actor furnishes the weight or measure; or

(c) sells, offers, or exposes for sale adulterated or mislabeled commodities.

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

(4) It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-508 Bribery of or receiving bribe by person in the business of selection, appraisal, or criticism of goods or services.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits bribery or receiving a bribe if the actor:
  (a) without the consent of the employer or principal, and contrary to the interests of the employer or principal:
    (i) confers, offers, or agrees to confer upon the employee, agent, or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or fiduciary in relating to his employer's or principal's affairs; or
    (ii) as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence the actor's conduct in relation to the actor's, employer's, or principal's affairs; or
  (b)
    (i) holds the actor's self out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services; and
    (ii) solicits, accepts, or agrees to accept any benefit to influence the actor's selection, appraisal, or criticism.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent, or fiduciary.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-509 Bribery of a labor official.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits bribery of a labor official if the actor:
  (a) offers, confers, or agrees to confer upon a labor official any benefit; and
  (b) has intent to influence the labor official in respect to any of the labor official's acts, decisions, or duties as a labor official.
(3) A violation of Subsection (2) is a third degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-510 Receiving a bribe by a labor official.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) A labor official commits receiving a bribe by a labor official if the labor official solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that the benefit will influence the labor official in any of the labor official's acts, decisions, or duties as a labor official.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-511 Defrauding of creditors.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits defrauding of creditors if the actor:
  (a) destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with a purpose to:
    (i) hinder enforcement of the security interest; and
    (ii) deprive the secured party of lawful possession of the property; or
  (b) knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors:
    (i) destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or
    (ii) presents to any creditor or to an assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.
(3)
  (a) A violation of Subsection (2)(a) or (2)(b)(i) is:
    (i) a class A misdemeanor if the unpaid balance owed to the creditor on the property at the time of the act described in Subsection (2) is less than $10,000; or
    (ii) a third degree felony if the unpaid balance owed to the creditor on the property at the time of the act described in Subsection (2) is or exceeds $10,000; or
  (b) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.

(4) This section does not impose criminal or civil liability on a law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 201, 2025 General Session

76-6-512 Acceptance of deposit by insolvent financial institution.
(1)
(a) As used in this section, "financial institution" means the same as that term is defined in Section 7-1-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits acceptance of a deposit by an insolvent financial institution if:
(a) as an officer, manager, or other person participating in the direction of a financial institution, as defined in Section 7-1-103, the actor receives or permits receipt of a deposit or other investment knowing that the institution is or is about to become unable, from any cause, to pay its obligations in the ordinary course of business; and
(b) the actor knows that the person making the payment to the institution is unaware of such present or prospective inability.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-513 Unlawful dealing of property by a fiduciary.
(1)
(a) As used in this section:
(i) "Fiduciary" means the same as that term is defined in Section 75A-1-201.
(ii) "Financial institution" means "depository institution" and "trust company" as defined in Section 7-1-103.
(iii) "Governmental entity" is as defined in Section 63G-7-102.
(iv) "Person" does not include a financial institution whose fiduciary functions are supervised by the Department of Financial Institutions or a federal regulatory agency.
(v) "Property" means the same as that term is defined in Section 76-6-401.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawfully dealing with property by a fiduciary if the actor:
(a) deals with property:
(i) that has been entrusted to the actor as a fiduciary, or property of a governmental entity, public money, or of a financial institution; and
(ii) in a manner which:
(A) the actor knows is a violation of the actor's duty; and

(B) involves substantial risk of loss or detriment to the property owner or to a person for whose benefit the property was entrusted; or

(b) acting as a fiduciary pledges:

(i) as collateral for a personal loan, or as collateral for the benefit of some party, other than the owner or the person for whose benefit the property was entrusted, the property that has been entrusted to the fiduciary; and

(ii) without permission of the owner of the property or some other authorized person.

(3)

(a) A violation of Subsection (2)(a) is:

(i) a second degree felony if the:

(A) value of the property is or exceeds $5,000; or

(B) property is stolen from the person of another;

(ii) a third degree felony if:

(A) the value of the property is or exceeds $1,500 but is less than $5,000;

(B) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(I) any theft, any robbery, or any burglary with intent to commit theft;

(II) any offense under Part 5, Fraud; or

(III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II); or

(C) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(iii) a class A misdemeanor if:

(A) the value of the property stolen is or exceeds $500 but is less than $1,500; or

(B) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(iv) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(a)(iii)(B).

(b) A violation of Subsection (2)(b) is:

(i) a second degree felony if the value of the property wrongfully pledged is or exceeds $5,000;

(ii) a third degree felony if the value of the property wrongfully pledged is or exceeds $1,500 but is less than $5,000;

(iii) a class A misdemeanor if the value of the property is or exceeds $500, but is less than $1,500 or the actor has been twice before convicted of theft, robbery, burglary with intent to commit theft, or unlawful dealing with property by a fiduciary; or

(iv) a class B misdemeanor if the value of the property is less than $500.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 364, 2024 General Session

76-6-514 Unlawful influence of a contest.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful influence of a contest if the actor:

(a) with a purpose to influence any participant or prospective participant not to give the participant's or prospective participant's best efforts in a publicly exhibited contest, confers or offers or agrees to confer any benefit upon or threatens any injury to a participant or prospective participant;

(b) with a purpose to influence an official in a publicly exhibited contest to perform the official's duties improperly, confers or offers or agrees to confer any benefit upon or threatens any injury to such official;

(c) with a purpose to influence the outcome of a publicly exhibited contest, tampers with any person, animal, or thing contrary to the rules and usages purporting to govern the contest; or

(d) knowingly solicits, accepts, or agrees to accept any benefit, the giving of which would be criminal under Subsection (2)(a) or (b).

(3) A violation of Subsection (2) is a third degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-515 Using or making slugs.

(1)

(a) As used in this section:

(i) "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

(ii) "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits using or making slugs if the actor:

(a) with a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, inserts, deposits, or uses a slug in that machine; or

(b) makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.

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

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in

accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-516 Fraudulent conveyance of marital real estate.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits fraudulent conveyance of marital real estate if the actor:
  (a) is married;
  (b) falsely represents the actor as unmarried; and
  (c) knowingly conveys or mortgages real estate situated in this state, without the assent or concurrence of the actor's spouse when such consent or concurrence is necessary to relinquish the spouse's inchoate statutory interest.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-517 Making a false credit report.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits making a false credit report if the actor knowingly makes a materially false or misleading written statement to obtain property or credit for himself or another.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-518 Criminal simulation.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal simulation if, with intent to defraud another, the actor:
  (a) makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have;
  (b) sells, passes, or otherwise utters an object so made or altered;
  (c) possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or
  (d) authenticates or certifies an object so made or altered as genuine or as different from what it is.
(3) A violation of Subsection (2) is punishable as follows:

(a) if the value defrauded or intended to be defrauded is less than $500, the offense is a class B misdemeanor;
(b) if the value defrauded or intended to be defrauded is or exceeds $500 but is less than $1,500, the offense is a class A misdemeanor;
(c) if the value defrauded or intended to be defrauded is or exceeds $1,500 but is less than $5,000, the offense is a third degree felony; or
(d) if the value defrauded or intended to be defrauded is or exceeds $5,000, the offense is a second degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-520 Criminal usury.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal usury if the actor knowingly engages in, or directly or indirectly provides financing for, the business of making loans at a higher rate of interest or consideration therefor than is authorized by law.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-521 Insurance fraud.
(1)
(a) As used in this section, "runner" means the same as that term is defined in Section 31A-31-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits a fraudulent insurance act if the actor with intent to deceive or defraud:
(a) presents or causes to be presented any oral or written statement or representation knowing that the statement or representation contains false or fraudulent information concerning any fact material to an application for the issuance or renewal of an insurance policy, certificate, or contract, as part of or in support of:
(i) obtaining an insurance policy the insurer would otherwise not issue on the basis of underwriting criteria applicable to the person;
(ii) a scheme or artifice to avoid paying the premium that an insurer charges on the basis of underwriting criteria applicable to the person; or
(iii) a scheme or artifice to file an insurance claim for a loss that has already occurred;
(b) presents, or causes to be presented, any oral or written statement or representation:

(i)
(A) as part of or in support of a claim for payment or other benefit pursuant to an insurance policy, certificate, or contract; or
(B) in connection with any civil claim asserted for recovery of damages for personal or bodily injuries or property damage; and
(ii) knowing that the statement or representation contains false, incomplete, or fraudulent information concerning any fact or thing material to the claim;
(c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
(d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees for professional services, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions;
(e) knowingly employs, uses, or acts as a runner for the purpose of committing a fraudulent insurance act;
(f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent insurance act;
(g) knowingly supplies false or fraudulent material information in any document or statement required by the Department of Insurance; or
(h) knowingly fails to forward a premium to an insurer in violation of Section 31A-23a-411.1.
(3)
(a) A violation of Subsection (2)(a)(i) is a class A misdemeanor.
(b) A violation of Subsections (2)(a)(ii) or (2)(b) through (2)(h) is:
(i) a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $5,000.
(c) A violation of Subsection (2)(a)(iii) is:
(i) a class A misdemeanor if the value of the loss is less than $1,500 or unable to be determined;
(ii) a third degree felony when the value of the loss is or exceeds $1,500 but is less than $5,000; or
(iii) a second degree felony when the value of the loss is or exceeds $5,000.
(4) A corporation or association is guilty of the offense of insurance fraud under the same conditions as those set forth in Section 76-2-204.
(5) The determination of the degree of any offense under Subsections (2)(a)(ii) and (2)(b) through (2)(h) shall be measured by the total value of all property, money, or other things obtained or sought to be obtained by the fraudulent insurance act or acts described in Subsections (2)(a)(ii) and (2)(b) through (2)(h).
(6) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(7) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-522 Equity skimming of a vehicle.

(1)
(a) As used in this section:
(i) "Actor" means a broker, dealer, or a person in collusion with a dealer or broker.
(ii) "Broker" means any person who, for compensation of any kind, arranges for the sale, lease, sublease, or transfer of a vehicle.
(iii) "Dealer" means any person engaged in the business of selling, leasing, or exchanging vehicles for compensation of any kind.
(iv) "Lease" means any grant of use or possession of a vehicle for consideration, with or without an option to buy.
(v) "Security interest" means an interest in a vehicle that secures payment or performance of an obligation.
(vi) "Transfer" means any delivery or conveyance of a vehicle to another from one person to another.
(vii) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or through the air or water, or over land and includes a manufactured home or mobile home as defined in Section 41-1a-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits equity skimming of a vehicle if the actor:
(a)
(i) transfers or arranges the transfer of a vehicle for consideration or profit; and
(ii) has not first obtained written authorization of the lessor or holder of the security interest; and
(b) knows or should have known the vehicle is subject to a lease or security interest.
(3) A violation of Subsection (2) is a third degree felony.
(4) It is a defense to a violation of Subsection (2) if the defendant proves by a preponderance of the evidence that the lease obligation or security interest has been satisfied within 30 days following the transfer of the vehicle.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-523 Obstruction of the leasing of real property for natural resource or agricultural production.

(1)
(a) As used in this section:
(i) "Competitive process" includes public auction or other public competitive bidding process.
(ii) "Natural resource or agricultural production" means:
(A) the extraction or production of oil, gas, hydrocarbons, or other minerals;
(B) production for commercial purposes of crops, livestock, and livestock products, including grazing; or
(C) activities similar in purpose to those listed in Subsections (1)(a)(ii)(A) and (B).

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits obstruction of the leasing of real property for natural resource or agricultural production if the actor:
(a) bids for a lease as part of a competitive process for the lease;
(b) does not intend to pay for the lease at the time the actor makes the bid described in Subsection (2)(a); and
(c) does not pay the lessor in full for the lease as required by the lease agreement.
(3) A violation of Subsection (2) is:
(a) a third degree felony; and
(b) subject to a minimum fine of not less than $7,500.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-524 Falsifying information for preconstruction lien purposes.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits falsifying information for the purpose of obtaining priority of a preconstruction lien if the actor knowingly falsifies information for the purpose of obtaining priority of a preconstruction lien under Title 38, Chapter 1a, Preconstruction and Construction Liens.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-525 Communications fraud.
(1)
(a) As used in this section, "sensitive personal identifying information" means information regarding an individual's:
(i) social security number;
(ii) driver license number or other government-issued identification number;
(iii) financial account number or credit or debit card number;
(iv) password or personal identification number or other identification required to gain access to a financial account or a secure website;
(v) automated or electronic signature;
(vi) unique biometric data; or
(vii) any other information that can be used to gain access to an individual's financial accounts or to obtain goods or services.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits communications fraud if the actor has devised any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who communicates directly or indirectly with any person by any means for the purpose of executing or concealing the scheme or artifice.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000;
(d) a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $5,000; and
(e) a second degree felony when the object or purpose of the scheme or artifice to defraud is the obtaining of sensitive personal identifying information, regardless of the value.
(4) The determination of the degree of an offense under Subsection (2) is measured by the total value of all property, money, or things obtained or sought to be obtained by the scheme or artifice described in Subsection (2) except as provided in Subsection (3)(e).
(5)
(a) Reliance on the part of any person is not a necessary element of the offense described in Subsection (2).
(b) An intent on the part of the actor of any offense described in Subsection (2) to permanently deprive any person of property, money, or thing of value is not a necessary element of the offense.
(c) Each separate communication made for the purpose of executing or concealing a scheme or artifice described in Subsection (2) is a separate act and offense of communication fraud.
(6)
(a) To communicate as described in Subsection (2) means to:
(i) bestow, convey, make known, recount, or impart;
(ii) give by way of information;
(iii) talk over; or
(iv) transmit information.
(b) Means of communication include use of the mail, telephone, telegraph, radio, television, newspaper, computer, and spoken and written communication.
(7) An actor may not be convicted under this section unless the pretenses, representations, promises, or material omissions made or omitted were made or omitted intentionally, knowingly, or with a reckless disregard for the truth.

Renumbered and Amended by Chapter 173, 2025 General Session

76-6-526 Fraudulent advertisement, sale, lease, or mortgaging of real property.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits fraudulent advertisement, sale, lease, or mortgaging of real property if the actor knowingly:
(a)
(i) lists or advertises residential real property for sale; or
(ii) sells, leases, or mortgages real property; and

(b) does not have legal title to the property or authority to advertise, sell, lease, or mortgage the real property.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 295, 2025 General Session

Part 6
Retail Theft

76-6-601 Definitions.
As used in this part:
(1) "Merchandise" means any personal property displayed, held, or offered for sale by a merchant.
(2) "Merchant" means an owner or operator of any retail mercantile establishment where merchandise is displayed, held, or offered for sale and includes the merchant's employees, servants, or agents.
(3) "Minor" means any unmarried person under 18 years of age.
(4) "Peace officer" has the same meaning as provided in Title 53, Chapter 13, Peace Officer Classifications.
(5) "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking lots or areas set aside for the benefit of those patrons of the retail mercantile establishment.
(6) "Retail mercantile establishment" means any place where merchandise is displayed, held, or offered for sale to the public.
(7) "Retail value" means the merchant's stated or advertised price of the merchandise.
(8) "Shopping cart" means those push carts of the types which are commonly provided by grocery stores, drug stores, or other mercantile establishments, or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store.
(9) "Under-ring" means to cause the cash register or other sales recording device to reflect less than the retail value of the merchandise.

Amended by Chapter 111, 2023 General Session

76-6-602 Retail theft.
(1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.
(2) An actor commits retail theft if the actor knowingly:
(a) takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of:
(i) retaining the merchandise; or
(ii) depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of the merchandise;
(b)
(i) alters, transfers, or removes any label, price tag, marking, indicia of value, or any other markings which aid in determining value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment; and

(ii) attempts to purchase the merchandise described in Subsection (2)(b)(i) personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of the merchandise;

(c) transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of the merchandise;

(d) under-rings with the intention of depriving the merchant of the retail value of the merchandise; or

(e) removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use, or benefit of the shopping cart.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the:

(i) retail value of the merchandise or shopping cart is or exceeds $5,000;

(ii) merchandise stolen is a firearm or an operable motor vehicle;

(b) a third degree felony if:

(i) the retail value of the merchandise is or exceeds $1,500 but is less than $5,000;

(ii) the retail value of the merchandise or shopping cart is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);

(iii)

(A) the retail value of merchandise or shopping cart is or exceeds $500 but is less than $1,500;

(B) the theft occurs in a retail mercantile establishment or on the premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the retail value of the merchandise or shopping cart stolen is or exceeds $500 but is less than $1,500;

(ii)

(A) the retail value of merchandise or shopping cart is less than $500;

(B) the theft occurs in a retail mercantile establishment or premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the retail value of the merchandise or shopping cart stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

(4)

(a) A court shall impose the mandatory jail sentence described in Subsection (4)(b), and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of this section;

(ii)

(A) the violation is the actor's second or subsequent conviction for any level of offense under this section; or

(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of this section; and

(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b) The mandatory jail sentences referred to in Subsection (4)(a) are:

(i) for a felony or a class A misdemeanor, 360 days in jail;

(ii) for a class B misdemeanor, 180 days in jail; and

(iii) for a class C misdemeanor, 90 days in jail.

(c)

(i) Except as provided in Subsection (4)(c)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(b).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(b).

Amended by Chapter 434, 2025 General Session

76-6-603 Detention of suspected violator by merchant -- Purposes.

(1) Any merchant who has probable cause to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) to make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

(b) to request identification;

(c) to verify such identification;

(d) to make a reasonable request of such person to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase, or for any other reasonable purpose;

(e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
(f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor immediately, if possible, of this detention and to surrender custody of such minor to such person.
(2) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

Amended by Chapter 306, 2007 General Session

76-6-604 Defense to action by person detained.

In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by the merchant, it shall be a defense to such action that the merchant detaining such person had probable cause to believe that the person had committed retail theft and that the merchant acted reasonably under all circumstances.

Enacted by Chapter 78, 1979 General Session

76-6-607 Report of arrest to division.

Any arrest made for a violation of this part shall be reported by the appropriate jurisdiction to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103, which shall keep a record of the arrest together with the disposition of the arrest for purposes of inquiry by any law enforcement agency.

Amended by Chapter 263, 1998 General Session

76-6-608 Theft detection shielding devices prohibited.

(1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.
(2) An actor commits the unlawful shielding of a theft detection device if the actor knowingly:
(a) makes or possesses any container or device used for, intended for use for, or represented as having the purpose of shielding merchandise from any electronic or magnetic theft alarm sensor, with the intent to commit a theft of merchandise;
(b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another any container or device intended for use for or represented as having the purpose of shielding merchandise from any electronic or magnetic theft alarm sensor;
(c) possesses any tool or instrument designed to remove any theft detection device from any merchandise, with the intent to use the tool or instrument to remove any theft detection device from any merchandise without the permission of the merchant or the person owning or in possession of the merchandise; or
(d) intentionally removes a theft detection device from merchandise prior to purchase and without the permission of the merchant.
(3)
(a) A violation of Subsection (2)(a), (b), or (c) is a class A misdemeanor.
(b) A violation of Subsection (2)(d) is a:
(i) class B misdemeanor if the retail value of the merchandise from which the theft detection device is removed is less than $500; or

(ii) class A misdemeanor if the retail value of the merchandise from which the theft detection device is removed is or exceeds $500.

(4) A violation of Subsection (2) is a separate offense from any offense listed in Part 4, Theft, or Part 6, Retail Theft.

(5) Criminal prosecutions under this section do not affect any person's right of civil action for redress for damages suffered as a result of any violation of this section.

Amended by Chapter 178, 2025 General Session

Part 7
Utah Computer Crimes Act

76-6-702 Definitions.

As used in this part:

(1) "Access" means to directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of a computer, computer system, computer network, or any means of communication with any of them.

(2) "Authorization" means having the express or implied consent or permission of the owner, or of the person authorized by the owner to give consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.

(3) "Computer" means any electronic device or communication facility that stores, processes, transmits, or facilitates the transmission of data.

(4) "Computer network" means:

(a) the interconnection of communication or telecommunication lines between:

(i) computers; or

(ii) computers and remote terminals; or

(b) the interconnection by wireless technology between:

(i) computers; or

(ii) computers and remote terminals.

(5) "Computer property" includes electronic impulses, electronically produced data, information, financial instruments, software, or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and copies of any of them.

(6) "Computer system" means a set of related, connected or unconnected, devices, software, or other related computer equipment.

(7) "Computer technology" includes:

(a) a computer;

(b) a computer network;

(c) computer hardware;

(d) a computer system;

(e) a computer program;

(f) computer services;

(g) computer software; or

(h) computer data.

(8) "Confidential" means data, text, or computer property that is protected by a security system that clearly evidences that the owner or custodian intends that it not be available to others without the owner's or custodian's permission.
(9) "Critical infrastructure" includes:
(a) a financial or banking system;
(b) any railroad, airline, airport, airway, highway, bridge, waterway, fixed guideway, or other transportation system intended for the transportation of persons or property;
(c) any public utility service, including a power, energy, gas, or water supply system;
(d) a sewage or water treatment system;
(e) a health care facility, as that term is defined in Section 26B-2-201;
(f) an emergency fire, medical, or law enforcement response system;
(g) a public health facility or system;
(h) a food distribution system;
(i) a government computer system or network;
(j) a school; or
(k) other government facilities, operations, or services.
(10) "Denial of service attack" means an attack or intrusion that is intended to disrupt legitimate access to, or use of, a network resource, a machine, or computer technology.
(11) "Financial instrument" includes any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, electronic fund transfer, automated clearing house transaction, credit card, or marketable security.
(12)
(a) "Identifying information" means a person's:
(i) social security number;
(ii) driver license number;
(iii) nondriver governmental identification number;
(iv) bank account number;
(v) student identification number;
(vi) credit or debit card number;
(vii) personal identification number;
(viii) unique biometric data;
(ix) employee or payroll number;
(x) automated or electronic signature; or
(xi) computer password.
(b) "Identifying information" does not include information that is lawfully available from publicly available information, or from federal, state, or local government records lawfully made available to the general public.
(13) "Information" does not include information obtained:
(a) through use of:
(i) an electronic product identification or tracking system; or
(ii) other technology used by a retailer to identify, track, or price goods; and
(b) by a retailer through the use of equipment designed to read the electronic product identification or tracking system data located within the retailer's location.
(14) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet or a system operated, or services offered, by a library or an educational institution.
(15) "License or entitlement" includes:

(a) licenses, certificates, and permits granted by governments;
(b) degrees, diplomas, and grades awarded by educational institutions;
(c) military ranks, grades, decorations, and awards;
(d) membership and standing in organizations and religious institutions;
(e) certification as a peace officer;
(f) credit reports; and
(g) another record or datum upon which a person may be reasonably expected to rely in making decisions that will have a direct benefit or detriment to another.

(16) "Security system" means a computer, computer system, network, or computer property that has some form of access control technology implemented, such as encryption, password protection, other forced authentication, or access control designed to keep out unauthorized persons.

(17) "Services" include computer time, data manipulation, and storage functions.

(18) "Service provider" means a telecommunications carrier, cable operator, computer hardware or software provider, or a provider of information service or interactive computer service.

(19) "Software" or "program" means a series of instructions or statements in a form acceptable to a computer, relating to the operations of the computer, or permitting the functioning of a computer system in a manner designed to provide results including system control programs, application programs, or copies of any of them.

Amended by Chapter 330, 2023 General Session

76-6-703 Unlawful computer technology access or action or denial of service attack.

(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.

(2) An actor commits unlawful computer technology access or action or denial of service attack if the actor:

(a) without authorization, or in excess of the actor's authorization, accesses or attempts to access computer technology if the access or attempt to access results in:
(i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure of computer technology;
(ii) interference with or interruption of:
(A) the lawful use of computer technology; or
(B) the transmission of data;
(iii) physical damage to or loss of real, personal, or commercial property;
(iv) audio, video, or other surveillance of another person; or
(v) economic loss to any person or entity;

(b) after accessing computer technology that the actor is authorized to access, knowingly takes or attempts to take unauthorized or unlawful action that results in:
(i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure of computer technology;
(ii) interference with or interruption of:
(A) the lawful use of computer technology; or
(B) the transmission of data;
(iii) physical damage to or loss of real, personal, or commercial property;
(iv) audio, video, or other surveillance of another person; or
(v) economic loss to any person or entity; or

(c) knowingly engages in a denial of service attack.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor if:
(i) the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is less than $500; or
(ii) the information obtained is not confidential;
(b) a class A misdemeanor if the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if:
(i) the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000;
(ii) the property or benefit obtained or sought to be obtained is a license or entitlement;
(iii) the damage is to the license or entitlement of another person;
(iv) the information obtained is confidential or identifying information; or
(v) in gaining access the actor breaches or breaks through a security system; or
(d) a second degree felony if the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $5,000.

(4)
(a) It is an affirmative defense that the actor obtained access or attempted to obtain access:
(i) in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of computer technology whose security the actor is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose; or
(ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a search warrant.
(b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(c) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.

(5)
(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Amended by Chapter 111, 2023 General Session

76-6-703.3 Unlawful use of technology to defraud.

(1)
(a) As used in this section, "sensitive personal identifying information" means the same as that term is defined in Section 76-6-525.
(b) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits unlawful use of technology to defraud if the actor uses or knowingly allows another person to use a computer, computer network, computer property, or computer system, program, or software to devise or execute any artifice or scheme to defraud or to obtain money, property, a service, or other thing of value by a false pretense, promise, or representation.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if:
(i) the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $5,000; or
(ii) the object or purpose of the artifice or scheme to defraud is the obtaining of sensitive personal identifying information, regardless of the value.
(4)
(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(b) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Amended by Chapter 173, 2025 General Session

76-6-703.5 Interference or interruption of critical infrastructure.
(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits interference or interruption of critical infrastructure if the actor intentionally or knowingly, and without lawful authorization, interferes with or interrupts critical infrastructure.

(3) A violation of Subsection (2) is a third degree felony.
(4)
(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(b) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Enacted by Chapter 111, 2023 General Session

76-6-703.7 Unlawful computer access.
(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits unlawful computer access if:
(a) the actor intentionally or knowingly, and without authorization, gains or attempts to gain access to a computer, computer network, computer property, or computer system; and
(b) the circumstances of the violation of Subsection (2)(a) do not constitute an offense under Section 76-6-703, 76-6-703.3, 76-6-703.5, or 76-12-205.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
(a) Notwithstanding Subsection (2), a retailer that uses an electronic product identification or tracking system, or other technology, to identify, track, or price goods is not guilty of a violation of this section if the equipment designed to read the electronic product identification or tracking system data and used by the retailer to identify, track, or price goods is located within the retailer's location.
(b) It is an affirmative defense to a violation under this section that the actor obtained access or attempted to obtain access:
(i) in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of computer technology whose security the actor is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose; or
(ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a search warrant.

(c) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(d) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service is not guilty of violating this section if an actor violates this section using the interactive computer service and the interactive computer service did not knowingly assist the actor to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Amended by Chapter 173, 2025 General Session

76-6-704 Attorney general, county attorney, or district attorney to prosecute -- Conduct violating other statutes.
(1) The attorney general, district attorney, or the county attorney shall prosecute suspected criminal violations of this part.
(2) Prosecution under this part does not prevent any prosecutions under any other law.

Amended by Chapter 38, 1993 General Session

76-6-705 Reporting violations.
(1) Each person who has reason to believe that a provision of Section 76-6-703, 76-6-703.3, 76-6-703.5, 76-6-703.7, or 76-12-205 is being or has been violated shall report the suspected violation to:
(a) the attorney general, or county attorney, or, if within a prosecution district, the district attorney of the county or prosecution district in which part or all of the violation occurred; or
(b) a state or local law enforcement agency.
(2) Subsection (1) does not apply to the extent that the person is prohibited from reporting by a statutory or common law privilege.

Amended by Chapter 173, 2025 General Session

Part 8
Library Theft

76-6-801 Library theft.

(1)

(a) As used in this section:

(i) "Library" means:

(A) a public library;

(B) a library of an educational or historical society;

(C) a museum; or

(D) a repository of public records.

(ii) "Library materials" means a book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, electronic data processing records, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits library theft if the actor:

(a) willfully, for the purpose of converting to personal use, and depriving the owner, conceals on the actor's person or among the actor's belongings library materials while on the premises of the library; or

(b) willfully and without authority removes library materials from the library building with the intention of converting them to the actor's own use.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the library materials is or exceeds $5,000;

(b) a third degree felony if:

(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;

(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud; or

(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

(iii)

(A) the value of the library materials is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the library prohibiting the offender from entering the property if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of the library materials is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the library materials stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) An actor who willfully conceals library materials on the actor's person or among the actor's belongings while on the premises of the library or in the library's immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting the library materials to the actor's own use.
(b) If library materials are found concealed upon the actor's person or among the actor's belongings, or electronic security devices are activated by the actor's presence, it is prima facie evidence of willful concealment.

Amended by Chapter 111, 2023 General Session

76-6-803 Mutilation or damaging of library material.
(1)
(a) As used in this section:
(i) "Library" means the same as that term is defined in Section 76-6-801.
(ii) "Library materials" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor is guilty of mutilation or damage of library materials if the actor intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the library materials is or exceeds $5,000;
(b) a third degree felony if:
(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;
(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
(iii)
(A) the value of the library materials is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of the library materials is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the library materials stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 111, 2023 General Session

76-6-803.30 Failure to return library material -- Written notice.

(1)

(a) As used in this section:

(i) "Library" means the same as that term is defined in Section 76-6-801.

(ii) "Library materials" means the same as that term is defined in Section 76-6-801.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor is guilty of failure to return library materials if the actor, having possession or having been in possession of library materials:

(i) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or

(ii) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified.

(b) Written notice is considered received upon the sworn affidavit of the person delivering the notice with a statement as to the date, place, and manner of delivery, or upon proof that the notice was mailed postage prepaid, via the United States Postal Service, to the current address listed for the person in the library records.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the library materials is or exceeds $5,000;

(b) a third degree felony if:

(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;

(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
(iii)
(A) the value of the library materials is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the library materials is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the library material stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 111, 2023 General Session

76-6-803.60 Detention of theft suspect by library employee -- Purposes.
(1)
(a) As used in this section:
(i) "Library" means the same as that term is defined in Section 76-6-801.
(ii) "Library materials" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Any employee of the library who has probable cause to believe that a person has committed library theft may detain the person, on or off the premises of a library, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
(a) to make reasonable inquiry as to whether the person has in his possession concealed library materials;
(b) to request identification;
(c) to verify identification;
(d) to make a reasonable request of the person to place or keep in full view any library materials the individual may have removed, or which the employee has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, or for any other reasonable purpose;
(e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or

(f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of the minor as soon as possible of this detention and to surrender custody of the minor to this person.

(3) An employee may make a detention under this section off the library premises only if the detention is pursuant to an immediate pursuit of the person.

Amended by Chapter 111, 2023 General Session

76-6-803.90 Liability -- Defense -- Probable cause -- Reasonableness.

(1)

(a) As used in this section, "library" means the same as that term is defined in Section 76-6-801.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by an employee of the library, it is a defense to the action that the employee of the library detaining the person had probable cause to believe that the person had committed library theft and that the employee acted reasonably under all circumstances.

Amended by Chapter 111, 2023 General Session

Part 9
Cultural Sites Protection

76-6-901 Definitions.

As used in this part:

(1) "Antiquities" means:

(a) all material remains and their associations, recoverable through excavation or surface collection, that provide information pertaining to the historic or prehistoric peoples in the state; and

(b) vertebrate fossils and other exceptional fossils and fossil sites designated as state landmarks.

(2) "Landowner" includes the School and Institutional Trust Lands Administration with respect to lands sold by the School and Institutional Trust Lands Administration and upon which a restrictive deed covenant has been imposed by the School and Institutional Trust Lands Administration.

(3) "Persons" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Native American tribe, or of any state or political subdivision of any state.

(4) "State lands" means all lands owned by:

(a) Utah, including school and institutional trust lands and lands sold by the School and Institutional Trust Lands Administration subject to a restrictive deed covenant for the protection of antiquities; and

(b) political subdivisions.

Amended by Chapter 111, 2006 General Session

76-6-902 Antiquities alteration, removal, injury, or destruction.

(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
(2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:
(a) intentionally alters, removes, injures, or destroys antiquities from state lands or private lands without the landowner's consent; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902.1, or Section 76-6-902.2; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.

Amended by Chapter 111, 2023 General Session

76-6-902.1 Unlawful creation, labeling, or sale of reproduction of antiquities.
(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
(2) An actor commits unlawful reproduction, labeling, or sale of reproduction of antiquities if the actor:
(a) with the intent to represent one or more objects as original and genuine antiquities, intentionally:
(i) reproduces, reworks, or forges antiquities; or
(ii)
(A) makes an object, whether as a copy or not; or
(B) falsely labels, describes, identifies, or offers for sale or exchange an object; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902, or Section 76-6-902.2; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.

Enacted by Chapter 111, 2023 General Session

76-6-902.2 Unlawful sale or exchange of antiquities.
(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.

(2) An actor commits unlawful sale or exchange of antiquities if the actor:
(a) offers for sale or exchange an object that was collected or excavated in violation of Section 76-6-902; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902, or Section 76-6-902.1; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.

Enacted by Chapter 111, 2023 General Session

Part 10
Mail Box Damage and Mail Theft

76-6-1001 Definitions.

As used in this part:
(1) "Common mail carrier" means a person engaged in or transacting the business of collecting, transporting, or delivering mail, other than the United States Postal Service.
(2) "Key" means any instrument used by the postal service and postal customer, and which is designed to operate the lock on a mail receptacle.
(3) "Mail" means any letter, card, parcel, or other material, along with its contents, that:
(a) has postage affixed by the postal customer or postal service;
(b) has been accepted for delivery by the postal service;
(c) the postal customer leaves for collection by the postal service; or
(d) the postal service delivers to the postal customer.
(4) "Mail receptacle" means a mail box, post office box, rural box, or any place or area intended or used by postal customers or a postal service for the collection or delivery of mail.
(5) "Personal identifying information" means the same as that term is defined in Section 76-6-1101.
(6) "Postage" means a postal service stamp, permit imprint, meter strip, or other indication of either prepayment for postal service provided or authorization by the postal service for collection and delivery of mail.
(7) "Postal service" means the United States Postal Service or a private common mail carrier.

Amended by Chapter 111, 2023 General Session

76-6-1002 Damage to mail receptacle.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.

(2) An actor commits damage to a mail receptacle if the actor knowingly damages the condition of a mail receptacle, including:
(a) taking, concealing, damaging, or destroying a key; or
(b) breaking open, tearing down, taking, damaging, or destroying a mail receptacle.
(3)
(a) A violation of Subsection (2) is a:
(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.
(b) If the act committed amounts to an offense subject to a greater penalty, Subsection (3)(a) does not prohibit prosecution and sentencing for the more serious offense.
(4) The following presumptions and defenses shall be applicable to this section:
(a) possession of property recently stolen, when no satisfactory explanation of such possession is made, is prima facie evidence that the actor in possession stole the property;
(b) it is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this Subsection (4)(b) shall not include a security interest for the repayment of a debt or obligation; and
(c) it is a defense under this section that the actor:
(i) acted under an honest claim of right to the property or service involved;
(ii) acted in the honest belief that the actor had the right to obtain or exercise control over the property or service as the actor did; or
(iii) obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

Amended by Chapter 111, 2023 General Session

76-6-1003 Mail theft.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.
(2) An actor commits mail theft if the actor:
(a) knowingly, and with the intent to deprive another:
(i) takes, destroys, hides, or embezzles mail; or
(ii) obtains any mail by fraud or deception; or
(b) buys, receives, conceals, or possesses mail and knows or reasonably should have known that the mail was unlawfully taken or obtained.
(3) A violation of Subsection (2) is:
(a) a third degree felony;
(b) a class A misdemeanor, if the mail has no monetary value and does not include the name of an individual; or
(c) a second degree felony, if the mail contains the personal identifying information of 10 or more individuals.
(4) The following presumptions and defenses shall be applicable to this section:

(a) possession of property recently stolen, when no satisfactory explanation of such possession is made, is prima facie evidence that the actor in possession stole the property;
(b) it is no defense under this section that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this Subsection (4)(b) shall not include a security interest for the repayment of a debt or obligation; and
(c) it is a defense under this section that:
(i) the actor acted under an honest claim of right to the property or service involved;
(ii) the actor acted in the honest belief that the actor had the right to obtain or exercise control over the property or service as the actor did;
(iii) the actor obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented;
(iv) the actor was unaware that the mail belonged to another person;
(v) the actor reasonably believed the actor was entitled to the mail or had a right to acquire or dispose of the mail as the actor did; or
(vi) the mail belonged to the actor's spouse, unless the parties were either legally separated or living in separate residences at the time of the alleged mail theft.

Amended by Chapter 111, 2023 General Session

Part 11
Identity Fraud Act

76-6-1101 Definitions.
(1) As used in this part:
(a) "Personal identifying information" may include:
(i) name;
(ii) birth date;
(iii) address;
(iv) telephone number;
(v) driver license number;
(vi) social security number;
(vii) place of employment;
(viii) employee identification numbers or other personal identification numbers;
(ix) mother's maiden name;
(x) electronic identification numbers;
(xi) electronic signatures under Title 46, Chapter 4, Uniform Electronic Transactions Act;
(xii) any other numbers or information that can be used to access a person's financial resources or medical information, except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506, 76-6-506.2, 76-6-506.3, and 76-6-506.6; or
(xiii) a photograph or any other realistic likeness.
(b) "Restitution" means the same as that term is defined in Section 77-38b-102.

Repealed and Re-enacted by Chapter 111, 2023 General Session

76-6-1102 Identity fraud.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.

(2) An actor commits identity fraud if the actor knowingly or intentionally uses, or attempts to use, the personal identifying information of another person, whether that person is alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, employment, any other thing of value, or medical information.

(3) A violation of Subsection (2) is:

(a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the credit, goods, services, employment, or any other thing of value is less than $5,000; or

(b) a second degree felony if:

(i) the value of the credit, goods, services, employment, or any other thing of value is or exceeds $5,000; or

(ii) the use described in Subsection (2) of personal identifying information results, directly or indirectly, in bodily injury to another person.

(4)

(a) It is not a defense to a violation of Subsection (2) that the actor did not know that the personal information belonged to another person.

(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all credit, goods, services, or any other thing of value used, or attempted to be used, through the multiple violations.

(5)

(a) If a defendant is convicted of a violation of this section, the court shall order the defendant to pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.

(b) Restitution under Subsection (5)(a) may include:

(i) payment for any costs incurred, including attorney fees, lost wages, and replacement of checks; and

(ii) the value of the victim's time incurred due to the offense:

(A) in clearing the victim's credit history or credit rating;

(B) in any civil or administrative proceedings necessary to satisfy or resolve any debt, lien, or other obligation of the victim or imputed to the victim and arising from the offense; and

(C) in attempting to remedy any other intended or actual harm to the victim incurred as a result of the offense.

Amended by Chapter 111, 2023 General Session

76-6-1103 Investigation of violation.

In addition to investigations conducted by law enforcement agencies, the Office of the Attorney General also has responsibility for investigating violations of this part where identity fraud is the primary violation that is alleged to have been committed.

Amended by Chapter 227, 2004 General Session

76-6-1104 Court records.

In any case in which a person commits identify fraud and uses the personal identifying information obtained to commit a crime in addition to the identity fraud, the court shall make appropriate findings in any prosecution of such a crime that the person whose identity was falsely used to commit the crime did not commit the crime.

Enacted by Chapter 57, 2000 General Session

76-6-1105 Unlawful possession of another's identification documents.

(1)
(a) As used in this section:
(i)
(A) "Identifying document" means:
(I) a government issued document commonly used for identification;
(II) a vehicle registration certificate; or
(III) any other document, image, data file, or medium containing personal identifying information as defined in Subsection 76-6-1101(1)(a).
(B) "Identifying document" includes:
(I) a counterfeit identifying document; or
(II) a document containing personal identifying information of a deceased individual.
(ii) "Possess" means to have physical control or electronic access.
(b) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.
(2)
(a) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses an identifying document:
(A) with knowledge that the actor is not entitled to obtain or possess the identifying document; or
(B) with intent to deceive or defraud; or
(ii) assists another person in obtaining or possessing an identifying document:
(A) with knowledge that the person is not entitled to obtain or possess the identifying document; or
(B) with knowledge that the person intends to use the identifying document to deceive or defraud.
(b) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses identifying documents of more than two, but fewer than 100, individuals:
(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or
(B) with intent to deceive or defraud; or
(ii) assists another person in obtaining or possessing identifying documents of more than two, but fewer than 100, individuals:
(A) with knowledge that the person is not entitled to obtain or possess the multiple identifying documents; or
(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.
(c) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses identifying documents of 100 or more individuals:
(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or
(B) with intent to deceive or defraud; or

(ii) assists another person in obtaining or possessing identifying documents of 100 or more individuals:
(A) with knowledge that the person is not entitled to obtain or possess the identifying documents; or
(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.
(3) A violation of:
(a) Subsection (2)(a) is a class A misdemeanor;
(b) Subsection (2)(b) is a third degree felony; or
(c) Subsection (2)(c) is a second degree felony.

Amended by Chapter 111, 2023 General Session

Part 12
Utah Mortgage Fraud Act

76-6-1202 Definitions.
As used in this part:
(1) "Mortgage lending process" means the process through which a person seeks or obtains a mortgage loan, including solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan.
(2) "Mortgage loan":
(a) means a loan or agreement made to extend credit to a person when the loan is secured by a deed, security deed, mortgage, security interest, deed of trust, or other document representing a security interest or lien upon any interest in one-to-four family residential property; and
(b) includes the renewal or refinancing of any loan.
(3) "Pattern of unlawful activity" means the same as that term is defined in Section 76-17-401.
(4) "Sensitive personal identifying information" includes:
(a) the following information regarding an individual's:
(i) Social Security number;
(ii) driver license number or other government issued identification number;
(iii) financial account number or credit or debit card number;
(iv) password or personal identification number or other identification required to gain access to a financial account or a secure website;
(v) automated or electronic signature; and
(vi) unique biometric data; and
(b) any other information that can be used to gain access to an individual's financial accounts or to obtain goods or services.
(5) "Value" means the value of the property, money, or thing obtained or sought to be obtained.

Amended by Chapter 173, 2025 General Session

76-6-1203 Mortgage fraud.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1202 apply to this section.

(2) An actor commits mortgage fraud if the actor does any of the following with the intent to defraud:
(a) knowingly makes any material misstatement, misrepresentation, or omission during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process;
(b) knowingly uses or facilitates the use of any material misstatement, misrepresentation, or omission, during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process;
(c) files or causes to be filed with any county recorder in Utah any document that the actor knows contains a material misstatement, misrepresentation, or omission; or
(d) receives any proceeds or any compensation in connection with a mortgage loan that the actor knows resulted from a violation of this section.
(3)
(a) Notwithstanding any other administrative, civil, or criminal penalties, a violation of Subsection (2) is a:
(i) class A misdemeanor if the value is or exceeds $500 but is less than $1,500;
(ii) third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(iii) second degree felony if the value is or exceeds $5,000; and
(iv) second degree felony if the object or purpose of the commission of an act of mortgage fraud is the obtaining of sensitive personal identifying information, regardless of the value.
(b) The determination of the degree of any offense under Subsection (3)(a) is measured by the total value of all property, money, or things obtained or sought to be obtained by a violation of Subsection (2), except as provided in Subsection (3)(a)(iv).
(4) Each residential or commercial property transaction offense under this section constitutes a separate violation.

Amended by Chapter 111, 2023 General Session

Part 13
Utah Automated Sales Suppression Device Act

76-6-1302 Definitions.
As used in this part:
(1) "Automated sales suppression device" means:
(a) a software program that falsifies the electronic records of electronic cash registers or any other point-of-sale systems, including transaction data and transaction reports; or
(b) a general reference to a device that allows for, creates, or supports an automated sales suppression system or any kind of phantomware.
(2) "Electronic cash register" means any device, wherever located, that maintains a transaction register or supporting documents by means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail, wholesale, or any other sales transaction data.
(3) "Person" means an individual, business, or entity.
(4) "Phantomware" means a programming option that:
(a) is pre-installed, installed at a later time, or otherwise embedded in the operating system of an electronic cash register or hardwired into the electronic cash register; and

(b) can be used to create a virtual alternate register or to eliminate or manipulate transaction records that may or may not be preserved in digital formats in order to represent a manipulated record or records of transactions in the electronic cash register.

(5) "Transaction data" includes items purchased by a customer, the price for each item, a taxability determination for each item, a segregated tax amount for each of the taxed items, the amount of cash or credit tendered, the net amount returned to the customer in change or in a refund, the date and time of the purchase, the name, address, and identification number of the vendor, and the receipt or invoice number of the transaction.

(6) "Transaction report" means a report that includes the sales, taxes collected, media totals, and discount voids at an electronic cash register and that is generated at the end of a day or shift. The report is printed on cash register tape or is stored electronically.

Enacted by Chapter 32, 2012 General Session

76-6-1303 Possession, sale, or use of automated sales suppression device unlawful.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1302 apply to this section.

(2) An actor commits possession, sale, or use of an automated sales suppression device if the actor willfully or knowingly sells, purchases, installs, transfers, uses, or possesses in this state any automated sales suppression device or phantomware with the intent to defraud.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.

(b) A second or subsequent violation of Subsection (2) is a second degree felony.

(c) Notwithstanding Section 76-3-301, any person convicted of violating Subsection (2) may be fined not more than twice the amount of the applicable taxes that would otherwise be due, but for the use of the automated sales suppression device or phantomware.

(d) Any person convicted of a violation of Subsection (2):

(i) is liable for all applicable taxes, penalties under Section 59-1-401, and interest under Section 59-1-402 that would otherwise be due, but for the use of the automated sales suppression device or phantomware to evade the payment of taxes; and

(ii) shall disgorge all profits associated with the sale or use of an automated sales suppression device or phantomware.

(4) An automated sales suppression device and any device containing an automated sales suppression device is contraband and subject to forfeiture under Title 77, Chapter 11b, Forfeiture of Seized Property.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

Part 14
Regulation of Metal Dealers

76-6-1402 Definitions.

As used in this part:

(1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.

(2) "Dealer" means:

(a) a scrap metal processor or secondary metals dealer or recycler, but does not include:
(i) junk dealers as defined in Section 76-6-1402;
(ii) solid waste management facilities as defined in Section 19-6-502; or
(iii) the following businesses that are authorized to accept delivery of used lead batteries for recycling under Sections 19-6-603, 19-6-604, and 19-6-605:
(A) retailers;
(B) wholesalers;
(C) battery manufacturers; and
(D) secondary lead smelters.
(b) a metals refiner.
(3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.
(4) "Identification" means a form of positive identification issued by a state of the United States or the United States federal government that:
(a) contains a numerical identifier and a photograph of the person identified;
(b) provides the date of birth of the person identified; and
(c) includes a state identification card, a state driver license, a United States military identification card, or a United States passport.
(5) "Junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand or castoff material, including ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials, but not including regulated metal.
(6) "Local law enforcement agency" means the law enforcement agency that has jurisdiction over the area where the dealer's business is located.
(7) "Metals refiner" means an individual or business that refines or melts any regulated metal, but does not include an individual or business that primarily uses ore, concentrate, or other primary materials in refining, melting, or producing any regulated metal.
(8) "Nonferrous metal":
(a) means a metal that does not contain significant quantities of iron or steel; and
(b) includes copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.
(9)
(a) "Regulated metal" means any item composed primarily of nonferrous metal, except as provided in Subsection (9)(c).
(b) "Regulated metal" includes:
(i) aluminum, brass, copper, lead, chromium, tin, nickel, or alloys of these metals, except under Subsection (9)(c), and lead that is a part of an automotive or industrial lead battery;
(ii) property that is a regulated metal and that is owned by, and also identified by marking or other means as the property of:
(A) a telephone, cable, electric, water, or other utility; or
(B) a railroad company;
(iii) unused and undamaged building construction materials made of metal or alloy, including:
(A) copper pipe, tubing, or wiring; and
(B) aluminum wire, siding, downspouts, or gutters;
(iv) oil well rigs, including any part of the rig;
(v) nonferrous materials, stainless steel, and nickel; and
(vi) irrigation pipe.
(c) "Regulated metal" does not include:
(i) ferrous metal, except as provided in Subsection (9)(b)(ii) or (iv);
(ii) household-generated recyclable materials;
(iii) items composed wholly of light iron or sheet steel;

(iv) aluminum beverage containers; or
(v) containers used solely for containing food.
(10) "Scrap metal processor" means any person:
(a) who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel, or nonferrous scrap into prepared grades; and
(b) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.
(11) "Secondary metals dealer or recycler" means any person who:
(a) is engaged in the business of purchasing, collecting, or soliciting regulated metal; or
(b) operates or maintains a facility where regulated metal is purchased or kept for shipment, sale, transfer, or salvage.
(12) "Suspect metal items" are the following items made of regulated metal:
(a) manhole covers and sewer grates;
(b) gas meters and water meters;
(c) traffic signs, street signs, aluminum street light poles, communications transmission towers, and guard rails;
(d) grave site monument vases and monument plaques;
(e) any monument plaque;
(f) brass or bronze bar stock and bar ends;
(g) ingots;
(h) nickel and nickel alloys containing greater than 50% nickel;
(i) #1 and #2 copper as defined by the most recent materials specifications circular issued by the Recycled Materials Association;
(j) unused and undamaged building materials, including:
(i) greenline copper;
(ii) copper pipe, tubing, or wiring; and
(iii) aluminum wire, siding, downspouts, or gutters;
(k) catalytic converters;
(l) automotive and industrial lead batteries; and
(m) wire that has been burned or that has the appearance of having been burned.

Amended by Chapter 434, 2025 General Session

76-6-1403 Requirements for records of sale or purchases.
(1) Every dealer shall:
(a) require the information under Subsection (2) for each transaction of regulated metal, except under Subsection 76-6-1406(4); and
(b) maintain for each purchase of regulated metal the information required by this part in a written or electronic log, in the English language.
(2) The dealer shall require the following information of the seller and shall record the information as required under Subsection (1) for each purchase of regulated metal:
(a) a complete description of the regulated metal, including weight and metallic description, in accordance with scrap metal recycling industry standards;
(b) the full name and residence of each person selling the regulated metal;
(c) the vehicle type and license plate number, if applicable, of the vehicle transporting the regulated metal to the dealer;
(d) the price per pound and the amount paid for each type of regulated metal purchased by the dealer;

(e) the date, time, and place of the purchase;
(f) the type and the identifying number of the identification provided in Subsection (2)(g);
(g) a form of identification that is a valid United States federal or state-issued photo ID, which includes a driver license, a United States passport, a United States passport card, or a United States military identification card;
(h) the seller's signature on a certificate stating that the seller has the legal right to sell the scrap metal or junk; and
(i) a digital photograph or still video of the seller, taken at the time of the sale, or a clearly legible photocopy of the seller's identification.
(3) No entry in the log may be erased, deleted, mutilated, or changed.
(4) The log and entries shall be open to inspection by the following officials having jurisdiction over the area in which the dealer does business during regular business hours:
(a) the county sheriff or deputies;
(b) any law enforcement agency; and
(c) any constable or other state, municipal, or county official in the county in which the dealer does business.
(5) A dealer shall make these records available for inspection by any law enforcement agency, upon request, at the dealer's place of business during the dealer's regular business hours.
(6) Log entries made under this section shall be maintained for not less than three years from date of entry.
(7)
(a) The dealer may maintain the information required by Subsection (2) for repeat sellers who use the same vehicle to bring regulated metal for each transaction in a relational database that allows the dealer to enter an initial record of the seller's information and then relate subsequent transaction records to that initial information, except under Subsection (7)(b).
(b) The dealer shall obtain regarding each transaction with repeat sellers:
(i) a photograph of the seller; and
(ii) a signature from the seller.
(8) A dealer who violates this section is subject to the penalties described in Section 76-6-1403.1.

Amended by Chapter 111, 2023 General Session

76-6-1403.1 Unlawful conduct with respect to record of sale or purchase.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful conduct with respect to record of sale or purchase if the dealer violates a requirement under Section 76-6-1403.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1404.1, 76-6-1405.1, 76-6-1406.1, or 76-6-1409.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1403 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1403 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1404 Required notice to sellers of identification requirements.
(1) A dealer shall at all times maintain in a prominent place at the dealer's place of business, in open view to a seller of regulated metal, a clearly legible notice in not less than two-inch high lettering that contains the following language: "A PERSON ATTEMPTING TO SELL ANY REGULATED METAL MUST PROVIDE IDENTIFICATION AS REQUIRED BY STATE LAW."
(2) A dealer who violates this section is subject to the penalties described in Section 76-6-1404.1.

Amended by Chapter 111, 2023 General Session

76-6-1404.1 Unlawful failure to maintain required notice to sellers.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful failure to maintain required notice to sellers if the dealer violates a requirement under Section 76-6-1404.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1405.1, 76-6-1406.1, or 76-6-1409.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.
(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1404 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1404 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1405 Qualifications to sell to dealer.

(1) A dealer may not purchase regulated metal from a person younger than 18 years old.

(2) If the person is unable to comply with all the identification requirements of Subsection 76-6-1403(2), the dealer may not conduct a transaction of regulated metal with that person.

(3) A dealer who violates this section is subject to the penalties described in Section 76-6-1405.1.

Amended by Chapter 111, 2023 General Session

76-6-1405.1 Unlawful failure to comply with qualifications to sell to dealer.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.

(2) A dealer commits unlawful failure to comply with qualifications to sell to dealer if the dealer violates a requirement under Section 76-6-1405.

(3)

(a)

(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.

(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.

(b)

(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1406.1, or 76-6-1409.1.

(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

(4)

(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1405 or this section.

(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1405 or this section.

(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1406 Restrictions on the purchase of regulated metal -- Exemption.

(1) A dealer may conduct purchase transactions involving regulated metal only between the hours of 6 a.m. and 7 p.m.

(2) Except when the dealer pays a government entity by check for regulated metal, the dealer may not purchase any of the following regulated metal without obtaining and keeping on file reasonable documentation that the seller is an employee, agent, or contractor of a governmental entity who is authorized to sell the item of regulated metal property on behalf of the governmental entity:

(a) a manhole cover or sewer grate;
(b) an electric light pole; or
(c) a guard rail.

(3)
(a) A dealer may not purchase suspect metal without obtaining the information under Subsection (3)(b) identifying the owner of the suspect metal.
(b) The owner of the suspect metal shall provide in writing:
(i) the owner's telephone number;
(ii) the owner's business or residential address, which may not be a post box;
(iii) a copy of the owner's driver license; and
(iv) a signed statement that the person is the lawful owner of the suspect metal and authorizes the seller, identified by name, to sell the suspect metal.
(c) The dealer shall keep the identifying information provided in Subsection (3)(b) on file for not less than one year.

(4) Transactions with businesses that have an established account with the dealer are exempt from the requirements of Subsections (2) and (3) if the business holds a valid business license, and:
(a)
(i) the dealer has on file a statement from the business identifying those employees authorized to sell all metals to the dealer; and
(ii) the dealer conducts regulated metal transactions only with those identified employees of the business and records the name of the employee when recording the transaction;
(b) the dealer has on file reasonable documentation from the business that any person verified as representing the business as an employee, and whom the dealer has verified is an employee, may sell regulated metal; or
(c) the dealer makes payment for regulated metal purchased from a person by issuing a check to the business employing the seller.

(5) If a dealer is a catalytic converter purchaser as defined in Section 13-32a-102, the dealer shall comply with the requirements in Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act.

(6) A dealer who violates this section is subject to the penalties described in Section 76-6-1406.1.

Amended by Chapter 111, 2023 General Session

76-6-1406.1 Unlawful failure to follow restrictions on the purchase of regulated metal.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.

(2) A dealer commits unlawful failure to follow restrictions on the purchase of regulated metal if the dealer violates a requirement under Section 76-6-1406.

(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1405.1, or 76-6-1409.1.

(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

(4)

(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1406 or this section.

(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1406 or this section.

(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1408 Falsification of seller's statement to dealer.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.

(2) An actor commits falsification of seller's statement to dealer if the actor:

(a) sells, offers to sell, or attempts to sell regulated metal; and

(b) in providing information required by Section 76-6-1403, 76-6-1405, or 76-6-1406 willfully makes a false statement or provides any untrue information.

(3)

(a)

(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(ii) An actor who is convicted of a class B misdemeanor under this section is subject to a mandatory fine of no less than $1,000.

(b)

(i) A violation of Subsection (2) is a class A misdemeanor if the actor previously has been convicted of a violation of this section.

(ii) An actor who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

Amended by Chapter 111, 2023 General Session

76-6-1409 Hold on stolen regulated metal property -- Hold notice.

(1)

(a) If a law enforcement agency has reasonable cause to believe that items of regulated metal in the possession of a dealer are stolen, the law enforcement agency may issue a written hold notice.

(b) The hold notice described in Subsection (1)(a) shall:

(i) identify those items of regulated metal alleged to be stolen and subject to hold; and

(ii) inform the dealer of the restrictions imposed on the regulated metal property under Subsection (2).

(2) For 60 days after the date of receiving a hold notice, a dealer may not process or remove from the dealer's place of business any regulated metal identified in the hold notice, unless the property is released earlier by the law enforcement agency or by order of a court of competent jurisdiction.

(3) On the expiration of the hold notice period, the hold is automatically released, and the dealer may dispose of the regulated metal, unless otherwise directed by a court of competent jurisdiction.
(4) A dealer who violates this section is subject to the penalties described in Section 76-6-1409.1.

Amended by Chapter 111, 2023 General Session

76-6-1409.1 Unlawful violation of regulated metal hold requirement.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful violation of regulated metal hold requirement if the dealer violates a requirement under Section 76-6-1409.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1405.1, or 76-6-1406.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.
(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1409 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1409 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

Chapter 7
Offenses Against the Family

Part 1
Marital Violations

76-7-101 Bigamy.
(1) An individual is guilty of bigamy if:
(a) the individual purports to marry another individual; and

(b) knows or reasonably should know that one or both of the individuals described in Subsection (1)(a) are legally married to another individual.
(2) An individual who violates Subsection (1) is guilty of an infraction.
(3) An individual is guilty of a third degree felony if the individual induces bigamy:
(a) under fraudulent or false pretenses; or
(b) by threat or coercion.
(4) An individual is guilty of a second degree felony if the individual:
(a) cohabitates with another individual with whom the individual is engaged in bigamy as described in Subsection (1); and
(b) in furtherance of the conduct described in Subsection (4)(a), commits a felony offense, or for Section 76-5-418, a misdemeanor offense, in violation of one or more of the following:
(i) Section 76-5-109, child abuse;
(ii) Section 76-5-109.2, aggravated child abuse;
(iii) Section 76-5-109.3, child abandonment;
(iv) Section 76-5-109.4, child torture;
(v) Section 76-5-111, abuse of a vulnerable adult;
(vi) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
(vii) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
(viii) Section 76-5-111.4, financial exploitation of a vulnerable adult;
(ix) Chapter 5, Part 2, Criminal Homicide;
(x) Section 76-5-208, child abuse homicide;
(xi) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
(xii) Chapter 5, Part 4, Sexual Offenses, other than:
(A) Section 76-5-417, enticing a minor;
(B) Section 76-5-419, lewdness; or
(C) Section 76-5-420, lewdness involving a child;
(xiii) Section 76-7-201, criminal nonsupport;
(xiv) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
(xv) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
(5) It is a defense to prosecution under Subsection (2) that:
(a) the individual ceased the practice of bigamy as described in Subsection (1) under reasonable fear of coercion or bodily harm;
(b) the individual entered the practice of bigamy, as described in Subsection (1), as a minor and ceased the practice of bigamy at any time after the individual entered the practice of bigamy; or
(c) law enforcement discovers that the individual practices bigamy, as described in Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another individual.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-7-101.5 Child bigamy -- Penalty.
(1) An actor 18 years of age or older is guilty of child bigamy when, knowing he or she has a wife or husband, or knowing that a person under 18 years of age has a wife or husband, the actor carries out the following with the person who is under 18 years of age:
(a) purports to marry the person who is under 18 years of age; and
(b) cohabitates with the person who is under 18 years of age.
(2) A violation of Subsection (1) is a second degree felony.

Amended by Chapter 442, 2017 General Session

76-7-102 Incest -- Definitions -- Penalty.

(1) As used in this section:

(a) "Provider" means a person who provides or makes available his seminal fluid or her human egg.

(b) "Related person" means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:

(i) blood relationships of the whole or half blood, regardless of whether the relationship is legally recognized;

(ii) the relationship of parent and child by adoption; and

(iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

(2)

(a) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:

(i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or

(ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).

(b) Conduct referred to under Subsection (2)(a) is:

(i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person;

(ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;

(iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;

(iv) a woman 18 years of age or older who:

(A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and

(B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or

(v) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.

(c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.

(3) Incest is a third degree felony.

(4) A provider under this section is not a donor under Section 81-5-702.

Amended by Chapter 426, 2025 General Session

Part 2
Nonsupport and Custody of Children

76-7-201 Criminal nonsupport.

(1) A person commits criminal nonsupport if, having a spouse, a child, or children under the age of 18 years, the person knowingly fails to provide for the support of a spouse, child, or children when any one of them:
  (a) is in needy circumstances; or
  (b) would be in needy circumstances but for support received from a source other than the defendant or paid on the defendant's behalf.
(2) Except as provided in Subsection (3), criminal nonsupport is a class A misdemeanor.
(3) Criminal nonsupport is a felony of the third degree if the defendant:
  (a) has been convicted one or more times of nonsupport, whether in this state, any other state, or any court of the United States;
  (b) committed the offense while residing outside of Utah; or
  (c) commits the crime of nonsupport in each of 18 individual months within any 24-month period, or the total arrearage is in excess of $10,000.
(4) For purposes of this section "child" includes a child born out of wedlock whose paternity has been admitted by the defendant or has been established in a civil suit.
(5)
  (a) In a prosecution for criminal nonsupport under this section, it is an affirmative defense that the defendant is unable to provide support. Voluntary unemployment or underemployment by the defendant does not give rise to that defense.
  (b) Not less than 20 days before trial the defendant shall file and serve on the prosecuting attorney a notice, in writing, of the defendant's intention to claim the affirmative defense of inability to provide support. The notice shall specifically identify the factual basis for the defense and the names and addresses of the witnesses who the defendant proposes to examine in order to establish the defense.
  (c) Not more than 10 days after receipt of the notice described in Subsection (5)(b), or at such other time as the court may direct, the prosecuting attorney shall file and serve the defendant with a notice containing the names and addresses of the witnesses who the state proposes to examine in order to contradict or rebut the defendant's claim.
  (d) Failure to comply with the requirements of Subsection (5)(b) or (5)(c) entitles the opposing party to a continuance to allow for preparation. If the court finds that a party's failure to comply is the result of bad faith, it may impose appropriate sanctions.
(6) Criminal nonsupport is a continuing offense.

Amended by Chapter 209, 2020 General Session

76-7-202 Orders for support in criminal nonsupport proceedings.
(1) In any proceeding under Section 76-7-201, the court may, instead of imposing the punishments otherwise prescribed, issue an order directing the defendant to periodically pay a sum to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents who are the subject of the proceeding under Section 76-7-201.
(2) The order to periodically pay a sum for the support of the dependents:
  (a) may be issued with the consent of the defendant prior to trial, or after conviction, having regard to the circumstances, financial ability, and earning capacity of the defendant;
  (b) shall be subject to change from time to time as circumstances may require;
  (c) may not require payments for a period exceeding the term of probation provided for the offense with which the defendant is charged, or of which the defendant is found guilty; and
  (d) shall be conditioned upon the defendant either entering a recognizance in accordance with Subsection (3), or providing security in a sum as the court directs.

(3) The condition of recognizance shall require the defendant to:
(a) make personal appearance in court whenever ordered to do so within the period of probation; and
(b) comply with the terms of the order and any subsequent modifications of the order.
(4) If the court is satisfied by information and due proof under oath that at any time during the period of probation the defendant has violated the terms of the order, it may proceed with the trial of defendant under the original charge or sentence the defendant under the original conviction or enforce the original sentence as the case may be. In the case of forfeiture of bail or bond in any proceeding under Section 76-7-201, the sum recovered may, in the discretion of the court, be paid in whole or in part to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents involved.

Amended by Chapter 302, 2025 General Session

76-7-203 Sale of child -- Felony -- Payment of adoption related expenses.
(1) For purposes of this section:
(a) "Adoption related expenses" means expenses that:
(i) are reasonably related to the adoption of a child;
(ii) are incurred for a reasonable amount; and
(iii) may include expenses:
(A) of the mother or father of the child being adopted, including:
(I) legal expenses;
(II) maternity expenses;
(III) medical expenses;
(IV) hospital expenses;
(V) counseling expenses;
(VI) temporary living expenses and lost wages during the pregnancy of the mother for up to eight weeks after the day on which the mother delivers the child; or
(VII) expenses for travel between the mother's or father's home and the location where the child will be born or placed for adoption;
(B) of a directly affected person for:
(I) travel between the directly affected person's home and the location where the child will be born or placed for adoption; or
(II) temporary living expenses during the pregnancy or confinement of the mother; or
(C) other than those included in Subsection (1)(a)(iii)(A) or (B), that are not made for the purpose of inducing the mother, parent, or legal guardian of a child to:
(I) place the child for adoption;
(II) consent to an adoption; or
(III) cooperate in the completion of an adoption.
(b) "Directly affected person" means a person who is:
(i) a parent or guardian of a minor when the minor is the mother or father of the child being adopted;
(ii) a dependent of:
(A) the mother or father of the child being adopted; or
(B) the parent or guardian described in Subsection (1)(b)(i); or
(iii) the spouse or partner of the mother or father of the child being adopted.
(2) Except as provided in Subsection (3), a person is guilty of a third degree felony if the person:

(a) while having custody, care, control, or possession of a child, sells, or disposes of the child, or attempts or offers to sell or dispose of the child, for and in consideration of the payment of money or another thing of value; or
(b) offers, gives, or attempts to give money or another thing of value to a person, with the intent to induce or encourage a person to violate Subsection (2)(a).
(3) A person does not violate this section by paying or receiving payment for adoption related expenses, if:
(a) the expenses are paid as an act of charity; and
(b) the payment is not made for the purpose of inducing the mother, parent, or legal guardian of a child to:
(i) place the child for adoption;
(ii) consent to an adoption; or
(iii) cooperate in the completion of an adoption.

Amended by Chapter 491, 2019 General Session

Part 3
Abortion

76-7-301 Definitions.
As used in this part:
(1)
(a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this part.
(b) "Abortion" does not include:
(i) removal of a dead unborn child;
(ii) removal of an ectopic pregnancy; or
(iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:
(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and
(B) the physician is unable to obtain the consent due to a medical emergency.
(2) "Abortion clinic" means the same as that term is defined in Section 26B-2-201.
(3) "Abuse" means the same as that term is defined in Section 80-1-102.
(4) "Department" means the Department of Health and Human Services.
(5) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.
(6) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman.
(7) "Hospital" means:
(a) a general hospital licensed by the department according to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
(b) a clinic or other medical facility to the extent that such clinic or other medical facility is certified by the department as providing equipment and personnel sufficient in quantity and quality to provide the same degree of safety to the pregnant woman and the unborn child as would be

provided for the particular medical procedures undertaken by a general hospital licensed by the department.

(8) "Information module" means the pregnancy termination information module prepared by the department.

(9) "Medical emergency" means a life threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the pregnant woman at risk of death, or poses a serious risk of substantial impairment of a major bodily function, unless the abortion is performed or induced.

(10) "Minor" means an individual who is:

(a) under 18 years old;

(b) unmarried; and

(c) not emancipated.

(11)

(a) "Partial birth abortion" means an abortion in which the person performing the abortion:

(i) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(ii) performs the overt act, other than completion of delivery, that kills the partially living fetus.

(b) "Partial birth abortion" does not include the dilation and evacuation procedure involving dismemberment prior to removal, the suction curettage procedure, or the suction aspiration procedure for abortion.

(12) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:

(a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and

(b) may include counseling or medical care by:

(i) maternal-fetal medical specialists;

(ii) obstetricians;

(iii) neonatologists;

(iv) anesthesia specialists;

(v) psychiatrists, psychologists, or other mental health providers;

(vi) clergy;

(vii) social workers; or

(viii) specialty nurses.

(13) "Physician" means:

(a) a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act;

(b) an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(c) a physician employed by the federal government who has qualifications similar to an individual described in Subsection (13)(a) or (b).

(14)

(a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.

(b) "Severe brain abnormality" does not include:

(i) Down syndrome;
(ii) spina bifida;
(iii) cerebral palsy; or
(iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.

Amended by Chapter 313, 2024 General Session

76-7-301.1 Preamble -- Findings and policies of Legislature.

(1) It is the finding and policy of the Legislature, reflecting and reasserting the provisions of Article I, Sections 1 and 7, Utah Constitution, which recognize that life founded on inherent and inalienable rights is entitled to protection of law and due process; and that unborn children have inherent and inalienable rights that are entitled to protection by the state of Utah pursuant to the provisions of the Utah Constitution.
(2) The state of Utah has a compelling interest in the protection of the lives of unborn children.
(3) It is the intent of the Legislature to protect and guarantee to unborn children their inherent and inalienable right to life as required by Article I, Sections 1 and 7, Utah Constitution.
(4) It is also the policy of the Legislature and of the state that, in connection with abortion, a woman's liberty interest, in limited circumstances, may outweigh the unborn child's right to protection. These limited circumstances arise when the abortion is necessary to save the pregnant woman's life or prevent grave damage to her medical health, and when pregnancy occurs as a result of rape or incest. It is further the finding and policy of the Legislature and of the state that a woman may terminate the pregnancy if the unborn child would be born with grave defects.

Amended by Chapter 2, 1991 Special Session 1
Amended by Chapter 2, 1991 Special Session 1

76-7-301.5 Relationship to criminal homicide.

(1) This part does not apply to the killing or attempted killing of a live unborn child in any manner that is not an abortion.
(2) The killing or attempted killing of a live unborn child in a manner that is not an abortion shall be punished as provided in Title 76, Chapter 5, Part 2, Criminal Homicide.

Enacted by Chapter 13, 2010 General Session

76-7-302 Circumstances under which abortion authorized.

(1) An abortion may be performed in this state only by a physician.
(2) An abortion may be performed in this state only under the following circumstances:
(a) the unborn child has not reached 18 weeks gestational age;
(b) the unborn child has reached 18 weeks gestational age, and:
(i) the abortion is necessary to avert:
(A) the death of the woman on whom the abortion is performed; or
(B) a serious physical risk of substantial impairment of a major bodily function of the woman on whom the abortion is performed; or
(ii) subject to Subsection (4), two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus has a fetal abnormality that in the physicians' reasonable medical judgment is incompatible with life; or

(c) the unborn child has not reached 18 weeks gestational age and:
(i)
(A) the woman is pregnant as a result of:
(I) rape, as described in Section 76-5-402;
(II) rape of a child, as described in Section 76-5-402.1; or
(III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; or
(B) the pregnant child is under the age of 14; and
(ii) before the abortion is performed, the physician who performs the abortion:
(A) for an abortion authorized under Subsection (2)(c)(i)(A), verifies that the incident described in Subsection (2)(c)(i)(A) has been reported to law enforcement; and
(B) if applicable, complies with the requirements of Section 80-2-602.
(3) An abortion may be performed only in an abortion clinic or a hospital, unless it is necessary to perform the abortion in another location due to a medical emergency.
(4) If the unborn child has been diagnosed with a fetal abnormality that is incompatible with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and in writing, that perinatal hospice and perinatal palliative care services are available and are an alternative to abortion.
(5) A physician who performs an abortion under Subsection (2)(c) shall:
(a) maintain an accurate record as to the manner in which the physician conducted the verification under Subsection (2)(c)(ii)(A); and
(b) report the information described in Subsection (5)(a) to the department in accordance with Section 76-7-313.

Amended by Chapter 313, 2024 General Session

76-7-302.4 Abortion restriction of an unborn child with Down syndrome.

Notwithstanding any other provision of this part, an abortion may not be performed if the pregnant mother's sole reason for the abortion is that the unborn child has or may have Down syndrome, unless the abortion is permissible for a reason described in Section 76-7-302.

Amended by Chapter 301, 2023 General Session

76-7-303 Concurrence of attending physician based on medical judgment.

No abortion may be performed in this state without the concurrence of the attending physician, based on the attending physician's best medical judgment.

Amended by Chapter 302, 2025 General Session

76-7-304 Considerations by physician -- Notice to a parent or guardian -- Exceptions.

(1) To enable the physician to exercise the physician's best medical judgment, the physician shall consider all factors relevant to the well-being of a pregnant woman upon whom an abortion is to be performed, including:
(a) her physical, emotional, and psychological health and safety;
(b) her age; and
(c) her familial situation.
(2) Subject to Subsection (3), at least 24 hours before a physician performs an abortion on a minor, the physician shall notify a parent or guardian of the minor that the minor intends to have an abortion.

(3) A physician is not required to comply with Subsection (2) if:
(a) subject to Subsection (4)(a):
(i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
(A) the minor's death; or
(B) a serious physical risk of substantial impairment of a major bodily function of the minor; and
(ii) there is not sufficient time to give the notice required under Subsection (2) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (3)(a)(i);
(b) subject to Subsection (4)(b):
(i) the physician complies with Subsection (5); and
(ii)
(A) the minor is pregnant as a result of incest to which the parent or guardian was a party; or
(B) the parent or guardian has abused the minor; or
(c) subject to Subsection (4)(b), the parent or guardian has not assumed responsibility for the minor's care and upbringing.
(4)
(a) If, for the reason described in Subsection (3)(a), a physician does not give the 24-hour notice described in Subsection (2), the physician shall give the required notice as early as possible before the abortion, unless it is necessary to perform the abortion immediately in order to avert the minor's death or impairment described in Subsection (3)(a)(i).
(b) If, for a reason described in Subsection (3)(b) or (c), a parent or guardian of a minor is not notified that the minor intends to have an abortion, the physician shall notify another parent or guardian of the minor, if the minor has another parent or guardian that is not exempt from notification under Subsection (3)(b) or (c).
(5) If, for a reason described in Subsection (3)(b)(ii)(A) or (B), a physician does not notify a parent or guardian of a minor that the minor intends to have an abortion, the physician shall report the incest or abuse to the Division of Child and Family Services within the Department of Health and Human Services.

Amended by Chapter 301, 2023 General Session

76-7-304.5 Consent required for abortions performed on minors -- Division of Child and Family Services as guardian of a minor -- Hearing to allow a minor to self-consent -- Appeals.

(1) In addition to the other requirements of this part, a physician may not perform an abortion on a minor unless:
(a) the physician obtains the informed written consent of a parent or guardian of the minor, in accordance with Sections 76-7-305 and 76-7-305.5;
(b) the minor is granted the right, by court order under Subsection (4)(b), to consent to the abortion without obtaining consent from a parent or guardian; or
(c)
(i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
(A) the minor's death; or

(B) a risk described in Subsection 76-7-302(2)(b)(i)(B); and
(ii) there is not sufficient time to obtain the consent in the manner chosen by the minor under Subsection (2) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (1)(c)(i).
(2)
(a) A minor who wants to have an abortion may choose:
(i) to seek consent from the minor's parent or guardian as described in Subsection (1); or
(ii) to seek a court order as described in Subsection (1).
(b) Neither Subsection (1) nor this Subsection (2) require the minor to seek or obtain consent from the minor's parent or guardian if the circumstances described in Subsection 76-7-304(3)(b)(ii) exist.
(3) If a minor does not obtain the consent of the minor's parent or guardian, the minor may file a petition with the juvenile court to obtain a court order as described in Subsection (1).
(4)
(a) The juvenile court shall close the hearing on a petition described in Subsection (3) to the public.
(b) After considering the evidence presented at the hearing, the court shall order that the minor may obtain an abortion without the consent of a parent or guardian of the minor if the court finds by a preponderance of the evidence that:
(i) the minor:
(A) has given her informed consent to the abortion; and
(B) is mature and capable of giving informed consent to the abortion; or
(ii) an abortion would be in the minor's best interest.
(5) The Judicial Council shall make rules that:
(a) provide for the administration of the proceedings described in this section;
(b) provide for the appeal of a court's decision under this section;
(c) ensure the confidentiality of the proceedings described in this section and the records related to the proceedings; and
(d) establish procedures to expedite the hearing and appeal proceedings described in this section.

Amended by Chapter 301, 2023 General Session

76-7-305 Informed consent requirements for abortion -- 72-hour wait mandatory -- Exceptions.

(1) A person may not perform an abortion, unless, before performing the abortion, the physician who will perform the abortion obtains from the woman on whom the abortion is to be performed a voluntary and informed written consent that is consistent with:
(a) Section 8.08 of the American Medical Association's Code of Medical Ethics, Current Opinions; and
(b) the provisions of this section.
(2) Except as provided in Subsection (8), consent to an abortion is voluntary and informed only if, at least 72 hours before the abortion:
(a) a staff member of an abortion clinic or a hospital, physician, registered nurse, nurse practitioner, advanced practice registered nurse, certified nurse midwife, genetic counselor, or physician's assistant presents the information module to the pregnant woman;

(b) the pregnant woman views the entire information module and presents evidence to the individual described in Subsection (2)(a) that the pregnant woman viewed the entire information module;

(c) after receiving the evidence described in Subsection (2)(b), the individual described in Subsection (2)(a):

(i) documents that the pregnant woman viewed the entire information module;

(ii) gives the pregnant woman, upon her request, a copy of the documentation described in Subsection (2)(c)(i); and

(iii) provides a copy of the statement described in Subsection (2)(c)(i) to the physician who is to perform the abortion, upon request of that physician or the pregnant woman;

(d) after the pregnant woman views the entire information module, the physician who is to perform the abortion, the referring physician, a physician, a registered nurse, nurse practitioner, advanced practice registered nurse, certified nurse midwife, genetic counselor, or physician's assistant, in a face-to-face consultation in any location in the state, orally informs the woman of:

(i) the nature of the proposed abortion procedure;

(ii) specifically how the procedure described in Subsection (2)(d)(i) will affect the fetus;

(iii) the risks and alternatives to the abortion procedure or treatment;

(iv) the options and consequences of aborting a medication-induced abortion, if the proposed abortion procedure is a medication-induced abortion;

(v) the probable gestational age and a description of the development of the unborn child at the time the abortion would be performed;

(vi) the medical risks associated with carrying her child to term;

(vii) the right to view an ultrasound of the unborn child, at no expense to the pregnant woman, upon her request; and

(viii) when the result of a prenatal screening or diagnostic test indicates that the unborn child has or may have Down syndrome, the department's website, which contains the information described in Section 26B-7-106, including the information on the informational support sheet; and

(e) after the pregnant woman views the entire information module, a staff member of the abortion clinic or hospital provides to the pregnant woman:

(i) on a document that the pregnant woman may take home:

(A) the address for the department's website described in Section 76-7-305.5; and

(B) a statement that the woman may request, from a staff member of the abortion clinic or hospital where the woman viewed the information module, a printed copy of the material on the department's website;

(ii) a printed copy of the material on the department's website described in Section 76-7-305.5, if requested by the pregnant woman; and

(iii) a copy of the form described in Subsection 26B-2-232(3)(a)(i) regarding the disposition of the aborted fetus.

(3) Before performing an abortion, the physician who is to perform the abortion shall:

(a) in a face-to-face consultation, provide the information described in Subsection (2)(d), unless the attending physician or referring physician is the individual who provided the information required under Subsection (2)(d); and

(b)

(i) obtain from the pregnant woman a written certification that the information required to be provided under Subsection (2) and this Subsection (3) was provided in accordance with the requirements of Subsection (2) and this Subsection (3);

(ii) obtain a copy of the statement described in Subsection (2)(c)(i); and
(iii) ensure that:
(A) the woman has received the information described in Subsections 26B-2-232(3) and (4); and
(B) if the woman has a preference for the disposition of the aborted fetus, the woman has informed the health care facility of the woman's decision regarding the disposition of the aborted fetus.

(4) When a medical emergency compels the performance of an abortion, the physician shall inform the woman prior to the abortion, if possible, of the medical indications supporting the physician's judgment that an abortion is necessary.

(5) If an ultrasound is performed on a woman before an abortion is performed, the individual who performs the ultrasound, or another qualified individual, shall:
(a) inform the woman that the ultrasound images will be simultaneously displayed in a manner to permit her to:
(i) view the images, if she chooses to view the images; or
(ii) not view the images, if she chooses not to view the images;
(b) simultaneously display the ultrasound images in order to permit the woman to:
(i) view the images, if she chooses to view the images; or
(ii) not view the images, if she chooses not to view the images;
(c) inform the woman that, if she desires, the person performing the ultrasound, or another qualified person shall provide a detailed description of the ultrasound images, including:
(i) the dimensions of the unborn child;
(ii) the presence of cardiac activity in the unborn child, if present and viewable; and
(iii) the presence of external body parts or internal organs, if present and viewable; and
(d) provide the detailed description described in Subsection (5)(c), if the woman requests it.

(6) The information described in Subsections (2), (3), and (5) is not required to be provided to a pregnant woman under this section if the abortion is performed for a reason described in:
(a) Subsection 76-7-302(2)(b)(i), if the treating physician and one other physician concur, in writing, that the abortion is necessary to avert:
(i) the death of the woman on whom the abortion is performed; or
(ii) a risk described in Subsection 76-7-302(2)(b)(i)(B); or
(b) Subsection 76-7-302(2)(b)(ii).

(7) In addition to the criminal penalties described in this part, a physician who violates the provisions of this section:
(a) is guilty of unprofessional conduct as defined in Section 58-67-102 or 58-68-102; and
(b) shall be subject to:
(i) suspension or revocation of the physician's license for the practice of medicine and surgery in accordance with Section 58-67-401 or 58-68-401; and
(ii) administrative penalties in accordance with Section 58-67-402 or 58-68-402.

(8) A physician is not guilty of violating this section for failure to furnish any of the information described in Subsection (2) or (3), or for failing to comply with Subsection (5), if:
(a) the physician can demonstrate by a preponderance of the evidence that the physician reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the pregnant woman;
(b) in the physician's professional judgment, the abortion was necessary to avert:
(i) the death of the woman on whom the abortion is performed; or
(ii) a risk described in Subsection 76-7-302(2)(b)(i)(B);

(c) the pregnancy was the result of rape or rape of a child, as described in Sections 76-5-402 and 76-5-402.1;
(d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(2)(j) and Section 76-7-102; or
(e) at the time of the abortion, the pregnant child was 14 years old or younger.
(9) A physician who complies with the provisions of this section and Section 76-7-304.5 may not be held civilly liable to the physician's patient for failure to obtain informed consent under Section 78B-3-406.
(10)
(a) The department shall provide an ultrasound, in accordance with the provisions of Subsection (5)(b), at no expense to the pregnant woman.
(b) A local health department shall refer a pregnant woman who requests an ultrasound described in Subsection (10)(a) to the department.
(11) A physician is not guilty of violating this section if:
(a) the information described in Subsection (2) is provided less than 72 hours before the physician performs the abortion; and
(b) in the physician's professional judgment, the abortion was necessary in a case where:
(i) a ruptured membrane, documented by the attending or referring physician, will cause a serious infection; or
(ii) a serious infection, documented by the attending or referring physician, will cause a ruptured membrane.

Amended by Chapter 313, 2024 General Session

76-7-305.5 Requirements for information module and website.
(1) In order to ensure that a woman's consent to an abortion is truly an informed consent, the department shall, in accordance with the requirements of this section, develop an information module and maintain a public website.
(2) The information module and public website described in Subsection (1) shall:
(a) be scientifically accurate, comprehensible, and presented in a truthful, nonmisleading manner;
(b) present adoption as a preferred and positive choice and alternative to abortion;
(c) be produced in a manner that conveys the state's preference for childbirth over abortion;
(d) state that the state prefers childbirth over abortion;
(e) state that it is unlawful for any person to coerce a woman to undergo an abortion;
(f) state that any physician who performs an abortion without obtaining the woman's informed consent or without providing her a private medical consultation in accordance with the requirements of this section, may be liable to her for damages in a civil action at law;
(g) provide a geographically indexed list of resources and public and private services available to assist, financially or otherwise, a pregnant woman during pregnancy, at childbirth, and while the child is dependent, including:
(i) medical assistance benefits for prenatal care, childbirth, and neonatal care;
(ii) services and supports available under Section 35A-3-308;
(iii) other financial aid that may be available during an adoption;
(iv) services available from public adoption agencies, private adoption agencies, and private attorneys whose practice includes adoption; and
(v) the names, addresses, and telephone numbers of each person listed under this Subsection (2)(g);

(h) describe the adoption-related expenses that may be paid under Section 76-7-203;
(i) describe the persons who may pay the adoption related expenses described in Subsection (2)(h);
(j) except as provided in Subsection (4), describe the legal responsibility of the father of a child to assist in child support, even if the father has agreed to pay for an abortion;
(k) except as provided in Subsection (4), describe the services available through the Office of Recovery Services, within the Department of Health and Human Services, to establish and collect the support described in Subsection (2)(j);
(l) state that private adoption is legal;
(m) describe and depict, with pictures or video segments, the probable anatomical and physiological characteristics of an unborn child at two-week gestational increments from fertilization to full term, including:
(i) brain and heart function;
(ii) the presence and development of external members and internal organs; and
(iii) the dimensions of the fetus;
(n) show an ultrasound of the heartbeat of an unborn child at:
(i) four weeks from conception;
(ii) six to eight weeks from conception; and
(iii) each month after 10 weeks gestational age, up to 14 weeks gestational age;
(o) describe abortion procedures used in current medical practice at the various stages of growth of the unborn child, including:
(i) the medical risks associated with each procedure;
(ii) the risk related to subsequent childbearing that are associated with each procedure; and
(iii) the consequences of each procedure to the unborn child at various stages of fetal development;
(p) describe the possible detrimental psychological effects of abortion;
(q) describe the medical risks associated with carrying a child to term;
(r) include relevant information on the possibility of an unborn child's survival at the two-week gestational increments described in Subsection (2)(m);
(s) except as provided in Subsection (5), include:
(i) information regarding substantial medical evidence from studies concluding that an unborn child who is at least 20 weeks gestational age may be capable of experiencing pain during an abortion procedure; and
(ii) the measures that will be taken in accordance with Section 76-7-308.5;
(t) explain the options and consequences of aborting a medication-induced abortion;
(u) include the following statement regarding a medication-induced abortion, "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you have taken mifepristone but have not yet taken the second drug and have questions regarding the health of your fetus or are questioning your decision to terminate your pregnancy, you should consult a physician immediately.";
(v) inform a pregnant woman that she has the right to view an ultrasound of the unborn child, at no expense to her, upon her request;
(w) inform a pregnant woman that she has the right to:
(i) determine the final disposition of the remains of the aborted fetus;
(ii) unless the woman waives this right in writing, wait up to 72 hours after the abortion procedure is performed to make a determination regarding the disposition of the aborted fetus before the health care facility may dispose of the fetal remains;

(iii) receive information about options for disposition of the aborted fetus, including the method of disposition that is usual and customary for a health care facility; and
(iv) for a medication-induced abortion, return the aborted fetus to the health care facility for disposition; and
(x) provide a digital copy of the form described in Subsection 26B-2-232(3)(a)(i); and
(y) be in a typeface large enough to be clearly legible.
(3) The information module and website described in Subsection (1) may include a toll-free 24-hour telephone number that may be called in order to obtain, orally, a list and description of services, agencies, and adoption attorneys in the locality of the caller.
(4) The department may develop a version of the information module and website that omits the information in Subsections (2)(j) and (k) for a viewer who is pregnant as the result of rape.
(5) The department may develop a version of the information module and website that omits the information described in Subsection (2)(s) for a viewer who will have an abortion performed:
(a) on an unborn child who is less than 20 weeks gestational age at the time of the abortion; or
(b) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:
(i) the abortion is being performed for a reason described in Subsection 76-7-302(2)(b)(i) or (ii); and
(ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(s).
(6) The department and each local health department shall make the information module and the website described in Subsection (1) available at no cost to any person.
(7) The department shall make the website described in Subsection (1) available for viewing on the department's website by clicking on a conspicuous link on the home page of the website.
(8) The department shall ensure that the information module is:
(a) available to be viewed at all facilities where an abortion may be performed;
(b) interactive for the individual viewing the module, including the provision of opportunities to answer questions and manually engage with the module before the module transitions from one substantive section to the next;
(c) produced in English and may include subtitles in Spanish or another language; and
(d) capable of being viewed on a tablet or other portable device.
(9) After the department releases the initial version of the information module, for the use described in Section 76-7-305, the department shall:
(a) update the information module, as required by law; and
(b) present an updated version of the information module to the Health and Human Services Interim Committee for the committee's review and recommendation before releasing the updated version for the use described in Section 76-7-305.

Amended by Chapter 301, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-7-306 Refusal to participate, admit, or treat for abortion based on religious or moral grounds -- Cause of action.
(1) As used in this section:
(a) "Health care facility" is as defined in Section 26B-2-201.
(b) "Health care provider" means an individual who is an employee of, has practice privileges at, or is otherwise associated with a health care facility.
(2) A health care provider may, on religious or moral grounds, refuse to perform or participate in any way, in:

(a) an abortion; or
(b) a procedure that is intended to, or likely to, result in the termination of a pregnancy.
(3) Except as otherwise required by law, a health care facility may refuse, on religious or moral grounds, to:
(a) admit a patient for an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy; or
(b) perform for a patient an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy.
(4) A health care provider's refusal under Subsection (2) and a health care facility's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.
(5) A health care facility, employer, or other person may not take an adverse action against a health care provider for exercising the health care provider's right of refusal described in Subsection (2), or for bringing or threatening to bring an action described in Subsection (6), including:
(a) dismissal;
(b) demotion;
(c) suspension;
(d) discipline;
(e) discrimination;
(f) harassment;
(g) retaliation;
(h) adverse change in status;
(i) termination of, adverse alteration of, or refusal to renew an association or agreement; or
(j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status that the health care provider would have otherwise received.
(6) A person who is adversely impacted by conduct prohibited in Subsection (5) may bring a civil action for equitable relief, including reinstatement, and for damages. A person who brings an action under this section must commence the action within three years after the day on which the cause of action arises.

Amended by Chapter 330, 2023 General Session

76-7-307 Medical procedure required to save life of unborn child.

If an abortion is performed when the unborn child is sufficiently developed to have any reasonable possibility of survival outside its mother's womb, the medical procedure used must be that which, in the best medical judgment of the physician will give the unborn child the best chance of survival. No medical procedure designed to kill or injure that unborn child may be used unless necessary, in the opinion of the woman's physician, to prevent grave damage to her medical health.

Amended by Chapter 2, 1991 Special Session 1
Amended by Chapter 2, 1991 Special Session 1

76-7-308 Medical skills required to preserve life of unborn child.

Consistent with the purpose of saving the life of the woman or preventing grave damage to the woman's medical health, the physician performing the abortion must use all of the physician's medical skills to attempt to promote, preserve and maintain the life of any unborn child sufficiently developed to have any reasonable possibility of survival outside of the mother's womb.

Amended by Chapter 302, 2025 General Session

76-7-308.5 Administration of anesthetic or analgesic to an unborn child.

A physician who performs an abortion of an unborn child who is at least 20 weeks gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain to the unborn child caused by the particular method of abortion to be employed, unless:

(1) the abortion is necessary to avert:
  (a) the death of the woman on whom the abortion is performed; or
  (b) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
(2) the abortion is performed because the fetus has a defect that is uniformly diagnosable and uniformly lethal, based on the written concurrence of two physicians who practice maternal fetal medicine; or
(3) the treating physician and one other physician concur, in writing, that the administration of an anesthetic or analgesic would:
  (a) cause the death of the woman on whom the abortion is performed; or
  (b) create a serious risk of substantial or irreversible impairment of a major bodily function of the woman on whom the abortion is performed.

Amended by Chapter 362, 2016 General Session

76-7-309 Pathologist's report.

Any human tissue removed during an abortion shall be submitted to a pathologist who shall make a report, including whether:

(1) the pregnancy was aborted by evacuating the uterus; and
(2) a medical record indicates that, through a prenatal screening or other diagnostic test, the aborted fetus had or may have had Down syndrome.

Amended by Chapter 124, 2019 General Session

76-7-310 Experimentation with unborn children prohibited -- Testing for genetic defects.

Live unborn children may not be used for experimentation, but when advisable, in the best medical judgment of the physician, may be tested for genetic defects.

Enacted by Chapter 33, 1974 General Session

76-7-310.5 Prohibition of specified abortion procedures -- Viability defined.

(1) As used in this section, "saline abortion procedure" means performance of amniocentesis and injection of saline into the amniotic sac within the uterine cavity.
(2)
  (a) After viability has been determined in accordance with Subsection (2)(b), no person may knowingly perform a saline abortion procedure unless all other available abortion procedures would pose a risk to the life or the health of the pregnant woman.
  (b) For purposes of this section determination of viability shall be made by the physician, based upon his own best clinical judgment. The physician shall determine whether, based on the particular facts of a woman's pregnancy that are known to him, and in light of medical technology and information reasonably available to him, there is a realistic possibility of

maintaining and nourishing a life outside of the womb, with or without temporary, artificial life-sustaining support.

(3) Intentional, knowing, and willful violation of this section is a third degree felony.

Amended by Chapter 272, 2004 General Session

76-7-311 Selling and buying unborn children prohibited.

Selling, buying, offering to sell and offering to buy unborn children is prohibited.

Enacted by Chapter 33, 1974 General Session

76-7-312 Intimidation or coercion to obtain abortion prohibited.

No person shall intimidate or coerce in any way any person to obtain an abortion.

Enacted by Chapter 33, 1974 General Session

76-7-313 Department's enforcement responsibility -- Physician's report to department -- Reporting.

(1) In order for the department to maintain necessary statistical information and ensure enforcement of the provisions of this part:

(a) any physician performing an abortion must obtain and record in writing:

(i) the age, marital status, and county of residence of the woman on whom the abortion was performed;

(ii) the number of previous abortions performed on the woman described in Subsection (1)(a)(i);

(iii) the hospital or other facility where the abortion was performed;

(iv) the weight in grams of the unborn child aborted, if it is possible to ascertain;

(v) the pathological description of the unborn child;

(vi) the given gestational age of the unborn child;

(vii) the date the abortion was performed;

(viii) the measurements of the unborn child, if possible to ascertain;

(ix) if applicable, the information obtained under Subsection 76-7-302(5) or 76-7a-201(7); and

(x) the medical procedure used to abort the unborn child; and

(b) the department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Each physician who performs an abortion shall provide the following to the department within 30 days after the day on which the abortion is performed:

(a) the information described in Subsection (1);

(b) a copy of the pathologist's report described in Section 76-7-309;

(c) an affidavit:

(i) indicating whether the required consent was obtained pursuant to Sections 76-7-305 and 76-7-305.5;

(ii) described in Subsection (3), if applicable; and

(iii) indicating whether at the time the physician performed the abortion, the physician had any knowledge that the pregnant woman sought the abortion solely because the unborn child had or may have had Down syndrome; and

(d) a certificate indicating:

(i) whether the unborn child was older or younger than 18 weeks gestational age at the time of the abortion; and

(ii) the reason for the abortion.
(3) If the information module or the address to the website is not provided to a pregnant woman, the physician who performs the abortion on the woman shall, within 10 days after the day on which the abortion is performed, provide to the department an affidavit that:
(a) specifies the information that was not provided to the woman; and
(b) states the reason that the information was not provided to the woman.
(4) All information supplied to the department shall be confidential and privileged pursuant to Section 26B-1-229.
(5) The department shall pursue all administrative and legal remedies when the department determines that a physician or a facility has not complied with the provisions of this part.
(6)
(a) The department shall receive, compile, and create a report outlining the data provided under Subsection (1)(a)(ix).
(b) Annually on or before November 30, the department shall provide the report described in Subsection (6)(a) to the Health and Human Services Interim Committee.

Amended by Chapter 158, 2023 General Session
Amended by Chapter 301, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-7-314 Violations of abortion laws -- Classifications.
(1) An intentional violation of Section 76-7-307, 76-7-308, 76-7-310, 76-7-310.5, 76-7-311, or 76-7-312 is a felony of the third degree.
(2) A violation of Section 76-7-326 is a felony of the third degree.
(3) A violation of Section 76-7-314.5 is a felony of the second degree.
(4) A violation of any other provision of this part, including Subsections 76-7-305(2)(a) through (c), and (e), is a class A misdemeanor.
(5) The Department of Health and Human Services shall report a physician's violation of any provision of this part to the Medical Licensing Board, described in Section 58-67-201.
(6) Any person with knowledge of a physician's violation of any provision of this part may report the violation to the Medical Licensing Board, described in Section 58-67-201.
(7) In addition to the penalties described in this section, the department may take any action described in Section 26B-2-703 against a health care facility if a violation of this chapter occurs at the health care facility.

Amended by Chapter 507, 2024 General Session

76-7-314.5 Killing an unborn child.
(1) A person is guilty of killing an unborn child if the person intentionally causes the death of an unborn child by performing an abortion of the unborn child in violation of the provisions of Subsection 76-7-302(2).
(2) A woman is not criminally liable for:
(a) seeking to obtain, or obtaining, an abortion that is permitted by this part; or
(b) a physician's failure to comply with Subsection 76-7-302(2)(b)(ii) or Section 76-7-305.

Amended by Chapter 301, 2023 General Session

76-7-315 Exceptions to certain requirements in serious medical emergencies.

When due to a serious medical emergency, time does not permit compliance with Section 76-7-302, 76-7-305, 76-7-305.5, 76-7-308.5, or 76-7-310.5 the provisions of those sections do not apply.

Amended by Chapter 57, 2009 General Session

76-7-316 Actions not precluded.

Nothing in this part shall preclude any person believing himself aggrieved by another under this part, from bringing any other action at common law or other statutory provision.

Amended by Chapter 20, 1995 General Session

76-7-317 Severability clause.

If any one or more provision, section, subsection, sentence, clause, phrase, or word of this part or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this part, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional. This section applies to any provision, section, subsection, sentence, clause, phrase, or word of this part, regardless of the time of enactment, amendment, or repeal.

Amended by Chapter 301, 2023 General Session

76-7-321 Contraceptive and abortion services -- Funds -- Minor -- Definitions.

As used in Sections 76-7-321 through 76-7-325:

(1) "Abortion services" means any material, program, plan, or undertaking which seeks to promote abortion, encourages individuals to obtain an abortion, or provides abortions.

(2) "Contraceptive services" means any material, program, plan, or undertaking that is used for instruction on the use of birth control devices and substances, encourages individuals to use birth control methods, or provides birth control devices.

(3) "Funds" means any money, supply, material, building, or project provided by this state or its political subdivisions.

(4) "Minor" means any person under the age of 18 who is not otherwise emancipated, married, or a member of the armed forces of the United States.

Amended by Chapter 20, 1995 General Session

76-7-322 Public funds for provision of contraceptive or abortion services restricted.

No funds of the state or its political subdivisions shall be used to provide contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian.

Amended by Chapter 50, 1988 General Session

76-7-323 Public funds for support entities providing contraceptive or abortion services restricted.

No agency of the state or its political subdivisions shall approve any application for funds of the state or its political subdivisions to support, directly or indirectly, any organization or health care provider that provides contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian. No institution shall be denied state or federal funds under relevant provisions of law on the ground that a person on its staff provides contraceptive or abortion services in that person's private practice outside of such institution.

Amended by Chapter 50, 1988 General Session

76-7-324 Violation of restrictions on public funds for contraceptive or abortion services as misdemeanor.

Any agent of a state agency or political subdivision, acting alone or in concert with others, who violates Section 76-7-322, 76-7-323, or 76-7-331 is guilty of a class B misdemeanor.

Amended by Chapter 271, 2004 General Session

76-7-325 Notice to parent or guardian of minor requesting contraceptive -- Definition of contraceptives -- Penalty for violation.

(1) Any person before providing contraceptives to a minor shall notify, whenever possible, the minor's parents or guardian of the service requested to be provided to such minor. Contraceptives shall be defined as appliances (including but not limited to intrauterine devices), drugs, or medicinal preparations intended or having special utility for prevention of conception.
(2) Any person in violation of this section shall be guilty of a class C misdemeanor.

Enacted by Chapter 94, 1983 General Session

76-7-326 Partial birth abortions prohibited.

Any physician who knowingly performs a partial birth abortion and thereby kills a human fetus shall be fined or imprisoned, or both, as provided under this part. This section does not apply to a partial birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.

Enacted by Chapter 272, 2004 General Session

76-7-327 Remedies for father or maternal grandparents.

(1) The father, if married to the mother at the time she receives a partial birth abortion, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.
(2) Such relief shall include:
  (a) money damages for all injuries, psychological and physical, occasioned by the violation of Section 76-7-326; and
  (b) statutory damages equal to three times the cost of the partial birth abortion.

Amended by Chapter 13, 2010 General Session

76-7-328 Hearing to determine necessity of physician's conduct.

(1) A physician accused of an offense under Section 76-7-326 may seek a hearing before the Medical Licensing Board created in Section 58-67-201 on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.
(2) The findings on that issue are admissible on that issue at the trial of the physician. Upon a motion from the physician, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

Amended by Chapter 507, 2024 General Session

76-7-330 Contingent continuance of prior law.
(1) If the implementation of Section 76-7-326 enacted by this bill is stayed or otherwise ordered by a court of competent jurisdiction to not be implemented, beginning on the day on which the implementation of Section 76-7-326 is stayed or otherwise ordered not to be implemented the statutes listed in Subsection (2) shall:
  (a) be given effect as if this bill did not amend those statutes; and
  (b) remain in effect as if not amended by this bill until the day on which a court orders that Section 76-7-326 may be implemented.
(2) Subsection (1) applies to:
  (a) Section 76-7-301;
  (b) Section 76-7-310.5; and
  (c) Section 76-7-314.
(3) Nothing in this section prevents the Legislature from amending, repealing, or taking any other action regarding the sections listed in Subsection (2) in this or a subsequent session.

Enacted by Chapter 272, 2004 General Session

76-7-331 Public funding of abortion forbidden.
(1) As used in this section, "damage to a major bodily function" refers only to injury or impairment of a physical nature and may not be interpreted to mean mental, psychological, or emotional harm, illness, or distress.
(2) Public funds of the state, its institutions, or its political subdivisions may not be used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility for the performance of any induced abortion services unless:
  (a) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to save the pregnant woman's life;
  (b) the pregnancy is the result of rape or incest reported to law enforcement agencies, unless the woman was unable to report the crime for physical reasons or fear of retaliation; or
  (c) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily function of the pregnant woman provided that a caesarian procedure or other medical procedure that could also save the life of the child is not a viable option.
(3) Any officer or employee of the state who knowingly authorizes the use of funds prohibited by this section shall be dismissed from that person's office or position and the person's employment shall be immediately terminated.

Enacted by Chapter 271, 2004 General Session

76-7-332 Drugs known to be used for abortion -- Prescriber limitation -- Criminal penalties -- Pharmacy presumption for other use.

(1) As used in the section, "abortion-related drug" means a drug or medication that is known to be used for the purpose of performing an abortion, and includes:
  (a) methotrexate, or methotrexate with misoprostol;
  (b) mifepristone, also known as mifeprex;
  (c) misoprostol, also known as cytotec; and
  (d) RU-486.
(2) An individual may not prescribe an abortion-related drug for the purpose of causing an abortion, unless the individual is licensed as a physician in this state under:
  (a) Title 58, Chapter 67, Utah Medical Practice Act; or
  (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
  (a) Any prescription or medical order for a drug that is known to possibly cause an abortion shall be presumed by a pharmacy to be for an indication other than for the termination of a pregnancy.
  (b) A pharmacy dispensing a prescription or medical order for a drug that is known to possibly cause an abortion shall not be required to verify whether the prescription or medical order violates any provision of this chapter.

Enacted by Chapter 301, 2023 General Session

Part 4
Genetic Material Misuse

76-7-401 Definitions.

As used in this part:
(1) "Assisted reproductive treatment" means a method of causing pregnancy by any means other than through sexual intercourse, including:
  (a) intrauterine or intracervical insemination;
  (b) donation of eggs or sperm;
  (c) donation of embryos;
  (d) in vitro fertilization and embryo transfer; and
  (e) intracytoplasmic sperm injection.
(2) "Gamete" means a cell containing a haploid complement of DNA that has the potential to form an embryo when combined with another gamete, including:
  (a) a sperm;
  (b) an egg; or
  (c) nuclear DNA from one individual combined with the:
    (i) cytoplasm of another individual; or
    (ii) cytoplasmic DNA of another individual.
(3) "Health care provider" means an individual listed in Subsection 78B-3-403(12).

Enacted by Chapter 133, 2021 General Session

76-7-402 Genetic material misuse.

(1) A health care provider may not knowingly use the health care provider's own gamete, when providing assisted reproductive treatment to a patient, without the patient's written consent.

(2) A health care provider who violates Subsection (1) is guilty of a third degree felony.

Enacted by Chapter 133, 2021 General Session

Chapter 7a
Abortion Prohibition

Part 1
Definitions

76-7a-101 Definitions.

As used in this chapter:

(1)

(a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this chapter.

(b) "Abortion" does not include:

(i) removal of a dead unborn child;

(ii) removal of an ectopic pregnancy; or

(iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:

(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and

(B) the physician is unable to obtain the consent due to a medical emergency.

(2) "Abortion clinic" means a type I abortion clinic licensed by the state or a type II abortion clinic licensed by the state.

(3) "Department" means the Department of Health and Human Services.

(4) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.

(5) "Hospital" means:

(a) a general hospital licensed by the department; or

(b) a clinic or other medical facility to the extent the clinic or other medical facility is certified by the department as providing equipment and personnel sufficient in quantity and quality to provide the same degree of safety to a pregnant woman and an unborn child as would be provided for the particular medical procedure undertaken by a general hospital licensed by the department.

(6) "Medical emergency" means a life threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the pregnant woman at risk of death, or poses a serious risk of substantial impairment of a major bodily function, unless the abortion is performed or induced.

(7) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:
(a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and
(b) may include counseling or medical care by:
(i) maternal-fetal medical specialists;
(ii) obstetricians;
(iii) neonatologists;
(iv) anesthesia specialists;
(v) psychiatrists, psychologists, or other mental health providers;
(vi) clergy;
(vii) social workers; or
(viii) specialty nurses.
(8) "Physician" means:
(a) a medical doctor licensed to practice medicine and surgery in the state;
(b) an osteopathic physician licensed to practice osteopathic medicine in the state; or
(c) a physician employed by the federal government who has qualifications similar to an individual described in Subsection (7)(a) or (b).
(9)
(a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.
(b) "Severe brain abnormality" does not include:
(i) Down syndrome;
(ii) spina bifida;
(iii) cerebral palsy; or
(iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.

Amended by Chapter 313, 2024 General Session

Part 2
Prohibition

76-7a-201 Abortion prohibition -- Exceptions -- Penalties.
(1) An abortion may be performed in this state only under the following circumstances:
(a) the abortion is necessary to avert:
(i) the death of the woman on whom the abortion is performed; or
(ii) a serious physical risk of substantial impairment of a major bodily function of the woman on whom the abortion is performed;
(b) subject to Subsection (3), two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus has a fetal abnormality that in the physicians' reasonable medical judgment is incompatible with life; or
(c) the unborn child has not reached 18 weeks gestational age and:
(i)
(A) the woman is pregnant as a result of:

(I) rape, as described in Section 76-5-402;
(II) rape of a child, as described in Section 76-5-402.1; or
(III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; or
(B) the pregnant child is under the age of 14; and
(ii) before the abortion is performed, the physician who performs the abortion:
(A) for an abortion authorized under Subsection (1)(c)(i)(A), verifies that the incident described in Subsection (1)(c)(i)(A) has been reported to law enforcement; and
(B) if applicable, complies with requirements related to reporting suspicions of or known child abuse.

(2) An abortion may be performed only:
(a) by a physician; and
(b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in another location due to a medical emergency.

(3) If the unborn child has been diagnosed with a fetal abnormality that is incompatible with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and in writing, that perinatal hospice services and perinatal palliative care are available and are an alternative to abortion.

(4) A person who performs an abortion in violation of this section is guilty of a second degree felony.

(5) In addition to the penalty described in Subsection (4), the department may take appropriate corrective action against a health care facility, including revoking the health care facility's license, if a violation of this chapter occurs at the health care facility.

(6) The department shall report a physician's violation of any provision of this section to the state entity that regulates the licensing of a physician.

(7) A physician who performs an abortion under Subsection (1)(c) shall:
(a) maintain an accurate record as to the manner in which the physician conducted the verification under Subsection (1)(c)(ii)(A); and
(b) report the information described in Subsection (7)(a) to the department in accordance with Section 76-7-313.

Amended by Chapter 313, 2024 General Session

Part 3
Superseding Clause

76-7a-301 Superseding clause.

If, at the time this chapter takes effect, any provision in the Utah Code conflicts with a provision of this chapter, the provision of this chapter supersedes the conflicting provision.

Enacted by Chapter 279, 2020 General Session

Chapter 8
Offenses Against the Administration of Government

Part 1
Corrupt Practices

76-8-101 Definitions.

As used in this chapter:

(1) "Party official" means an individual holding any post in a political party whether by election, appointment, or otherwise.

(2) "Peace officer" means an employee of a police or law enforcement agency that is part of or administered by the state or a political subdivision of the state, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or a political subdivision of the state.

(3)

(a) "Pecuniary benefit" means an advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

(b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

(4)

(a) "Public property" means real or personal property that is owned, held, or managed by a public entity.

(b) "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity.

(c) "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

Amended by Chapter 96, 2024 General Session

76-8-102 Campaign contributions not prohibited.

(1) Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.

(2) No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

Amended by Chapter 96, 2024 General Session

76-8-103 Bribery or offering a bribe.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits bribery or offering a bribe if the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the benefit is $1,000 or more; or

(b) a third degree felony if the value of the benefit is less than $1,000.

(4) It is not a defense to a prosecution under this statute that:

(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
(b) the person sought to be influenced did not act in the desired way; or
(c) the benefit is not conferred, solicited, or accepted until after:
(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
(ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-104 Threat to influence official or political action.

(1)
(a) As used in this section:
(i) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.
(ii) "Public servant" does not include a juror.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits threat to influence official or political action if the actor, with a purpose of influencing an action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion of a public servant, party official, or voter, threatens harm to:
(a) the public servant, party official, or voter; or
(b) a person or entity in whose welfare the public servant, party official, or voter is interested.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-105 Receiving or soliciting bribe or bribery by public servant.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits receiving or soliciting a bribe if the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the benefit asked for, solicited, accepted, or conferred is more than $1,000; or
(b) a third degree felony if the value of the benefit asked for, solicited, accepted, or conferred is $1,000 or less.
(4) It is not a defense to a prosecution under this statute that:
(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
(b) the person sought to be influenced did not act in the desired way; or
(c) the benefit is not asked for, conferred, solicited, or accepted until after:
(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
(ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-106 Receiving bribe for endorsement of person as a public servant.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits receiving a bribe for endorsement of a person as a public servant if the actor solicits, accepts, agrees to accept for the actor's self, another person, or a political party, money or any other pecuniary benefit as compensation for the actor's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-106.1 Bribery for endorsement of person as public servant.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits bribery for endorsement of a person as a public servant if the actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or a political party as compensation for the person's or political party's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-107 Alteration of proposed legislative bill or resolution.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits alteration of proposed legislative bill or resolution if the actor fraudulently alters the draft of a bill or resolution that has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure the proposed legislative bill or resolution being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by either house.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 173, 2025 General Session

76-8-108 Alteration of enrolled legislative bill or resolution.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits alteration of enrolled legislative bill or resolution if the actor fraudulently alters the enrolled copy of a bill or resolution that has been passed or adopted by the Legislature with intent to procure the enrolled bill or resolution to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes, in language different from that in which the enrolled bill or resolution was passed or adopted by the Legislature.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-110 Prohibited action by peace officer for collection agency or creditor.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits prohibited action by peace officer for collection agency or creditor if the actor:
(a) is a peace officer; and
(b)
(i) has an interest in a collection agency; or
(ii) acts as a compensated collection agent for a creditor or collection agency.
(3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 2
Abuse of Office

76-8-201 Official misconduct -- Unauthorized acts or failure of duty.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits official misconduct based on an unauthorized act or failure of duty if the actor:
(a) is a public servant; and
(b) with an intent to benefit the actor or another or to harm another, the actor knowingly:
(i) commits an unauthorized act that purports to be an act of the actor's office; or
(ii) knowingly refrains from performing a duty imposed on the actor by law or clearly inherent in the nature of the actor's office.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-202 Official misconduct concerning inside information.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits official misconduct concerning inside information if:
(a) the actor is a public servant; and
(b) knowing that official action is contemplated, or in reliance on information that the actor has acquired by virtue of the actor's office or from another public servant, which information has not been made public, the actor:
(i) acquires or divests the actor's self of a pecuniary interest in any property, transaction, or enterprise that may be affected by such action or information;
(ii) speculates or wagers on the basis of such action or information; or
(iii) knowingly aids another person to do an action described in Subsection (2)(b)(i) or (2)(b)(ii).
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-203 Unofficial misconduct.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unofficial misconduct if the actor exercises or attempts to exercise any of the functions of a public office when the actor:
(a) has not taken and filed the required oath of office;
(b) has failed to execute and file a required bond;

(c) has not been elected or appointed to office;
(d) exercises any of the functions of the actor's office after the actor's term has expired and the successor has been elected or appointed and has qualified, or after the actor's office has been legally removed; or
(e) knowingly:
(i) withholds or retains from the actor's successor in office, or other person entitled to possession, the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office; or
(ii) mutilates, destroys, or takes away the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 3
Obstructing Governmental Operations

76-8-301 Interference with public servant.

(1)
(a) As used in this section, "public servant" does not include a juror.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits interference with a public servant if the actor:
(a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
(b) obstructs, hinders, conceals, or prevents the lawful service of any civil or criminal legal process by a sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-301.2 Denial of public servant's use of public property.

(1)
(a) As used in this section, "public servant" does not include a juror.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits denial of public servant's use of public property if, under circumstances not amounting to unlawful detention and unlawful detention of a minor as described in Section 76-5-304, the actor, on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful:
(a) freedom of movement;
(b) use of the property or facility; or
(c) entry into or exit from the facility.
(3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 204, 2025 General Session

76-8-301.5 Failure to disclose identity.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to disclose identity if, during the period of time that the actor is lawfully subjected to a stop as described in Section 77-7-15:
  (a) a peace officer demands that the actor disclose the actor's name or date of birth;
  (b) the demand described in Subsection (2)(a) is reasonably related to the circumstances justifying the stop;
  (c) the disclosure of the actor's name or date of birth by the actor does not present a reasonable danger of self-incrimination in the commission of a crime; and
  (d) the actor fails to disclose the actor's name or date of birth.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-302 Picketing or parading in or near court.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits picketing or parading in or near a court if the actor pickets or parades in or near a building that houses a court of this state with intent to:
  (a) obstruct access to that court; or
  (b) affect the outcome of a case pending before that court.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-303 Prevention of Legislature or public servant from meeting or organizing.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prevention of Legislature or public servant from meeting or organizing if the actor intentionally and by force or fraud:
  (a) prevents the Legislature, either of the houses composing the Legislature, or any of the members of the Legislature, from meeting or organizing; or
  (b) prevents any other public servant from meeting or organizing to perform a lawful governmental function.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-305 Interference with a peace officer.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits interference with a peace officer if the actor:
  (a) knows, or by the exercise of reasonable care should have known, that a peace officer is seeking to effect a lawful arrest or detention of the actor or another individual; and
  (b) interferes with the arrest or detention by:
    (i) use of force or a weapon;
    (ii) refusing to perform an act required by lawful order:
      (A) necessary to effect the arrest or detention; and
      (B) made by a peace officer involved in the arrest or detention; or
    (iii) refusing to refrain from performing an act that would impede the arrest or detention.
(3) A violation of Subsection (2) is a class B misdemeanor.

(4) Recording the actions of a peace officer with a camera, mobile phone, or other photographic device, while the peace officer is performing official duties in plain view, does not by itself constitute:
(a) interference with the peace officer;
(b) willful resistance;
(c) disorderly conduct; or
(d) obstruction of justice.

Amended by Chapter 96, 2024 General Session

76-8-305.5 Failure to stop at the command of a peace officer.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to stop at the command of a peace officer if, after the peace officer has issued a verbal or visual command to stop, the actor flees from or otherwise attempts to elude a peace officer:
(a) for the purpose of avoiding arrest; and
(b) by any means other than a violation of Section 41-6a-210 regarding failure to stop a vehicle at the command of a law enforcement officer.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-306 Obstruction of justice in a criminal investigation or proceeding.
(1)
(a) As used in this section:
(i)
(A) "Conduct that constitutes a criminal offense" means conduct that would be punishable as a crime and is separate from a violation of this section.
(B) "Conduct that constitutes a criminal offense" includes:
(I) any violation of a criminal statute or ordinance of this state or a political subdivision of this state, any other state, or any district, possession, or territory of the United States; and
(II) conduct committed by a juvenile that would be a crime if committed by an adult.
(ii) "Juvenile offender" means the same as that term is defined in Section 80-1-102.
(iii) "Official custody" means the same as that term is defined in Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) Except as provided in Subsection (5), an actor commits obstruction of justice in a criminal investigation or proceeding if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense:
(a) provides any person with a weapon;
(b) prevents by force, intimidation, or deception, a person from performing an act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person;
(c) alters, destroys, conceals, or removes an item or other thing;
(d) makes, presents, or uses an item or thing known by the actor to be false;
(e) harbors or conceals a person;
(f) provides a person with transportation, disguise, or other means of avoiding discovery or apprehension;
(g) warns a person of impending discovery or apprehension;

(h) warns a person of an order authorizing the interception of wire communications or of a pending application for an order authorizing the interception of wire communications;
(i) conceals information that is not privileged and that concerns the offense, after a judge or magistrate has ordered the actor to provide the information; or
(j) provides false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony;
(b) a third degree felony if:
(i) the conduct that constitutes an offense would be a second or third degree felony and the actor violates Subsection (2)(b), (c), (d), (e), or (f);
(ii) the conduct that constitutes an offense would be any offense other than a capital or first degree felony and the actor violates Subsection (2)(a);
(iii) the obstruction of justice is presented or committed before a court of law; or
(iv) a violation of Subsection (2)(h); or
(c) a class A misdemeanor for any violation of this section that is not enumerated under Subsection (3)(a) or (b).
(4) It is not a defense that the actor was unaware of the level of penalty for the conduct constituting an offense.
(5)
(a) Subsection (2) does not apply to harboring or concealing an offender who has escaped from official custody, which is governed by Section 76-8-309.2.
(b) Subsection (2)(b) does not apply to:
(i) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316;
(ii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.2;
(iii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.4;
(iv) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.6;
(v) tampering with a witness under Section 76-8-508;
(vi) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(vii) tampering or retaliating against a juror under Section 76-8-508.5;
(viii) receiving or soliciting a bribe as a witness under Section 76-8-508.7; or
(ix) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509.
(c) Subsection (2)(e) does not apply to harboring a juvenile offender, which is governed by Section 76-8-319.
(6) For purposes of Subsection (3), a violation of a criminal statute that is committed in another state, or any district, possession, or territory of the United States, is:
(a) a capital felony if the penalty provided includes death or life imprisonment without parole;
(b) a first degree felony if the penalty provided includes life imprisonment with parole or a maximum term of imprisonment exceeding 15 years;

(c) a second degree felony if the penalty provided exceeds five years;
(d) a third degree felony if the penalty provided includes imprisonment for any period exceeding one year; or
(e) a misdemeanor if the penalty provided includes imprisonment for any period of one year or less.

Amended by Chapter 96, 2024 General Session

76-8-306.5 Obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause if the actor:
(a) knows that:
(i) the Board of Pardons and Parole has issued a warrant for a parolee; or
(ii) a court has issued an order to show cause regarding a defendant's violation of the terms of probation; and
(b)
(i) harbors or conceals the parolee or probationer;
(ii) provides the parolee or probationer with transportation, disguise, or other means or assistance to avoid discovery; or
(iii) warns the parolee or probationer of the parolee's or probationer's impending discovery.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-307 Failure to aid a peace officer.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to aid a peace officer if, upon command by a peace officer identifiable or identified by the peace officer as such, the actor unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-308 Acceptance of bribe or bribery to prevent criminal prosecution.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits acceptance of bribe or bribery to prevent criminal prosecution if the actor:
(a) solicits, accepts, or agrees to accept any benefit as consideration for the actor's refraining from initiating or aiding in a criminal prosecution; or
(b) confers, offers, or agrees to confer any benefit upon a person as consideration for the person refraining from initiating or aiding in a criminal prosecution.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is an affirmative defense that the value of the benefit did not exceed an amount that the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

Amended by Chapter 96, 2024 General Session

76-8-309 Escape.

(1)

(a) As used in this section:

(i) "Agency" means a law enforcement agency, the Department of Corrections, a county or district attorney's office, the Office of the Attorney General, the Board of Pardons and Parole, or the judicial branch, including the Judicial Council, the Administrative Office of the Courts, or a similar administrative unit of the judicial branch.

(ii) "Confinement in a state prison" means:

(A)

(I) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, after being sentenced and committed;

(II) the individual's sentence has not been terminated or voided; and

(III) the individual is not on parole;

(B) the individual is being housed in a county jail, after felony commitment, in accordance with a contract with the Department of Corrections;

(C) the individual is on parole and the individual is in prehearing custody after an arrest for a parole violation;

(D) the individual is housed in a state prison and is being transported as a prisoner in the state prison by a correctional officer; or

(E) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, and the individual is permitted to leave temporarily for a work release or home visit and is required to return at a designated time.

(iii) "Lawful authorization" does not include authorization to leave official custody, or to remove or disable a tracking device, if the authorization was obtained by means of deceit, fraud, or other artifice.

(iv)

(A) "Offender" means an individual who is in official custody.

(B) "Offender" includes an individual who is under trusty status.

(v) "Official custody" means:

(A) confinement in a state prison;

(B) the individual is lawfully detained in a facility for secure confinement of minors that is operated by the Division of Juvenile Justice and Youth Services;

(C)

(I) the individual is lawfully detained in a county jail before trial or sentencing or the individual is housed in a county jail after sentencing and commitment;

(II) the individual's sentence has not been terminated or voided; and

(III) the individual is not on parole or probation;

(D) the individual is lawfully detained following an arrest regardless of whether the individual was arrested with or without a warrant; or

(E) the individual is on probation and the individual is in prehearing custody after an arrest for a probation violation.

(vi)

(A) "Tracking device" means a device that reveals the device's location or movement by the transmission or recording of an electronic signal.
(B) "Tracking device" includes a satellite-based radio navigation system.
(vii) "Volunteer" means a person who donates service without pay or other compensation except for expenses actually and reasonably incurred with approval by the supervising agency.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits escape if the actor:
(a) is an offender who, without lawful authorization:
(i) leaves official custody; or
(ii) intentionally or knowingly removes, disables, or permits the removal or disabling of, a tracking device that is installed or employed as an alternative to incarceration; or
(b)
(i) is convicted as a party to an offense under this section, as described in Section 76-2-202; and
(ii) is an employee at, or a volunteer of, an agency.
(3)
(a) Except as provided by Subsection (3)(b) or Section 76-8-309.1, a violation of Subsection (2)(a) is a third degree felony.
(b) Except as provided by Section 76-8-309.1, a violation of Subsection (2)(a) is a second degree felony if the actor leaves confinement in a state prison without lawful authorization, including failing to return from a work release or home visit by the time designated for return.
(c) Except as provided in Section 76-8-309.1, a violation of Subsection (2)(b) is a second degree felony.
(4)
(a) For purposes of an attempt to commit an escape under Section 76-4-102, the conception of the design to escape is conduct constituting a substantial step toward the commission of the crime.
(b) For purposes of a conspiracy to commit an escape under Section 76-4-201, the conception of the design to escape is an overt act in pursuance of the conspiracy to commit the crime.
(c) For an inchoate offense of escape, an escape is considered a continuing activity that commences with the conception of the design to escape and continues until the actor's attempt to escape is thwarted or abandoned or the actor commits the escape as described in Subsection (2)(a).
(5) For a completed offense of escape, an escape is considered a continuing activity that commences when the actor commits an escape as described in Subsection (2)(a) and continues until the actor is returned to official custody or the actor's escape is thwarted or abandoned.
(6) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Repealed and Re-enacted by Chapter 187, 2024 General Session

76-8-309.1 Aggravated escape.
(1)
(a) As used in this section, "escape" means an offense under Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits aggravated escape if, during the course of the commission of an escape, the actor:
(a) uses a dangerous weapon; or
(b) causes serious bodily injury to another.
(3) A violation of Subsection (2) is a first degree felony.
(4) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Enacted by Chapter 96, 2024 General Session

76-8-309.2 Harboring or concealing an offender who has escaped from official custody.
(1)
(a) As used in this section, "official custody" means the same as that term is defined in Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits harboring or concealing an offender who has escaped from official custody if the actor harbors or conceals an offender who has escaped from official custody.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-309.3 Aggravated escape.
(1)
(a) As used in this section, "escape" means an offense under Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits aggravated escape if, during the course of the commission of an escape, the actor:
(a) uses a dangerous weapon; or
(b) causes serious bodily injury to another.
(3) A violation of Subsection (2) is a first degree felony.
(4) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Enacted by Chapter 187, 2024 General Session

76-8-311.1 Establishment of secure areas -- Items prohibited -- References to penalty provisions.
(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Explosive" means the same as the term "explosive, chemical, or incendiary device" defined in Section 76-15-210.
(iv) "Firearm" means the same as that term is defined in Section 76-11-101.
(v) "Law enforcement facility" means a facility that is owned, leased, or operated by a law enforcement agency.
(vi) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
(vii)

(A) "Secure area" means an area created under this section into which certain individuals are restricted from transporting a firearm or other dangerous weapon, ammunition, or explosive.
(B) "Secure area" does not include any area normally accessible to the public.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2)
(a) The State Tax Commission or a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm or other dangerous weapon, ammunition, or explosive.
(b) This section applies to:
(i) a higher education secure area hearing room established in accordance with Section 53H-3-902; and
(ii) a secure area established by the Judicial Council in accordance with Section 78A-2-203.
(3) An entity that creates a secure area under this section shall ensure that at least one notice is prominently displayed at each entrance to the secure area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.
(4)
(a) An entity that creates a secure area under this section shall provide a secure weapons storage area so that an individual entering the secure area may store the individual's weapon before entering the secure area.
(b) The entity operating the facility shall be responsible for a weapon while the weapon is stored in the storage area described in Subsection (4)(a).
(5)
(a) An actor who transports a firearm or other dangerous weapon or ammunition into a secure area created under this section or a higher education secure area hearing room created under this section may be punished under Section 76-8-311.2.
(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a secure area or a higher education secure area hearing room created under this section may be punished under Section 76-15-210.
(c) It is a defense to a prosecution related to this section that the actor acted in conformity with the facility's rule or policy established pursuant to this section.

Amended by Chapter 9, 2025 Special Session 1

76-8-311.2 Prohibited dangerous weapon or ammunition in a secure area.
(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Firearm" means the same as that term is defined in Section 76-11-101.
(iv) "Higher education secure area" means a higher education secure area hearing room created under Section 76-8-311.1.
(v) "Law enforcement facility" means the same as that term is defined in Section 76-8-311.1.
(vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited dangerous weapon or ammunition in a secure area if the actor knowingly or intentionally transports a firearm or other dangerous weapon or ammunition into:
(a) a correctional facility;

(b) a secure area created by the State Tax Commission;
(c) a secure area in a law enforcement facility or a mental health facility; or
(d) a higher education secure area.
(3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of Subsection (2) is a third degree felony.
(4) It is a defense to a prosecution under this section that the actor acted in conformity with the facility's rule or policy established under Section 76-8-311.1.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.3 Establishment of prohibited item policy in a correctional or mental health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.
(1)
(a) As used in this section:
(i) "Communication device" means a device designed to receive or transmit an image, text message, email, video, location information, or voice communication, or another device that can be used to communicate electronically.
(ii) "Controlled substance" means a substance defined as a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.
(iii) "Correctional facility" means:
(A) a facility operated by or contracting with the Department of Corrections to house an offender in either a secure or nonsecure setting;
(B) a facility operated by a municipality or a county to house or detain an offender;
(C) a juvenile detention facility; or
(D) a building or grounds appurtenant to a facility or land granted to the state, municipality, or county for use as a correctional facility.
(iv) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(v) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
(vi) "Firearm" means the same as that term is defined in Section 76-11-101.
(vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include a controlled substance as defined in Title 58, Chapter 37, Utah Controlled Substances Act.
(viii) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
(ix) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
(x) "Offender" means an individual in custody at a correctional facility.
(xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(xii) "Tobacco product" means the same as that term is defined in Section 76-9-1101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2)
(a) Notwithstanding Section 53-5a-102, a correctional facility or mental health facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of escape, an explosive, a controlled substance, spirituous or fermented liquor, medicine, or poison from being:
(i) transported to or within a correctional facility or mental health facility;
(ii) sold or given away to an offender at a correctional facility or mental health facility; or
(iii) possessed by an offender or another individual at a correctional facility or mental health facility.
(b) A correctional facility may prohibit a communication device from being:

(i) transported within the correctional facility for the purpose of being sold to an offender in the correctional facility;
(ii) sold or given away to an offender in the correctional facility; or
(iii) possessed by an offender or another individual at the correctional facility.

(3) It is a defense to a prosecution related to this section that the actor, in committing the act made criminal by this section with respect to:
(a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;
(b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;
(c) a correctional facility operated by a county, acted in conformity with the policy of the county; or
(d) a mental health facility, acted in conformity with the policy of the mental health facility.

(4)
(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or 76-8-311.11 for a violation of a policy or rule created under this section.
(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a correctional facility or a mental health facility may be punished under Section 76-15-210 or 76-15-211.
(c) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be charged under Title 58, Chapter 37, Utah Controlled Substances Act.

(5) Exemptions to a policy or rule created under this section may be granted for worship of Native American inmates in accordance with Section 64-13-40.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.4 Prohibited item in correctional or mental health facility for use by offender or detainee.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits prohibited item in correctional or mental health facility for use by offender or detainee if the actor:
(a) transports a dangerous weapon, ammunition, or implement of escape to or within a correctional facility, or into a secure area of a mental health facility, with the intent to provide or sell to an offender or detainee the dangerous weapon, ammunition, or implement of escape; or
(b) provides or sells a dangerous weapon, ammunition, or implement of escape to:
(i) an offender at a correctional facility; or
(ii) a detainee at a secure area of a mental health facility.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.6 Possession of prohibited item by offender or detainee in correctional or mental health facility.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of prohibited item by offender or detainee in correctional or mental health facility if the actor:
(a)
(i) is an offender at a correctional facility; or
(ii) is a detainee at a mental health facility; and
(b) possesses a dangerous weapon, ammunition, or an implement of escape.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 208, 2025 General Session

76-8-311.7 Possession of prohibited item in correctional facility or secure area of mental health facility.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of prohibited item in correctional facility or secure area of mental health facility if the actor, without the permission of the authority operating the correctional facility or the secure area of a mental health facility, knowingly possesses a dangerous weapon, ammunition, or implement of escape at a correctional facility or in a secure area of a mental health facility.
(3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of Subsection (2) is a third degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.8 Prohibited substance in correctional or mental health facility.

(1)

(a) As used in this section:

(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

(ii) "Medicine" means the same as that term is defined in Section 76-8-311.3.

(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.

(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.

(v) "Prohibited substance" means:

(A) spirituous or fermented liquor;

(B) medicine, whether or not lawfully prescribed for an offender or a detainee; or

(C) poison in any quantity.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits prohibited substance in a correctional or mental health facility if the actor:

(a) without the permission of the authority operating the correctional facility or secure area of a mental health facility:

(i) knowingly transports a prohibited substance to or within a correctional facility or into a secure area of a mental health facility; or

(ii) fails to declare or knowingly possesses a prohibited substance at a correctional facility or in a secure area of a mental health facility;

(b) knowingly violates correctional or mental health facility policy or rule by providing or selling a prohibited substance to an offender at a correctional facility or a detainee within a secure area of a mental health facility; or

(c)

(i) is a detainee in a mental health facility or an offender; and

(ii) in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility a prohibited substance other than medicine provided by the facility's health care providers in compliance with facility policy.

(3)

(a) Except as provided in Subsection (4), a violation of Subsection (2)(a)(i), (2)(b), or (2)(c) is a third degree felony.

(b) Except as provided in Subsection (4), a violation of Subsection (2)(a)(ii) is a class A misdemeanor.

(4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.9 Prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility.

(1)

(a) As used in this section:

(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

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

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

(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.

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

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility if the actor, with the intent to directly or indirectly provide or sell a tobacco product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:
  (a) transports, delivers, or distributes a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility;
  (b) solicits, requests, commands, coerces, encourages, or intentionally aids another individual to transport a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility, if the other individual is acting with the mental state required for the commission of an offense; or
  (c) facilitates, arranges, or causes the transport of a tobacco product, electronic cigarette product, or nicotine product in violation of this section or Section 76-8-311.3 to an offender or on the grounds of a correctional facility.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
(4) The defenses provided in Section 76-8-311.3 apply to this section.
(5) In accordance with Section 76-8-311.3, the Department of Corrections shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing a tobacco product, electronic cigarette product, or nicotine product to an offender is a class A misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-311.10 Possession of contraband in a correctional facility.
(1)
  (a) As used in this section:
    (i) "Contraband" means an item not specifically prohibited for possession by an offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, or 76-8-311.9.
    (ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of contraband in a correctional facility if the actor, without the permission of the authority operating a correctional facility, knowingly engages in an activity that would facilitate the possession of contraband by an offender in the correctional facility.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
(4)
  (a) The possession, distribution, or use of a controlled substance at a correctional facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled Substances Act.
  (b) The provisions of Section 76-8-311.9 take precedence over this section.
  (c) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.11 Prohibited communication device in a correctional facility.
(1)
  (a) As used in this section:
    (i) "Communication device" means the same as that term is defined in Section 76-8-311.3.
    (ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
    (iii) "Offender" means the same as that term is defined in Section 76-8-311.3.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits prohibited communication device in a correctional facility if the actor, without the permission of the correctional facility:
(a) knowingly transports a communication device into the correctional facility with the intent to provide or sell the communication device to an offender in the correctional facility;
(b) provides or sells a communication device to an offender in the correctional facility;
(c)
(i) is an offender; and
(ii) possesses a communication device in the correctional facility; or
(d)
(i) subject to Subsection (4), is an individual other than an offender; and
(ii) knowingly possesses a communication device at the correctional facility.
(3)
(a) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.
(b) A violation of Subsection (2)(d) is a class A misdemeanor.
(4)
(a) A correctional facility that prohibits an individual other than an offender from possessing a communication device in the correctional facility under Subsection (2)(d) shall post a sign visible to an individual entering the correctional facility that provides the individual with notice that possessing a communication device in the correctional facility is prohibited and the individual may be prosecuted for possessing a communication device.
(b) A prosecuting attorney may not prosecute an individual under Subsection (2)(d) if the correctional facility fails to comply with Subsection (4)(a).

Amended by Chapter , 2024 General Session

76-8-312 Unlawful absence after pretrial release.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful absence after pretrial release if the actor:
(a) has been granted pretrial release by court order or by other lawful authority upon condition that the actor subsequently appear personally upon a charge of an offense; and
(b) fails without just cause to appear at the time and place that have been lawfully designated for the actor's appearance.
(3) A violation of Subsection (2) is:
(a) a third degree felony if the offense for which the actor failed to appear is a felony;
(b) a class B misdemeanor if the offense for which the actor failed to appear is a misdemeanor; or
(c) an infraction if the offense for which the actor failed to appear is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-313 Threatened or attempted assault on an elected official.
(1)
(a) As used in this section, "elected official" means:
(i) an elected official of the state, county, or city;
(ii) an immediate family member of an individual described in Subsection (1)(a)(i);
(iii) a temporary judge appointed to fill a vacant judicial position;
(iv) a judge not yet retained by a retention election;
(v) a member of a school board; or

(vi) an individual appointed to fill a vacant position of an individual described in Subsection (1)(a)(i).

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits threatened or attempted assault on an elected official:

(a) if the actor attempts or threatens, irrespective of a showing of immediate force or violence, to inflict bodily injury on an elected official with the intent to impede, intimidate, or interfere with the elected official in the performance of the elected official's official duties or with the intent to retaliate against the elected official because of the performance of the elected official's official duties; and

(b) if the actor's conduct described in Subsection (2)(a) involves a threat, the actor is reckless as to whether the actor's threat would be considered to be threatening by a reasonable person who received the threat.

(3)

(a) Except as provided by Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if:

(i) the actor attempts to inflict bodily injury; or

(ii) the elected official receives bodily injury.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 179, 2024 General Session

76-8-316 Threat with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

(1)

(a) As used in this section:

(i) "Board member" means an appointed member of the Board of Pardons and Parole.

(ii) "Family member" means a parent, spouse, surviving spouse, child, or sibling of a judge or board member.

(iii) "Judge" means:

(A) a judge of a court of record;

(B) a judge of a court not of record; or

(C) a court commissioner.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits threat with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor threatens to assault, kidnap, or murder a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those official duties.

(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-316.2 Assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits an assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.4 Aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits aggravated assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a first degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.6 Attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits attempted murder on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board

member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a first degree felony.
(4) A member of the Board of Pardons and Parole is an executive officer for purposes of Subsection 76-5-202(2)(a)(xiii).

Enacted by Chapter 96, 2024 General Session

76-8-317 Refusal to comply with an order to evacuate or order issued in a local or state emergency.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusal to comply with an order to evacuate or order issued in a local or state emergency if the actor:
(a) receives notice of:
(i) an order to evacuate issued under Title 53, Chapter 2a, Emergency Management Act; or
(ii) an order issued:
(A) by the governor in a state of an emergency under Section 53-2a-204; or
(B) by a chief executive officer in a local emergency under Section 53-2a-205; and
(b) refuses to comply with the order described in Subsection (2)(a).
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-318 Assault against a child welfare worker or a family member of a child welfare worker.
(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Child welfare worker" means an employee of the Division of Child and Family Services created in Section 80-2-201.
(iii) "Family member" means an individual's spouse, surviving spouse, parent, grandparent, sibling, child, or any other individual related to the individual by consanguinity or affinity to the second degree.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits assault against a child welfare worker or a family member of a child welfare worker if:
(a) the actor commits, or attempts to commit, an assault against a child welfare worker or a family member of a child welfare worker;
(b) the actor knows that the individual described in Subsection (2)(a) is a child welfare worker or a family member of a child welfare worker; and
(c) the assault, or attempted assault, described in Subsection (2)(a) is committed:
(i) against a child welfare worker at the time the child welfare worker is acting within the scope of the child welfare worker's authority; or
(ii) against a child welfare worker or a family member of the child welfare worker with the intent to:
(A) impede, intimidate, or interfere with the performance of the child welfare worker's official duties; or

(B) retaliate against the child welfare worker because of the performance of the child welfare worker's official duties.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor:

(i) causes substantial bodily injury; and

(ii) acts intentionally or knowingly.

(4) This section does not apply to an actor who is a minor in the custody of, or receiving services from, a division within the Department of Health and Human Services.

Amended by Chapter 537, 2025 General Session

76-8-318.5 Threat of violence against a child welfare worker or a family member of a child welfare worker.

(1)

(a) As used in this section:

(i) "Child welfare worker" means the same as that term is defined in Section 76-8-318.

(ii) "Family member" means the same as that term is defined in Section 76-8-318.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits a threat of violence against a child welfare worker if:

(a) the actor knowingly or intentionally threatens to commit an offense against a child welfare worker or a family member of a child welfare worker:

(i) described in Title 76, Chapter 5, Part 4, Sexual Offenses; or

(ii) involving bodily injury, death, or substantial property damage;

(b) the actor knows, or reasonably should know, that the individual described in Subsection (2)(a) is a child welfare worker or a family member of a child welfare worker;

(c) the threat described in Subsection (2)(a) would cause a reasonable person:

(i) to fear the infliction of harm or violence; or

(ii) to suffer emotional distress;

(d) the actor knows, or reasonably should know, the threat described in Subsection (2)(a) would cause a reasonable person to:

(i) fear the infliction of harm or violence; or

(ii) suffer emotional distress; and

(e) the threat described in Subsection (2)(a) is threatened:

(i) against a child welfare worker at the time the child welfare worker is acting within the scope of the child welfare worker's authority; or

(ii) against a child welfare worker or a family member of the child welfare worker with the intent to:

(A) impede, intimidate, or interfere with the performance of the child welfare worker's official duties; or

(B) retaliate against the child welfare worker because of the performance of the child welfare worker's official duties.

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

(4) It is not a defense to Subsection (2) that the actor did not attempt to carry out the threat or was incapable of carrying out the threat.

(5)

(a) Subject to Subsection (5)(b), in addition to another penalty authorized by law, a court shall order an actor convicted under Subsection (2) to pay restitution to any entity or individual for expenses or losses incurred as a result of responding to the threat, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(b) Any restitution ordered in the case of a minor adjudicated for a violation of Subsection (2) shall be determined in accordance with Section 80-6-710.
(6) An actor who commits an offense under Subsection (2) is subject to punishment for that offense described in Subsection (3), in addition to any other offense committed, including the carrying out of the threatened act.
(7) A threat described in Subsection (2):
(a) may be express or implied; and
(b) does not need to be communicated directly to the threatened individual.

Enacted by Chapter 537, 2025 General Session

76-8-319 Aiding or concealing an adjudicated minor -- Trespass of a secure care facility -- Criminal penalties. juvenile offender -- Trespass of a secure care facility -- Criminal penalties.

(1)
(a) As used in this section:
(i) "Abscond from a facility" means an adjudicated minor:
(A) leaves a facility without permission; or
(B) fails to return at a prescribed time.
(ii) "Abscond from supervision" means an adjudicated minor:
(A) changes the adjudicated minor's residence from the residence that the adjudicated minor reported to the division as the adjudicated minor's correct address to another residence, without notifying the division or obtaining permission; or
(B) for the purpose of avoiding supervision:
(I) hides at a different location from the adjudicated minor's reported residence; or
(II) leaves the adjudicated minor's reported residence.
(iii) "Adjudicated minor" means the same as the term "minor" is defined in Section 80-6-501.
(iv) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
(v) "Facility" means the same as the term "detention facility" is defined in Section 80-1-102.
(vi) "Secure care" means the same as that term is defined in Section 80-1-102.
(vii) "Secure care facility" means the same as that term is defined in Section 80-1-102.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits aiding or concealing an adjudicated minor if the actor:
(a) knowingly harbors or conceals an adjudicated minor who has:
(i) escaped from secure care; or
(ii) absconded from:
(A) a facility or supervision; or
(B) supervision of the division; or
(b) willfully aided or assisted an adjudicated minor who has been lawfully committed to a secure care facility in escaping or attempting to escape from the secure care facility.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 96, 2024 General Session

76-8-320 Trespass of a secure care facility.

(1)

(a) As used in this section:

(i) "Juvenile offender" means the same as that term is defined in Section 76-8-311.5.

(ii) "Secure care facility" means the same as that term is defined in Section 76-8-311.5.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits trespass of a secure care facility if the actor:

(a) without permission, enters or attempts to enter a building or enclosure appropriated to the use of juvenile offenders;

(b)

(i) enters any premises belonging to a secure care facility; and

(ii) commits or attempts to commit a trespass or damage on the premises of the secure care facility; or

(c) willfully annoys or disturbs the peace and quiet of:

(i) a secure care facility; or

(ii) a juvenile offender in a secure care facility.

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

Enacted by Chapter 96, 2024 General Session

Part 4
Offenses Against Public Property

76-8-402 Misusing public money or public property -- Disqualification from office.

(1)

(a) As used in this section, "authorized personal use" means:

(i) the use of public property, for a personal matter, by an actor who is a public servant if:

(A) the actor is authorized to use or possess the public property to fulfill the actor's duties as a public servant;

(B) the primary purpose of the actor using or possessing the public property is to fulfill the actor's duties as a public servant;

(C) at the time the actor uses the public property for a personal matter, a written policy of the actor's public entity is in effect that authorizes the actor to use or possess the public property for personal use in addition to the primary purpose of fulfilling the actor's duties as a public servant; and

(D) the actor uses and possesses the public property in a lawful manner and in accordance with the policy described in Subsection (1)(a)(i)(C); or

(ii) incidental or de minimus use of public property for a personal matter by an actor who is a public servant if:

(A) the value provided to the actor's public entity by the actor's use or possession of the public property for a public purpose substantially outweighs the personal benefit received by the actor from the incidental use of the public property for a personal matter; and

(B) the incidental or de minimus use of the public property for a personal matter is not prohibited by law or by the actor's public entity.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits misusing public money or public property if the actor is a public servant and knowingly:
(a) appropriates public money to the actor's own use or benefit or to the use or benefit of another person without authority of law;
(b) loans or transfers public money without authority of law;
(c) fails to keep public money in the actor's possession until disbursed by authority of law;
(d) deposits public money in a bank or with another person in violation of the written policy of the actor's public entity or the requirements of law;
(e) keeps a false account or makes a false entry or erasure in an account of, or relating to, public money;
(f) fraudulently alters, falsifies, conceals, or destroys an account described in Subsection (2)(e);
(g) refuses or omits to pay over, on demand, any public money in the actor's custody or control, upon the presentation of a draft, order, or warrant drawn upon the public money by competent authority;
(h) omits to transfer public money when the transfer is required by law;
(i) omits or refuses to pay over, to an officer or person authorized by law to receive public money, public money received by the actor under any duty imposed on the actor by law;
(j) damages or disposes of public property in violation of the written policy of the actor's public entity or the requirements of law;
(k) obtains or exercises unauthorized control of public property with the intent to deprive the owner of possession of the public property;
(l) obtains or exercises unauthorized control of public property with the intent to temporarily appropriate, possess, use, or deprive the owner of possession of the public property;
(m) appropriates public property to the actor's own use or benefit or to the use or benefit of another person without authority of law;
(n) loans or transfers public property without authority of law; or
(o) fails to keep public property in the actor's possession until returned to the property owner or disposed of or relinquished in accordance with the written policy of the actor's public entity and the requirements of law.

(3)
(a) Except as provided by Subsection (3)(b), a violation of Subsections (2)(a) through (i) is a third degree felony.
(b) A violation of Subsections (2)(a) through (i) is a second degree felony if:
(i) the value of the public money exceeds $5,000;
(ii) the amount of the false account exceeds $5,000;
(iii) the amount falsely entered exceeds $5,000;
(iv) the amount that is the difference between the original amount and the fraudulently altered amount exceeds $5,000; or
(v) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the account exceeds $5,000.
(c) A violation of Subsection (2)(j) is:
(i) a class B misdemeanor if the cost to repair or replace the public property is less than $500;
(ii) a class A misdemeanor if the cost to repair or replace the public property is $500 or more, but less than $1,500;
(iii) a third degree felony if the cost to repair or replace the public property is $1,500 or more, but less than $5,000; or
(iv) a second degree felony if the cost to repair or replace the public property is $5,000 or more.
(d) A violation of Subsection (2)(k), (m), (n), or (o) is:

(i) a class B misdemeanor if the value of the public property is less than $500;
(ii) a class A misdemeanor if the value of the public property is $500 or more, but less than $1,500;
(iii) a third degree felony if the value of the public property is $1,500 or more, but less than $5,000; or
(iv) a second degree felony if the value of the public property is $5,000 or more.
(e) A violation of Subsection (2)(l) is:
(i) a class C misdemeanor if the value of the public property is less than $500;
(ii) a class B misdemeanor if the value of the public property is $500 or more, but less than $1,500;
(iii) a class A misdemeanor if the value of the public property is $1,500 or more, but less than $5,000; or
(iv) a third degree felony if the value of the public property is $5,000 or more.
(4) It is not a defense to a violation of Subsection (2) that:
(a) subsequent to the violation, a public entity modifies or adopts a policy or law, or takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a violation; or
(b) a written policy of the actor's public entity permits private use of the public property if it is proven, beyond a reasonable doubt, that the actor did not comply with the written policy.
(5) Subsections (2)(j) through (2)(o) do not apply to the authorized personal use of public property.
(6) In addition to the punishment described in Subsection (3), an actor who:
(a) is convicted of a felony offense under this section may not disburse public funds or access public accounts; or
(b) is a public officer and is convicted of a felony offense under this section is disqualified from holding public office if:
(i) regardless of whether the public officer receives, safekeeps, transfers, disburses, or has a fiduciary relationship with public money, the public officer makes a profit from or out of public money or public property; or
(ii) the public officer uses public money or public property in a manner or for a purpose not authorized by law.

Amended by Chapter 96, 2024 General Session

76-8-403 Failure to keep and pay over public money.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) Except as otherwise provided in Subsection 76-8-402(3)(b), an actor commits failure to keep and pay over public money if the actor:
(a) receives, safekeeps, transfers, or disburses public money; and
(b) neglects or fails to keep and pay over the public money in the manner prescribed by law.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-405 Failure to pay over a fine, forfeiture, or fee.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to pay over a fine, forfeiture, or fee if the actor:
(a) is a public officer;
(b) receives any fine, forfeiture, or fee; and

(c) refuses or neglects to pay over the fine, forfeiture, or fee within the time prescribed by law.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-406 Obstructing the collection of revenue.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits obstructing the collection of revenue if the actor willfully obstructs or hinders a public officer who is empowered by law to collect revenue, taxes, or other sums of money from collecting revenue, taxes, or other sums of money in which this state is interested.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-407 Refusing to give accurate tax assessment information.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusing to give accurate tax assessment information if the actor:
(a) unlawfully refuses, upon demand, to give to a county assessor or deputy county assessor a list of the actor's property subject to taxation, or to swear to such list; or
(b) gives a false name, or fraudulently refuses to give the actor's true name when demanded by the county assessor or deputy county assessor in the discharge of the assessor's official duties.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-408 Giving a false tax receipt or failing to give a receipt.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits giving a false tax receipt or failing to give a receipt if the actor:
(a) uses or gives a receipt, except that prescribed by law, as evidence of the payment for a tax or license of any kind; or
(b) receives payment for the tax or license without delivering the receipt prescribed by law.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409 Refusing to give a tax assessor or tax or license fee collector a list of employees.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusing to give a tax assessor or tax or license fee collector a list of employees if the actor refuses to give the assessor or collector the name and residence of each individual in the actor's employ when requested by the assessor or collector.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409.2 Denying a tax assessor or tax or license fee collector access to a building or place of employment.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits denying a tax assessor or tax or license fee collector access to a building or place of employment if the actor refuses to give the assessor or collector access to the building or place of employment when access is requested by the assessor or collector.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-410 Doing business without a license.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits doing business without a license if the actor commences or carries on a business, trade, profession, or calling, for which a license is required by law, or by county, city, or town ordinance, without obtaining the required license.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-411 Trafficking in warrants.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits trafficking in warrants if the actor:
  (a) is an officer of the state, a county, a city, a town, or a district; and
  (b) directly or indirectly contracts for or purchases a warrant or order issued by the state, county, city, town, or district of which the actor is an officer, at any discount whatever upon the sum due on the warrant or order.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-8-412 Stealing, destroying or mutilating public records by custodian.

(1)
  (a) As used in this section, "public record" means the following records filed or deposited in a public office:
    (i) a record;
    (ii) a map;
    (iii) a book; or
    (iv) a paper or proceeding of a court.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits stealing, destroying, or mutilating a public record by a custodian if the actor:
  (a) is a government officer who has custody of a public record; and
  (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the whole or a part of the public record or permits another individual to do so.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-413 Stealing, destroying or mutilating public records by one not custodian.

(1)
(a) As used in this section, "public record" means the same as that term is defined in Section 76-8-412.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits stealing, destroying, or mutilating a public record by a noncustodian if the actor:
(a) does not have lawful custody of a public record; and
(b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the whole or a part of the public record or permits another individual to do so.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-414 Recording a false or forged instrument.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits recording a false or forged instrument if the actor knowingly procures or offers a false or forged instrument to be filed, registered, or recorded in a public office, which instrument, if genuine, might be filed or registered or recorded under a law of this state or of the United States.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-415 Damaging or removing a monument of an official survey.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits damaging or removing a monument of an official survey if the actor willfully injures, defaces, or removes a signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416 Taking a toll or maintaining a road, bridge, or ferry without authority.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits taking a toll or maintaining a road, bridge, or ferry without authority if the actor, without authority:
(a) demands or receives compensation for the use of a bridge or ferry; or
(b) sets up or keeps a road, bridge, ferry, or constructed ford, for the purpose of receiving remuneration for the road's, bridge's, ferry's, or constructed ford's use.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416.2 Refusal to pay a lawful toll.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusal to pay a lawful toll if the actor, after having used a licensed toll road, bridge, ferry, or constructed ford, refuses to pay on demand the compensation or fee authorized to be collected for use of the licensed toll road, bridge, ferry, or constructed ford.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-417 Tampering with an official notice or proclamation.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits tampering with an official notice or proclamation if the actor intentionally defaces, obliterates, tears down, or destroys:
  (a) a copy, transcript, or extract from or of a law of the United States or of this state; or
  (b) a proclamation, advertisement, or notice, set up in this state by authority of a law of the United States or of this state, or by order of a court or of a public officer, before the expiration of the time for which the proclamation, advertisement, or notice was to remain set up.
(3) A violation of Subsection (2) is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-418 Damaging a jail or other place of confinement.
(1)
  (a) As used in this section:
    (i) "Child" means the same as that term is defined in Section 80-1-102.
    (ii) "Detention facility" means the same as that term is defined in Section 80-1-102.
    (iii) "Secure care facility" means the same as that term is defined in Section 80-1-102.
    (iv) "Shelter facility" means the same as that term is defined in Section 80-1-102.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits damaging a jail or other place of confinement if the actor willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise damages a public jail or other place of confinement, including a detention facility, a shelter facility, or a secure care facility.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section is applicable to a child who willfully and intentionally commits an offense against a public jail, a detention facility, a shelter facility, or a secure care facility.

Amended by Chapter 96, 2024 General Session

76-8-419 Damaging a highway or bridge.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits damaging a highway or bridge if the actor intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys a public highway or private way laid out by authority of law, or a bridge upon the highway or private way.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree felony.
(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Amended by Chapter 96, 2024 General Session

76-8-420 Removing or damaging a road sign.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits removing or damaging a road sign if the actor intentionally or knowingly removes or damages:
  (a) a milepost, milestone, or guidepost erected on a highway; or
  (b) an inscription on a milepost, milestone, or guidepost.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 5
Falsification in Official Matters

76-8-501 Definitions.
As used in this part:
(1) "False statement" includes a false unsworn declaration.
(2) "Material" means capable of affecting the course or outcome of an official proceeding, unless the individual who made the statement or provided the information retracts the statement or information before the earlier of:
  (a) the end of the official proceeding in which the statement was made or the information was provided;
  (b) when it becomes manifest that the false or misleading nature of the statement or information has been or will be exposed; or
  (c) when the statement or information substantially affects the proceeding.
(3) "Official proceeding" means:
  (a) a proceeding before:
    (i) a legislative, judicial, administrative, or other governmental body or official authorized by law to take evidence under oath or affirmation;
    (ii) a notary; or
    (iii) an individual who takes evidence in connection with a proceeding described in Subsection (3)(a)(i);
  (b) a civil or administrative action, trial, examination under oath, administrative proceeding, or other civil or administrative adjudicative process; or
  (c) an investigation or audit conducted by:
    (i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
    (ii) an employee or independent contractor of an entity described in Subsection (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).
(4) "Unsworn declaration" means the same as that term is defined in Section 78B-18a-102.

Amended by Chapter 96, 2024 General Session

76-8-502 Making a false or inconsistent material statement.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

(2) An actor commits making a false or inconsistent material statement if the actor:
(a) makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and the actor does not believe the statement to be true; or
(b) makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and the actor does not believe to be true.
(3) A violation of Subsection (2) is a second degree felony.
(4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
(5)
(a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.
(b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.

Amended by Chapter 96, 2024 General Session

76-8-503 Making a false or inconsistent statement.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) Except as provided in Subsection (6), an actor commits making a false or inconsistent statement if the actor:
(a) makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the actor does not believe the statement to be true if:
(i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or
(ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other individual authorized to administer oaths; or
(b) makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the actor to be true.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
(a) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
(b) It is a defense to prosecution under this section that the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
(5)
(a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.
(b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.
(6) Subsection (2) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.

Amended by Chapter 96, 2024 General Session

76-8-504 Making a written false statement.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits making a written false statement if:
(a) the actor makes a statement that the actor does not believe to be true on or under a form bearing a notification authorized by law to the effect that a false statement made therein is punishable; or
(b) with intent to deceive a public servant in the performance of the public servant's official function, the actor:
(i) makes a written false statement that the actor does not believe to be true;
(ii) knowingly creates a false impression in a written application for a pecuniary or other benefit by omitting information necessary to prevent a statement in the application from being misleading;
(iii) submits or invites reliance on a writing that the actor knows to be lacking in authenticity; or
(iv) submits or invites reliance on a sample, specimen, map, boundary mark, or other object that the actor knows to be false.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the false statement is on a financial declaration described in Section 77-38b-204.
(4)
(a) An actor does not violate this section if the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
(b) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.

Amended by Chapter 96, 2024 General Session

76-8-504.5 Making a false statement to be used in a preliminary hearing.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits making a false statement to be used in a preliminary hearing if the actor makes a false statement that:
(a) the actor does not believe to be true;
(b) the actor has reason to believe will be used in a preliminary hearing; and
(c) the actor made after having been notified either verbally or in writing that:
(i) the statement may be used in a preliminary hearing before a magistrate or a judge; and
(ii) if the actor makes a false statement after having received this notification, the actor is subject to a criminal penalty.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.
(5) A notification under Subsection (2)(c) is sufficient if the notification is verbal or written and is in substantially the following form: "You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Amended by Chapter 96, 2024 General Session

76-8-504.6 Providing false or misleading information.

(1)
(a) As used in this section, "officer of the court" means:
(i) a prosecutor;
(ii) a judge;
(iii) a court clerk;
(iv) an interpreter;
(v) a presentence investigator;
(vi) a probation officer;
(vii) a parole officer; or
(viii) an individual reasonably believed to be gathering information for a criminal proceeding.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits providing false or misleading information if the actor, not under oath or affirmation, intentionally or knowingly provides false or misleading material information to:
(a) an officer of the court for the purpose of influencing a criminal proceeding; or
(b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of eligibility for:
(i) expungement; or
(ii) removal of the person's name from the White Collar Crime Registry created in Title 77, Chapter 42, Utah White Collar Crime Offender Registry.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of this code carrying a greater penalty.

Amended by Chapter 96, 2024 General Session

76-8-506 Providing false information to a law enforcement officer, government agency, or specified professional.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits providing false information to a law enforcement officer, government agency, or specified professional if:
(a) the actor knowingly gives or causes to be given:
(i) false information to a peace officer or a state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another person has committed an offense;
(ii) information concerning the commission of an offense to a peace officer, a state or local government agency or personnel, or to an individual licensed in this state to practice social work, psychology, or marriage and family therapy, knowing that the offense did not occur or knowing that the actor has no information relating to the offense or danger; or
(iii) false information to a state or local government agency or personnel with a purpose of inducing a change in the actor's licensing or certification status or the licensing or certification status of another person; or
(b)
(i) at the time of the actor's arrest for an offense, the actor states to a law enforcement officer that the actor ingested drugs before the actor's arrest;
(ii) the law enforcement officer, based on the actor's statement described in Subsection (2)(b)(i), takes the actor to a health care facility for medical treatment; and

(iii) a medical examination of the actor demonstrates that the actor's statement described in Subsection (2)(b)(i) was false.

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

Amended by Chapter 96, 2024 General Session
Amended by Chapter 491, 2024 General Session

76-8-507 Providing false personal information to a peace officer.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

(2) An actor commits providing false personal information to a peace officer if the actor knowingly:

(a) with intent of misleading a peace officer as to the actor's identity, birth date, or place of residence, gives a false name, birth date, or address to the peace officer in the lawful discharge of the peace officer's official duties; or

(b) with the intent of leading a peace officer to believe that the actor is another actual individual, gives the name, birth date, or address of another individual to the peace officer acting in the lawful discharge of the peace officer's official duties.

(3)

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

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

Amended by Chapter 96, 2024 General Session

76-8-508 Tampering with a witness.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

(2) An actor commits tampering with a witness if the actor:

(a)

(i) believes that an official proceeding or investigation is pending or about to be instituted; or

(ii) intends to prevent an official proceeding or investigation; and

(b) attempts to induce or otherwise cause another individual to:

(i) testify or inform falsely;

(ii) withhold testimony, information, a document, or an item;

(iii) elude legal process summoning the individual to provide evidence; or

(iv) absent the individual from a proceeding or investigation to which the individual has been summoned.

(3) A violation of Subsection (2) is a third degree felony.

(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Amended by Chapter 96, 2024 General Session

76-8-508.3 Retaliation against a witness, victim, or informant.

(1)

(a) As used in this section:

(i) "An individual closely associated with a witness, victim, or informant" means an individual who is a member of the witness's, victim's, or informant's family, has a close personal or business relationship with the witness or victim, or resides in the same household with the witness, victim, or informant.

(ii) "Harm" means physical, emotional, or economic injury or damage to a person or to his property, reputation, or business interests.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits retaliation against a witness, victim, or informant if the actor:
(a) believes that an official proceeding or investigation is pending, is about to be brought, or has been concluded;
(b) makes a threat of harm or causes harm; and
(c) directs the threat or action causing harm as retaliation or retribution against a witness or an informant involved in an official proceeding, a victim of a crime, or an individual closely associated with a witness, victim, or informant.
(3) A violation of Subsection (2) is a third degree felony.
(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.
(5) This section does not prohibit an individual from seeking other legal redress to which the individual is otherwise entitled.

Amended by Chapter 96, 2024 General Session

76-8-508.5 Tampering with or retaliating against a juror.
(1)
(a) As used in this section, "juror" means an individual:
(i) summoned for jury duty; or
(ii) serving as or having served as a juror or alternate juror in any court or as a juror on any grand jury of the state.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits tampering or retaliating against a juror if the actor:
(a) attempts to or actually influences a juror in the discharge of the juror's service by:
(i) communicating with the juror by any means, directly or indirectly, except for an attorney in the lawful discharge of the attorney's duties in open court;
(ii) offering, conferring, or agreeing to confer any benefit upon the juror; or
(iii)
(A) communicating to the juror a threat that a reasonable person would believe to be a threat to injure:
(I) the juror's person or property; or
(II) the person or property of another individual in whose welfare the juror is interested; and
(B) the actor is reckless as to whether the actor's threat would be considered to be threatening by a reasonable person who received the threat; or
(b) commits an unlawful act in retaliation for an action taken by the juror in the discharge of the juror's service:
(i) to the juror's person or property; or
(ii) to the person or property of another individual in whose welfare the juror is interested.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 179, 2024 General Session

76-8-508.7 Receiving or soliciting a bribe as a witness.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

(2) An actor commits receiving or soliciting a bribe as a witness if the actor:
(a) believes that an official proceeding or investigation is pending or about to be instituted; and
(b) solicits, accepts, or agrees to accept a benefit in consideration of the actor:
(i) testifying or informing falsely;
(ii) withholding testimony, information, a document, or an item;
(iii) eluding legal process summoning the actor to provide evidence; or
(iv) absenting the actor from a proceeding or investigation to which the actor has been summoned.
(3) A violation of Subsection (2) is a third degree felony.
(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Enacted by Chapter 96, 2024 General Session

76-8-509 Extortion or bribery to dismiss a criminal proceeding.
(1)
(a) As used in this section, "victim" includes a child or other individual under the care or custody of a parent or guardian.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits extortion or bribery to dismiss a criminal proceeding if the actor attempts to induce an alleged victim of a crime to take an action to secure the dismissal or to prevent the filing of a criminal complaint, indictment, or information by:
(a) the use of force; or
(b) a threat that would constitute a means of committing the offense of theft by extortion under Section 76-6-406 if the threat were employed to obtain property or by promise of a reward or pecuniary benefit.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 96, 2024 General Session

76-8-510.5 Tampering with evidence.
(1)
(a) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits tampering with evidence if the actor:
(a)
(i) believes that an official proceeding or investigation is pending or about to be instituted; or
(ii) intends to prevent an official proceeding or investigation or to prevent the production of a thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation; and
(b) knowingly or intentionally:
(i) alters, destroys, conceals, or removes a thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
(ii) makes, presents, or uses a thing or item which the actor knows to be false with the purpose of deceiving a public servant or other party who is or may be engaged in the proceeding or investigation.
(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the offense is committed in conjunction with an official proceeding.
(4) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.

Amended by Chapter 96, 2024 General Session

76-8-511 Falsification or alteration of a government record.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits falsification or alteration of a government record if, under circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter 6, Part 5, Fraud, the actor:
(a) knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
(b) presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or record referred to in Subsection (2)(a); or
(c) intentionally destroys, conceals, or otherwise impairs the verity or availability of the information or record, knowing that the destruction, concealment, or impairment is unlawful.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-512 Impersonation of officer.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits impersonation of an officer if the actor:
(a) impersonates a public servant or a peace officer with intent to deceive another individual or with intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act;
(b) falsely states that the actor is a public servant or a peace officer with intent to deceive another individual or to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act; or
(c) displays or possesses without authority a badge, identification card, other form of identification, a restraint device, the uniform of a state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another individual or with the intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-513 Sending a false judicial or official notice.

(1)
(a) As used in this section:

(i) "Official document" means:
(A) a summons, complaint, court order, or process; or
(B) an insignia, seal, or printed form of a federal, state, or local governmental entity or an instrumentality of a federal, state, or local governmental entity.
(ii)
(A) "False official document" means a document that has the appearance or format of an official document but that has not been sanctioned by the relevant governmental entity.
(B) "False official document" includes a document calculated to induce an individual to believe that the document is an official document of the relevant governmental entity.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits sending a false judicial or official notice if the actor knowingly sends, mails, or delivers to an individual a false official document with the purpose to procure the compliance of the individual.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-515 Impersonation of a utility officer or employee.
(1)
(a) As used in this section:
(i) "Critical infrastructure facility" means the same as that term is defined in Section 76-6-106.3.
(ii) "Sabotage" means the same as that term is defined in Section 76-8-901.
(iii) "Terrorism" means the same as that term is defined in Section 53-2a-102.
(iv) "Utility" means a private or governmental entity operating a critical infrastructure facility.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits impersonation of a utility officer or employee if the actor, without authority from a utility:
(a) intends to lead an individual to believe that the actor is acting on behalf of the utility in an official capacity; and
(b) attempts to act on behalf of the utility.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor, while taking the action described in Subsection (2), intends to commit an act of terrorism or sabotage.

Amended by Chapter 96, 2024 General Session

Part 6
Abuse of Process

76-8-601 Wrongful commencement of an action in justice court.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits wrongful commencement of an action in justice court if the actor:
(a) is:
(i) a party to a suit or a proceeding; or

(ii) an agent or attorney for a party to a suit or proceeding; and
(b) except as provided in Section 78A-7-105 or 78A-7-106, knowingly commences, prosecutes, or maintains an action, suit, or proceeding in a justice court.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-602 Wrongfully conferring jurisdiction upon a justice court.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits wrongfully conferring jurisdiction upon a justice court if the actor, for the purpose of conferring jurisdiction of a cause upon a justice court in a precinct or city that would be without jurisdiction except for the liability of the joint obligor, binds the actor's self, voluntarily becomes liable jointly or jointly and severally with another person, or induces a person to assume a liability.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-603 Wrongfully issued writ of attachment by a justice court judge.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits wrongfully issued writ of attachment by a justice court judge if the actor:
(a) is a justice court judge; and
(b) issues a writ of attachment in an action, suit, or proceeding:
(i) before the affidavit is filed; or
(ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:
(a) double the value of the attached property;
(b) all costs paid by the person; and
(c) all damages incurred in the attachment proceedings.

Amended by Chapter 96, 2024 General Session

76-8-604 Wrongful inducement to receive writ of attachment.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits wrongful inducement to receive writ of attachment if the actor:
(a) is:
(i) a party to an action, suit, or proceeding;
(ii) an agent of a party to an action, suit, or proceeding; or
(iii) an attorney of a party to an action, suit, or proceeding; and
(b) advises, induces, or procures the issuance of a writ of attachment in the action, suit or proceeding:
(i) before the affidavit is filed; or
(ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.
(3) A violation of Subsection (2) is a class B misdemeanor.

(4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:
(a) double the value of the attached property;
(b) all costs paid by the person; and
(c) all damages incurred in the attachment proceedings.

Enacted by Chapter 96, 2024 General Session

Part 7
Colleges and Universities

76-8-703 Criminal trespass upon an institution of higher education.

(1)
(a) As used in this section:
(i) "Chief administrative officer" means the same as that term is defined in Section 53H-3-304.
(ii) "Enters" means intrusion of the entire body.
(iii) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits criminal trespass upon an institution of higher education if the actor enters or remains on property that is owned, operated, or controlled by an institution of higher education:
(a) after being ordered to leave by the chief administrative officer; or
(b) without authorization if notice against entry or remaining has been given by:
(i) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution of higher education;
(ii) the posting of signs reasonably likely to come to the attention of a trespasser;
(iii) fencing or other enclosure obviously designed to exclude a trespasser; or
(iv) a current order of suspension or expulsion.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted two or more times of a violation of Subsection (2).
(4) The mere carrying or possession of a firearm on the campus of an institution of higher education, as defined in Section 53H-1-101, does not warrant an order to leave under Subsection (2)(a) if the individual carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.
(5) If an employee or student of an institution of higher education is ordered to leave under Subsection (2)(a) or receives a notice against entry or remaining under Subsection (2)(b), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.

Amended by Chapter 9, 2025 Special Session 1

76-8-705 Willful interference with lawful activities of students or faculty.

(1)

(a) As used in this section, "institution" means the same as that term is defined in Section 53H-1-101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits willful interference with lawful activities of students or faculty if the actor, while on property that is owned, operated, or controlled by an institution, willfully:
(a) denies to a student, school official, employee, or invitee lawful:
(i) freedom of movement;
(ii) use of the property or facilities; or
(iii) ingress or egress to the institution's physical facilities;
(b) impedes a faculty or staff member of the institution in the lawful performance of the member's duties; or
(c) impedes a student of the institution in the lawful pursuit of the student's educational activities.
(3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 9, 2025 Special Session 1

Part 8
Sabotage Prevention

76-8-809 Closing or restricting use of highways abutting defense or war facilities -- Posting of notices.

.
(1) As used in this section:
(a) "Highway" means a place used for travel to or from property, including a private or public street or way.
(b) "Highway commissioner" means an individual, a board, or other body having authority to restrict or close the highway to public use and travel.
(c) "Public utility" means a system owned or operated for public use, including:
(i) a pipeline system;
(ii) a system for gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, or transportation communication;
(iii) a railroad; or
(iv) an airplane.
(2) An individual, a partnership, an association, a corporation, a municipal corporation, the state, or a political subdivision of the state, may petition the highway commissioner of a city, town, or county to close or restrict travel upon a highway if the individual, partnership, association, corporation, municipal corporation, state, or political subdivision is:
(a) engaged in or preparing to engage in the manufacture, transportation, or storage of a product to be used in the preparation of the United States government or a state government for defense, for war, or in the prosecution of war by the United States government; or
(b)
(i)
(A) manufacturing, transporting, distributing, or storing gas, oil, coal, electricity, or water; or
(B) operating a public utility; and

(ii) believes the gas, oil, electricity, water, or public utility will be endangered if public use and travel is not restricted or prohibited on a highway abutting the property involved in operating the public utility or manufacturing, transporting, distributing, or storing the gas, oil, coal, electricity, or water.

(3) Upon receiving a petition described in Subsection (2), the highway commissioner shall set a day for a public hearing and give notice of the hearing at least seven days before the day on which the hearing will be held, as a class A notice under Section 63G-30-102, for the city, town, or county.

(4)

(a) Subject to Subsection (5), after holding the hearing described in Subsection (3), the highway commissioner may, after determining that public safety and the safety of the property of the petitioner require the closure or restricted use of the highway, issue an order to:

(i) close the highway to all public use and travel; or

(ii) reasonably restrict travel on the highway for the safety of the petitioner's property.

(b) Visible notices at least three inches tall detailing the closure or restriction shall be posted at each end of a highway closed or restricted under this Subsection (4).

(5) A highway commissioner issuing an order under Subsection (4) may issue a permit to a responsible and reputable individual to travel on a closed or restricted highway under conditions set by the highway commissioner.

Amended by Chapter 96, 2024 General Session

Part 9
Syndicalism and Sabotage

76-8-901 Definitions.

As used in this part:

(1) "Criminal syndicalism" means the doctrine that advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution.

(2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction of, real or personal property, of an employer or owner by an individual.

Amended by Chapter 96, 2024 General Session

76-8-902 Advocating criminal syndicalism or sabotage.

.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits advocating criminal syndicalism or sabotage if the actor:

(a) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of crime, criminal syndicalism, or sabotage;

(b) as a means of accomplishing or effecting industrial or political ends, change, or revolution:

(i) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act;

(ii) prints, publishes, edits, or issues, or knowingly circulates, sells, distributes, or publicly displays a book, pamphlet, paper, handbill, poster, document, or written or printed matter in any form, containing, advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, performing an act of violence, the destruction of or damage to property, the injury to an individual, or the commission of a crime or unlawful act; or

(iii) organizes or becomes a member of, or voluntarily assembles with, a society or assemblage of individuals formed to teach or advocate the doctrine of criminal syndicalism or sabotage, or the necessity, propriety, or expediency of doing an act of violence or the commission of a crime or unlawful act; or

(c) with the intent to exemplify, spread, or teach or suggest criminal syndicalism, attempts to justify sabotage, an act of violence, the destruction of or damage to property, the injury of an individual, or the commission of a crime or unlawful act.

(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-903 Assembling for advocating criminal syndicalism or sabotage.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits assembling for advocating criminal syndicalism or sabotage if the actor, as a means of accomplishing or effecting industrial or political ends, change, or revolution:

(a) assembles with two or more individuals; and

(b) assembles for the purpose of advocating, teaching, or suggesting:

(i) the doctrine of criminal syndicalism; or

(ii) the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act .

(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-904 Permitting the use of property for assembly advocating criminal syndicalism or sabotage.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits permitting the use of property for assembly advocating criminal syndicalism or sabotage if the actor:

(a) is an owner, lessee, agent, superintendent, or individual in charge or occupation of a place, building, room, or structure; and

(b) knowingly permits assembly or consorting of individuals prohibited under Section 76-8-903.

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

Amended by Chapter 96, 2024 General Session

Part 12
Public Assistance Fraud

76-8-1201 Definitions.

As used in this part:

(1) "Client" means a person who receives or has received public assistance.

(2) "Overpayment" means the same as that term is defined in Section 35A-3-102.

(3) "Provider" means a person or entity that receives compensation from any public assistance program for goods or services provided to a public assistance recipient.

(4) "Public assistance" means the same as that term is defined in Section 35A-1-102.

Amended by Chapter 366, 2024 General Session

76-8-1203 Required disclosures by an applicant, a recipient, or a provider of public assistance.

(1) An individual who is 18 years old or older and applies for public assistance, or who is 18 years old or older and currently receives public assistance, shall disclose to the state agency administering the public assistance each fact that may materially affect the individual's eligibility to receive or continue to receive public assistance, including the individual's current:

(a) marital status;

(b) household composition;

(c) employment;

(d) earned and unearned income, as defined by rule;

(e) receipt of monetary and in-kind gifts that may affect the individual's eligibility;

(f) assets that may affect the individual's eligibility; and

(g) any other material fact or change in circumstance that may affect the determination of the individual's eligibility to receive public assistance benefits, or may affect the amount of benefits for which the individual is eligible.

(2)

(a) Subject to Subsection (2)(b), a provider that solicits, requests, or receives, actually or constructively, a payment or contribution in the form of an assessment, a payment, a gift, a devise, a bequest, or other means, directly or indirectly, from a client or client's family shall:

(i) notify the state agency administering the public assistance to the client of the amount of the payment or contribution the provider received from the client or the client's family; and

(ii) provide the notification to the state agency in writing within 10 days after the day on which the payment or contribution was received.

(b) If the payment or contribution described in Subsection (2)(a) is made under an agreement, written or oral, the provider shall notify the state agency administering the public assistance to the client of the payment or contribution within 10 days after the day on which the provider entered into the agreement.

(3) An actor may be charged under Section 76-8-1203.1, 76-8-1203.3, or 76-8-1203.5 for failing to provide information required under this section.

Amended by Chapter 96, 2024 General Session

76-8-1203.1 Public assistance fraud by an applicant for public assistance.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.

(2) An actor commits public assistance fraud by an applicant for public assistance if the actor intentionally, knowingly, or recklessly:

(a) applies for public assistance; and

(b) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1).

(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.3 Public assistance fraud by a recipient of public assistance.
(1)
(a) As used in this section, "SNAP benefit" means the same as that term is defined in Section 35A-1-102.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits public assistance fraud by a recipient of public assistance if the actor:
(a)
(i) except as provided in Subsection (2)(b), is receiving public assistance administered by a state agency; and
(ii) intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance to the actor of a change of a material fact required to be disclosed under Subsection 76-8-1203(1) within 10 days after the day on which the change occurred;
(b)
(i) is receiving public assistance from the Department of Workforce Services or the Department of Health and Human Services; and
(ii) at the time of a review or recertification, whichever comes first, intentionally, knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed under Subsection 76-8-1203(1);
(c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses, transfers, acquires, traffics in, falsifies, or possesses:
(i) SNAP benefits;
(ii) a SNAP benefit identification card;
(iii) a certificate of eligibility for medical services;
(iv) a Medicaid identification card;
(v) a fund transfer instrument;
(vi) a payment instrument; or
(vii) a public assistance warrant;
(d)
(i) is receiving public assistance;

(ii) acquires income or resources in excess of the amount the actor previously reported to the state agency administering the public assistance to the actor; and
(iii) fails to notify the state agency to which the actor previously reported within 10 days after the day on which the actor acquired the excess income or resources;
(e)
(i) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and
(ii)
(A) intends to obtain or help another individual obtain an overpayment; or
(B) obtains an overpayment, unauthorized payment, or benefit; or
(f) receives an unauthorized payment or benefit as a result of unlawful acts described in this section, Section 76-8-1203.3, Section 76-8-1203.5, or Section 76-8-1203.7.
(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.
(7) Incidents of trafficking in SNAP benefits that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Enacted by Chapter 96, 2024 General Session

76-8-1203.5 Public assistance fraud by a provider.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits public assistance fraud by a provider if the actor:
(a) is a provider; and
(b) intentionally, knowingly, or recklessly:
(i) receives a payment after failing to comply with the requirements in Subsection 76-8-1203(1) or 76-8-1203(2);
(ii) files a claim for payment under a state or federally funded public assistance program for goods or services not provided to or for a client under that program;
(iii) files or falsifies a claim, report, or document required by a state or federal law, a rule, or a provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;
(iv) fails to credit the state for payments received from other sources;
(v) bills a client, or the client's family, for:

(A) goods or services not provided; or
(B) an amount greater than that allowed by law or rule; or
(vi) fails to comply with the notification requirements under Subsection 76-8-1203(2).
(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) This section does not apply to offenses by providers under the state's Medicaid program that are actionable under Title 26B, Chapter 3, Part 11, Utah False Claims Act.
(7) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.7 Fraudulently misappropriating public assistance funds.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits fraudulently misappropriating public assistance funds if the actor:
(a)
(i) is an administrator of a state or federally funded public assistance program; and
(ii) while performing the actor's duties as an administrator, intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for:
(A) SNAP benefits;
(B) an identification card;
(C) a certificate of eligibility for medical services;
(D) a Medicaid identification card; or
(E) other public assistance the actor has been entrusted with or that has come into the actor's possession as a result of the actor's duties; or
(b)
(i) is an individual entrusted with:
(A) SNAP benefits;
(B) an identification card;
(C) a certificate of eligibility for medical services;
(D) a Medicaid identification card; or
(E) other public assistance with which the individual has been entrusted; and
(ii) intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for a benefit described in Subsection (2)(b)(i) with which the individual has been entrusted.
(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:

(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.

(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.

(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.

(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1207 Evidence in criminal actions for public assistance fraud.

In a criminal action under this part:

(1) a paid state warrant made to the order of an individual or a payment made through an electronic benefit card issued to an individual constitutes prima facie evidence that the individual received financial assistance from the state; and

(2) all of the records in the custody of the state agency administering public assistance relating to the application for, verification of, issuance of, receipt of, and use of public assistance constitute records of regularly conducted activity within the meaning of the exceptions to the hearsay rule of evidence.

Amended by Chapter 96, 2024 General Session

Part 13
Unemployment Insurance Fraud

76-8-1301 False statement to obtain or increase unemployment compensation.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits false statement to obtain or increase unemployment compensation if the actor, to obtain or increase a benefit or other payment under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government:
(a) makes a false statement or representation, knowing the representation is false; or
(b) knowingly fails to disclose a material fact.

(3)
(a) A violation of Subsection (2) is:
(i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.
(b) The determination of the degree of an offense under Subsection (3)(a) is measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

Amended by Chapter 96, 2024 General Session

76-8-1302 False statement to prevent or reduce unemployment compensation or liability.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits false statement to prevent or reduce unemployment compensation or liability if the actor, to prevent or reduce the payment of unemployment compensation benefits to an individual entitled to those benefits, or to avoid becoming or remaining a subject employer, or to avoid or reduce a contribution or other payment required from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of a state or of the federal government:
(a) makes a false statement or representation, knowing the representation is false; or
(b) knowingly fails to disclose a material fact.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.
(4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1303 Unlawful failure to comply with Employment Security Act requirement.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful failure to comply with Employment Security Act requirements if the actor willfully:
(a) fails or refuses:
(i) to make a contribution or other payment required under Title 35A, Chapter 4, Employment Security Act;
(ii) to furnish a report required under Title 35A, Chapter 4, Employment Security Act; or
(iii) to produce or permit the inspection or copying of records required under Title 35A, Chapter 4, Employment Security Act; or
(b) violates a provision of Title 35A, Chapter 4, Employment Security Act, or an order made under that chapter, for which the violation:
(i) is made unlawful or the observance of which is required under the terms of Title 35A, Chapter 4, Employment Security Act;

(ii) does not have a prescribed penalty in Title 35A, Chapter 4, Employment Security Act, or another applicable statute; and
(iii) is for conduct not described in Subsection (2)(a).
(3)
(a) A violation of Subsection (2)(a) is:
(i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.
(b) A violation of Subsection (2)(b) is a class A misdemeanor.
(4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1304 Unlawful use or disclosure of employment information.
(1)
(a) As used in this section, "employing unit" means the same as that term is defined in Section 35A-4-202.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful use or disclosure of employment information if the actor:
(a)
(i) is an employee of the Department of Workforce Services; and
(ii) willfully violates Section 35A-4-312 by making a disclosure of information obtained from an employing unit or individual in the administration of Title 35A, Chapter 4, Employment Security Act; or
(b)
(i) obtains a list of applicants for work or of claimants or recipients of benefits under Title 35A, Chapter 4, Employment Security Act; and
(ii) uses or permits the use of the list described in Subsection (2)(b)(i) for a political purpose.
(3) A violation of Subsection (2) is a class C misdemeanor.

Enacted by Chapter 96, 2024 General Session

Part 14
Disruption of School Activities

76-8-1402 Disruption of activity in or near school building.
(1)
(a) As used in this section:
(i)

(A) "Chief administrator" means the principal of a school or the chief administrator of a school that does not have a principal.
(B) "Chief administrator" includes the chief administrator's designee or representative.
(ii) "School" means a public or private kindergarten, elementary, or secondary school through grade 12.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (2), an actor commits disruption of activity in or near school building if the actor, while on a street, sidewalk, or public way adjacent to a school building or ground:
(a) materially disrupts the peaceful conduct of school activities by the actor's presence or act; and
(b) remains upon the place under Subsection (2)(a) after being asked to leave by the chief administrator of that school.
(3)
(a) Except as provided under Subsection (4), a first or second violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided under Subsection (4), a third or subsequent violation of Subsection (2) is a class A misdemeanor.
(4) If an actor's conduct violates Subsection (2) and the actor's conduct also amounts to a violation of another offense with a greater penalty, the offense with the greater penalty applies.

Amended by Chapter 96, 2024 General Session

76-8-1403 Unlawful evasion of law enforcement by entering school property-- Restitution.
(1)
(a) As used in this section:
(i) "School" means a public or private kindergarten, elementary, or secondary school through grade 12, including all buildings and property of the school.
(ii) "School property" means real property:
(A) that is owned or occupied by a public or private school; or
(B)
(I) that is temporarily occupied by students for a school-related activity or program; and
(II) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful evasion of law enforcement by entering school property if the actor enters onto school property when:
(a) students are attending the school or students are participating in any school-related activity or program on school property; and
(b) the actor is in the act of fleeing or evading, or attempting to flee or evade, pursuit or apprehension by a peace officer.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense to a violation of this section that the actor did not know that the actor had entered onto school property.
(5) As a part of the sentence for violation of this section, the court shall order the actor to reimburse the school for costs incurred by the school in responding to the actor's presence on the school property.
(6) The offense under this section is a separate offense from a violation of:
(a) failure to respond to officer's signal to stop under Section 41-6a-210; or

(b) failure to stop at the command of a peace officer under Section 76-8-305.5.

Amended by Chapter 96, 2024 General Session

Chapter 9
Offenses Against Public Order, Health, and Safety

Part 1
Breaches of the Peace and Related Offenses

76-9-101 Riot.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits riot if the actor:

(a) simultaneously with two or more other individuals engages in violent conduct, knowingly or recklessly creating a substantial risk of causing public alarm;

(b) assembles with two or more other individuals with the purpose of engaging, soon thereafter, in violent conduct, knowing, that two or more other individuals in the assembly have the same purpose;

(c) assembles with two or more other individuals with the purpose of committing an offense against a person, or the property of another person who the actor supposes to be guilty of a violation of law, believing that two or more other individuals in the assembly have the same purpose; or

(d) refuses to comply with a lawful order to withdraw prior to, during, or immediately following a violation of Subsection (2)(a), (b), or (c).

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if, in the course of the violation:

(i) the actor causes substantial or serious bodily injury;

(ii) the actor causes substantial property damage or commits arson; or

(iii) the actor was in possession of a dangerous weapon.

(4) It is not a defense to a prosecution under Subsection (2)(d) that in order for an actor to comply with an order to withdraw the actor must enter or cross over private property.

(5) An actor is not criminally or civilly liable for actions that the actor takes that are reasonably necessary to comply with an order to withdraw under Subsection (2)(d).

(6) An actor arrested for a violation of Subsection (2) may not be released from custody before the actor appears before a magistrate or a judge.

Amended by Chapter 173, 2025 General Session

76-9-102 Disorderly conduct.

(1)

(a) As used in this section:

(i) "Official meeting" means:

(A) a meeting, as defined in Section 52-4-103;

(B) a meeting of the Legislature, the Utah Senate, the Utah House of Representatives, a legislative caucus, or any committee, task force, working group, or other organization in the state legislative branch; or

(C) a meeting of an entity created by the Utah Constitution, Utah Code, Utah administrative rule, legislative rule, or a written rule or policy of the Legislative Management Committee.

(ii) "Public place" means a place to which the public or a substantial group of the public has access, including:

(A) streets or highways; and

(B) the common areas of schools, hospitals, apartment houses, office buildings, public buildings, public facilities, transport facilities, and shops.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits disorderly conduct if:

(a) the actor refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the actor:

(i) engages in fighting or in violent, tumultuous, or threatening behavior;

(ii) makes unreasonable noises in a public place or an official meeting;

(iii) makes unreasonable noises in a private place that can be heard in a public place or an official meeting; or

(iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.

(3)

(a) Except as provided in Subsection (3)(b), (c), or (d), a violation of Subsection (2) is an infraction.

(b) Except as provided in Subsection (3)(c) or (d), a violation of Subsection (2) is a class C misdemeanor if the violation occurs after the actor has been asked to cease conduct prohibited under this section.

(c) Except as provided in Subsection (3)(d), a violation of Subsection (2) is a class B misdemeanor if:

(i) the violation occurs after the actor has been asked to cease conduct prohibited under this section; and

(ii) within five years before the day on which the actor violates this section, the actor was previously convicted of a violation of this section.

(d) A violation of Subsection (2) is a class A misdemeanor if:

(i) the violation occurs after the actor has been asked to cease conduct prohibited under this section; and

(ii) within five years before the day on which the actor violates this section, the actor was previously convicted of two or more violations of this section.

(4)

(a) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section.

(b) Subsection (4)(a) does not limit or prohibit a law enforcement officer from approaching or engaging an individual in a voluntary conversation.

Amended by Chapter 173, 2025 General Session

76-9-102.1 Aggravated disorderly conduct on a street or highway.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated disorderly conduct on a street or highway if the actor:
(a) intentionally, knowingly, or recklessly obstructs vehicular or pedestrian traffic on a street or highway with:
(i) a speed limit of 40 miles per hour or more; or
(ii) at least two lanes in the same direction of travel; and
(b) refuses to comply with the lawful order of a law enforcement officer to move from the street or highway.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if within one year before the day on which the actor violates this section, the actor was previously convicted of a violation of Subsection (2).

Enacted by Chapter 195, 2025 General Session

76-9-103 Disrupting a meeting or procession.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disrupting a meeting or procession if the actor:
(a) obstructs or interferes with a lawful meeting, procession, or gathering by physical action, verbal utterance, or any other means; and
(b) intends the obstruction or disruption described in Subsection (2)(a) to prevent or disrupt the meeting, procession, or gathering.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-9-104 Failure to disperse.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits failure to disperse if the actor:
(a) is at the scene of a riot, disorderly conduct, or an unlawful assembly; and
(b) remains at the scene of the riot, disorderly conduct, or unlawful assembly after having been ordered to disperse by a peace officer.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) This section does not apply to an actor who attempts to leave the scene of a riot, disorderly conduct, or unlawful assembly but is unsuccessful in leaving the scene.

Amended by Chapter 173, 2025 General Session

76-9-105 Making a false alarm.
(1)
(a) As used in this section, "weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits making a false alarm if the actor:

(a) initiates or circulates a report or warning of a fire, impending bombing, or other crime or catastrophe; and
(b) knows that that the report or warning described in Subsection (2)(a) is:
(i) false or baseless;
(ii) is likely to cause the evacuation of a building, place of assembly, or facility of public transport; and
(iii) likely to cause public inconvenience or alarm or action of any sort by an official or volunteer agency organized to deal with emergencies.

(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if:
(i) the actor makes a false alarm alleging an ongoing act or event, or an imminent threat; and
(ii) the false alarm causes or threatens to cause bodily harm, serious bodily injury, or death to another individual.
(c) A violation of Subsection (2) is a second degree felony if the false alarm is regarding a weapon of mass destruction.

(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a felony violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the court finds the reimbursement would be inappropriate.

Amended by Chapter 173, 2025 General Session

76-9-105.5 Emergency reporting abuse.

(1)
(a) As used in this section:
(i) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.
(ii) "Party line" means a subscriber's line or telephone circuit:
(A) that consists of two or more connected main telephone stations; and
(B) where each telephone station has a distinctive ring or telephone number.
(iii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Sections 76-1-101.5 apply to this section.

(2) An actor commits emergency reporting abuse if the actor:
(a) reports an emergency or causes an emergency to be reported, through any means, to a public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the reported emergency does not exist;
(b) makes a false report, or intentionally aids, abets, or causes another person to make a false report, through any means to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, if the false report claims that:
(i) an emergency exists or will exist;
(ii) the emergency described in Subsection (2)(b)(i) involves an imminent or future threat of serious bodily injury, serious physical injury, or death; and

(iii) the emergency described in Subsection (2)(b)(i) is occurring, or will occur, at a specified location; or

(c) makes a false report after having previously made a false report, or intentionally aides, abets, or causes a third party to make a false report, to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, alleging a violation of Section 63G-31-302 regarding a sex-designated changing room.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) is a class B misdemeanor.

(b) A violation of Subsection (2)(a) is a second degree felony if the report is regarding a weapon of mass destruction.

(c) A violation of Subsection (2)(b) is a second degree felony.

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

(4)

(a) In addition to another penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse a federal, state, or local unit of government, or a private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation.

(b) The court may order that the actor pay less than the full amount of the costs described in Subsection (4)(a) only if the court states on the record the reasons why the reimbursement would be inappropriate.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-105.6 Prohibited use of a party line or public pay telephone in an emergency.

(1)

(a) As used in this section:

(i) "Emergency" means the same as that term is defined in Section 76-9-105.5.

(ii) "Party line" means the same as that term is defined in Section 76-9-105.5.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits prohibited use of a party line or public pay telephone in an emergency if the actor:

(a) intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another individual upon being informed that the party line or public pay telephone is needed to report a fire or summon police, medical, or other aid in case of an emergency; or

(b) asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.

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

(4) Subsection (2)(a) does not apply if the actor refuses to yield or surrender the use of the party line or public pay telephone because the actor is using the party line or public pay telephone to report an emergency.

(5)

(a) In addition to another penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse a federal, state, or local unit of government, or a private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation.

(b) The court may order that the actor pay less than the full amount of the costs described in Subsection (5)(a) only if the court states on the record the reasons why the full reimbursement would be inappropriate.

Enacted by Chapter 173, 2025 General Session

76-9-106 Disrupting the operation of a school.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disrupting the operation of a school if the actor:
(a) is on the property of a private or public school, including property being used by the school for a school function;
(b) has the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school; and
(c) remains on the property after being requested to leave by a school official.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-9-107 Unauthorized entry onto a school bus.

(1)
(a) As used in this section:
(i) "Driver" means the driver of a school bus.
(ii) "School bus" means a publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unauthorized entry onto a school bus if the actor:
(a) enters a school bus with the intent to commit a criminal offense;
(b) enters a school bus and disrupts or interferes with the driver; or
(c) enters a school bus and refuses to leave the school bus after being ordered to leave by the driver and the actor:
(i) causes or attempts to cause a disruption or an annoyance to any passenger on the school bus; or
(ii) is reckless as to whether the actor's presence or behavior will cause fear to a passenger on the school bus.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2)(c) does not apply:
(a) if the actor is a peace officer acting within the scope of the peace officer's authority; or
(b) the actor is authorized by the school district to board the school bus as:
(i) a student;
(ii) an individual employed by the school district; or
(iii) a volunteer participant in a school activity.
(5) Each school district shall ensure that clearly legible signs warning that unauthorized entry onto a school bus is a violation of the law are placed on each school bus and next to each entrance to the bus.

Amended by Chapter 173, 2025 General Session

76-9-108 Disrupting a funeral or memorial service.

(1)

(a) As used in this section:

(i) "Funeral procession" means a procession of two or more motor vehicles where:

(A) the operators of the vehicles identify themselves as being part of the procession by having the lamps or lights of the vehicle on and by keeping in close formation with the other vehicles in the procession;

(B) at least one vehicle contains the body or remains of a deceased person being memorialized; and

(C) the vehicles are going to or from a memorial service.

(ii) "Memorial service" means a wake, funeral, graveside service, burial, or other ceremony or rite held in connection with the burial or cremation of an individual.

(iii) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.

(iv) "Disruptive activity" means:

(A) a loud or disruptive oration or speech that is not part of the memorial service;

(B) the display of a placard, banner, poster, flag, or other item that is not part of the memorial service; or

(C) the distribution of any handbill, pamphlet, leaflet, or other written material or other item that is not part of the memorial service.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits disrupting a funeral or memorial service if the actor:

(a) intends to disrupt a memorial service; and

(b) does any of the following during the period beginning 60 minutes immediately before the scheduled commencement of the memorial service and ending 60 minutes after the conclusion of the memorial service:

(i) obstructs, hinders, impedes, or blocks another individual's entry to or exit from the memorial site;

(ii) obstructs, hinders, impedes, or blocks a funeral procession;

(iii) makes unreasonable noise; or

(iv) engages in a disruptive activity within 200 feet of the memorial service.

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

Amended by Chapter 173, 2025 General Session

76-9-109 Targeted residential picketing.

(1)

(a) As used in this section:

(i) "Picketing" means the stationing or posting of one or more individuals to apprise the public, vocally or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or a message.

(ii) "Residence" means any single-family, duplex, or multi-family dwelling unit that is not being used as a targeted occupant's sole place of business or as a place of public meeting.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits targeted residential picketing if:

(a)

(i) the actor engages in picketing, with or without signs, specifically directed or focused toward a residence, or one or more occupants of the residence; and

(ii) the actor's conduct described in Subsection (2)(a)(i) takes place:
(A) on a portion of a sidewalk or street in front of the residence, in front of an adjoining residence, or on either side of the targeted residence; or
(B) within 100 feet of the property line of the targeted residence; or
(b)
(i) the actor publishes, posts, disseminates, or discloses another individual's residential address, or other information identifying the specific location of the individual's residence; and
(ii) the actor intends to cause another individual to engage in the conduct described in Subsection (2)(a) directed or focused toward the individual's residence.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to:
(a) an actor picketing at the actor's own residence;
(b) the picketing of a meeting place or assembly area commonly used to discuss subjects of general public interest; or
(c) general picketing that proceeds through residential neighborhoods or that proceeds past residences.

Amended by Chapter 173, 2025 General Session

76-9-110 Public intoxication.
(1)
(a) As used in this section, "minor" means an individual who is younger than 21 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits public intoxication if the actor:
(a)
(i) is in a public place; or
(ii) in a private place where the actor could unreasonably disturb other individuals;
(b) is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors; and
(c) is under the influence to a degree that it may endanger the actor or another individual.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4)
(a) A peace officer or a magistrate may release an actor from custody arrested under this section if the peace officer or magistrate believes incarceration is unnecessary for the protection of the actor or another individual.
(b) A peace officer may take the actor to a detoxification center or other special facility as an alternative to incarceration or release from custody.
(5)
(a) If a minor is found by a court to have committed a violation of Subsection (2) and the violation is the minor's first violation of Subsection (2), the court may:
(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.
(b) If a minor is found by a court to have violated Subsection (2) and the violation is the minor's second or subsequent violation of Subsection (2), the court shall:

(i) order the minor to complete a screening as defined in Section 41-6a-501;
(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(6)
(a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated Subsection (2), the court shall suspend the minor's driving privileges under Section 53-3-219.
(b) Notwithstanding the requirement in Subsection (6)(a), the court may reduce the suspension period required under Section 53-3-219 if:
(i) the violation is the minor's first violation of Subsection (2); and
(ii)
(A) the minor completes an educational series as defined in Section 41-6a-501; or
(B) the minor demonstrates substantial progress in substance use disorder treatment.
(c) Notwithstanding the requirement in Subsection (6)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
(i) the violation is the minor's second or subsequent violation of Subsection (2);
(ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and
(iii)
(A) the minor is 18 years old or older and provides a sworn statement to the court that the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (6)(a); or
(B) the minor is under 18 years old and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (6)(a).

(7) When a minor who is younger than 18 years old is found by a court to have violated Subsection (2), the provisions regarding suspension of the driver's license under Section 80-6-707 apply to the violation.
(8) Notwithstanding Subsections (5)(a) and (b), if a minor is adjudicated under Section 80-6-701, the court may only order substance use disorder treatment or an educational series if the minor has an assessed need for the intervention based on the results of a validated assessment.
(9) When the court issues an order suspending an actor's driving privileges for a violation of Subsection (2), the actor's driver license shall be suspended under Section 53-3-219.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-111 Public urination.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits public urination if the actor urinates or defecates:
(a) in a public place, other than a public rest room; and
(b) under circumstances which the actor should know will likely cause affront or alarm to another individual.
(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-112 Participation in an ultimate fighting match.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits participation in an ultimate fighting match if the actor publicizes, promotes, conducts, or engages in a live fighting match in which:

(a) an admission fee is charged;

(b) match rules permit professional contestants to use a combination of boxing, kicking, wrestling, hitting, punching, or other combative, contact techniques; and

(c) match rules do not:

(i) incorporate a formalized system of combative techniques against which a contestant's performance is judged to determine the prevailing contestant;

(ii) divide a match into two or more equal and specified time periods for a match total of no more than 50 minutes; or

(iii) prohibit contestants from:

(A) using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;

(B) striking an individual who demonstrates an inability to protect the individual's self from the advances of an opponent;

(C) biting; or

(D) using direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the neck, or temple area of the head.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-113 Commercial obstruction.

(1)

(a) As used in this section:

(i)

(A) "Building" means a watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodations of individuals or for carrying on business and includes:

(I) each separately secured or occupied portion of the building or vehicle; and

(II) each structure appurtenant or connected to the building or vehicle.

(B) "Building" includes the commonly accepted meaning of building.

(ii) "Business" means a retail business dealing in tangible personal property.

(iii) "Enter" means:

(A) an intrusion of any part of the body; or

(B) the intrusion of any physical object under the control of the actor.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits commercial obstruction if the actor:

(a) enters or remains unlawfully on the premises of or in a building of any business; and

(b) intends to interfere with the employees, customers, personnel, or operations of the business.

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

(4) This section does not apply to:

(a) an action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.; or
(b) an individual's exercise of the rights under the First Amendment to the Constitution of the United States or under Utah Constitution, Article I, Section 15.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-114 Aggravated commercial obstruction.

(1)
(a) As used in this section:
(i) "Building" means the same as that term is defined in Section 76-9-113.
(ii) "Business" means the same as that term is defined in Section 76-9-113.
(iii) "Enter" means the same as that term is defined in Section 76-9-113.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated commercial obstruction if the actor:
(a) enters or remains unlawfully on the premises or in a building of any business;
(b) intends to interfere with the employees, customers, personnel, or operations of the business; and
(c) intends to:
(i) obtain unauthorized control over any merchandise, property, records, data, or proprietary information of the business;
(ii) alter, eradicate, or remove any merchandise, records, data, or proprietary information of the business;
(iii) damage, deface, or destroy any property on the premises of the business;
(iv) commit an assault on any person; or
(v) commit any other felony.
(3) A violation of Subsection (2) is a second degree felony.
(4) This section does not apply to:
(a) an action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq; or
(b) an individual's exercise of the rights under the First Amendment to the Constitution of the United States or under Utah Constitution, Article I, Section 15.

Enacted by Chapter 173, 2025 General Session

Part 6
Offenses Concerning the Military.

76-9-602 False representation of the military.

(1)
(a) As used in this section:
(i) "Military related organization" means a public or private society, order, or organization that:
(A) only accepts as a member, an individual, or the relative of an individual, who is:
(I) a member of the military; or
(II) an honorably discharged member of the military; and
(B) is organized for the purpose of:

(I) recognizing or honoring an individual for military service;
(II) assisting an individual described in Subsection (1)(a)(i) to lawfully associate with, or provide service with, other individuals described in Subsection (1)(a)(i); or
(III) provide support for, or assistance to, an individual described in Subsection (1)(a)(i).
(ii) "Service medal" means:
(A) a congressional medal of honor, as defined in 18 U.S.C. 704(c)(2);
(B) a distinguished service cross, as defined in 10 U.S.C 3742;
(C) a Navy cross, as defined in 10 U.S.C. 6242;
(D) an Air Force cross, as defined in 10 U.S.C. 8742;
(E) a silver star, as defined in 10 U.S.C. 3746, 6244, or 8746;
(F) a bronze star, as defined in 10 U.S.C. 1133;
(G) a purple heart, as defined in 10 U.S.C. 1129;
(H) any decoration or medal authorized by the Congress of the United States for the armed forces of the United States;
(I) any service medal or badge awarded to members of the armed forces of the United States;
(J) any of the following Utah National Guard medals or ribbons:
(I) medal of valor;
(II) Utah cross;
(III) joint medal of merit;
(IV) Utah medal of merit;
(V) joint commendation medal;
(VI) commendation medal;
(VII) achievement ribbon;
(VIII) joint staff service ribbon;
(IX) state partnership service ribbon;
(X) service ribbon;
(XI) military funeral honors service ribbon;
(XII) emergency service ribbon; or
(XIII) recruiting ribbon;
(K) any ribbon, button, or rosette for a decoration, medal, or badge described in Subsections (1)(a)(ii)(A) through (J); or
(L) an imitation of a decoration, medal, badge, ribbon, button, or rosette described in Subsections (1)(a)(ii)(A) through (K).
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits false representation of the military if the actor:
(a) intentionally makes a false representation, verbally or in writing, that the actor has been awarded a service medal;
(b)
(i) purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value a service medal, or a colorable imitation of a service medal; and
(ii) intends to defraud another individual or to falsely represent that the actor or another individual has been awarded a service medal;
(c) wears or uses a service medal of a military related organization:
(i) that the actor is not entitled to wear or use; and
(ii) with the intention to defraud another individual or to falsely represent that the actor or another individual has been awarded the service medal; or

(d) uses the name, an officer title, an insignia, a ritual, or a ceremony of a military related organization:
(i) that the actor is not entitled to use; and
(ii) with the intention to defraud or falsely represent that the actor or another individual was or is a member, representative, or officer of the military related organization.
(3) A violation of Subsection (2) is an infraction.
(4) Subsection (2)(b) does not apply if the actor is authorized under a federal law or a federal regulation to undertake the conduct described.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 8
Criminal Gang Related Offenses

76-9-802 Definitions.
As used in this part:
(1) "Criminal street gang" means an organization, association in fact, or group of three or more individuals, whether operated formally or informally:
(a) that is currently in operation;
(b) that has as one of the organization's, association's, or group's primary activities the commission of a criminal offense;
(c) that has, as a group, an identifying name or identifying sign or symbol, or both; and
(d) whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity.
(2) "Gang loitering" means an individual remains in one place under circumstances that would cause a reasonable person to believe that the purpose or effect of that behavior is to enable or facilitate a criminal street gang to:
(a) establish control over one or more identifiable areas;
(b) intimidate other individuals from entering those areas; or
(c) conceal illegal activities.
(3) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of harm for the purpose of causing an individual to act or refrain from acting.
(4) "Minor" means an individual younger than 18 years old.
(5) "Pattern of criminal gang activity" means:
(a) committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more criminal offenses within five years;
(b) the criminal offenses are:
(i) committed by two or more individuals; or
(ii) committed by an individual at the direction of, or in association with, a criminal street gang; and
(c) the criminal offenses were committed with the specific intent to promote, further, or assist in any criminal conduct by members of the criminal street gang.
(6)
(a) "Public place" means any location or structure that the public or a substantial group of the public has access to.
(b) "Public place" includes:

(i) a sidewalk, street, or highway;
(ii) a public park, public recreation facility, or any other area open to the public;
(iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or playhouse;
(iv) a parking lot or structure adjacent to a shopping mall, sports facility, stadium, arena, theater, movie house, or playhouse;
(v) a common area of a school, hospital, apartment building, office building, transport facility, or a business; and
(vi) a lobby, hallway, elevator, restaurant or other dining area, or restroom of a location or structure described in Subsections (6)(b)(i) through (v).

Amended by Chapter 173, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-9-803 Soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang.

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang if the actor:
(a) solicits, recruits, entices, or intimidates a minor to join a criminal street gang; or
(b) conspires to commit an act described in Subsection (2)(a) with the intent to cause a minor to join a criminal street gang.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor if the actor is a minor; or
(b) a third degree felony if the actor is 18 years old or older.
(4) It is not a defense to a prosecution under this section that the minor did not join the criminal street gang.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 510, 2025 General Session

76-9-803.1 Aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang.

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang if, in the course of committing an offense under Section 76-9-803, the offense:
(a) involves the use of a dangerous weapon;
(b) results in serious bodily injury to any individual; or
(c) results in serious emotional distress to any individual.
(3) A violation of Subsection (2) is:
(a) a third degree felony if the actor is a minor; or
(b) a second degree felony if the actor is 18 years old or older.
(4) It is not a defense to a prosecution under this section that the minor did not join the criminal street gang.

Enacted by Chapter 178, 2025 General Session

76-9-803.2 Intimidating a minor to remain in a criminal street gang.
(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits intimidating a minor to remain in a criminal street gang if the actor intimidates a minor to prevent the minor from leaving a criminal street gang or ending the minor's affiliation with a criminal street gang.
(3) A violation of Subsection (2) is:
  (a) a class A misdemeanor if the actor is a minor; or
  (b) a third degree felony if the actor is 18 years old or older.
(4) It is not a defense to a prosecution under this section that the minor described in Subsection (2) left or ended the minor's affiliation with a criminal street gang.

Enacted by Chapter 178, 2025 General Session

76-9-803.3 Aggravated intimidating a minor to remain in a criminal street gang.
(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits aggravated intimidating a minor to remain in a criminal street gang if, in the course of committing an offense under Section 76-9-803.2, the offense:
  (a) involves the use of a dangerous weapon;
  (b) results in serious bodily injury to any individual; or
  (c) results in serious emotional distress to any individual.
(3) A violation of Subsection (2) is:
  (a) a third degree felony if the actor is a minor; or
  (b) a second degree felony if the actor is 18 years old or older.
(4) It is not a defense to a prosecution under this section that the minor described in Subsection (2) left or ended the minor's affiliation with a criminal street gang.

Enacted by Chapter 178, 2025 General Session

76-9-804 Possession of a dangerous weapon by a convicted criminal gang offender.
(1)
  (a) As used in this section, "dangerous weapon" means the same as that term is defined in Sections 76-1-101.5 and 76-11-101.
  (b) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits possession of a dangerous weapon by a convicted criminal gang offender if:
  (a) the actor possess a dangerous weapon, ammunition, or a facsimile of a firearm; and
  (b) the actor's possession described in Subsection (2)(a) occurs within five years after the day on which the actor was convicted of an offense that was enhanced under Section 76-3-203.1.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-9-805 Failure to disperse.
(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits failure to disperse if the actor:
  (a) is in a place designated as an area where gang loitering is prohibited under Section 11-48-104;

(b) is ordered by a law enforcement officer under Section 53-25-602 to disperse from within sight and hearing of the location described in Subsection (2)(a); and

(c)

(i) fails to disperse as ordered in Subsection (2)(b); or

(ii) disperses and then returns to the location within the next eight hours after receiving the order to disperse under Subsection (2)(b).

(3)

(a) Subject to Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) In addition to the punishment described in Subsection (3)(a), a subsequent violation of Subsection (2) is subject to a fine of not less than $100.

(4) A court may sentence an actor under Subsection (3)(b) with a lesser punishment if the court, on the record, finds that mitigating circumstances justify the lesser punishment.

(5) This section does not affect or limit an actor's constitutional right to engage in collective advocacy activities that are protected by the constitution or laws of this state or by the constitution or laws of the United States.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 11
Cigarettes, Tobacco, and Psychotoxic Chemical Solvents

76-9-1101 Definitions.

As used in this part:

(1)

(a) "Alternative nicotine product" means a product, other than a cigarette, a counterfeit cigarette, an electronic cigarette product, a nontherapeutic nicotine product, or a tobacco product, that:

(i) contains nicotine;

(ii) is intended for human consumption;

(iii) is not purchased with a prescription from a licensed physician; and

(iv) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(b) "Alternative nicotine product" includes:

(i) pure nicotine;

(ii) snortable nicotine;

(iii) dissolvable salts, orbs, pellets, sticks, or strips; and

(iv) nicotine-laced food and beverage.

(c) "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that contains naturally occurring nicotine.

(2) "Cigar" means a product that contains nicotine, is intended to be burned under ordinary conditions of use, and consists of any roll of tobacco wrapped in leaf tobacco, or in any substance containing tobacco, other than any roll of tobacco that is a cigarette.

(3) "Cigarette" means a product that contains nicotine, is intended to be heated or burned under ordinary conditions of use, and consists of:

(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in Subsection (3)(a).

(4)

(a) "Electronic cigarette" means:

(i) an electronic oral device:

(A) that provides an aerosol or a vapor of nicotine or other substance; and

(B) that simulates smoking through the use or inhalation of the device;

(ii) a component of the device described in Subsection (4)(a)(i); or

(iii) an accessory sold in the same package as the device described in Subsection (4)(a)(i).

(b) "Electronic cigarette" includes an oral device that is:

(i) composed of a heating element, battery, or electronic circuit; and

(ii) marketed, manufactured, distributed, or sold as:

(A) an e-cigarette;

(B) an e-cigar;

(C) an e-pipe; or

(D) any other product name or descriptor, if the function of the product meets the definition of Subsection (4)(a).

(c) "Electronic cigarette" does not mean a medical cannabis device, as that term is defined in Section 26B-4-201.

(5) "Electronic cigarette product" means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.

(6) "Electronic cigarette substance" means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

(7)

(a) "Flavored electronic cigarette product" means an electronic cigarette product that has a taste or smell that is distinguishable by an ordinary consumer either before or during use or consumption of the electronic cigarette product.

(b) "Flavored electronic cigarette product" includes an electronic cigarette product that is labeled as, or has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, spice, or mint.

(c) "Flavored electronic cigarette product" does not include an electronic cigarette product that has a taste or smell of only tobacco or menthol.

(8) "Nicotine" means a poisonous, nitrogen containing chemical that is made synthetically or derived from tobacco or other plants.

(9) "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine product.

(10)

(a) "Nontherapeutic nicotine device" means a device that:

(i) has a pressurized canister that is used to administer nicotine to the user through inhalation or intranasally;

(ii) is not purchased with a prescription from a licensed physician; and

(iii) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(b) "Nontherapeutic nicotine device" includes a nontherapeutic nicotine inhaler or a nontherapeutic nicotine nasal spray.

(11) "Nontherapeutic nicotine device substance" means a substance that:

(a) contains nicotine;

(b) is sold in a cartridge for use in a nontherapeutic nicotine device;

(c) is not purchased with a prescription from a licensed physician; and
(d) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(12) "Nontherapeutic nicotine product" means a nontherapeutic nicotine device, a nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine device.

(13) "Place of business" includes:
(a) a shop;
(b) a store;
(c) a factory;
(d) a public garage;
(e) an office;
(f) a theater;
(g) a recreation hall;
(h) a dance hall;
(i) a poolroom;
(j) a cafe;
(k) a cafeteria;
(l) a cabaret;
(m) a restaurant;
(n) a hotel;
(o) a lodging house;
(p) a streetcar;
(q) a bus;
(r) an interurban or railway passenger coach;
(s) a waiting room; and
(t) any other place of business.

(14) "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

(15) "Prefilled nontherapeutic nicotine device" means a nontherapeutic nicotine device that is sold prefilled with a nontherapeutic nicotine device substance.

(16) "Premarket authorized or pending electronic cigarette product" means an electronic cigarette product that:
(a)
(i) has been approved by an order granting a premarket tobacco product application of the electronic cigarette product by the United States Food and Drug Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
(ii)
(A) was marketed in the United States on or before August 8, 2016;
(B) the manufacturer submitted a premarket tobacco product application for the electronic cigarette product to the United States Food and Drug Administration under 21 U.S.C. Sec. 387j on or before September 9, 2020; and
(C) has an application described in Subsection (16)(a)(ii) that either remains under review by the United States Food and Drug Administration or a final decision on the application has not taken effect; and
(b) does not exceed:
(i) 4.0% nicotine by weight per container; or
(ii) a nicotine concentration of 40 milligrams per milliliter.

(17) "Retail tobacco specialty business" means the same as that term is defined in Section 26B-7-501.
(18) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted smoking equipment.
(19)
(a) "Tobacco paraphernalia" means equipment, product, or material of any kind that is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic cigarette substance, or a nontherapeutic nicotine device substance into the human body.
(b) "Tobacco paraphernalia" includes:
(i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(ii) water pipes;
(iii) carburetion tubes and devices;
(iv) smoking and carburetion masks;
(v) roach clips, meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
(vi) chamber pipes;
(vii) carburetor pipes;
(viii) electric pipes;
(ix) air-driven pipes;
(x) chillums;
(xi) bongs; and
(xii) ice pipes or chillers.
(c) "Tobacco paraphernalia" does not include matches or lighters.
(20) "Tobacco product" means:
(a) a cigar;
(b) a cigarette; or
(c) tobacco in any form, including:
(i) chewing tobacco; and
(ii) any substitute for tobacco, including flavoring or additives to tobacco.
(21) "Tobacco retailer" means:
(a) a general tobacco retailer, as that term is defined in Section 26B-7-501; or
(b) a retail tobacco specialty business.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1102 Cigarette or tobacco advertising violation.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits cigarette or tobacco advertising violation if the actor displays on a billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, an advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of cigarettes, cigarette papers, tobacco, or cigars.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
(a) A dealer of cigarettes, cigarette papers, tobacco, cigars, or a substitute for cigarettes, cigarette papers, tobacco, or cigars may have a sign on the front of the dealer's place of

business stating that the dealer is a dealer of cigarettes, cigarette papers, tobacco, cigars, or a substitute for cigarettes, cigarette papers, tobacco, or cigars.

(b) This section does not prohibit the advertisement of an item listed in Subsection (4)(a) in a newspaper, magazine or periodical printed or circulating in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1103 Permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business.

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

(2) An actor commits permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business if the actor:

(a) is a proprietor of a place of business; and

(b) knowingly permits an individual under 21 years old to frequent the actor's place of business while the individual is using a tobacco product, an electronic cigarette product, or a nicotine product.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1104 Providing a cigar, a cigarette, an electronic cigarette product, a nicotine product, or tobacco to a minor.

(1)

(a) As used in this section, "provides":

(i) includes selling, giving, furnishing, sending, or causing to be sent; and

(ii) does not include the acts:

(A) of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others; or

(B) of a person, whether compensated or not, who transports or delivers a package for another person without any reason to know of the package's content.

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

(2) Except as provided in Subsection (4), an actor commits providing a cigar, cigarette, electronic cigarette product, nicotine product, or tobacco to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provides a tobacco product, an electronic cigarette product, or a nicotine product to an individual who is under 21 years old.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense;

(b) a class B misdemeanor on the second offense; or

(c) a class A misdemeanor on the third or subsequent offense.

(4) This section does not apply to conduct of an employee of a tobacco retailer that is a violation of Section 76-9-1116.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1105 Providing tobacco paraphernalia to a minor.

(1)

(a) As used in this section, "provides" means the same as that term is defined in Section 76-9-1104.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits providing tobacco paraphernalia to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provide tobacco paraphernalia to an individual under 21 years old.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1106 Buying or possessing a tobacco product or an electronic cigarette product by a minor.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits buying or possessing a tobacco product or an electronic cigarette product by a minor if the actor:
(a) is younger than 21 years old; and
(b) buys or attempts to buy, accepts, or has in the actor's possession a tobacco product, an electronic cigarette product, or a nicotine product.
(3)
(a) If the actor is 18 years old or older but younger than 21 years old, a violation of Subsection (2) is:
(i) an infraction; and
(ii) subject to:
(A) a minimum fine or penalty of $60; and
(B) participation in a court-approved tobacco education or cessation program, which may include a participation fee.
(b) If the actor is under 18 years old, a violation of Subsection (2) is a citation under Section 80-6-302, unless the violation is committed on school property under Section 53G-8-211.
(c) If a violation under this section is adjudicated under Section 80-6-701, the minor may be subject to the following:
(i) a fine or penalty, in accordance with Section 80-6-709; and
(ii) participation in a court-approved tobacco education program, which may include a participation fee.
(4)
(a) A compliance officer appointed by a board of education under Section 53G-4-402 may not issue a citation for a violation of this section committed on school property.
(b) A cited violation committed on school property shall be addressed in accordance with Section 53G-8-211.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1107 Illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product.
(1)
(a) As used in this section:
(i)
(A) "Face-to-face exchange" means a transaction made in person between an individual and a retailer or retailer's employee.

(B) "Face-to-face exchange" does not include a sale through a vending machine or a self-service display.

(ii) "Retailer" means a person who:

(A) sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual for personal consumption; or

(B) operates a facility with a vending machine that sells a tobacco product, an electronic cigarette product, or a nicotine product.

(iii) "Self-service display" means a display of a tobacco product, an electronic cigarette product, or a nicotine product to which the public has access without the intervention of a retailer or retailer's employee.

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

(2) Except as provided in Subsection (4), an actor commits illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if the actor:

(a) is a retailer; and

(b) sells a tobacco product, an electronic cigarette product, or a nicotine product in a manner that does not include a face-to-face exchange.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense;

(b) a class B misdemeanor on the second offense; or

(c) a class A misdemeanor on the third or subsequent offense.

(4) The face-to-face sale requirement in Subsection (2) does not apply to:

(a) a mail-order, telephone, or Internet sale made in compliance with Section 59-14-509;

(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility:

(i) that is distinct and separate from the rest of the facility; and

(ii) where the retailer only allows an individual who is under 21 years old to be present if the individual:

(A) is accompanied by the actor's parent or legal guardian; or

(B)

(I) is present solely for the purpose of providing a service to the business, including making a delivery;

(II) is monitored by the proprietor business or an employee of the business; and

(III) is not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or

(c) a sale at a retail tobacco specialty business.

(5)

(a) An individual's parent or legal guardian who accompanies an individual into an area described in Subsection (4)(b)(ii)(A) may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.

(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1108 Illegal presence of a minor inside a tobacco specialty business.

(1)

(a) As used in this section, "self-service display" means the same as that term is defined in Section 76-9-1107.

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

(2) Except as provided in Subsection (4), an actor commits illegal presence of a minor inside a tobacco specialty business if the actor:
(a) is under 21 years old; and
(b) enters or is present inside a retail tobacco specialty business.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) An actor under 21 years old may enter or be present inside a tobacco specialty business if the actor is:
(a) accompanied by the actor's parent or legal guardian; or
(b)
(i) present at the retail tobacco specialty business solely for the purpose of providing a service to the tobacco retail specialty business, including making a delivery;
(ii) monitored by the proprietor of the retail tobacco specialty business or an employee of the retail tobacco specialty business; and
(iii) not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(i).
(5)
(a) An individual's parent or legal guardian who accompanies an individual under Subsection (4)(a) inside a tobacco specialty business may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.
(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Enacted by Chapter 173, 2025 General Session

76-9-1109 Illegal sale or gift of clove cigarette.
(1)
(a) As used in this section, "clove cigarette" means a cigarette that contains more than 10%, by weight, of raw eugenia caryophyllata or caryophyllus, commonly known as clove.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits illegal sale or gift of clove cigarette if the actor knowingly sells, offers for sale, gives, or furnishes a clove cigarette in this state.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1110 Abuse of psychotoxic chemical solvent.
(1)
(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds:
(i) acetone and acetate;
(ii) amyl nitrite or amyl nitrate or their isomers;
(iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;
(iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;
(v) ethylene dichloride;
(vi) isobutyl alcohol;
(vii) methyl alcohol;

(viii) methyl ethyl ketone;
(ix) n-propyl alcohol;
(x) pentachlorophenol;
(xi) petroleum ether;
(xii) propyl nitrite or propyl nitrate or their isomers;
(xiii) toluene;
(xiv) xylene; or
(xv) another chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

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

(2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical solvent if:

(a) for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the actor's brain or nervous system, the actor intentionally:
(i) smells or inhales the fumes of a psychotoxic chemical solvent; or
(ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical solvent; or

(b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person, knowing that other person or a third party intends to possess or use that psychotoxic chemical solvent in violation of Subsection (2)(a).

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

(4) This section does not apply to:

(a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a medical or dental purpose; or

(b) a controlled substance regulated by the provisions of Title 58, Chapter 37, Utah Controlled Substances Act.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1111 Abuse of nitrous oxide.

(1)

(a) As used in this section, "nitrous oxide" means:
(i) N2O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; or
(ii) any substance containing nitrous oxide.

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

(2) Except as provided in Subsection (4), an actor commits abuse of nitrous oxide if the actor:

(a) possesses nitrous oxide with the intent to breathe, inhale, or ingest the nitrous oxide for the purpose of:
(i) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or
(ii) in any manner changing, distorting, or disturbing the audio, visual, or mental processes;

(b) knowingly or intentionally is under the influence of nitrous oxide; or

(c) offers, sells, or provides nitrous oxide to another person, knowing that other person or a third party intends to possess or use the nitrous oxide in violation of Subsection (2)(a) or (b).

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

(4)

(a) Subsection (2)(b) does not apply to any person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person holding a license under state law that authorizes the administration of nitrous oxide.
(b) Subsection (2)(c) does not apply to any person who:
(i) administers nitrous oxide for the purpose of medical, surgical, or dental care; and
(ii) holds a license under state law that authorizes the administration of nitrous oxide.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1112 Illegal provision of smokeless tobacco or electronic cigarette product -- Exceptions.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal provision of smokeless tobacco or electronic cigarette product if the actor:
(a) is a manufacturer, wholesaler, and retailer ; and
(b)
(i) gives or distributes without charge smokeless tobacco, chewing tobacco, or an electronic cigarette product in this state;
(ii) sells, offers for sale, or furnishes an electronic cigarette product at less than the cost, including the amount of any applicable tax, of the product to the manufacturer, wholesaler, or retailer; or
(iii) gives, distributes, sells, offers for sale, or furnishes an electronic cigarette product for free or at a lower price because the recipient of the electronic cigarette product makes another purchase.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.
(4)
(a) The price that a manufacturer, wholesaler, or retailer may charge under Subsection (2)(b)(ii) does not include a discount for:
(i) a physical manufacturer coupon:
(A) that is surrendered to the wholesaler or retailer at the time of sale; and
(B) for which the manufacturer will reimburse the wholesaler or the retailer for the full amount of the discount described in the manufacturer coupon and provided to the purchaser;
(ii) a rebate that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the rebate provided to the purchaser; or
(iii) a promotional fund that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the promotional fund provided to the purchaser.
(b) Smokeless tobacco, chewing tobacco, or an electronic cigarette product may be distributed to adults without charge at professional conventions where the general public is excluded.
(5) The Legislature finds that:
(a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who use those products because research indicates that they may cause mouth or oral cancers;
(b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;
(c) the use of electronic cigarette products may lead to unhealthy behavior such as the use of tobacco products; and
(d) it is necessary to restrict the gift of the products described in this section in the interest of the health of the citizens of this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1113 Illegal distribution of a tobacco product -- Exceptions.

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

(2) Except as provided in Subsection (4), an actor commits illegal distribution of a tobacco product if the actor:

(a) is a manufacturer, wholesaler, or retailer; and

(b) gives or distributes a tobacco product in this state without charge.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense; or

(b) a class B misdemeanor on a subsequent offense.

(4)

(a) A tobacco product may be distributed to an adult without charge at a professional convention where the general public is excluded.

(b) The prohibition described in Subsection (2) does not apply to a tobacco retailer, a manufacturer, or a distributor that gives a tobacco product to an individual who is 21 years old or older upon the individual's purchase of a tobacco product.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1114 Illegal distribution of a flavored electronic cigarette product.

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

(2) An actor commits illegal distribution of a flavored electronic cigarette product if the actor gives, distributes, sells, offers for sale, or furnishes to any person a flavored electronic cigarette product.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense; or

(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1115 Illegal distribution of an electronic cigarette product without federal authorization.

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

(2) An actor commits illegal distribution of an electronic cigarette product without federal authorization if the actor gives, distributes, sells, offers for sale, or furnishes to any person an electronic cigarette product that is not a premarket authorized or pending electronic cigarette product.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense; or

(b) a class B misdemeanor on a subsequent offense.

Enacted by Chapter 173, 2025 General Session

76-9-1116 Unlawful sale of a tobacco product, electronic cigarette product, or nicotine product.

(1)

(a) As used in this section:

(i) "Compensatory service" means service or unpaid work performed by an employee, in lieu of the payment of a fine or imprisonment.
(ii) "Employee" means an employee or an owner of a tobacco retailer.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits unlawful sale of a tobacco product, electronic cigarette product, or nicotine product if the actor:
(a) is an employee; and
(b) intentionally or knowingly sells or gives a tobacco product, an electronic cigarette product, or a nicotine product in the course of business to an individual younger than 21 years old.
(3) A violation of Subsection (2) is:
(a) on a first violation:
(i) an infraction; and
(ii) subject to:
(A) a fine not exceeding $1,000; or
(B) compensatory service; or
(b) on a subsequent violation:
(i) a class C misdemeanor; and
(ii) subject to:
(A) a fine not exceeding $2,000; or
(B) compensatory service.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1117 Unlawful transfer of proof of age.
(1)
(a) As used in this section:
(i) "Proof of age" means:
(A) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(B) a valid identification that:
(I) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(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
(IV) has a picture affixed;
(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;
(D) a valid United States military identification card that:
(I) includes date of birth; and
(II) has a picture affixed; or
(E) a valid passport.
(ii) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of age if the actor intentionally or knowingly transfers the actor's proof of age to another individual to aid that individual in:

(a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gaining admittance to any part of the premises of a retail tobacco specialty business.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1118 Unlawful use of proof of age containing false information.
(1)
(a) As used in this section, "proof of age" means the same as that term is defined in Section 76-9-1117.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits unlawful use of proof of age containing false information if the actor intentionally or knowingly uses proof of age containing false information with the intent to:
(a) purchase a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gain admittance to any part of the premises of a retail tobacco specialty business.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Enacted by Chapter 173, 2025 General Session

76-9-1119 Ordinances, rules, and regulations.
(1) Except as provided in Subsection (2) or (3), an ordinance, rule, or regulation adopted by a governing body of a political subdivision of the state or a state agency is superseded if:
(a) the ordinance, rule, or regulation affects:
(i) the minimum age of sale for a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(ii) the provision or sale of a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(iii) the flavoring of a tobacco product or an electronic cigarette product;
(iv) the purchase or possession of a tobacco product, an electronic cigarette product, or tobacco paraphernalia; or
(v) the placement or display of a tobacco product or an electronic cigarette product; and
(b) the ordinance, rule, or regulation is not essentially identical to a state statute relating to the applicable subject described in Subsection (1)(a).
(2) A governing body of a political subdivision of the state or a state agency may adopt an ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v) if the governing body of a political subdivision of the state or a state agency is authorized by statute to adopt the ordinance, rule, or regulation.
(3) Subsection (1) does not apply to the adoption or enforcement of a land use ordinance by a municipal or county government.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 12
Offenses Concerning Water, Shafts, and Wells

76-9-1201 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-9-1202 Unlawful interference with water flow.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) An actor commits unlawful interference with water flow if the actor intentionally or knowingly interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of any water commissioner.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1203 Unlawful taking of water or damaging a water facility.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) An actor commits unlawful taking of water or damaging a water facility if the actor, in violation of a right of another person, intentionally or knowingly:
  (a) turns on or uses the water, or a part thereof, of a canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the actor;
  (b) uses a greater quantity of the water than has been duly distributed to the actor;
  (c) in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change; or
  (d) breaks or injures a dam, canal, pipeline, watergate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.
(4) Subsection (2) applies to violations of a right to the use of water, including:
  (a) a water right; or
  (b) authorization of a person's use of water by:
    (i) a water company, as defined in Subsection 73-3-3.5(1)(b); or
    (ii) an entity having a valid water right under Utah law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1204 Unlawful obstruction of watergates.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) An actor commits unlawful obstruction of watergates if the actor:
  (a) rafts or floats logs, timber, or wood down any river or stream; and
  (b) allows the logs, timber, or wood described in Subsection (2)(a) to accumulate at or obstruct the watergates owned by a person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1205 Unlawful damage to a bridge, dam, canal, or other water-related structure.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

(2) Except as provided in Subsection (4), an actor commits unlawful damage to a bridge, dam, canal, or other water-related structure if the actor intentionally, knowingly, or recklessly:

(a) cuts, breaks, damages, or destroys a bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected:

(i) to create hydraulic power;

(ii) to drain or reclaim a swamp, overflowed land, or marsh land; or

(iii) to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town;

(b) makes or causes to be made an aperture in a dam, canal, flume, aqueduct, reservoir, embankment, levee, or similar structure with intent to injure or destroy the dam, canal, flume, aqueduct, reservoir, embankment, levee, or similar structure; or

(c) draws up, cuts, or injures a pile fixed in the ground and used for securing a lake or river bank or wall or a dock, quay, jetty, or lock.

(3) A violation of Subsection (2) is a third degree felony.

(4) Subsection (2) applies to conduct that does not amount to a violation of Subsection 76-6-106(2)(a)(ii) or Section 76-6-106.3.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1206 Unlawful failure to fence a shaft or well.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

(2) An actor commits unlawful failure to fence a shaft or well if the actor:

(a) has sunk or sinks a shaft or well on the public domain for any purpose; and

(b) fails to enclose the shaft or well with a substantial curb or fence that is at least 4.5 feet high.

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

Renumbered and Amended by Chapter 173, 2025 General Session

Part 13
Criminal Nuisance

76-9-1301 Definitions.

As used in this part:

(1) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(2) "Nuisance" means an item, thing, manner, or condition that:

(a) is dangerous to human life or health; or

(b) renders soil, air, water, or food impure or unwholesome.

(3)

(a) "Public nuisance" means unlawfully committing an act or omitting to perform a duty, which act or duty:

(i) annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons, regardless of the extent to which the annoyance, injury, or endangerment inflicted on the persons is unequal;

(ii) offends public decency;
(iii) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a lake, stream, canal, or basin, or a public park, square, street, or highway;
(iv) is a nuisance as described in Section 78B-6-1107, Nuisance -- Drug houses and drug dealing -- Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons -- Abatement by eviction; or
(v) renders three or more persons insecure in life or the use of property, regardless of the extent to which the effect inflicted on the persons is unequal.
(b) "Public nuisance" is presumed to not include:
(i) activities conducted in the normal and ordinary course of agricultural operations, as defined in Section 4-44-102, and conducted in accordance with sound agricultural practices, with the presumption that agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are operating within sound agricultural practices; or
(ii) activities conducted in the normal and ordinary course of critical infrastructure materials operations, as defined in Section 78B-6-1101, and conducted in accordance with sound critical infrastructure materials practices, with the presumption that critical infrastructure materials operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are operating within sound critical infrastructure materials operations.
(4)
(a) "Supervised drug consumption site" means a facility or premises operated or intended to provide an environment for the unlawful use of a controlled substance.
(b) "Supervised drug consumption site" does not include a facility or premises that provides or facilitates:
(i) an opioid treatment program, as that term is defined in Section 58-17b-309.7; or
(ii) the use of medication pursuant to a medication assisted treatment plan, as that term is defined in Section 64-13-25.1.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1302 Creating, supporting, or retaining a nuisance.
(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits creating, supporting, or retaining a nuisance if the actor:
(a) is an owner, agent, or occupant; and
(b)
(i) creates, aids in creating, or contributes to a nuisance; or
(ii) supports, continues, or retains a nuisance.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-9-1303 Befouling waters.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits the offense of befouling waters if the actor:

(a) constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse from which the waste or drainage will flow directly into the waters of any stream, well, or spring of water used for domestic purposes;
(b) deposits, piles, unloads, or leaves a manure heap, offensive rubbish, or the carcass of a dead animal from which the waste or drainage will flow directly into the waters of any stream, well, or spring of water used for domestic purposes;
(c) dips or washes sheep in a stream, or constructs, maintains, or uses a pool or dipping vat for dipping or washing sheep in such close proximity to a stream used for domestic purposes by the inhabitants of any city or town so as to make the waters of the stream impure or unwholesome;
(d) constructs or maintains a corral, yard, or vat to be used for the purpose of shearing or dipping sheep within 12 miles of any city or town, from which the refuse or filth from the corral or yard would naturally find its way into any stream of water used for domestic purposes by the inhabitants of any city or town; or
(e) establishes and maintains a corral, camp, or bedding place for the purpose of herding, holding, or keeping cattle, horses, sheep, goats, or hogs within seven miles of any city or town, from which the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used for domestic purposes by the inhabitants of any city or town.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1304 Unlawful disposal of carcass or offal.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits unlawful disposal of carcass or offal if the actor:
(a) puts the carcass of a dead animal, or the offal from a slaughter pen, corral, or butcher shop, into a river, creek, pond, street, alley, or public highway, or road in common use; or
(b) attempts to destroy by fire the carcass of a dead animal, or the offal from a slaughter pen, corral, or butcher shop, within one-fourth of a mile of a city or town.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1305 Maintaining, committing, or failing to remove a public nuisance.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits maintaining, committing, or failing to remove a public nuisance if the actor:
(a) maintains or commits a public nuisance, the punishment for which is not otherwise prescribed; or
(b) willfully omits to perform a legal duty relating to the removal of a public nuisance.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1306 Action for abatement of public nuisance.

(1)
(a) As used in this section:
(i) "Distribute" means the same as that term is defined in Section 76-5c-101.

(ii) "Exhibit" means the same as that term is defined in Section 76-5c-101.
(iii) "Material" means the same as that term is defined in Section 76-5c-101.
(b) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) The county attorney of the county in which the public nuisance exists, upon direction of the county executive, or city attorney of the city in which the public nuisance exists, upon direction of the board of city commissioners, or attorney general, upon direction of the governor, or any of the above attorneys without the necessity of direction, is empowered to institute an action in the name of the county, city, or state, as the case may be, to abate a public nuisance.
(3) The action shall be brought in the court of the district in which the public nuisance exists and shall be in the form prescribed by the Rules of Civil Procedure of the State of Utah for injunctions, but none of the above attorneys shall be required to execute a bond with respect to the action.
(4) If the action is instituted, however, to abate the distribution or exhibition of material alleged to offend public decency, the action shall be in the form prescribed by the Rules of Civil Procedure of Utah for injunctions, but no restraining order or injunction shall issue except upon notice to the person sought to be enjoined; and that person shall be entitled to a trial of the issues commencing within three days after filing of an answer to the complaint and a decision shall be rendered by the court within two days after the conclusion of the trial.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1307 Relief granted for a public nuisance that offends public decency.

If the existence of a public nuisance that offends public decency is admitted or established, either in a civil or criminal proceeding, a judgment shall be entered that shall:
(1) permanently enjoin each defendant and any other person from further maintaining the public nuisance at the place complained of and each defendant from maintaining such public nuisance elsewhere;
(2) direct the person enjoined to surrender to the sheriff of the county in which the action was brought any material in the defendant's possession that is subject to the injunction, and the sheriff shall seize and destroy this material; and
(3) without proof of special injury, direct that an accounting be had and all money and other consideration paid as admission to view any motion picture film determined to constitute a public nuisance, or paid for any publication determined to constitute a public nuisance, in either case without deduction for expenses, be forfeited and paid into the general fund of the county in which the public nuisance was maintained.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1308 Criminal violation of an order enjoining a public nuisance.
(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits criminal violation of an order enjoining a public nuisance if the actor knowingly violates a judgment or order abating or otherwise enjoining a public nuisance.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1309 Maintenance of a drug-involved premises.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1301 apply to this section.

(2) An actor commits maintenance of a drug-involved premises if the actor knowingly:
(a) opens, leases, rents, uses, or maintains any facility or premises, whether permanently or temporarily, for the purpose of the unlawful manufacturing, distributing, or using any controlled substance;
(b)
(i) manages or controls any facility or premises, whether permanently or temporarily, as an owner, tenant, lessee, agent, employee, occupant, or mortgagee; and
(ii) intentionally rents, leases, profits from, or makes available for use, with or without compensation, the facility or premises for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance;
(c) operates a supervised drug consumption site; or
(d) as an owner, tenant, lessee, agent, employee, occupant, or mortgagee, intentionally opens, rents, leases, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 141, 2025 General Session

Part 14
Gambling

76-9-1401 Definitions.
As used in this part:
(1)
(a) "Amusement device" means a game that:
(i) is activated by a coin, token, or other object of consideration or value; and
(ii) does not provide the opportunity to:
(A) enter into a sweepstakes, lottery, or other gambling event; or
(B) receive any form of consideration or value, except an appropriate reward.
(b) "Amusement device" includes:
(i) a video game;
(ii) a driving simulator;
(iii) an electronic game;
(iv) a claw machine;
(v) a bowling game;
(vi) a shuffleboard game;
(vii) a skee-ball game;
(viii) a pool table;
(ix) a pinball machine;
(x) a target machine; and
(xi) a baseball machine.
(2) "Amusement facility" means a facility that:
(a) is operated primarily for the purpose of providing amusement or entertainment to customers;
(b) is located on property that is open to customers for the purpose of providing customers with an opportunity to use an amusement device;

(c) receives a substantial amount of the facility's revenue from the operation of amusement devices; and

(d) does not provide an opportunity for, or a machine or device that enables, gambling or fringe gambling.

(3)

(a) "Appropriate reward" means a reward that:

(i) an individual receives as a result of the individual's participation in or use of an amusement device; and

(ii) provides:

(A) full and adequate return for money, a token, or other consideration or value invested into the amusement device;

(B) an immediate and unrecorded ability to replay a game featured on an amusement device that is not exchangeable for value;

(C) a toy, novelty, or other non-monetary prize with a value of less than $100 as a reward for playing; or

(D) tickets or credits that are redeemable for a toy, novelty, or non-monetary prize at an amusement facility, or at any franchise or chain of the amusement facility, where the amusement device is located.

(b) "Appropriate reward" does not include money, a gift certificate, a gift card, credit to be used in a retail store, or other form of monetary compensation or reward.

(4) "Consumer" means the same as that term is defined in Section 76-5c-401.

(5) "Enter or entry" means an act or process by which an individual becomes eligible to receive a prize offered for participation in any form of sweepstakes, game, or contest.

(6)

(a) "Fringe gambling" means any de facto form of gambling, lottery, fringe gaming device, or video gaming device that is given, conducted, or offered for use or sale by a business in exchange for anything of value or incident to the purchase of another good or service.

(b) "Fringe gambling" does not include:

(i) a promotional activity that is clearly ancillary to the primary activity of a business; or

(ii) use of an amusement device or vending machine.

(7)

(a) "Fringe gaming device" means a mechanically, electrically, or electronically operated machine or device that:

(i) is not an amusement device or a vending machine;

(ii) is capable of displaying or otherwise presenting information on a screen or through any other mechanism; and

(iii) provides the user with a card, token, credit, gift certificate, product, or opportunity to participate in a contest, game, gaming scheme, or sweepstakes with a potential return of money or other prize.

(b) "Fringe gaming device" includes a machine or device similar to a machine or device described in Subsection (7)(a) that seeks to avoid application or circumvent this part or Utah Constitution, Article VI, Section 27.

(8)

(a) "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome:

(i) is based on an element of chance, regardless of:

(A) the existence of a preview or pre-reveal feature in the device, contest, or game; or

(B) whether the preview or pre-reveal feature described in Subsection (8)(a)(i)(A) allows users to see individual or successive outcomes; and

(ii) is in accord with an agreement or understanding that someone will receive anything of value in the event of a certain outcome.

(b) "Gambling" includes a lottery.

(c) "Gambling" does not include:

(i) a lawful business transaction; or

(ii) use of an amusement device.

(9) "Gambling bet" means money, checks, credit, or any other representation of value.

(10) "Gambling device or record" means anything specifically designed for use in gambling or fringe gambling or used primarily for gambling or fringe gambling.

(11) "Gambling proceeds" means anything of value used in gambling or fringe gambling.

(12) "Internet service provider" means a person engaged in the business of providing Internet access service, with the intent of making a profit, to consumers in Utah.

(13) "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.

(14) "Online gambling" means gambling, fringe gambling, or gaming by use of:

(a) the Internet; or

(b) any mobile electronic device that allows access to data and information.

(15) "Prize" means a gift, award, gratuity, good, service, credit, or anything else of value that may be or is transferred to an individual or placed on an account or other record with the intent to be transferred to an individual.

(16) "Promotional activity that is clearly ancillary to the primary activity of a business" means a promotional activity that:

(a) continues for a limited period of time;

(b) is related to a good or service ordinarily provided by a business or the marketing or advertisement of a good or service ordinarily provided by the business;

(c) does not require an individual to purchase a good or service from the business in consideration for participation or an advantage in the promotional activity or any other contest, game, gaming scheme, sweepstakes, or promotional activity;

(d) promotes a good or service described in Subsection (16)(b) on terms that are commercially reasonable; and

(e) does not, through use of a machine or device:

(i) simulate a gambling environment;

(ii) require the purchase of something of value to participate in the promotional activity that is not regularly used, purchased, or redeemed by users of the machine or device;

(iii) provide a good or service described in Subsection (16)(b):

(A) in a manner in which the person acquiring the good or service is unable to immediately acquire, redeem, or otherwise use the good or service after the time of purchase; or

(B) at a value less than the full value of the good or service;

(iv) appear or operate in a manner similar to a machine or device that is normally found in a casino for the purpose of gambling;

(v) provide an entertaining display, designed to appeal to an individual's senses, that promotes actual or simulated game play that is similar in appearance or function to gambling, including:

(A) a video playing card game, including a video poker game;
(B) a video bingo game;
(C) a video craps game;
(D) a video keno game;
(E) a video lotto game;
(F) an 8-liner machine;
(G) a Pot O' Gold game;
(H) a video game involving a random or chance matching of pictures, words, numbers, or symbols; or
(I) a video game that reveals a prize as the game is played; or
(vi) otherwise create a pretextual transaction to facilitate a contest, game, gaming scheme, or sweepstakes in an attempt to circumvent the requirements of this part or Article VI, Section 27, of the Utah Constitution.
(17) "Skill-based game" means a game, played on a machine or device, the outcome of which is based, in whole or in part, on the skill of the player, regardless of whether a degree of chance is involved.
(18) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other promotion:
(a) that an individual may enter with or without payment of any consideration;
(b) that qualifies the person to win a prize; and
(c) the result of which is based on chance.
(19) "Vending machine" means a device:
(a) that dispenses merchandise in exchange for money or any other item of value;
(b) that provides full and adequate return of the value deposited;
(c) through which the return of value is not conditioned on an element of chance or skill; and
(d)
(i) does not include a promotional activity; or
(ii) includes a promotional activity that is clearly ancillary to the primary activity of a business.
(20) "Video gaming device" means a device that includes all of the following:
(a) a video display and computer mechanism for playing a game;
(b) the length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;
(c) a meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
(d) a play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
(i) does not significantly extend the length of play time of any single game; and
(ii) provides for a chance of greater return of credits, games, or money; and
(e) an operating mechanism that, in order to function, requires inserting money, tokens, or other valuable consideration other than entering the user's name, birthdate, or contact information.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1402 Participating in gambling.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits participating in gambling if the actor participates in:
(a) gambling;
(b) fringe gambling; or

(c) online gambling.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).
(4) If federal law authorizes online gambling in the states of the United States and provides that individual states may opt out of online gambling, this state shall opt out of online gambling in the manner provided by federal law and within the time frame provided by that law.
(5) Regardless of whether a federal law is enacted that authorizes online gambling in the states of the United States, this section and Section 76-9-1404 act as this state's prohibition of gambling, fringe gambling, or online gambling, in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1403 Permitting gambling.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits permitting gambling if the actor knowingly:
(a) permits gambling or fringe gambling to be played, conducted, or dealt upon or in real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or
(b) allows the use of a video gaming device that is:
(i) in a business establishment or public place; and
(ii) accessible for use by an individual within the establishment or public place.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).

Enacted by Chapter 173, 2025 General Session

76-9-1404 Online gambling promotion.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits online gambling promotion if the actor intentionally provides or offers to provide a form of online gambling to an individual in this state.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section does not apply to an Internet service provider, a hosting company as defined in Section 76-5c-401, a provider of public telecommunications services as defined in Section 54-8b-2, or an Internet advertising service that:
(a) transmits, routes, or provides connections for material without selecting the material; or
(b) stores or delivers the material at the direction of a user.

Enacted by Chapter 173, 2025 General Session

76-9-1405 General gambling promotion.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits general gambling promotion if the actor:

(a) derives, or intends to derive, an economic benefit other than personal winnings from gambling or fringe gambling; and
(b)
(i) induces or aids another individual to engage in gambling or fringe gambling; or
(ii) knowingly invests in, finances, owns, controls, supervises, manages, or participates in gambling or fringe gambling.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1406 Gambling fraud.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits gambling fraud if the actor:
(a) participates in gambling or fringe gambling;
(b) wins or acquires gambling proceeds for the actor or another individual; and
(c) knows the actor has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all the other participants.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $5,000;
(b) a third degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value of what the actor wins or acquires for the actor or another individual is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value of what the actor wins or acquires for the actor or another individual is less than $500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1407 Possessing a gambling device or record.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits possessing a gambling device or record if the actor:
(a) knowingly possesses a gambling device or record; and
(b) intends to use the gambling device or record in gambling or fringe gambling.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1408 Deriving a benefit from a fringe gaming device.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits deriving a benefit from a fringe gaming device if the actor:
(a) permits a fringe gaming device to be located on or in real or personal property owned, rented, or under the control of the actor;
(b) allows individual or public access or use of a fringe gaming device as part of a business owned or operated by the actor;
(c) induces or aids an individual to use a fringe gaming device;
(d) invests in, finances, owns, controls, or otherwise manages a fringe gaming device; or
(e) possesses a fringe gaming device with the intent to use or allow another individual to use the fringe gaming device.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).
(4) This section applies regardless of whether the fringe gaming device:
(a) is server-based;
(b) uses a simulated game terminal as a representation of a prize associated with the results of a sweepstakes entry;
(c) uses a simulated game to influence or determine the result of the simulated game or the value of a prize;
(d) selects the winner of a prize from a predetermined or finite pool of entries;
(e) includes a pre-reveal feature;
(f) predetermines a prize and reveals the prize at the time a sweepstakes entry result is revealed;
(g) requires deposit of any money, coin, token, or gift certificate, or the use of a credit card, debit card, prepaid card, or any other method of payment to activate the device;
(h) requires direct payment into the machine or device or remote activation of the device;
(i) requires a purchase of a related product regardless of whether the product has legitimate value;
(j) reveals the prize incrementally, regardless of whether a prize is awarded; or
(k) includes a skill-based game.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1409 Advertising or soliciting participation in a lottery.
(1)
(a) As used in this section, "conspicuously printed" means printed in either larger or bolder type size than the adjacent and surrounding material so as to be clearly legible to an individual viewing the print.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits advertising or soliciting participation in a lottery if the actor distributes or disseminates an advertisement or other written or printed material containing an advertisement or solicitation for participation in a lottery.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is subject to a fine of $2,500.
(b) A violation of Subsection (2) is subject to a fine of $10,000 if the actor has previously been convicted of a violation of Subsection (2).

(4) This section does not apply if the advertisement or solicitation contains or includes the words "Void in Utah" conspicuously printed in the advertisement or solicitation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1410 Obtaining a benefit from a confidence game.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits obtaining a benefit from a confidence game if the actor knowingly obtains or attempts to obtain from another individual money or property by any means, instrument, or device commonly referred to as a confidence game.
(3) A violation of Subsection (2) is:
  (a) a second degree felony if the value of what the actor obtains is or exceeds $5,000;
  (b) a third degree felony if the value of what the actor obtains is or exceeds $1,500 but is less than $5,000;
  (c) a class A misdemeanor if the value of what the actor obtains is or exceeds $500 but is less than $1,500; or
  (d) a class B misdemeanor if the value of what the actor obtains is less than $500.
(4) An indictment, information, or complaint under this section shall be deemed and held to contain a sufficient description of the offense if the indictment, information, or complaint contains:
  (a) the date that the actor is accused of unlawfully and knowingly obtaining money or property from another individual;
  (b) the name of the individual from whom the actor is accused of obtaining money or property;
  (c) a description of the money or property obtained by the actor from the individual; and
  (d) a description of the confidence game the actor used to obtain the money or property from the individual.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1411 Local control -- Seizure and disposition of gambling debts or proceeds.

(1) This part does not preempt or otherwise limit a county or municipality from enacting a local ordinance related to gambling or fringe gambling.
(2) The following that are reasonably identifiable as having been used or obtained in violation of this part or a local ordinance may be seized and are subject to forfeiture proceedings in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, or Title 77, Chapter 11b, Forfeiture of Seized Property:
  (a) gambling bets;
  (b) gambling proceeds;
  (c) gambling debts; and
  (d) fringe gaming devices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1412 Cause of action.

(1) An individual who suffers an economic loss as a result of a fringe gaming device, video gaming device, or gambling device or record may bring a cause of action against a person who operates or receives revenue from the fringe gaming device, video gaming device, or gambling device or record to recover damages, costs, and attorney fees.

(2) An individual who brings suit under Subsection (1) may recover twice the amount of the economic loss described in Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session

Part 15
Criminal Offenses Relating to Bus Passenger Safety

76-9-1501 Definitions.

As used in this part:

(1)
(a) "Bus" means a passenger bus or coach or other motor vehicle having a seating capacity of 15 or more passengers operated by a bus company for the purpose of carrying passengers or cargo for hire.
(b) "Bus" includes a transit vehicle, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act.

(2)
(a) "Bus company" or "company" means a person, group of persons, or corporation providing for-hire transportation to passengers or cargo by bus upon the highways in the state, including passengers and cargo in interstate or intrastate travel.
(b) "Bus company" or "company" includes local public bodies, public transit districts, municipalities, public corporations, boards, and commissions established under the laws of the state providing transportation to passengers or cargo by bus upon the highways in the state, whether or not for hire.

(3) "Charter" means a group of persons, pursuant to a common purpose and under a single contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the exclusive use of a bus to travel together to a specified destination or destinations.

(4) "Passenger" means a person transported or served by a bus company, including persons accompanying or meeting another being transported, any person shipping or receiving cargo, and any person purchasing a ticket or receiving a pass.

(5)
(a) "Terminal" means a bus station or depot or any other facility operated or leased by or operated on behalf of a bus company.
(b) "Terminal" includes:
(i) a transit facility, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act; and
(ii) a reasonable area immediately adjacent to:
(A) a designated stop along the route traveled by a bus operated by a bus company; or
(B) a parking lot or an area adjacent to a terminal.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1502 Bus hijacking.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits bus hijacking if the actor seizes or exercises control, by force or violence or threat of force or violence, of a bus within the state.

(3) A violation of Subsection (2) is a first degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1503 Assault with intent to commit bus hijacking.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits assault with intent to commit bus hijacking if the actor intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or any other person in control of a bus so as to interfere with the performance of duties by the person.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.

(b) A violation of Subsection (2) is a first degree felony if the actor used a dangerous weapon during the violation.

Enacted by Chapter 173, 2025 General Session

76-9-1504 Unlawful discharge of a firearm or hurling of a missile into a bus or terminal.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) Except as provided in Subsection (4), an actor commits unlawful discharge of a firearm or hurling of a missile into a bus or terminal if the actor discharges a firearm or hurls a missile at or into a bus or terminal.

(3) A violation of Subsection (2) is a third degree felony.

(4) This section does not apply to elected or appointed peace officers or commercial security personnel who discharge firearms or hurl missiles in the course and scope of the peace officer's or commercial security personnel's employment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1505 Unlawful conduct while on a bus.

(1)

(a) As used in this section, "controlled substance" means the same as that term is defined in Section 58-37-2.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits unlawful conduct while on a bus if the actor:

(a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus;

(b) is in or upon any bus while unlawfully under the influence of a controlled substance;

(c) fails to obey a reasonable request or order of a bus driver, bus company representative, a nondrinking designee other than the driver as provided in Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or terminal;

(d) ingests a controlled substance, unless prescribed by a physician or a medical facility, in or upon any bus, or drinks intoxicating liquor in or upon a bus, except a chartered bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or

(e) smokes tobacco or other products in or upon a bus, except a chartered bus.

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

(4)

(a) If an actor violates Subsection (2), the driver of the bus or individual in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove the actor, using only such force as may be necessary to accomplish the removal, and the driver or individual in charge may request the assistance of passengers to assist in removing the actor.
(b) The driver or individual in charge may cause the removed actor to be detained and delivered to the proper authorities.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1506 Unlawful refusal to leave a terminal -- Detention of violators -- Private security personnel.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits unlawful refusal to leave a terminal if:
(a) an authorized bus company representative asks the actor to identify the actor's self and state the ground for the actor's business in the terminal;
(b) the actor:
(i) fails to comply with the request described in Subsection (2)(a); or
(ii) fails to state an acceptable business purpose;
(c) the authorized bus company representative requests that the actor depart the terminal;
(d) the request for departure described in Subsection (2)(c) is:
(i) within the bus company's ability to refuse admission to a terminal to individuals who do not have a bona fide business within the terminal as part of the bus company's provision of safety, welfare, and comfort of passengers; and
(ii) not inconsistent with or contrary to state or federal laws or regulations, or to an ordinance of the political subdivision in which the terminal is located; and
(e) the actor refuses to comply with the request described in Subsection (2)(c) to depart the terminal.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4)
(a) An authorized bus company representative may detain within a terminal or bus an actor who violates the provisions of this section for a reasonable time until law enforcement authorities arrive.
(b) The detention described in Subsection (4)(a) does not constitute unlawful imprisonment and neither the bus company nor the representative is civilly or criminally liable upon grounds of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against the detained actor.
(5)
(a) A bus company may employ or contract for private security personnel.
(b) The private security personnel may:
(i) detain within a terminal or bus an actor who violates this section for a reasonable time until law enforcement authorities arrive; and
(ii) use reasonable and necessary force in subduing or detaining the actor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1507 Unlawful material or device in a bus or a terminal -- Detention of violators -- Private security personnel.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits unlawful material or device in a bus or a terminal if the actor carries a highly flammable or hazardous material or device into a terminal or aboard a bus.
(3) A violation of Subsection (2) is a third degree felony.
(4)
  (a) A bus company may employ reasonable means, including mechanical, electronic or x-ray devices, to detect the items concealed in baggage or upon the person of a passenger.
  (b) Upon discovery of a highly flammable or hazardous material or device, the bus company may obtain possession and retain custody of the material or device until the material or device is transferred to a peace officer.
(5)
  (a) An authorized bus company representative may detain within a terminal or bus an actor who violates the provisions of this section for a reasonable time until law enforcement authorities arrive.
  (b) The detention does not constitute unlawful imprisonment and neither the bus company nor the representative is civilly or criminally liable upon grounds of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against the detained actor.
(6)
  (a) A bus company may employ or contract for private security personnel.
  (b) The private security personnel may:
    (i) detain within a terminal or bus an actor who violates this section for a reasonable time until law enforcement authorities arrive; and
    (ii) use reasonable and necessary force in subduing or detaining the actor.

Enacted by Chapter 173, 2025 General Session

76-9-1508 Theft of baggage or cargo.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits theft of baggage or cargo if the actor removes any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of:
  (a) the owner of the property; or
  (b) the bus company or the bus company's duly authorized representative.
(3) A violation of Subsection (2) is punishable under Section 76-6-404.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1509 Obstructing the operation of a bus.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits obstructing the operation of a bus if the actor unlawfully obstructs or impedes by force or violence, or any means of intimidation, the regular operation of a bus.
(3) A violation of Subsection (2) is a class C misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1510 Conspiracy to obstruct the operation of a bus.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits conspiracy to obstruct the operation of a bus if the actor willfully combines or conspires with another individual to violate Section 76-9-1509, Obstructing the operation of a bus.
(3) A violation of Subsection (2) is a class C misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 16
Money Laundering and Currency Transaction Reporting

76-9-1601 Definitions.

As used in this part:

(1) "Bank" means an agent, agency, or office in this state of a person doing business in one of the following capacities:
  (a) a commercial bank or trust company organized under the laws of this state or of the United States;
  (b) a private bank;
  (c) a savings and loan association or a building and loan association organized under the laws of the United States;
  (d) an insured institution as defined in Section 401 of the National Housing Act;
  (e) a savings bank, industrial bank, or other thrift institution;
  (f) a credit union organized under the laws of this state or of the United States; or
  (g) any other organization chartered under Title 7, Financial Institutions Act, and subject to the supervisory authority set forth in that title.
(2) "Conducts" includes initiating, concluding, or participating in initiating or concluding a transaction.
(3)
  (a) "Currency" means the coin and paper money of the United States or of another country that is designated as legal tender, that circulates, and is customarily used and accepted as a medium of exchange in the country of issuance.
  (b) "Currency" includes United States silver certificates, United States notes, Federal Reserve notes, and foreign bank notes customarily used and accepted as a medium of exchange in a foreign country.
(4) "Financial institution" means an agent, agency, branch, or office within this state of a person doing business, whether or not on a regular basis or as an organized business concern, in one or more of the following capacities:
  (a) a bank, except bank credit card systems;
  (b) a broker or dealer in securities;
  (c) a currency dealer or exchanger, including a person engaged in the business of check cashing;
  (d) an issuer, seller, or redeemer of travelers checks or money orders, except as a selling agent exclusively who does not sell more than $150,000 of the instruments within any 30-day period;
  (e) a licensed transmitter of funds or other person engaged in the business of transmitting funds;
  (f) a telegraph company;
  (g) a person subject to supervision by a state or federal supervisory authority; or

(h) the United States Postal Service regarding the sale of money orders.
(5) "Financial transaction" means a transaction:
(a) involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects commerce; or
(b) involving the use of a financial institution that is engaged in, or its activities affect commerce in any way or degree.
(6) "Monetary instruments" means coins or currency of the United States or of another country, travelers checks, personal checks, bank checks, money orders, and investment securities or negotiable instruments in bearer form or in other form so that title passes upon delivery.
(7) "Person" means an individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group, and all other entities cognizable as legal personalities.
(8) "Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes property of any kind.
(9) "Property" means anything of value, and includes an interest in property, including a benefit, privilege, land, or right with respect to anything of value, whether real or personal, tangible or intangible.
(10) "Prosecuting agency" means the office of the attorney general or the office of the county attorney, including an attorney on the staff whether acting in a civil or criminal capacity.
(11) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition. With respect to a financial institution, "transaction" includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.
(12) "Transaction in currency" means a transaction involving the physical transfer of currency from one person to another. A transaction that is a transfer of funds by means of bank check, bank draft, wire transfer, or other written order that does not include the physical transfer of currency is not a transaction in currency under this chapter.
(13)
(a) "Unlawful activity" means the same as that term is defined in Section 76-17-401.
(b) "Unlawful activity" includes activity committed outside this state which, if committed within this state, would be unlawful activity.
(c) "Unlawful activity" does not include an illegal act under 18 U.S.C. Sec. 1961(1)(B), (C), and (D).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1602 Money laundering.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits money laundering if the actor:
(a)
(i) transports, receives, or acquires property that is the proceeds of unlawful activity; and
(ii) knows that the property represents the proceeds of unlawful activity;
(b)
(i) makes proceeds of unlawful activity available to another person by transaction, transportation, or other means; and
(ii) knows that the proceeds are intended to be used for the purpose of continuing or furthering the commission of unlawful activity; or

(c)
(i) conducts a transaction involving property;
(ii) knows that the property represents the proceeds of unlawful activity; and
(iii) conducts the transaction with the intent:
(A) to promote the unlawful activity;
(B) to conceal or disguise the nature, location, source, ownership, or control of the property; or
(C) to avoid a transaction reporting requirement under this part or under federal law.
(3) A violation of Subsection (2) is a second degree felony.
(4) Each act committed in violation of Subsection (2) that involves the movement of funds in excess of $10,000 is a separate violation under this section.
(5) Under Subsection (2)(a)(ii), the phrase "knows that the property involved represents the proceeds of unlawful activity" means that the actor knows, or it was represented to the actor, that the property involved represents proceeds from a form of unlawful activity, although the actor does not necessarily know which form of activity, that constitutes a crime under state or federal law, regardless of whether or not the activity is specified in the definition of unlawful activity.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1603 Accepting the proceeds of unlawful activity.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits accepting the proceeds of unlawful activity if the actor knowingly accepts or receives property that is represented to the actor to be the proceeds of unlawful activity.
(3) A violation of Subsection (2) is a third degree felony.
(4) Each act committed in violation of Subsection (2) that involves the movement of funds in excess of $10,000 is a separate violation under this section.
(5) Under Subsection (2), knowledge that the property represents the proceeds of unlawful activity may be established by proof that a law enforcement officer or an individual acting at the request of a law enforcement officer made the representations and the actor's subsequent statements or actions indicate that the actor believed those representations to be true.

Enacted by Chapter 173, 2025 General Session

76-9-1604 Failure to report a financial transaction of more than $10,000.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits failure to report a financial transaction of more than $10,000 if the actor:
(a) is engaged in a trade or business;
(b) receives more than $10,000 in domestic or foreign currency:
(i) in one transaction; or
(ii) through two or more related transactions during one business day; and
(c) intentionally or knowingly fails to complete and file with the State Bureau of Investigation the information required by 26 U.S.C. Sec. 6050I, concerning returns relating to currency received in trade or business.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class C misdemeanor.

(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of violating this section.
(c) A violation of Subsection (2) is a third degree felony if the violation is committed:
(i) in furtherance of the commission of any other violation of state law; or
(ii) as part of a pattern of illegal activity involving transactions exceeding $100,000 in any 12-month period.
(4)
(a) The State Bureau of Investigation and the Office of the Attorney General:
(i) shall enforce compliance with Subsection (2); and
(ii) are custodians of and have access to all information and documents filed under Subsection (2).
(b) Information filed by a trade or business in compliance with this section is confidential, except a law enforcement agency, county attorney, or district attorney, when establishing a clear need for the information for investigative purposes, shall have access to the information and shall maintain the information in a confidential manner except as otherwise provided by the Utah Rules of Criminal Procedure.
(5) Under this section, each failure by an actor to file a report required under Subsection (2) is a separate violation.
(6) This section does not apply to a financial institution.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 17
Unlawful Use of a Laser Pointer

76-9-1701 Definitions.

As used in this part:
(1) "Aircraft" means the same as that term is defined in Section 72-10-102.
(2) "Laser light" means light that is amplified by stimulated emission of radiation.
(3) "Laser pointer" means any portable device that emits a visible beam of laser light that may be directed at an individual.
(4) "Law enforcement officer" means an officer under Section 53-13-103.

Enacted by Chapter 173, 2025 General Session

76-9-1702 Unlawful use of a laser pointer against a motor vehicle.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.
(2) An actor commits unlawful use of a laser pointer against a motor vehicle if the actor directs a beam of laser light from a laser pointer at a moving motor vehicle or the occupants of a moving motor vehicle.
(3) A violation of Subsection (2) is an infraction.
(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1703 Unlawful use of a laser pointer against an aircraft.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.

(2) An actor commits unlawful use of a laser pointer against an aircraft if the actor directs a beam of laser light from a laser pointer at an aircraft or the occupants of an aircraft.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor previously has been convicted of a violation of Subsection (2).

(c) A violation of Subsection (2) is a third degree felony if the actor's conduct causes an aircraft to crash or perform an emergency landing.

(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Enacted by Chapter 173, 2025 General Session

76-9-1704 Unlawful use of a laser pointer against a law enforcement officer.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.

(2) An actor commits unlawful use of a laser pointer against a law enforcement officer if the actor directs a beam of laser light from a laser pointer at an individual who the actor knows or has reason to know is a law enforcement officer.

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

(4) It is an affirmative defense to a charge under Subsection (2) that:

(a) the law enforcement officer was:

(i) not in uniform;

(ii) not traveling in a vehicle identified as a law enforcement vehicle; and

(iii) not otherwise engaged in an activity that would give the actor reason to know the law enforcement officer to be a law enforcement officer; and

(b) the law enforcement officer was not otherwise known by the actor to be a law enforcement officer.

(5) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Enacted by Chapter 173, 2025 General Session

Part 18
Litter and Recycling Violations

76-9-1801 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-9-1802 Unlawful littering on land or waterway.

(1)
(a) As used in this section, "litter" includes a glass bottle, glass, a nail, tack, wire, can, barbed wire, board, trash or garbage, paper or paper products, or any other substance that would or could mar or impair the scenic aspect or beauty of the land.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful littering on land or waterway if the actor drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, litter in a park, recreation area, or other public or private land, or waterway, without the permission of the owner or person having control or custody of the land or waterway.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1803 Unlawful failure to prevent advertising materials from becoming litter.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful failure to prevent advertising materials from becoming litter if the actor:
(a) distributes commercial handbills, leaflets, or other advertising materials; and
(b) fails to take measures that are reasonably necessary to keep the commercial handbills, leaflets, or other advertising materials from littering public or private property.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1804 Unlawful failure to remove injurious substance while removing a vehicle.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful failure to remove injurious substance while removing a vehicle if the actor:
(a) removes a wrecked or damaged vehicle from a park, recreation area, or other public or private land; and
(b) fails to remove glass or other injurious substance dropped from the vehicle in the park, recreation area, or other private or public land.
(3)

(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) the glass or other injurious substance dropped from the vehicle; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1805 Unlawful failure to prevent accumulation of litter at a construction or demolition site.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful failure to prevent accumulation of litter at a construction or demolition site if the actor:
(a) is in charge of a construction or demolition site; and
(b) fails to take reasonable steps to prevent the accumulation of litter at the construction or demolition site.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) the litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1806 Unlawful failure to provide sufficient litter receptacles.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful failure to provide sufficient litter receptacles if the actor:
(a) is an operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lot of an industrial firm, marina, boat launching area, boat moorage and fueling station, public or private pier, beach, or bathing area; and
(b) fails to maintain sufficient litter receptacles on the premises to accommodate the litter that accumulates on the premises.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) the litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1807 Unlawful misuse of a recycling bin.

(1)

(a) As used in this section:

(i) "Recycling" means the process of collecting materials diverted from the waste stream for reuse.

(ii) "Recycling bin" means any receptacle made available to the public by a governmental entity or private business for the collection of any source-separated item for recycling purposes.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

(2) An actor commits unlawful misuse of a recycling bin if:

(a) the actor places a prohibited item or substance in a recycling bin; and

(b) the recycling bin is posted with the following information printed legibly in basic English:

(i) a descriptive list of the items that may be deposited in the recycling bin, entitled in boldface capital letters: "ITEMS YOU MAY DEPOSIT IN THIS RECYCLING BIN:";

(ii) at the end of the list in Subsection (2)(b)(i), the following statement in boldface capital letters: "REMOVING FROM THIS BIN ANY ITEM THAT IS LISTED ABOVE AND THAT YOU DID NOT PLACE IN THE CONTAINER IS THE CRIMINAL OFFENSE OF THEFT, PUNISHABLE BY LAW.";

(iii) the following statement in boldface capital letters: "DEPOSIT OF ANY OTHER ITEM IN THIS RECYCLING BIN IS AGAINST THE LAW.";

(iv) the following statement in boldface capital letters, posted on the recycling collection container in close proximity to the other notices required under Subsection (2)(b): "PLACING ANY ITEM OR SUBSTANCE IN THIS RECYCLING BIN OTHER THAN THOSE ALLOWED IN THE LIST POSTED ON THIS BIN IS AN INFRACTION, PUNISHABLE BY A MAXIMUM FINE OF $750."; and

(v) the name and telephone number of the entity that owns the recycling bin or is responsible for its placement and maintenance.

(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 19
Unlawful Contraband Compartment in a Vehicle

76-9-1901 Definitions.

As used in this part:

(1)

(a) "Compartment" means any box, container, space, or enclosure:

(i) that is intended or designed to conceal, hide, or otherwise prevent the discovery of contraband; and

(ii) that is within a vehicle or attached to a vehicle.

(b) "Compartment" includes:

(i) false, altered, or modified fuel tanks;

(ii) original factory equipment of a vehicle that is modified, altered, or changed to accommodate or contain contraband; and

(iii) a box, container, space, or enclosure that is fabricated, made, created from, or added to the existing structure of a vehicle.

(2)

(a) "Contraband" means any property, item, or substance that is unlawful to produce or possess under state or federal law.

(b) "Contraband" includes any cash or monetary instrument that is the proceeds of an unlawful activity under Subsection 76-17-401(4).

(3) "Motor vehicle" means the same as that term is defined in Section 41-6a-102.

(4) "Semitrailer" means the same as that term is defined in Section 41-6a-102.

(5) "Trailer" means the same as that term is defined in Section 41-1a-102.

(6) "Vehicle" means a motor vehicle, a trailer, or a semitrailer.

Enacted by Chapter 173, 2025 General Session

76-9-1902 Vehicle compartment for contraband -- Penalties.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

(2) An actor commits unlawful possession, use, or control of a vehicle with a contraband compartment if the actor knowingly possesses, uses, or controls a vehicle that has a compartment with the intent to store, conceal, or transport contraband in the compartment.

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

(4) The trier of fact may infer that an actor intended to store, conceal, or transport contraband if:

(a) the actor possesses, uses, or controls a vehicle that has a compartment; and

(b) the compartment contains:

(i) contraband; or

(ii) evidence of prior storage, concealment, or transportation of contraband.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1903 Unlawful creation, installation, or attachment of a contraband compartment.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

(2) An actor commits unlawful creation, installation, or attachment of a contraband compartment if the actor facilitates the storage, concealment, or transportation of contraband by:

(a) designing, constructing, building, altering, or fabricating a compartment for a vehicle;

(b) installing or creating a compartment in a vehicle; or

(c) attaching a compartment to a vehicle.

(3) A violation of Subsection (2) is a third degree felony.

(4) The trier of fact may infer that an actor intends to store, conceal, or transport contraband if:

(a) the actor possesses, uses, or controls a vehicle that has a compartment; and

(b) the compartment contains:

(i) contraband; or

(ii) evidence of prior storage, concealment, or transportation of contraband.

Enacted by Chapter 173, 2025 General Session

Part 20
Unlawful Tattooing or Body Piercing of a Minor

76-9-2001 Definitions.

As used in this part:

(1) "Body piercing" means the creation of an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration.

(2) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal guardian during the performance of tattooing or body piercing upon the minor after the parent or legal guardian has provided:

(a) reasonable proof of personal identity and familial relationship; and

(b) written permission signed by the parent or legal guardian authorizing the performance of tattooing or body piercing upon the minor.

(3) "Minor" means a person younger than 18 years old who:

(a) is not married; and

(b) has not been declared emancipated by a court of law.

(4) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment under the skin or by producing scars.

Enacted by Chapter 173, 2025 General Session

76-9-2002 Unlawful tattooing of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.

(2) Except as provided in Subsection (5), an actor commits unlawful tattooing of a minor if the actor performs or offers to perform a tattooing:

(a) upon a minor;

(b) without receiving the consent of the minor's parent or legal guardian; and

(c) for remuneration or in the course of a business or profession.

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

(4) The owner or operator of a business in which a violation of Subsection (2) occurs is subject to a civil penalty of $1,000 for each violation.

(5) An actor is not guilty of violating Subsection (2) if the actor:

(a) has no actual knowledge of the minor's age; and

(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years old or older before the actor performs the tattooing.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-2003 Unlawful body piercing of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.

(2) Except as provided in Subsection (5), an actor commits unlawful body piercing of a minor if the actor performs or offers to perform a body piercing:

(a) upon a minor;

(b) without receiving the consent of the minor's parent or legal guardian; and

(c) for renumeration or in the course of a business or profession.

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

(4) The owner or operator of a business in which a violation of Subsection (2) occurs is subject to a civil penalty of $1,000 for each violation.

(5) An actor is not guilty of violating Subsection (2) if the actor:

(a) has no actual knowledge of the minor's age; and
(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years old or older before the actor performs the body piercing.

Enacted by Chapter 173, 2025 General Session

Chapter 11
Weapons

Part 1
General Provisions

76-11-101 Definitions.

As used in this chapter:

(1)
(a) "Antique firearm" means:
(i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;
(ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:
(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
(B) uses rimfire or centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in ordinary channels of commercial trade; or
(iii)
(A) that is a muzzle loading rifle, shotgun, or pistol; and
(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
(b) "Antique firearm" does not include:
(i) a weapon that incorporates a firearm frame or receiver;
(ii) a firearm that is converted into a muzzle loading weapon; or
(iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:
(A) barrel;
(B) bolt;
(C) breechblock; or
(D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

(2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(3)
(a) "Dangerous weapon" means:
(i) a firearm; or
(ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
(i) the location and circumstances in which the object was used or possessed;
(ii) the primary purpose for which the object was made;
(iii) the character of the wound, if any, produced by the object's unlawful use;
(iv) the manner in which the object was unlawfully used;
(v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
(vi) the lawful purposes for which the object may be used.
(c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-15-210.
(4) "Firearm" means:
(a) a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle; or
(b) a device that could be used as a dangerous weapon from which a projectile is expelled by an explosive action.
(5) "Handgun" means a pistol, revolver, or other firearm of any description, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
(6) "Minor" means an individual under 18 years old.
(7)
(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16 inches in length.
(b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
(8)
(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer than 18 inches in length.
(b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
(9) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
(10) "Slug" means a single projectile discharged from a shotgun shell.
(11) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-102 When a firearm is considered to be loaded.
(1) For the purpose of this chapter:
(a) a firearm is considered to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position;
(b) handguns are also considered to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired; and
(c) a muzzle loading firearm is considered loaded when the muzzle loading firearm is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

(2) If a provision of this chapter does not specify that the firearm in the prohibited or allowed conduct is loaded or unloaded, the prohibited or allowed conduct includes if the firearm is either loaded or unloaded.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

Part 2
General Weapons Violations

76-11-201 Definitions.

As used in this part:

(1) "Enter" means intrusion of the entire body.

(2) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.

(3) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with the building's primary purpose.

(4) "Machinegun firearm attachment" means any part or combination of parts added to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

(5)

(a) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on an individual's person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the individual's person.

(b) "Readily accessible for immediate use" does not include a securely encased firearm.

(6)

(a) "Securely encased firearm" means a firearm that is not readily accessible for immediate use.

(b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun rack, in a closed locked or unlocked case or container, or in a trunk or other storage area of a motor vehicle.

(c) "Securely encased firearm" does not include a firearm in a glove box or console box unless the firearm is also in a holster or other case which covers the trigger mechanism.

Enacted by Chapter 173, 2025 General Session

76-11-202 Unlawful carrying of a concealed firearm by an individual under 21 years old.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits unlawful carrying of a concealed firearm by an individual under 21 years old if:

(a) the actor is younger than 21 years old;

(b) the actor does not have a provisional concealed carry permit issued in accordance with Section 53-5a-304 or a concealed carry permit lawfully issued by or in another state;

(c) the actor conceals a firearm in a covered, hidden, or secreted manner that the public would not be aware of the firearm's presence;

(d) the firearm described in Subsection (2)(c) is readily accessible for immediate use by the actor; and
(e) the actor is in a location that is not:
(i) the actor's residence;
(ii) the actor's real property;
(iii) a vehicle that the actor is lawfully present in; or
(iv) a business under the actor's control.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the firearm was loaded at the time of the violation.
(c) A violation of Subsection (2) is a second degree felony if the firearm was used in the commission of a violent felony and the actor was a party to the offense.
(4) This section does not:
(a) apply to an individual who is categorized as a restricted person under Section 76-11-302 or 76-11-303 and may not possess a firearm in any manner or location and is subject to the penalties described in Part 3, Persons Restricted Regarding Dangerous Weapons;
(b) prohibit an individual engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a concealed firearm while performing an act to take the wildlife if the taking of wildlife does not occur:
(i) within the limits of a municipality in violation of that municipality's ordinances; or
(ii) upon the highways of the state as defined in Section 41-6a-102;
(c) apply to an individual who is not a restricted person as described in Section 76-11-302 or 76-11-303 or 18 U.S.C. Sec. 922(g) and is issued a protective order under Subsection 78B-7-404(1)(b) or 78B-7-603(1)(b), for a period of 120 days after the day on which the individual is issued the protective order; or
(d) prohibit the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner's or lawful possessor's vehicle.
(5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
(a) the vehicle is in the lawful possession of the actor; or
(b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-203 Concealing an unlawfully possessed short barreled shotgun or short barreled rifle.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits concealing an unlawfully possessed short barreled shotgun or short barreled rifle if:
(a) the actor unlawfully possesses a short barreled shotgun or short barreled rifle;
(b) the actor conceals the unlawfully possessed short barreled shotgun or short barreled rifle in a covered, hidden, or secreted manner that the public would not be aware of the short barreled shotgun's or short barreled rifle's presence; and
(c) the short barreled shotgun or short barreled rifle is readily accessible for immediate use by the actor.

(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 208, 2025 General Session

76-11-204 Unlawfully carrying a firearm in a vehicle.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits unlawfully carrying a firearm in a vehicle if the actor:
  (a) is 18 years old or older; and
  (b)
    (i)
      (A) is carrying a firearm that is readily accessible by the actor for immediate use; and
      (B) is in a vehicle in which the actor is not lawfully present; or
    (ii) is carrying a loaded rifle, shotgun, or muzzle-loading rifle in any vehicle.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not prohibit the owner or lawful possessor of a vehicle from prohibiting another individual who may otherwise lawfully carry a firearm from carrying a firearm in the owner's or lawful possessor's vehicle.
(5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
  (a) the vehicle is in the lawful possession of the actor; or
  (b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.
(6) This section does not apply if the actor has a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another state.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-205 Carrying a dangerous weapon at an elementary school or secondary school.

(1)
  (a) As used in this section, "on or about school premises" means:
    (i) in a public or private elementary school or secondary school; or
    (ii) on the grounds of a private elementary school or secondary school.
  (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a dangerous weapon at an elementary school or secondary school if the actor:
  (a) is not an individual listed in Subsection (4);
  (b) carries a dangerous weapon on or about school premises; and
  (c) knows or reasonably believes that the actor is on or about school premises at the time the actor carries the dangerous weapon.
(3)
  (a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.
  (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.
(4) This section does not apply if:

(a) the actor is an individual exempt from certain weapons laws as described in Section 53-5a-108;
(b) the actor is 21 years old or older and has a concealed carry permit as described in Section 53-5a-303;
(c) the actor is 21 years old or older and has a temporary concealed carry permit issued under Section 53-5a-305;
(d) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
(e) the possession of the dangerous weapon is approved by the responsible school administrator;
(f) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use;
(g) the actor is an armed school security guard as described in Section 53G-8-704; or
(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the school or used by the school to transport students.

(5) This section does not:
(a) prohibit prosecution of another criminal offense that may occur on or about school premises; or
(b) prevent an actor from securely storing a firearm on the grounds of a school if the actor:
(i) participates in:
(A) the school guardian program created in Section 53-22-105; or
(B) the Educator-Protector Program created in Section 53-22-107; and
(ii) complies with the requirements for securely storing the firearm described in Subsection 53-22-107(5)(a).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-205.5 Carrying a dangerous weapon at an institution of higher education.

(1) As used in this section, "on or about school premises" means:
(a) in a public or private institution of higher education; or
(b) on the grounds of a public or private institution of higher education.

(2) An actor commits carrying a dangerous weapon at an institution of higher education if the actor:
(a) is not an individual listed in Subsection (4);
(b) carries a dangerous weapon on or about school premises; and
(c) knows or reasonably believes that the actor is on or about school premises at the time the actor carries the dangerous weapon.

(3)
(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.
(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.

(4) This section does not apply if:
(a) the actor is an individual exempt from certain weapons laws as described in Section 53-5a-108;
(b) the actor has a concealed carry permit as described in Section 53-5a-303;
(c) the actor has a provisional concealed carry permit as described in Section 53-5a-304;

(d) the actor has a temporary concealed carry permit issued under Section 53-5a-305;
(e) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
(f) the possession of the dangerous weapon is approved by the responsible school administrator;
(g) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use; or
(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the school or used by the school to transport students.
(5) This section does not prohibit prosecution of another criminal offense that may occur on or about school premises.

Enacted by Chapter 208, 2025 General Session

76-11-206 Carrying a dangerous weapon at a daycare.
(1)
(a) As used in this section:
(i) "Daycare" means a preschool or child care center.
(ii) "On or about daycare premises" means:
(A) inside the building where a daycare is being held, if the entire building is being used for the operation of the daycare; or
(B) if only a portion of a building is being used to operate a daycare, in the room or rooms where the daycare operation is being held.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a dangerous weapon at a daycare if the actor:
(a) is not an individual listed in Subsection (4);
(b) carries a dangerous weapon on or about daycare premises; and
(c) has reasonable cause to believe that the actor is on or about daycare premises at the time the actor carried the dangerous weapon.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.
(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.
(4) This section does not apply if:
(a) the actor is an individual exempted from certain weapons laws as described in Section 53-5a-108;
(b) the actor has a concealed carry permit as described in Section 53-5a-303;
(c) the actor has a provisional concealed carry permit as described in Section 53-5a-304;
(d) the actor has a temporary concealed carry permit issued under Section 53-5a-305;
(e) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
(f) the actor's carrying of the dangerous weapon is approved by the responsible daycare administrator;
(g) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use; or

(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the daycare or used by the daycare to transport minors enrolled in the daycare.
(5) This section does not prohibit the prosecution of another criminal offense that may occur on or about daycare premises.

Enacted by Chapter 208, 2025 General Session

76-11-207 Threatening with or using a dangerous weapon in a fight or quarrel.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits threatening with or using a dangerous weapon in a fight or quarrel if the actor, in the presence of two or more individuals:
(a) unlawfully draws or exhibits a dangerous weapon in an angry and threatening manner; or
(b) unlawfully uses a dangerous weapon in a fight or quarrel.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section does not apply to:
(a) an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:
(i) threatens the use of a dangerous weapon; or
(ii) draws or exhibits a dangerous weapon; or
(b) an individual exempted from certain weapons laws as described in Subsections 53-5a-108(1)(a) through (f) acting in performance of the individual's duties.
(5) For purposes of this section, the following conduct by an actor does not constitute drawing or exhibiting a dangerous weapon in an angry and threatening manner as described in Subsection (2):
(a) possession of a dangerous weapon, whether visible or concealed, without additional threatening behavior; or
(b)
(i) informing another individual of the actor's possession of a dangerous weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the individual; and
(ii) the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-208 Possession of a dangerous weapon with criminal intent.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits possession of a dangerous weapon with criminal intent if the actor possesses a dangerous weapon with the intent to use the dangerous weapon to commit a criminal offense.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-209 Improper discharging of a dangerous weapon.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits improper discharging of a dangerous weapon if the actor discharges a dangerous weapon:
(a) from a vehicle;
(b) from, upon, or across a highway;
(c) at a road sign placed on a state highway;
(d) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
(e) at railroad equipment or facilities including a sign or signal;
(f) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or
(g) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
(i) a house, dwelling, or other building; or
(ii) a structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to any other penalties, the court shall:
(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
(5) This section does not apply to an actor who:
(a) discharges a dangerous weapon in the lawful defense of the actor or another individual;
(b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as provided in Section 23A-2-207 or 79-2-704 or as otherwise provided by law;
(c) discharges a dangerous weapon from an automobile or other vehicle, if:
(i) the discharge occurs at a firing range or training ground;
(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
(iii) the discharge is made as practice or training for a lawful purpose;
(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
(v) the discharge is not made in violation of Subsection ; or
(d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).
(6) It is a defense to a charge for violating this section that the actor had actual permission of the person in charge of the property at the time the actor discharged the dangerous weapon as described in Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-210 Felony discharge of a firearm.
(1)
(a) As used in this section, "habitable structure" means the same as that term is defined in Section 76-6-101.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits felony discharge of a firearm if:
(a) the actor discharges a firearm in the direction of an individual, knowing or having reason to believe that an individual may be endangered by the discharge of the firearm;
(b) the actor, with intent to intimidate or harass another individual or with intent to damage a habitable structure, discharges a firearm in the direction of an individual or a habitable structure; or
(c) the actor, with intent to intimidate or harass another individual, discharges a firearm in the direction of a vehicle.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a third degree felony punishable by a term of imprisonment of not less than three years nor more than five years.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes bodily injury to any individual is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
(c) A violation of Subsection (2) that causes serious bodily injury to an individual is a first degree felony.
(4) In addition to any other penalties for a violation of this section, the court shall:
(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
(5) This section does not apply to an actor:
(a) who discharges a firearm in the lawful defense of the actor or another individual;
(b) who is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as provided in Section 23A-2-207 or 79-2-704, or as otherwise authorized by law;
(c) who discharges a dangerous weapon from an automobile or other vehicle, if:
(i) the discharge occurs at a firing range or training ground;
(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
(iii) the discharge is made as practice or training for a lawful purpose;
(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
(v) the discharge is not made in violation of Subsection (2); or
(d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-211 Possession of a dangerous weapon by a minor.
(1)
(a) As used in this section, "responsible adult" means an individual:
(i) who is 18 years old or older; and
(ii) who may lawfully possess a dangerous weapon.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits possession of a dangerous weapon by a minor if the actor:

(a) is a minor; and
(b) possesses a dangerous weapon.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
(i) a class B misdemeanor for a first offense; and
(ii) a class A misdemeanor for each subsequent offense.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
(i) a handgun;
(ii) a short barreled rifle;
(iii) a short barreled shotgun;
(iv) a fully automatic weapon; or
(v) a machinegun firearm attachment.
(4) For an actor who is younger than 14 years old, this section does not apply if the actor:
(a) possesses a dangerous weapon;
(b) has permission from the actor's parent or guardian to possess the dangerous weapon;
(c) is accompanied by the actor's parent or guardian, or a responsible adult, while the actor has the dangerous weapon in the actor's possession; and
(d) does not use the dangerous weapon in the commission of a crime.
(5) For an actor who is 14 years old or older but younger than 18 years old, this section does not apply if the actor:
(a) possesses a dangerous weapon;
(b) has permission from the actor's parent or guardian to possess the dangerous weapon; and
(c) does not use the dangerous weapon in the commission of a crime.
(6) This section does not apply to the following minors who are otherwise complying with Subsection (4) or (5):
(a) a minor who is a patron at an amusement park, pier, or similar location and is possessing a firearm to participate in lawfully operated target concessions if the firearm to be used is firmly chained or affixed to the counters;
(b) a minor attending a hunter's safety course or a firearms safety course and possessing a weapon as part of the course;
(c) a minor using a firearm at an established range or other area where the discharge of a firearm is not prohibited by state or local law;
(d) a minor participating in an organized competition involving the use of a firearm, or practicing for the competition;
(e) a minor who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee of the property to possess a firearm not otherwise in violation of law;
(f) a minor who has a valid hunting license and is possessing a firearm to lawfully engage in hunting; or
(g) a minor traveling to or from an activity described in Subsections (6)(a) through (f) with an unloaded firearm in the minor's possession.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-212 Transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor is guilty of transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor if:
(a) the actor transfers:
(i) a handgun to a minor; or
(ii) a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor; and
(b) the transferring of the firearm described in Subsection (2)(a):
(i) would result in the minor committing a violation of Section 76-11-211, Possession of a dangerous weapon by a minor; or
(ii) is in violation of any other applicable state or federal law.
(3) A violation of Subsection (2)(a) is:
(a) if the violation is the result of transferring a handgun:
(i) a class B misdemeanor upon the first offense; and
(ii) a class A misdemeanor for each subsequent offense; or
(b) a third degree felony if the violation is the result of transferring a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-213 Parent or guardian providing a firearm to a violent minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of a parent or guardian providing a firearm to a violent minor if:
(a) the actor intentionally or knowingly provides a firearm to, or permits the possession of a firearm by, a minor;
(b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
(c) the minor has previously been:
(i) convicted of a violent felony; or
(ii) adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor upon the first offense; and
(b) a third degree felony for each subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-214 Parent or guardian knowing a minor is in possession of a dangerous weapon.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of parent or guardian knowing a minor is in possession of a dangerous weapon if:
(a) the actor knows a minor is in possession of a dangerous weapon in violation of Section 76-11-211, Possession of a dangerous weapon by a minor;
(b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
(c) the actor fails to make reasonable efforts to remove the dangerous weapon from the minor's possession.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-215 Selling a firearm to a minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits selling a firearm to a minor if:
(a) the actor sells a firearm to a minor; and
(b) at the time the actor sells the weapon to a minor, the minor is not accompanied by a parent of the minor or a legal guardian of the minor.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-216 Prohibited conduct in the sale of a dangerous weapon.
(1)
(a) As used in this section, "materially false information" means information that portrays an illegal dangerous weapon transaction as legal or a legal dangerous weapon transaction as illegal.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits prohibited conduct in the sale of a dangerous weapon if the actor:
(a)
(i) knowingly solicits, persuades, encourages, or entices a person to sell, transfer, or otherwise provide a dangerous weapon to the actor or another individual; and
(ii) knows that the sale, transfer, or providing of the dangerous weapon to the actor or other individual would be a violation of state or federal law; or
(b)
(i) provides information that the actor knows is materially false information to a person; and
(ii) knowingly provides the materially false information to the person with intent to deceive the person about the lawfulness of a sale, transfer, or providing of a dangerous weapon to the actor or another individual.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.

Enacted by Chapter 208, 2025 General Session

76-11-217 Carrying a dangerous weapon while under the influence of alcohol or drugs.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a dangerous weapon while under the influence of alcohol or drugs if the actor:
(a) carries a dangerous weapon that is readily accessible by the actor for immediate use; and
(b) is under the influence of:
(i) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or

(ii) a controlled substance as defined in Section 58-37-2.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to:
(a) an actor who uses or threatens to use force in compliance with Section 76-2-402;
(b) an actor carrying a dangerous weapon in the actor's residence or the residence of another individual with the consent of the individual who is lawfully in possession of the residence;
(c) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(d) an actor who:
(i) has a valid prescription for a controlled substance;
(ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and
(iii) after taking the controlled substance, the actor:
(A) is not a danger to the actor or another individual; or
(B) is capable of safely handling a dangerous weapon.
(5) It is not a defense to prosecution under this section that the actor:
(a) is licensed in the pursuit of wildlife of any kind;
(b) has a concealed carry permit as described in Section 53-5a-303;
(c) has a provisional concealed carry permit as described in Section 53-5a-304;
(d) has a temporary concealed carry permit issued under Section 53-5a-305;
(e) has a concealed carry permit lawfully issued by or in another state; or
(f) is 21 years old or older and may otherwise lawfully possess a concealed loaded firearm without a concealed carry permit as described in Section 53-5a-101.5.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-218 Possession of a dangerous weapon in an airport secure area -- Reporting requirements.

(1)
(a) As used in this section:
(i) "Airport authority" has the same meaning as defined in Section 72-10-102.
(ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-15-210.
(iii) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits possession of a dangerous weapon in an airport secure area if the actor, including an actor with a concealed firearm permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:
(a) intentionally or knowingly possesses a dangerous weapon within the secure area of an airport established under Subsection (5); or
(b) recklessly or with criminal negligence possesses a dangerous weapon within the secure area of an airport established under Subsection (5).
(3)
(a) A violation of Subsection (2)(a) is a class A misdemeanor.
(b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
(4) Subsection (2) does not apply to:
(a) an individual exempted from certain weapons laws as described in Section 53-5a-108; or

(b) a member of the state or federal military forces while engaged in the performance of the member's official duties.

(5)

(a) An airport authority, county, municipality, or other entity regulating an airport may:

(i) establish a secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

(ii) use reasonable means, including mechanical, electronic, x-ray, or another device, to detect firearms, other dangerous weapons, or explosives concealed in baggage or upon the person of an individual attempting to enter the secure area.

(b) At least one notice shall be prominently displayed at each entrance to a secure area in which a firearm, other dangerous weapon, or explosive is restricted.

(c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or incendiary device within the secure area of an airport commits a violation of Section 76-15-210.

(6)

(a) An actor who violates Subsection (2)(b) on a first offense may receive a written warning for the offense and may not receive a citation or any other form of punishment.

(b) An actor who violates Subsection (2)(b) on a second or subsequent offense may receive a written warning or a citation.

(7)

(a) Except as provided in Subsection (7)(d), if a law enforcement officer issues a citation to an actor for an infraction as a result of the actor's conduct described in Subsection (2)(b), or provides an oral or written warning for that conduct, the law enforcement officer shall:

(i) if the law enforcement officer is able to confirm that the actor may lawfully possess the dangerous weapon, allow the actor, at the actor's option, to:

(A) temporarily surrender custody of the dangerous weapon into the custody of the law enforcement agency so that the dangerous weapon may be retrieved by the actor at a later date; or

(B) exit the secure area of the airport with the dangerous weapon; or

(ii) if the law enforcement officer is unable to confirm that the actor may lawfully possess the dangerous weapon, or the airport authority under Subsection (7)(d) prohibits the procedure described in Subsection (7)(a)(i), take temporary custody of the dangerous weapon so that the dangerous weapon may be retrieved by the actor at a later date if legally permitted to do so.

(b) If a law enforcement officer takes temporary custody of a dangerous weapon under Subsection (7)(a):

(i) at the time the dangerous weapon is obtained from the actor, the law enforcement officer, or another law enforcement officer, or an employee who works in the secure area of the airport, shall provide the actor with written instructions on how, when, and where the actor may retrieve the actor's dangerous weapon; and

(ii) within three business days from the time when the law enforcement officer receives the dangerous weapon, the law enforcement agency shall determine whether the actor is legally permitted to possess the dangerous weapon, and if so, ensure that the dangerous weapon is available for the actor to retrieve.

(c) An unclaimed dangerous weapon that is surrendered into the custody of a law enforcement agency under this Subsection (7) may be disposed of pursuant to Section 77-11d-105, disposition of unclaimed property.

(d) An airport authority may implement a policy that prohibits the law enforcement agency with jurisdiction over the airport from utilizing the procedure described in Subsection (7)(a)(i).

(8)
(a) An actor's firearm that is confiscated based on a violation of Subsection (2)(a) shall be returned to the actor in accordance with Subsection 77-11a-402(2).
(b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection (2)(a) is not subject to forfeiture if the actor may lawfully possess the firearm.
(c) In a prosecution brought under this section, a prosecutor may not condition a plea on the forfeiture of a firearm.
(9) An airport authority, county, municipality, or other entity regulating an airport or with local jurisdiction over an airport may not:
(a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local ordinance, or another state or local law or regulation for conduct described in Subsection (2)(b);
(b) assess a civil penalty for conduct described in Subsection (2); or
(c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
(10) A law enforcement agency that issues a written warning, citation, or referral for prosecution under this section shall record and report the information as required under Section 53-25-103.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-219 Trespass with a firearm in a house of worship or a private residence.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of trespass with a firearm in a house of worship or a private residence if the actor:
(a) has been given notice as described in Subsection (4) that firearms are prohibited in the house of worship or the private residence; and
(b) knowingly and intentionally:
(i) transports a firearm into the house of worship or private residence; or
(ii) while in possession of a firearm, enters or remains in the house of worship or private residence.
(3) A violation of Subsection (2) is an infraction.
(4) Notice that firearms are prohibited may be given by:
(a) personal communication to the actor by:
(i) the church or organization operating the house of worship;
(ii) the owner, lessee, or person with lawful right of possession of the private residence; or
(iii) a person with authority to act for the person or entity in Subsections (4)(a)(i) and (ii);
(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;
(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
(d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
(e) publication:
(i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and
(ii) as required in Section 45-1-101.
(5) A church or organization operating a house of worship and giving notice that firearms are prohibited may:

(a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (4); and
(b) provide or allow exceptions to the prohibition as the church or organization considers advisable.

(6)
(a)
(i) Within 30 days of giving or revoking any notice pursuant to Subsection (4)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
(ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (6)(a)(i).
(b) Any notice given pursuant to Subsection (4)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.

(7) This section does not permit an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-220 Carrying a loaded firearm on a public street by an 18 to 20 year old.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a loaded firearm on a public street by an 18 to 20 year old if the actor:
(a) is 18 years old or older but younger than 21 years old; and
(b) carries a loaded firearm on a public street.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply if the actor has a provisional concealed carry permit issued under Section 53-5a-305.

Enacted by Chapter 208, 2025 General Session

Part 3
Persons Restricted Regarding Dangerous Weapons

76-11-301 Definitions.

As used in this part:
(1) "Adjudicated" means a judgment has been entered against a minor for an offense by a juvenile court under Section 80-6-701.
(2) "Category I restricted person" means an individual described in Section 76-11-302.
(3) "Category II restricted person" means an individual described in Section 76-11-303.
(4) "Carry" means for an individual to have an item under the individual's custody or control.
(5) "Controlled substance" means the same as that term is defined in Section 58-37-2.
(6)
(a) "Dating relationship" means a romantic or intimate relationship between individuals.

(b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
(7) "Dealer" means a person who is:
(a) licensed under 18 U.S.C. Sec. 923; and
(b) engaged in the business of selling, leasing, or otherwise transferring a firearm, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.
(8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
(10) "Schedule I controlled substance" means a substance listed as a schedule I controlled substance in Section 58-37-4.
(11) "Schedule II controlled substance" means a substance listed as a schedule II controlled substance in Section 58-37-4.
(12) "Secure care" means the same as that term is defined in Section 80-1-102.
(13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

Enacted by Chapter 173, 2025 General Session

76-11-302 Category I restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category I restricted person and subject to the restrictions and penalties described in Section 76-11-305:
(1) if the individual has been convicted of a violent felony;
(2) if the individual is on probation or parole for a felony;
(3) if the individual is on parole from secure care;
(4) for 10 years after the day on which the individual was adjudicated for an offense which if committed by an adult would have been a violent felony;
(5) if the individual is an alien who is illegally or unlawfully in the United States, including an alien who has:
(a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a disposition on the application; or
(b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is waiting for a disposition on the application; or
(6) if the individual is on probation for a conviction of possessing:
(a) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
(b) a controlled substance analog; or
(c) a substance listed in Section 58-37-4.2.

Enacted by Chapter 208, 2025 General Session

76-11-303 Category II restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category II restricted person and subject to the restrictions and penalties described in Section 76-11-306:
(1) if the individual has been convicted of:
(a) a domestic violence offense that is a felony; or
(b) multiple felonies that are not part of a single criminal episode;
(2) if the individual has:
(a) been convicted of:

(i) a felony that is not a domestic violence offense or a violent felony; or
(ii) multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies; and
(b) within seven years after completing the sentence for the conviction described in Subsection (2)(a), been convicted of, or charged with, another felony or class A misdemeanor;
(3) for seven years after the day on which the individual completes a sentence for:
(a) a conviction for a felony that is not a domestic violence offense or a violent felony; or
(b) convictions for multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies;
(4) for seven years after the day on which the individual was an adjudicated delinquent for an offense which if committed by an adult would have been a felony;
(5) if the individual is an unlawful user of a controlled substance;
(6) if the individual is in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance;
(7) if the individual has been found not guilty by reason of insanity for a felony offense;
(8) if the individual has been found mentally incompetent to stand trial for a felony offense;
(9) if the individual has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or having been committed to a mental institution;
(10) if the individual has been dishonorably discharged from the armed forces;
(11) if the individual has renounced the individual's citizenship after having been a citizen of the United States;
(12) if the individual is a respondent or defendant subject to a protective order or child protective order that:
(a) is issued after a hearing for which the individual received actual notice and at which the individual had an opportunity to participate;
(b) restrains the individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner; and
(c)
(i) includes a finding that the individual represents a credible threat to the physical safety of an intimate partner or the child of the intimate partner; or
(ii) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
(13) except as provided in Subsection 76-11-304(2), if the individual has been convicted of the commission or attempted commission of misdemeanor assault under Section 76-5-102, or aggravated assault under Section 76-5-103, against a victim:
(a) who is a current or former spouse, parent, or guardian of the individual;
(b) with whom the individual shares a child in common;
(c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or guardian;
(d) involved in a dating relationship with the individual within the last five years; or
(e) similarly situated to a spouse, parent, or guardian of the individual.

Enacted by Chapter 208, 2025 General Session

76-11-304 Exceptions, limitations, and exclusions to restricted person categories -- Burden on defendant to prove exception.

(1)

(a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated for an offense which would be a felony if committed by an adult, is not a category I restricted person, or a category II restricted person, if:

(i) the felony or adjudication has, in accordance with the law of the jurisdiction in which the conviction or adjudication occurred, been:

(A) expunged;

(B) set aside;

(C) reduced to a misdemeanor by court order; or

(D) pardoned;

(ii) the individual has had the individual's civil rights that had been limited by the conviction or adjudication restored in accordance with the law of the jurisdiction in which the conviction or adjudication occurred; or

(iii) the felony or adjudication is an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud.

(b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under Subsection 76-11-303(13) that qualifies to make the individual a category II restricted person is otherwise not a category II restricted person, if, in accordance with the law of the jurisdiction in which the conviction occurred:

(i) the misdemeanor has been:

(A) expunged;

(B) set aside;

(C) reduced to an infraction by court order; or

(D) pardoned; or

(ii) the individual has had the individual's civil rights that had been limited by the conviction restored.

(c) An individual who has received a pardon, reduction, expungement, setting aside, or restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I or category II restricted person that corresponds with the individual's conviction if the pardon, reduction, expungement, setting aside, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(2) An individual is not a category II restricted person resulting from a conviction for a misdemeanor assault committed against an individual involved in a dating relationship as described in Subsection 76-11-303(13)(d) if:

(a) five years have elapsed from the later of:

(i) the day on which the conviction is entered;

(ii) the day on which the individual is released from incarceration following the conviction; or

(iii) the day on which the individual's probation for the conviction is successfully terminated;

(b) the individual only has a single conviction for misdemeanor assault as described in Subsection 76-11-303(12)(d); and

(c) the individual is not otherwise a category I restricted person or a category II restricted person.

(3)

(a) In a criminal case brought against the defendant in which the question of whether the defendant meets an exception, limitation, or exclusion under this section arises and therefore makes the defendant not a category I or category II restricted person, the defendant has the

burden to provide evidence that an exception, limitation, or exclusion described in Subsection (1) or (2) applies.

(b) If the defendant satisfies the defendant's burden to provide evidence described in Subsection (3)(a), the burden shifts to the state to prove beyond a reasonable doubt that the defendant's conviction or adjudication is not subject to an exception, limitation, or exclusion described in Subsection (1) or (2).

Enacted by Chapter 208, 2025 General Session

76-11-305 Category I restricted person participating in prohibited dangerous weapon conduct.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

(2) An actor commits category I restricted person participating in prohibited dangerous weapon conduct if the actor:

(a) is a category I restricted person; and

(b) intentionally or knowingly:

(i) agrees, consents, offers, or arranges to:

(A) purchase a dangerous weapon;

(B) transfer a dangerous weapon;

(C) use a dangerous weapon; or

(D) carry or otherwise possess a dangerous weapon; or

(ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.

(3)

(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is not a firearm.

(b) A violation of Subsection (2) is a second degree felony if the dangerous weapon is a firearm.

(4) For purposes of this section, using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.

(5) It is an affirmative defense to a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:

(a) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;

(b) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;

(c) is not being held as evidence by a court or law enforcement agency;

(d) was transferred to an individual not legally prohibited from possessing the weapon; and

(e) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.

(6)

(a) It is not a violation of this section for an actor who is a category I restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.

(b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing archery equipment, including crossbows, is prohibited by:

(i) a court, as a condition of pre-trial release or probation; or

(ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-306 Category II restricted person participating in prohibited dangerous weapon conduct.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

(2) An actor commits category II restricted person participating in prohibited dangerous weapon conduct if the actor:

(a) is a category II restricted person; and

(b) intentionally or knowingly:

(i) purchases a dangerous weapon;

(ii) transfers a dangerous weapon;

(iii) uses a dangerous weapon; or

(iv) carries or otherwise possesses a dangerous weapon.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon is not a firearm.

(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a firearm.

(4) For purposes of this section using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.

(5) It is an affirmative defense to:

(a) a prosecution under this section that is based on proving that an actor is a category II restricted person as a result of being in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance as described in Subsection 76-11-303(6) that the actor was:

(i) in possession of the controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or

(ii) otherwise authorized by law to possess the controlled substance; and

(b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:

(i) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;

(ii) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;

(iii) is not being held as evidence by a court or law enforcement agency;

(iv) was transferred to an individual not legally prohibited from possessing the weapon; and

(v) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.

(6)

(a) It is not a violation of this section for an actor who is a category II restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.

(b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing of archery equipment, including crossbows, is prohibited by:

(i) a court, as a condition of pre-trial release or probation; or

(ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-307 Selling a dangerous weapon to a category I restricted person.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
(2) An actor commits selling a dangerous weapon to a category I restricted person if the actor:
(a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category I restricted person; and
(b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category I restricted person.
(3)
(a) A violation of Subsection (2) is a second degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-308 Selling a dangerous weapon to a category II restricted person.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
(2) An actor commits selling a dangerous weapon to a category II restricted person if the actor:
(a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category II restricted person; and
(b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category II restricted person.
(3)
(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-309 Firearm restriction notification requirement for restricted persons.
(1) As used in this section:
(a) "Peace officer" means an officer described Section 53-13-102.
(b) "Restricted person" means an individual who is restricted from purchasing, transferring, using, or otherwise possessing a firearm under Section 76-11-302 or 76-11-303 or federal law.
(2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon conviction, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an acknowledgment that states:
(a) the defendant's attorney or the prosecuting attorney has informed the defendant:
(i) that conviction of the charge will classify the defendant as a restricted person;
(ii) that a restricted person may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and
(b) the defendant acknowledges and understands that, by pleading guilty or no contest to the criminal charge, the defendant:

(i) will be a restricted person;
(ii) upon conviction, shall forfeit possession of each firearm currently in the defendant's possession; and
(iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.

(3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment described in Subsection (2) to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.

(4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person shall, at the time of sentencing:

(a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
(i) that the defendant is a restricted person;
(ii) that, as a restricted person, the defendant may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the defendant's category; and

(b) sign an acknowledgment in the presence of the court attesting that the defendant acknowledges and understands that the defendant:
(i) is a restricted person;
(ii) shall forfeit possession of each firearm; and
(iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.

(5) The prosecuting attorney and the defendant's attorney shall inform the court at the preliminary hearing if a charge filed against the defendant would qualify the defendant as a restricted person if the defendant is convicted of the charge.

(6) The failure to inform or obtain a signed acknowledgment from the defendant may not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to challenge a conviction or sentence.

(7) An individual who becomes a restricted person as a result of being served with a pretrial protective order in accordance with Section 78B-7-803, a sentencing protective order in accordance with Section 77-36-5, or a continuous protective order in accordance with Section 77-36-5, shall, at the time of service of the protective order:

(a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a peace officer is serving the protective order, the peace officer:
(i) that the individual is a restricted person;
(ii) that, as a restricted person, the individual may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the individual's category; and

(b) sign, in the presence of the court or, if a peace officer serves the protective order, in the presence of the peace officer, an acknowledgment contained within the protective order document attesting that the individual acknowledges and understands that the individual:
(i) is a restricted person;
(ii) is required to relinquish possession of each firearm in the individual's possession;
(iii) will be in violation of federal and state law if the individual purchases, transfers, uses, or otherwise possesses a firearm; and
(iv) may be eligible for an affirmative defense to a state-law prosecution for transferring a firearm under Section 76-11-305 or 76-11-306 if the individual lawfully transfers the

individual's firearms within 10 days after the day on which the individual became a restricted person.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-310 Removal from National Instant Check System database for certain category II restricted persons.

(1) An individual who is subject to the restrictions in Subsection 76-11-303(7), (8), or (9), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.

(2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred and shall include:

(a) a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;

(b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;

(c) a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:

(i) the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;

(ii) the petitioner's previous and current mental health treatment;

(iii) the petitioner's previous violent behavior, if any;

(iv) the petitioner's current mental health medications and medication management;

(v) the length of time the petitioner has been stable;

(vi) external factors that may influence the petitioner's stability;

(vii) the ability of the petitioner to maintain stability with or without medication; and

(viii) whether the petitioner is dangerous to public safety; and

(d) a copy of the petitioner's state and federal criminal history record.

(3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.

(4)

(a) The court shall schedule a hearing as soon as practicable in which the petitioner may present evidence and subpoena witnesses to appear at the hearing.

(b) The prosecuting, county attorney, or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.

(5) The court shall consider the following evidence:

(a) the facts and circumstances that resulted in the commitment, finding, or adjudication;

(b) the petitioner's mental health and criminal history records; and

(c) the petitioner's reputation, including the testimony of character witnesses.

(6) The court shall grant the relief if the court finds by clear and convincing evidence that:

(a) the petitioner is not a danger to the petitioner or to another individual;

(b) the petitioner is not likely to act in a manner dangerous to public safety; and

(c) the requested relief would not be contrary to the public interest.

(7) The court shall issue an order with its findings and send a copy to the bureau.

(8)
(a) The bureau, upon receipt of a court order removing a petitioner's disability under Subsection 76-11-303(9), shall send a copy of the court order to the National Instant Check System requesting removal of the petitioner's name from the database.
(b) In addition to the action described in Subsection (8)(a), if the petitioner is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.
(9) If the court denies the petition, the petitioner may not petition again for relief until at least two years after the date of the court's final order.
(10) The petitioner may appeal a denial of the requested relief and the review on appeal shall be de novo.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

Chapter 12
Offenses Related to Privacy, Information, and Communication

Part 1
General Provisions

76-12-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Electronic Communication Abuse

76-12-201 Definitions.

As used in this part:
(1)
(a) "Adult" means an individual 18 years old or older.
(b) "Adult" does not include an individual who is 18 years old and enrolled in high school.
(2)
(a) "Electronic communication" means a communication by electronic, electro-mechanical, or electro-optical communication device for the transmission and reception of audio, image, or text.
(b) "Electronic communication" does not include a broadcast transmission or a similar communication that is not targeted at a specific individual.

(3) "Electronic communication device" includes a telephone, a facsimile machine, electronic mail, a pager, a computer, or another device or medium that can be used to communicate electronically.
(4)
(a) "Minor" means an individual who is younger than 18 years old.
(b) "Minor" includes an individual who is 18 years old and enrolled in high school.

Enacted by Chapter 173, 2025 General Session

76-12-202 Electronic communication harassment.
(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) Except to the extent an actor's conduct constitutes an offense under Section 76-12-206, an actor commits electronic communication harassment if, with intent to intimidate, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the actor:
(a)
(i) makes repeated contact by means of electronic communications, regardless of whether a conversation ensues; or
(ii) after the recipient has requested or informed the actor not to contact the recipient, and the actor repeatedly or continuously:
(A) contacts the electronic communication device of the recipient; or
(B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication;
(b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;
(c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or
(d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A second or subsequent violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on electronic communications made for a legitimate business purpose.
(5) A violation of this section is subject to prosecution in the jurisdiction in which the electronic communication originated or was received.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-203 Unlawful electronic disclosure of personal identifying information.
(1)
(a) As used in this section, "personal identifying information" means the same as that term is defined in Section 76-6-1101.

(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful electronic disclosure of personal identifying information if the actor:
(a)
(i) electronically publishes, posts, or otherwise discloses personal identifying information of another individual in a public online site or forum without the permission of the other individual; and
(ii) undertakes the action described in Subsection (2)(a)(i) with the intent to abuse, threaten, or disrupt the other individual's electronic communication; or
(b) sends a communication by electronic mail, instant message, or other similar means, if:
(i) the communication references personal identifying information of another individual;
(ii) the actor sends the communication:
(A) without the individual's consent; and
(B) with the intent to cause a recipient of the communication to reasonably believe that the individual authorized or sent the communication; and
(iii) with the intent to:
(A) cause an individual physical, emotional, or economic injury or damage; or
(B) defraud an individual.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A second or subsequent violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on an electronic communication made for a legitimate business purpose.

Enacted by Chapter 173, 2025 General Session

76-12-204 Unlawful electronic disclosure of a minor's personal information.
(1)
(a) As used in this section:
(i) "Minor victim" means a minor who is a victim of a violation of Subsection (2).
(ii) "Personal identifying information" means the same as that term is defined in Section 76-6-1101.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful electronic disclosure of a minor's personal information if:
(a) the actor:
(i) is an adult;
(ii) electronically publishes, posts, or otherwise discloses in a public online site or forum personal identifying information of a minor who is unrelated by blood, marriage, or adoption to the actor; and
(iii) knows of, but consciously disregards, a substantial and unjustifiable risk that performing the action described in Subsection (2)(a)(ii) will result in the minor being the victim of an offense described in Title 76, Chapter 5, Offenses Against the Individual; and
(b) the minor described in Subsection (2)(a)(ii) is aware of the actor's action described in Subsection (2)(a)(ii).

(3) A violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on an electronic communication made for a legitimate business purpose.
(5)
(a) A minor victim has a civil right of action against an actor who violates Subsection (2).
(b) A minor victim who brings a successful civil action under Subsection (5)(a) is entitled to recover from the actor:
(i) damages resulting from the violation of Subsection (2);
(ii) reasonable attorney fees; and
(iii) court costs.

Enacted by Chapter 173, 2025 General Session

76-12-205 Disclosure of personal information with intent to cause electronic communication harassment.

(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Computer" means the same as that term is defined in Section 76-6-702.
(iii) "Electronic communication harassment" means an offense under Section 76-12-202, 76-12-203, or 76-12-204.
(iv) "Identifying information" means the same as that term is defined in Section 76-6-702.
(v) "Interactive computer service" means the same as that term is defined in Section 76-6-702.
(vi) "Minor" means an individual who is younger than 18 years old.
(vii) "Service provider" means the same as that term is defined in Section 76-6-702.
(viii) "Software" means the same as that term is defined in Section 76-6-702.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits disclosure of personal information with intent to cause electronic communication harassment if:
(a) with intent that electronic communication harassment occur, the actor discloses or disseminates another person's identifying information with the expectation that others will further disseminate or use the person's identifying information; and
(b) the disclosure or dissemination of the other person's identifying information results in electronic communication harassment.
(3)
(a) If the individual whose identifying information is disseminated is an adult, a violation of Subsection (2) is:
(i) a class B misdemeanor on the first offense;
(ii) a class A misdemeanor on the second offense; or
(iii) a third degree felony on a third or subsequent offense.
(b) If the individual whose identifying information is disseminated is a minor, a violation of Subsection (2) is:
(i) a class A misdemeanor on the first offense; or
(ii) a third degree felony on the second or subsequent offense.

(4)
(a) This section does not apply to an actor who provides information in conjunction with a report under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, or Title 67, Chapter 21, Utah Protection of Public Employees Act.
(b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and does not impose liability or culpability on, an interactive computer service for content provided by another person.
(c) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service does not commit a violation of Subsection (2) if an actor violates Subsection (2) using the interactive computer service and the interactive computer service did not knowingly assist the actor to commit the violation.
(b) A service provider does not commit a violation of Subsection (2) for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-206 Unlawful online impersonation.
(1)
(a) As used in this section:
(i) "Commercial social networking website" means a person who operates a website that allows a person to register as a user for the purpose of:
(A) establishing a personal relationship with one or more other users through direct or real time communication with the other user; or
(B) the creation of a web page or a profile available to the public or to other users.
(ii) "Commercial social networking website" does not include an electronic mail program or a message board program.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful online impersonation if the actor uses the name or persona of an individual:
(a) without the individual's consent;
(b)
(i) to create a web page on a commercial social networking website or other website; or
(ii) to post or send a message on or through a commercial social networking website or other website, other than on or through an electronic mail program or message board program;
(c) with the intent to cause an individual to reasonably believe that the individual whose name or persona is used authorized or performed the applicable action described in Subsection (2)(b); and

(d) with the intent to harm, defraud, intimidate, or threaten any individual.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A second or subsequent offense of Subsection (2) is a third degree felony.

(4) It is a defense to prosecution under this section that the actor is one of the following entities or that the actor's conduct consisted solely of action taken as an employee of one of the following entities:

(a) a commercial social networking website;

(b) an Internet service provider;

(c) an interactive computer service, as defined in 47 U.S.C. Sec. 230;

(d) a telecommunications provider, as defined in Section 10-1-402;

(e) a cable television service;

(f) an entity that provides cable television service, as defined in Section 10-18-102; or

(g) a law enforcement agency engaged in lawful practices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-207 Misrepresentation of a call or text communication identification.

(1)

(a) As used in this section:

(i) "Caller or text message identification information" means information provided by a caller identification service or text message service regarding the telephone number or other information regarding the origination of a call or text message made using a telecommunications service or VoIP voice service.

(ii) "Caller or text message identification service" means a service or device designed to provide the user of the service or device with the telephone number of, or other information regarding, the origination of a call or text message made using a telecommunications service or VoIP voice service, including automatic number identification services.

(iii) "Text message":

(A) means a real-time or near real-time message consisting of text, images, sounds, or other information transmitted from or received by a device identified by a telephone number; and

(B) does not include a real-time, two-way voice or video communication.

(iv) "VoIP" means a technology that allows telephone calls to be made over computer networks, including the Internet.

(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.

(2) An actor commits misrepresentation of a call or text communication identification if the actor, in connection with a telecommunications service or VoIP voice service, knowingly causes a caller identification service or text message service to transmit false, misleading, or inaccurate caller or text message identification information:

(a) with the intent to harm the recipient of the call or text message; or

(b) to a public safety answering point when reporting an emergency.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.

(b) A violation of Subsection (2) is a class B misdemeanor on a second or subsequent violation.

(c) Each separate call or text message is a violation of this section.

(4) This section does not prevent or restrict a person from blocking the capability of a caller or text message identification service to transmit caller or text message identification information.
(5) The following are exempt from this section:
(a) the lawful investigative, protective, or intelligence activity of a law enforcement agency; and
(b) a court order that specifically authorizes the use of caller or text message identification manipulation.
(6) A violation of this section may be enforced in a civil action initiated by the recipient of a call, message, or text message made in violation of this section, a criminal action initiated by a prosecuting attorney, or both.
(7) This section does not apply to an Internet service provider or hosting company, a provider of public telecommunications services, or a text message service by reason of the fact that the Internet service provider, hosting company, text message service, or provider of public telecommunications services:
(a) transmits, routes, or provides connections for material without selecting the material;
(b) stores or delivers the material at the direction of a user; or
(c) provides a caller or text message identification service.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Privacy Offenses

76-12-301 Definitions.

For purposes of this part:
(1) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of another without the consent of at least one party thereto by means of an electronic, mechanical, or other device.
(2) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
(3) "Public" includes any professional or social group of which the victim of a defamation is a member.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-302 Unlawful privacy violation.

(1)
(a) For purposes of this section, "expectation of privacy" means a property owner's expectation of privacy described in Subsection (6).
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits unlawful privacy violation if, except as authorized by law, the actor:
(a) trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
(b) installs, or uses after unauthorized installation in a private place, without the consent of the person or persons entitled to privacy in the private place, a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events in the private place;

(c) installs or uses outside of a private place a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in the private place that would not ordinarily be audible, visible, or comprehensible outside the private place, without the consent of the person or persons entitled to privacy in the private place; or

(d) uses ground-penetrating technology, without the consent of the property owner, to detect, observe, measure, map, or otherwise capture information or data about the property or characteristics of the property of another for which the property owner has an expectation of privacy.

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

(4) A court may order an actor who commits a violation of Subsection (2) to remove or destroy any data collected by the actor in the commission of the violation of Subsection (2).

(5) An actor is not guilty of a violation of this section if:

(a) the device used is an unmanned aircraft;

(b) the actor is operating the unmanned aircraft for legitimate commercial or educational purposes in a manner consistent with applicable Federal Aviation Administration rules, exemptions, or other authorizations; and

(c) any conduct described in Subsection (2) that occurs via the unmanned aircraft is solely incidental to the lawful commercial or educational use of the unmanned aircraft.

(6) A property owner has an expectation of property privacy regarding characteristics, data, or information pertaining to the owner's property that:

(a) is not immediately apparent through routine visual observation of the property; and

(b) requires ground-penetrating technology to detect, observe, measure, map, or otherwise capture information or data about the property or characteristics of the property.

(7)

(a) This section does not apply to lawful practices of:

(i) a law enforcement agency; or

(ii) another government entity.

(b) Subsection (2)(d) does not apply to a land surveyor if:

(i) the land surveyor is performing a survey service in good faith pursuant to a bona fide contract; and

(ii) for any data pertaining to property not owned by a party to the contract described in Subsection (7)(b)(i) that is captured incidentally by the land surveyor, the land surveyor:

(A) does not share, publish, sell, or distribute any incidentally captured data pertaining to property that is not relevant to the contract described in Subsection (7)(b)(i); and

(B) upon completion of the contract, deletes or destroys any data pertaining to property that is not the subject of the contract.

(8)

(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.

(b) If in the action described in Subsection (8)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.

(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.

(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.

(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-303 Unlawful interception or disclosure of a private communication.

(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits unlawful interception or disclosure of a private communication if, except as authorized by law, the actor:

(a) intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; or

(b) divulges, without consent of the sender or receiver, the existence or contents of a message described in Subsection (2)(a), if the actor:

(i) knows that the message described in Subsection (2)(a) was illegally intercepted; or

(ii) learned of the message described in Subsection (2)(a) in the course of employment with an agency engaged in the transmission of the message.

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

(4) Subsection (2)(a) does not apply to:

(a) overhearing a message through a regularly installed instrument on a telephone party line or on an extension; or

(b) intercepting a message by a telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use.

(5)

(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.

(b) If in the action described in Subsection (5)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.

(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.

(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.

(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-304 Unlawful use of another's personal identity in an advertisement.

(1) Terms defined in Sections 45-3-2, 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits unlawful use of another's personal identity in an advertisement if the actor knowingly or intentionally causes the publication of an advertisement in which the personal identity of an individual is used in a manner that expresses or implies that the individual approves, endorses, has endorsed, or will endorse the specific subject matter of the advertisement without the consent for such use by the individual.

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

(4) It is an affirmative defense that the actor who caused the publication of the advertisement reasonably believed that the individual whose personal identity was to be used had consented to the use of the individual's personal identity.

(5)

(a) Upon conviction of an offense under this section, unless waived by the victim, the court shall order that, within 30 days of the conviction, the actor convicted shall issue a public apology or retraction to whomever received the advertisement.
(b) The apology or retraction described in Subsection (5)(a) shall be of similar size and placement as the original advertisement.
(6) Nothing in this section prohibits a civil action under Title 45, Chapter 3, Abuse of Personal Identity Act.
(7)
(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.
(b) If in the action described in Subsection (7)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.
(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.
(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.
(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-305 Unlawful installation of a tracking device.
(1)
(a) As used in this section:
(i) "Motor vehicle" means the same as that term is defined in Subsection 41-12a-103(4).
(ii) "Private investigator" means an individual who is:
(A) licensed as a private investigator under Title 53, Chapter 9, Private Investigator Regulation Act; and
(B) acting in the capacity of a private investigator.
(iii) "Protective order" means a protective order, stalking injunction, or restraining order issued by a court of any jurisdiction.
(iv)
(A) "Tracking device" means a device used for the primary purpose of revealing the device's location or movement by the transmission or recording of an electronic signal.
(B) "Tracking device" does not include location technology installed on a vehicle by the vehicle manufacturer or a commercial vehicle dealer that transmits electronic signals for the purpose of data collection, if the data collection is anonymized.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful installation of a tracking device if the actor knowingly installs, or directs another to install, a tracking device on a motor vehicle owned or leased by another person, without the permission of the owner or lessee of the vehicle.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) An actor does not commit a violation of Subsection (2) if the actor:
(a)
(i) is a licensed private investigator installing the tracking device for a legitimate business purpose; and

(ii) installs the tracking device on a motor vehicle that is not:
(A) owned or leased by an individual under the protection of a protective order; or
(B) operated by an individual under the protection of a protective order who resides with, or is an immediate family member of, the owner or lessee of the motor vehicle; or
(b) installs the tracking device pursuant to a court order.
(5) This section does not apply to a peace officer, acting in the peace officer's official capacity, who installs a tracking device on a motor vehicle in the course of a criminal investigation or pursuant to a court order.
(6) Before installing a tracking device on a motor vehicle under Subsection (4), a private investigator shall request confirmation from a state entity with access to updated protective order records, that:
(a) the owner or lessee of the vehicle is not under the protection of a protective order; and
(b) an individual who resides with, or is an immediate family member of, the owner or lessee of the motor vehicle is not under the protection of a protective order.
(7) On request from a licensed private investigator, a state entity, including a law enforcement agency, with access to protective order records shall confirm or deny the existence of a protective order, disclosing only whether an individual named by the private investigator is under the protection of a protective order issued in any jurisdiction.
(8) A private investigator may not disclose the information obtained under Subsection (7) to any person, except as permitted by law.
(9) On request from the Bureau of Criminal Identification, a private investigator who installs a tracking device on a motor vehicle shall disclose the purpose of the tracking device to the Bureau of Criminal Identification.
(10)
(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.
(b) If in the action described in Subsection (10)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.
(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.
(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.
(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-306 Voyeurism.
(1)
(a) As used in this section, "sex-designated privacy space" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits voyeurism if:
(a) the actor views, or attempts to view, an individual, with or without the use of an instrumentality:

(i) with the intent of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
(ii) without the knowledge or consent of the individual; and
(iii) under circumstances in which the individual has a reasonable expectation of privacy; and
(b) the actor's conduct described in Subsection (2)(a) does not amount to a violation of Section 76-12-307, Recorded or photographed voyeurism.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the violation is committed:
(i) against a child under 14 years old;
(ii) in a sex-designated privacy space that is not designated for individuals of the actor's sex; or
(iii) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) loitering in a privacy space under Section 76-12-309.
(4) For purposes of this section, an individual has a reasonable expectation of privacy within a public restroom.

Enacted by Chapter 173, 2025 General Session

76-12-307 Recorded or photographed voyeurism.
(1)
(a) As used in this section, "sex-designated privacy space" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits recorded or photographed voyeurism if the actor intentionally uses any type of technology to secretly or surreptitiously record, by video, photograph, or other means, an individual:
(a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
(b) without the knowledge or consent of the individual; and
(c) under circumstances in which the individual has a reasonable expectation of privacy.
(3)
(a) Except as provided in Subsection(3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the violation is committed:
(i) against a child under 14 years old;
(ii) in a sex-designated privacy space that is not designed for individuals of the actor's sex; or
(iii) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) loitering in a privacy space under Section 76-12-309.

(4) For purposes of this section, an individual has a reasonable expectation of privacy within a public restroom.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-308 Distribution of images obtained through voyeurism.

(1)
(a) As used in this section, "image" includes print, electronic, magnetic, or digital format.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits distribution of images obtained through voyeurism if the actor distributes or sells an image obtained by conduct in violation of Section 76-12-307, Recorded or photographed voyeurism, by transmission, display, or dissemination.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the image is of a child under 14 years old.

Enacted by Chapter 173, 2025 General Session

76-12-309 Loitering in a privacy space.

(1)
(a) As used in this section:
(i) "Privacy space" means the following in which an individual has a reasonable expectation of privacy:
(A) a restroom or any other space that includes a toilet;
(B) a dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space; or
(C) any room or space that includes a shower.
(ii) "Sex-designated" means that a facility, program, or event is designated specifically for males or females and not the opposite sex.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits the offense loitering in a privacy space if the actor intentionally or knowingly remains unlawfully in a privacy space.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor commits the offense:
(i) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) voyeurism under Section 76-12-306;
(E) recorded or photographed voyeurism under Section 76-12-307; or
(F) distribution of images obtained through voyeurism under Section 76-12-308; or
(ii) in a sex-designated privacy space that is not designated for individuals of the actor's sex.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Involving Charitable Solicitations

76-12-401 Definitions.

As used in this part:

(1) "Person" means an individual, organization, group, association, partnership, corporation, or any combination of an individual, organization, group, association, partnership, or corporation.

(2)

(a) "Professional fund raiser" means a person:

(i) who, for compensation or any other consideration, plans, conducts, or manages in this state, the solicitation of contributions for or on behalf of a charitable organization or any other person; or

(ii) who engages in the business of, or holds the person's self out to persons in this state as, independently engaged in the business of soliciting contributions for such purpose.

(b) "Professional fund raiser" does not include a bona fide officer or employee of a charitable organization.

(3) "Professional solicitor" means a person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this state for charitable purposes.

(4) "Charitable organization" means an organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be benevolent, philanthropic, patriotic, or eleemosynary.

(5) "Contribution" means the promise or grant of money or property of any kind or value.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-402 Unlawful use of a person's name for soliciting contributions.

(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this section.

(2) An actor commits unlawful use of a person's name for soliciting contributions if the actor:

(a) is a charitable organization, professional fund raiser, or professional solicitor, seeking to raise funds for a charitable purpose; and

(b) uses the name of any other person for the purpose of soliciting a charitable contribution in this state without the written consent of the person.

(3) A violation of Subsection (2) is an infraction.

(4) This section does not apply to:

(a) a religious corporation, organization, charity, or agency; or

(b) an organization operated, supervised, or controlled by or in connection with a religious corporation or organization.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-403 Unlawful use of a person's name as a solicitation endorsement.

(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this section.

(2) An actor commits unlawful use of a person's name as a solicitation endorsement if, without written consent:

(a) the actor uses the name of a person on any stationery, advertisement, brochure, or correspondence of a charitable organization for the purpose of soliciting contributions; or

(b) the actor lists or refers to the person's name as a person who has contributed to, sponsored, or endorsed the charitable organization or the charitable organization's activities.
(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 13
Offenses Involving Cruelty to Animals

Part 1
General Provisions

76-13-101 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

76-13-102 Officer's authority to take possession of an animal -- Lien for care -- Humane destruction.
(1) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.
(2) A law enforcement officer may take possession of an animal being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for the animal or, upon permission from the owner, may destroy the animal.
(3)
(a) An officer caring for an animal under this section has a lien for the reasonable value of the care provided to the animal and, if applicable, the reasonable value for the destruction of the animal.
(b) A court, upon proof that the owner has been notified at least five days earlier of the lien and amount due, shall order the animal sold at public auction or destroyed.
(4)
(a) A law enforcement officer may humanely destroy an animal found suffering past recovery for any useful purpose.
(b) Before destroying the animal under Subsection (4)(a), the officer shall obtain:
(i) the judgment of a veterinarian or of two reputable citizens called by the officer to view the animal in the officer's presence, of the animal's nonrecoverable condition; or
(ii) consent to the destruction from the owner of the animal.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-103 Officer's authority at a dog fighting exhibition -- Authority to arrest and take possession of dogs and property.
(1) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.
(2) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where

preparations are being made for such an exhibition and, without a warrant, arrest all persons present.

(3)

(a) Notwithstanding the provisions of Section 76-13-102, Officer's authority to take possession of an animal, any authorized officer who makes an arrest under Subsection (2) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-13-202(2)(e) or Section 76-13-205, Dog fighting.

(b) The officer, at the time of the taking of property pursuant to Subsection (3)(a), shall state the officer's name and provide other identifying information to the person in charge of the dogs or property taken.

(4)

(a) After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (3), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.

(b) The affidavit shall include:

(i) the name of the person charged in the complaint;

(ii) a description of all property taken;

(iii) the time and place of the taking of the property;

(iv) the name of the person from whom the property was taken;

(v) the name of the person who claims to own the property, if known; and

(vi) a statement that the officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-13-202, 76-13-203, 76-13-204, or 76-13-205, and the grounds for the belief.

(5)

(a) The officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made.

(b) The person designated in Subsection (5)(a) shall assume immediate custody of the property, and retain the property until further order of the court.

(c) Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.

(d) If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-104 Enhanced penalties for cruelty to animal offenses.

(1)

(a) As used in this section, "conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

(2) Except as provided in Subsection (4), an actor who commits a violation of Section 76-13-202, 76-13-203, 76-13-206, or 76-13-208 within the state and on at least one previous occasion has

been convicted of violating Section 76-13-202, 76-13-203, 76-13-206, or 76-13-208 shall be subject to an enhanced penalty as provided in Subsection (3).
(3) The enhanced degree of offense for offenses committed under this section are:
(a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and
(b) if the offense is a class B misdemeanor, it is a class A misdemeanor.
(4) The penalty enhancements described in this section do not apply to a conviction for the offense described in Section 76-13-204, Torturing a companion animal.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2
Cruelty to Animal Offenses

76-13-201 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

76-13-202 Cruelty to an animal.
(1)
(a) As used in this section:
(i)
(A) "Abandon" means to intentionally deposit, leave, or drop off any live animal:
(I) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
(II) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
(B) "Abandon" does not include returning wildlife to its natural habitat.
(ii)
(A) "Animal" means, except as provided in Subsection (1)(a)(ii)(B), a live, nonhuman vertebrate creature.
(B) "Animal" does not include:
(I) a live, nonhuman vertebrate creature, if:
(Aa) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
(Bb) the creature is:
(Ii) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
(IIii) kept, owned, or used for the purpose of training hunting dogs or raptors; or
(IIIiii) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
(II) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;

(III) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or

(IV) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.

(iii) "Custody" means ownership, possession, or control over an animal.

(iv) "Legal privilege" means an act that:

(A) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and

(B) is not in violation of a local ordinance.

(v) "Livestock" means:

(A) domesticated:

(I) cattle;

(II) sheep;

(III) goats;

(IV) turkeys;

(V) swine;

(VI) equines;

(VII) camelidae;

(VIII) ratites; or

(IX) bison;

(B) domesticated elk, as defined in Section 4-39-102;

(C) a livestock guardian dog, as defined in Section 76-6-111; or

(D) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.

(vi) "Necessary food, water, care, or shelter" means the following, taking into account the species, age, and physical condition of the animal:

(A) appropriate and essential food and water;

(B) adequate protection, including appropriate shelter, against extreme weather conditions; and

(C) other essential care.

(vii) "Torture" means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.

(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) Except as provided in Subsection (4), an actor commits cruelty to an animal if the actor, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:

(a) fails to provide necessary food, water, care, or shelter for an animal in the actor's custody;

(b) abandons an animal in the actor's custody;

(c) injures an animal;

(d) causes an animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or

(e) causes an animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor if committed intentionally or knowingly; or

(b) a class C misdemeanor if committed recklessly or with criminal negligence.

(4) If an actor's conduct in violation of this section also constitutes a violation of Section 76-13-203, Aggravated cruelty to an animal, or Section 76-13-204, Torturing a companion animal, the actor's conduct shall be prosecuted under either Section 76-13-203 or 76-13-204 as applicable.
(5) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  (a) by a licensed veterinarian using accepted veterinary practice;
  (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  (c) permitted under Section 18-1-3;
  (d) by an actor who humanely destroys an animal found suffering past recovery for any useful purpose; or
  (e) by an actor who humanely destroys an apparently abandoned animal found on the actor's property.
(6) For purposes of Subsection (5)(d), before destroying the suffering animal, the actor who is not the owner of the animal shall obtain:
  (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  (b) the judgment of two other persons called by the actor to view the unrecoverable condition of the animal in the actor's presence;
  (c) the consent from the owner of the animal to the destruction of the animal; or
  (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the actor's own observation, if the actor is in a location or circumstance where the actor is unable to contact another person.
(7) This section does not affect or prohibit:
  (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  (c) the lawful hunting of, fishing for, or trapping of, wildlife.
(8) County and municipal governments may not prohibit the use of an electronic locating or training collar.
(9) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
  (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
  (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
(10) This section does not prohibit the use of animals in lawful training.
(11) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-203 Aggravated cruelty to an animal.

(1)
(a) As used in this section:
(i) "Animal" means the same as that term is defined in Section 76-13-202.
(ii) "Custody" means the same as that term is defined in Section 76-13-202.
(iii) "Legal privilege" means the same as that term is defined in Section 76-13-202.
(iv) "Torture" means the same as that term is defined in Section 76-13-202.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits aggravated cruelty to an animal if the actor:
(a) tortures an animal;
(b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
(c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor if committed intentionally or knowingly;
(b) a class B misdemeanor if committed recklessly; or
(c) a class C misdemeanor if committed with criminal negligence.
(4) If an actor's conduct in violation of this section also constitutes a violation of Section 76-13-204, Torturing a companion animal, the actor's conduct shall be prosecuted under Section 76-13-204.
(5) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) performed by an actor who humanely destroys an animal found suffering past recovery for any useful purpose; or
(e) performed by an actor who humanely destroys an apparently abandoned animal found on the actor's property.
(6) For purposes of Subsection (5)(d), before destroying the suffering animal, an actor who is not the owner of the animal shall obtain:
(a) the judgment of a veterinarian of the animal's nonrecoverable condition;
(b) the judgment of two other individuals called by the actor to view the unrecoverable condition of the animal in the actor's presence;
(c) the consent from the owner of the animal to the destruction of the animal; or
(d) a reasonable conclusion that the animal's suffering is beyond recovery, through the actor's own observation, if the actor is in a location or circumstance where the actor is unable to contact another individual.
(7) Upon conviction under this section, the court may in the court's discretion, in addition to other penalties:
(a) order the actor to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;

(b) require the actor to forfeit any rights the actor has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person in caring for each animal subjected to violation of this section;
(c) order the actor to no longer possess or retain custody of any animal, as specified by the court, during the period of the actor's probation or parole or other period as designated by the court; and
(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
(8) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Enacted by Chapter 173, 2025 General Session

76-13-204 Torturing a companion animal.
(1)
(a) As used in this section:
(i) "Animal" means the same as that term is defined in Section 76-13-202.
(ii) "Companion animal" means an animal that is a domestic dog or a domestic cat.
(iii) "Custody" means the same as that term is defined in Section 76-13-202.
(iv) "Torture" means the same as that term is defined in Section 76-13-202.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits torturing a companion animal if the actor intentionally or knowingly tortures a companion animal.
(3) A violation of Subsection (2) is a third degree felony.
(4) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved; or
(c) permitted under Section 18-1-3.
(5) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
(a) order the actor to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
(b) require the actor to forfeit any rights the actor has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person in caring for each animal subjected to violation of this section;
(c) order the actor to no longer possess or retain custody of any animal, as specified by the court, during the period of the actor's probation or parole or other period as designated by the court; and
(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
(6) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Enacted by Chapter 173, 2025 General Session

76-13-205 Dog fighting.

(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) An actor commits dog fighting if the actor:

(a) owns, possesses, keeps, or trains a dog with the intent to engage the dog in an exhibition of fighting with another dog;

(b) causes a dog to fight with another dog or causes a dog to injure another dog for amusement or gain;

(c) ties, attaches, or fastens any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog;

(d) permits or allows any act that violates Subsection (2)(a), (b), or (c) on any premises under the actor's charge; or

(e) controls, aids, or abets any act that violates Subsection (2)(a), (b), or (c).

(3)

(a) A violation of Subsection (2) is a third degree felony.

(b) A fine imposed for a violation of Subsection (2) may not exceed $25,000.

(4) Possession of a breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia, together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsection (2)(b) or (c).

(5) Nothing in this section prohibits any of the following:

(a) the use of dogs for management of livestock by the owner, the owner's employees or agents, or any other person in the lawful custody of livestock;

(b) the use of dogs for hunting; or

(c) the training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-206 Attending a dog fight or related activity.

(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) An actor commits attending a dog fight or related activity if the actor knowingly or intentionally is:

(a) present as a spectator at a place, building, or tenement where preparations are being made for an exhibition of dog fighting;

(b) present at a dog fighting exhibition; or

(c) present for any other conduct that would be in violation of Section 76-13-205, Dog fighting.

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

Enacted by Chapter 173, 2025 General Session

76-13-207 Game fowl fighting.

(1)

(a) As used in this section:

(i) "Game fowl" means a fowl reared or used for fighting other fowl.

(ii) "Promote" means to engage in promoting, producing, or staging events or activities that involve game fowl fighting.

(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits game fowl fighting if the actor:
(a) intentionally causes a game fowl to fight with or attack another game fowl for the purpose of entertainment, sport, or contest; or
(b) promotes any activity that involves game fowl fighting, including promoting an activity that is a violation of Subsection (2)(a).
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor for the first violation;
(b) a class A misdemeanor for the second violation; or
(c) a third degree felony for a third or subsequent violation.
(4) This section does not prohibit the lawful use of livestock by the livestock owner, an employee or agent of the livestock owner, or a person in the lawful custody of livestock.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-208 Attending an organized animal fighting exhibition.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits attending an organized animal fighting exhibition if the actor is knowingly present:
(a) as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by Subsection 76-13-202(2)(d) or (e); or
(b) at an exhibition prohibited by Subsection 76-13-202(2)(d) or (e), regardless of whether an entrance fee has been charged.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-209 Endangering, injuring, or killing a public safety animal.
(1)
(a) As used in this section:
(i) "Handler" means an individual who uses a public safety animal to assist with duties of a public safety organization.
(ii) "Public safety animal" means an animal that a public safety organization:
(A) owns or uses under contract; and
(B) uses, or allows another public safety organization to use, to assist with duties of a public safety organization.
(iii) "Public safety organization" means a government entity that provides a law enforcement, firefighting, search and rescue, military, or other public safety service.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits endangering, injuring, or killing a public safety animal if the actor intentionally or knowingly:
(a) causes the death of a public safety animal;
(b) causes bodily injury to a public safety animal;
(c) engages in conduct likely to cause bodily injury or death to a public safety animal; or
(d) lays out, places, or administers any poison, trap, substance, or object that is likely to produce bodily injury or death to a public safety animal.
(3)
(a) A violation of Subsection (2)(a) is a second degree felony.

(b) A violation of Subsection (2)(b), (c), or (d) is a third degree felony.

(4)

(a) A public safety animal is exempt from quarantine or other animal control ordinances if the public safety animal bites an individual while under proper supervision by a public safety organization or during routine veterinary care.

(b) The public safety organization and the public safety animal's handler shall make the public safety animal available for examination at a reasonable time and shall notify the local health officer if the public safety animal exhibits any abnormal behavior.

(5) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owning or employing public safety organization or individual owner of the public safety animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-210 Interference with a public safety animal.

(1)

(a) As used in this section:

(i) "Handler" means the same as that term is defined in Section 76-13-209.

(ii) "Public safety animal" means the same as that term is defined in Section 76-13-209.

(iii) "Public safety organization" means the same as that term is defined in Section 76-13-209.

(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) An actor commits interference with a public safety animal if the actor intentionally or knowingly:

(a) taunts, torments, strikes, or otherwise assaults a public safety animal;

(b) throws an object or substance at, or in the path of, a public safety animal;

(c) interferes with or obstructs a public safety animal, or attempts to, or interferes with the handler of the public safety animal in a manner that inhibits, restricts, or deprives the handler of control of the public safety animal;

(d) releases a public safety animal from the public safety animal's area of control, including a vehicle, kennel, or pen, or trespasses in that area; or

(e) places any food, object, or substance into a public safety animal's area of control without the permission of the handler.

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

(4) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owning or employing public safety organization or individual owner of the public safety animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

Enacted by Chapter 173, 2025 General Session

76-13-211 Injuring, harassing, or endangering a service animal.

(1)

(a) As used in this section:

(i) "Disability" means the same as that term is defined in Section 26B-6-801.

(ii) "Search and rescue dog" means a dog:

(A) with documented training to locate individuals who are:

(I) lost, missing, or injured; or

(II) trapped under debris as the result of a natural or man-made event; and

(B) affiliated with an established search and rescue dog organization.
(iii) "Service animal" means:
(A) a service animal as that term is defined in Section 26B-6-801; or
(B) a search and rescue dog.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits injuring, harassing, or endangering a service animal if the actor:
(a) knowingly, intentionally, or recklessly causes substantial bodily injury or death to a service animal;
(b) owns, keeps, harbors, or exercises control over an animal and knowingly, intentionally, or recklessly fails to exercise sufficient control over the animal to prevent the animal from:
(i) causing substantial bodily injury to or the death of a service animal;
(ii) causing a service animal's subsequent inability to function as a service animal as a result of the animal's attacking, chasing, or harassing the service animal; or
(iii) chasing or harassing a service animal while the service animal is carrying out the service animal's functions as a service animal, to the extent that the animal temporarily interferes with the service animal's ability to carry out the service animal's functions; or
(c) chases or harasses a service animal.
(3)
(a) A violation of Subsection (2)(a), (2)(b)(i), or (2)(b)(ii) is a class A misdemeanor.
(b) A violation of Subsection (2)(b)(iii) or (2)(c) is a class B misdemeanor.
(4)
(a) A service animal is exempt from quarantine or other animal control ordinances if the service animal bites an individual while the service animal is subject to an offense under Subsection (2).
(b) The owner of the service animal or the individual with a disability whom the service animal serves shall make the service animal available for examination at a reasonable time and shall notify the local health officer if the service animal exhibits any abnormal behavior.
(5) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owner of the service animal or the individual with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.
(6) If the act committed under this section amounts to an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-212 Allowing a vicious animal to go at large.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits allowing a vicious animal to go at large if:
(a) the actor is an owner of a vicious animal, knowing the animal's propensities, and:
(i) willfully allows the animal to go at large; or
(ii) keeps the animal without ordinary care; and
(b) the animal, while at large, or while not kept with ordinary care, causes injury to or the death of another animal or a human being who has taken reasonable precautions under the circumstances.
(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the animal causes the death of a human being.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-213 Bestiality.

(1)
(a) For purposes of this section:
(i) "Animal" means any live, nonhuman vertebrate creature, including fowl.
(ii) "Sexual activity" means physical sexual contact:
(A) between the actor and the animal involving the genitals of the actor and the genitals of the animal;
(B) the genitals of the actor or the animal and the mouth or anus of the actor or the animal; or
(C) through the actor's use of an object in contact with the genitals or anus of the animal.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits bestiality if the actor engages in sexual activity with an animal with the intent to sexually gratify the actor.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-214 Harassment of livestock.

(1)
(a) As used in this section:
(i) "Livestock" means the same as that term is defined in Section 76-13-202.
(ii) "Unmanned aircraft system" means the same as that term is defined in Section 72-10-102.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits harassment of livestock if the actor intentionally, knowingly, or recklessly chases, with the intent of causing distress, or harms livestock through the use of:
(a) a motorized vehicle or all-terrain vehicle;
(b) a dog; or
(c) an unmanned aircraft system.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor if:
(i) no livestock is seriously injured or killed as a result of the actor's actions; or
(ii) the actor's actions cause the livestock to be displaced onto property where the livestock is not legally entitled to be.
(b) A violation of Subsection (2) is a class A misdemeanor if:
(i) the offense is the actor's second or subsequent offense;
(ii) livestock is seriously injured or killed as a result of the actor's actions; or
(iii) livestock or property suffered damage in excess of $1,000, including money spent in recovering the livestock, as a result of the actor's actions.
(4) An actor does not commit a violation of Subsection (2) if:
(a) the actor is:

(i) the owner of the livestock;
(ii) an employee or agent of the owner, or otherwise acting under the owner's general direction or with the owner's permission;
(iii) acting in an emergency situation to prevent damage to the livestock or property; or
(iv) an employee or agent of the state or a political subdivision and acting in the employee or agent's official capacity; or
(b) the action is in line with generally accepted animal husbandry practices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-215 Failure of an animal care facility to maintain required standards.

(1)
(a) As used in this section:
(i) "Animal care facility" means an animal rescue, animal sanctuary, or animal shelter.
(ii) "Animal rescue" means a person that:
(A) accepts companion animals for the purpose of finding a permanent home for each companion animal;
(B) does not maintain a central facility for keeping companion animals; and
(C) uses a system of temporarily fostering the companion animals in a private residence or boarding facility.
(iii) "Animal sanctuary" means a nonprofit entity, other than a government entity, that:
(A) harbors companion animals; and
(B) is used exclusively for the purpose of indefinitely caring for, rehabilitating, or housing companion animals.
(iv)
(A) "Animal shelter" means the same as that term is defined in Section 11-46-102.
(B) "Animal shelter" does not include an animal rescue.
(v) "Boarding facility" means a facility where a companion animal is kept for the purpose of caring for the companion animal.
(vi) "Companion animal" means an animal that is a domestic dog or a domestic cat.
(vii) "Facility" means a location other than a private residence.
(2) An actor commits failure of an animal care facility to maintain required standards if the actor:
(a) is an animal care facility; and
(b) fails to:
(i) ensure that:
(A) a female dog does not produce more than one litter in any twelve-month period, unless a licensed veterinarian has examined the female dog and has determined that it is safe for the dog to produce more than one litter in a twelve-month period; or
(B) a dog under eight weeks old or a dog not properly weaned is not sold; or
(ii) keep records:
(A) identifying, to the best of the animal care facility's knowledge, an animal's owner at the time the animal care facility acquires the animal; or
(B) documenting dangerous behaviors, if any, heath conditions, and medical care for an animal in the animal care facility's possession.
(3) A violation of Subsection (2) is an infraction subject to a fine of $750.
(4) A prosecution under this section does not preclude a prosecution for any other criminal offense.
(5) It is a defense to a prosecution under this section that the conduct of the actor toward the animal was:

(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) performed by a person who humanely destroys an animal found suffering past recovery for any useful purpose; or
(e) performed by a person who humanely destroys an apparently abandoned animal found on the person's property.
(6) This section does not prohibit the use of animals in lawful training.
(7) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement or the Department of Agriculture and Food in accordance with Section 4-2-903 may not be held civilly liable for making the report.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 14
Offenses Related to Immigration Status

Part 1
General Provisions

76-14-101 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Offenses Related to Immigration Status

76-14-201 Definitions.
As used in this part:
(1) "Alien" means an individual who is not a citizen or national of the United States.
(2) "ICE" means the federal Immigration and Customs Enforcement agency of the United States Department of Homeland Security.
(3) "Law enforcement officer" has the same meaning as in Section 53-13-103.
(4) "SAVE program" means the federal Systematic Alien Verification for Entitlements program operated by the federal Department of Homeland Security.
(5) "State or local governmental agency" includes a private contractor or vendor that contracts with the agency to provide the agency's functions or services.
(6) "Verify immigration status" or "verification of immigration status" means the determination of an individual's immigration status by:
(a) a law enforcement officer who is authorized by a federal agency to determine an alien's immigration status; or

(b) the United States Department of Homeland Security, ICE, or other federal agency authorized to provide immigration status as provided by 8 U.S.C. Sec. 1373(c).

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-202 Detention or arrest -- Determination of immigration status.

(1)

(a) Except as provided in Subsection (1)(b), (c), or (d), a law enforcement officer who, acting in the enforcement of a state law or local ordinance, conducts a lawful stop, detention, or arrest of an individual as specified in Subsection (1)(a)(i) or (ii), and the individual is unable to provide to the law enforcement officer a document listed in Subsection 76-14-203(1) and the law enforcement officer is otherwise unable to verify the identity of the individual, the law enforcement officer:

(i) shall request verification of the citizenship or the immigration status of the individual under 8 U.S.C. Sec. 1373(c), except as allowed under Subsection (1)(b), (c), or (d), if the individual is arrested for an alleged offense that is a class A misdemeanor or a felony; and

(ii) may attempt to verify the immigration status of the individual, except as exempted under Subsection (1)(b), (c), or (d), if the alleged offense is a class B or C misdemeanor, except that if the individual is arrested and booked for a class B or C misdemeanor, the arresting law enforcement officer or the law enforcement agency booking the individual shall attempt to verify the immigration status of the individual.

(b) In individual cases, the law enforcement officer may forego the verification of immigration status under Subsection (1)(a) if the determination could hinder or obstruct a criminal investigation.

(c) Subsection (1)(a) does not apply to a law enforcement officer who is acting as a school resource officer for an elementary or secondary school.

(d) Subsection (1)(a) does not apply to a county or municipality when it has only one law enforcement officer on duty and response support from another law enforcement agency is not available.

(2) When a law enforcement officer makes a lawful stop, detention, or arrest under Subsection (1) of the operator of a vehicle, and while investigating or processing the primary offense, the law enforcement officer makes observations that give the law enforcement officer reasonable suspicion that the operator or any of the passengers in the vehicle are violating Section 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310, 76-5-310.1, or 76-14-209, which concern smuggling, human trafficking, or transporting illegal aliens, the law enforcement officer shall, to the extent possible within a reasonable period of time:

(a) detain the occupants of the vehicle to investigate the suspected violations; and

(b) inquire regarding the immigration status of the occupants of the vehicle.

(3) When an individual under Subsection (1) is arrested or booked into a jail, juvenile detention facility, or correctional facility, the arresting officer or the booking officer shall ensure that a request for verification of immigration status of the arrested or booked individual is submitted as promptly as is reasonably possible.

(4) The law enforcement agency that has custody of an individual verified to be an illegal alien shall request that the United States Department of Homeland Security issue a detainer requesting transfer of the illegal alien into federal custody.

(5) A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the constitutions of the United States and this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-203 Grounds for presumption of lawful presence in United States -- Statement to officer.

(1) An individual is presumed to be lawfully present in the United States for the purposes of this chapter if the individual provides one of the following documents to the law enforcement officer, unless the law enforcement officer has a reasonable suspicion that the document is false or identifies an individual other than the individual providing the document:
  (a) a valid Utah driver license issued on or after January 1, 2010;
  (b) a valid Utah identification card issued under Section 53-3-804 and issued on or after January 1, 2010;
  (c) a valid tribal enrollment card or other valid form of tribal membership identification that includes photo identification;
  (d) a valid identification document that:
    (i) includes a photo or biometric identifier of the holder of the document; and
    (ii) is issued by a federal, state, or local governmental agency that requires proof or verification of legal presence in the United States as a condition of issuance of the document; or
  (e) a valid resident immigrant permit issued under Section 63G-14-204.
(2) An individual is presumed to be a citizen or national of the United States for purposes of this part if the individual makes a statement or affirmation to the law enforcement officer that the individual is a United States citizen or national, unless the officer has a reasonable suspicion that the statement or affirmation is false.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-204 Illegal alien -- Notification of federal government -- Transportation to federal facility.

A state or local law enforcement agency may securely transport an alien who is in the agency's custody and whom the agency has verified is unlawfully present in the United States to:
(1) a federal detention facility in this state; or
(2) with the concurrence of the receiving federal agency, to a federal facility or other point of transfer to federal custody that is outside this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-205 Enforcement of federal immigration laws.

A state or local governmental agency of this state, or a representative of the agency, may not:
(1) limit or restrict by ordinance, regulation, or policy the authority of a law enforcement agency or other governmental agency to assist the federal government in the enforcement of any federal law or regulation governing immigration; or
(2) limit or restrict by ordinance, regulation, or policy the authority of a law enforcement agency to investigate or enforce a violation of the federal misdemeanor offenses of willful failure to register as an alien or willful failure to personally possess an alien registration document as required by 8 U.S.C. Sec. 1304(e) or 1306(a).

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-206 Determining an alien's immigration status -- Transfer or maintenance of information.

Except as limited by federal law, a state or local governmental agency is not restricted or prohibited in any way from sending, receiving, or maintaining information related to the lawful or unlawful immigration status of an individual by communicating with a federal, state, or local governmental entity for a lawful purpose, including:

(1) determining an individual's eligibility for a public benefit, service, or license provided by a federal agency, by this state, or by a political subdivision of this state;

(2) confirming an individual's claim of residence or domicile if determination is required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this state;

(3) if the individual is an alien, determining if the individual is in compliance with the federal registration laws of Title II, Part 7, Immigration and Nationality Act; or

(4) a valid request for verification of the citizenship or immigration status of an individual pursuant to 8 U.S.C. Sec. 1373.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-207 Proof of immigration status required to receive public benefits.

(1)

(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec. 1621 shall comply with Section 63G-12-402 and shall also comply with this section, except:

(i) as provided in Subsection 63G-12-402(3)(g) or (k); or

(ii) when compliance is exempted by federal law or when compliance could reasonably be expected to be grounds for the federal government to withhold federal Medicaid funding.

(b) The agency shall verify an individual's lawful presence in the United States by requiring that the applicant under this section sign a certificate under penalty of perjury, stating that the applicant:

(i) is a United States citizen; or

(ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.

(c) The certificate under Subsection (1)(b) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(d) The signature under this Subsection (1) may be executed in person or electronically.

(e) When an applicant who is a qualified alien has executed the certificate under this section, the applicant's eligibility for benefits shall be verified by the agency through the federal SAVE program or an equivalent program designated by the United States Department of Homeland Security.

(2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in a certificate executed under this section is guilty of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1.

(3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency requiring the certificate shall file a complaint with the United States Attorney for the applicable federal judicial district based upon the venue in which the certificate was executed.

(4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to the requirements of the provisions of this section that provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state.

(5) If an agency under Subsection (1) receives verification that an individual making an application for a benefit, service, or license is not a qualified alien, the agency shall provide the information

to the local law enforcement agency for enforcement of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless prohibited by federal mandate.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-208 Implementation to be consistent with federal law and civil rights.

All state and local agencies shall implement this part in a manner that is consistent with federal laws that regulate immigration, protect the civil rights of all individuals, and establish the privileges and immunities of United States citizens.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-209 Transporting or harboring an alien.

(1)

(a) As used in this section:

(i) Except as provided in Subsection (1)(a)(ii), "alien" means an individual who is illegally present in the United States.

(ii) On or after the program start date, as defined in Section 63G-12-102, "alien" does not include an individual who holds a valid permit, as defined in Section 63G-12-102.

(b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this section.

(2) An actor commits transporting or harboring an alien if the actor:

(a) transports, moves, or attempts to transport into this state or within the state an alien for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law, in furtherance of the illegal presence of the alien in the United States;

(b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or shelters from detection an alien in a place within this state, including a building or means of transportation for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law;

(c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in reckless disregard of the fact that the alien's coming to, entry, or residence is or will be in violation of law; or

(d) engages in a conspiracy, for commercial advantage or private financial gain, to commit any of the offenses listed in Subsection (2)(a), (b), or (c).

(3)

(a) A violation of Subsection (2)(a), (c), or (d) is a third degree felony.

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

(4) Nothing in this section prohibits or restricts the provision of:

(a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or

(b) charitable or humanitarian assistance, including medical care, housing, counseling, food, victim assistance, religious services and sacraments, or transportation to and from a location where the assistance is provided, by a charitable, educational, or religious organization or the employees, agents, or volunteers of a charitable, educational, or religious organization, using private funds.

(5)

(a) It is not a violation of this section for a religious denomination or organization or an agent, officer, or member of a religious denomination or organization to encourage, invite, call, allow, or enable an alien to perform the vocation of a minister or missionary for the denomination

or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses.

(b) Subsection (5)(a) applies only to an alien who has been a member of the religious denomination or organization for at least one year.

(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident Immigrant Program Act, either as a sponsor or resident alien, does not constitute encouraging or inducing an alien to come to, enter, or reside in this state in violation of Subsection (2)(c).

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 15
Explosives and Weapons of Mass Destruction

Part 1
General Provisions

76-15-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Explosives

76-15-201 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-15-202 Venue of prosecution for delivering for transmission an explosive, chemical, or incendiary device.

An actor who knowingly, intentionally, or recklessly delivers an explosive, chemical, or incendiary device to any person for transmission without the consent or direction of the lawful possessor may be prosecuted:

(1) in the county in which the actor delivers the explosive, chemical, or incendiary device; or

(2) in the county to which the explosive, chemical, or incendiary device is transmitted.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-203 Unlawful failure to mark a container of explosives before transportation or storage.

(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful failure to mark a container of explosives before transportation or storage if the actor knowingly leaves with or delivers to another, or to an express or railway company or other common carrier, or to a warehouse or storehouse, a package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped, or transported, without plainly marking and indicating on the package the name and nature of the contents inside the package.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-204 Unlawful construction or use of a powder house.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful construction or use of a powder house if the actor builds, constructs, or uses within 300 feet of a residence or traveled county road a powder house, magazine, or building in which powder, dynamite, or other explosive is kept in quantities exceeding 500 pounds.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to a magazine maintained at a mine or stone quarry.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-205 Unlawful failure to mark a container of a high explosive held for sale or use.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful failure to mark a container of a high explosive for sale or use if the actor:
  (a) sells or offers for sale, or takes or solicits orders of sale, or purchases or uses, or has on hand or in store for the purpose of sale or use, a giant, hercules, atlas, venture or any other high explosive containing nitroglycerin; and
  (b) fails to plainly stamp or print on each box or package and wrapper containing the high explosive:
    (i) the name and place of business of the person, partnership, or corporation by whom or by which the high explosive was manufactured;
    (ii) the exact and true date of the high explosive's manufacture; and
    (iii) the percentage of nitroglycerin or other high explosive contained within the box or package.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-206 Unlawful combination of dates in a box or package of high explosives.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful combination of dates in a box or package of high explosives if the actor puts two or more different dates on a box or package containing a giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-207 Unlawful reuse of a high explosive box, package, or wrapper.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful reuse of a high explosive box, package, or wrapper if the actor uses a box, package, or wrapper that was formerly used by another person in the packing of a giant, hercules, atlas, venture, or other high explosive containing nitroglycerin.
(3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-208 Unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper if:
  (a) the actor puts a giant, hercules, atlas, venture, or other explosive containing nitroglycerin inside a box or package; and
  (b) the name and date on the box or package do not match the name and date on the wrapper containing the high explosive.
(3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-209 Unlawful delivery or mailing of an explosive, chemical, or incendiary device.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful delivery or mailing of an explosive, chemical, or incendiary device if the actor:
  (a) delivers or causes to be delivered to an express or railway company or other common carrier, or to any person, an explosive, chemical, or incendiary device;
  (b) knows the explosive, chemical, or incendiary device to be an explosive, chemical, or incendiary device; and
  (c)
    (i) fails to inform the common carrier or person that the item is an explosive, chemical, or incendiary device; or
    (ii) sends the explosive, chemical, or incendiary device through the mail.
(3) A violation of Subsection (2) is a second degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-210 Unlawful conduct involving an explosive, chemical, or incendiary device.
(1)
  (a) As used in this section:
    (i)
      (A) "Explosive, chemical, or incendiary device" means:
        (I) dynamite and all other forms of high explosives, including water gel, slurry, military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, ammonium nitrate, fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding cords commonly called detonating cord, detcord, or primacord,

picric acid explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin mixtures, or any other chemical mixture intended to explode with fire or force;

(II) any explosive bomb, grenade, missile, or similar device; or

(III) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar device, including any device, except kerosene lamps, if criminal intent has not been established, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting the flammable liquid or compound or any breakable container which consists of, or includes a chemical mixture that explodes with fire or force and can be carried, thrown, or placed.

(ii) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.

(b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary device if, under circumstances not amounting to a violation of Part 2, Weapons of Mass Destruction, the actor:

(a) intentionally, knowingly, or recklessly:

(i) possesses or controls an explosive, chemical, or incendiary device; or

(ii) removes or causes to be removed or carries away an explosive, chemical, or incendiary device from the premises where the explosive, chemical, or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer, without the consent or direction of the lawful possessor; or

(b) intentionally or knowingly:

(i) uses or causes to be used an explosive, chemical, or incendiary device in the commission of or an attempt to commit a felony;

(ii) injures another or attempts to injure another person or another person's property through the use of an explosive, chemical, or incendiary device; or

(iii) transports, possesses, distributes, or sells any explosive, chemical, or incendiary device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, 76-11-218, or 78A-2-203.

(3)

(a) A violation of Subsection (2)(a) is a second degree felony.

(b) A violation of Subsection (2)(b) is a first degree felony.

(4) The provisions in Subsection (2)(a)(i) do not apply to:

(a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;

(b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;

(c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;

(d) a person possessing a valid license as an importer, wholesaler, display operator, special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and 53-7-223; or

(e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-211 Unlawful conduct involving an explosive, chemical, or incendiary part.

(1)

(a) As used in this section:

(i) "Explosive, chemical, or incendiary device" means the same as that term is defined in Section 76-15-210.

(ii)

(A) "Explosive, chemical, or incendiary part" means an explosive, chemical, or incendiary part substance or material, or combination of explosive, chemical, or incendiary part substances or materials, that has been prepared or altered for use in the creation of an explosive, chemical, or incendiary device.

(B) "Explosive, chemical, or incendiary part" does not include rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(iii) "Explosive, chemical, or incendiary part substance or material" includes:

(A) a timing device, clock, or watch that has been altered in such a manner as to be used as the arming device in an explosive;

(B) a pipe, end cap, or metal tubing that has been prepared for a pipe bomb; and

(C) a mechanical timer, mechanical trigger, chemical time delay, electronic time delay, or commercially made or improvised items that, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for an explosive, chemical, or incendiary device.

(b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary part if, under circumstances not amounting to a violation of Part 3, Weapons of Mass Destruction, the actor intentionally, knowingly, or recklessly possesses an explosive, chemical, or incendiary part.

(3) A violation of Subsection (2) is a third degree felony.

(4) The provisions in Subsection (2) do not apply to:

(a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;

(b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;

(c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;

(d) a person possessing a valid license as an importer, wholesaler, display operator, special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and 53-7-223; or

(e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Enacted by Chapter 173, 2025 General Session

Part 3
Weapons of Mass Destruction

76-15-301 Definitions.

As used in this part:

(1) "Biological agent" means a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or a naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or biological product, that is capable of causing:
  (a) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;
  (b) deterioration of food, water, equipment, supplies, or material of any kind; or
  (c) deleterious alteration of the environment.
(2) "Delivery system" means:
  (a) an apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or
  (b) a vector.
(3) "Hoax weapon of mass destruction" means a device or object that by the device's or object's design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction that does not:
  (a) meet the definition of a weapon of mass destruction; or
  (b) actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.
(4) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:
  (a) a poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or
  (b) a poisonous isomer or biological product, homolog, or derivative of the substance under Subsection (4)(a).
(5) "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.
(6)
  (a) "Weapon of mass destruction" means:
    (i) an item or instrumentality that is designed or intended to cause widespread death or serious bodily injury to multiple victims;
    (ii) an item or instrumentality that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or the precursors of toxic or poisonous chemicals;
    (iii) a disease organism, including a biological agent, toxin, or vector that is used or intended to be used as a weapon;
    (iv) an item or instrumentality that is designed to release radiation or radioactivity at a level dangerous to human life and that is used or intended to be used as a weapon; or
    (v) a substance or material or combination that has been prepared or altered for use in the creation of a weapon described in Subsections (6)(a)(i) through (iv).
  (b) "Weapon of mass destruction" does not include a firearm or rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-302 Unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction.

(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.

(2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a weapon of mass destruction or a delivery system for a weapon of mass destruction, including any biological agent, toxin, vector, or delivery system.

(3) A violation of Subsection (2) is a first degree felony.

(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

(5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-303 Unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction.

(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.

(2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a hoax weapon of mass destruction with the intent to deceive or otherwise mislead another person into believing that the hoax weapon of mass destruction is a weapon of mass destruction.

(3) A violation of Subsection (2) is a second degree felony.

(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

(5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 16
Offenses Concerning Business Practices

Part 1
General Provisions

76-16-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Corporation and Association Offenses

76-16-201 Definitions.

As used in this part:

(1) "Bona fide stockholder of record" means a stockholder of record who has acquired stock in good faith and is acting for a proper purpose reasonably related to the stockholder's interests as a stockholder.

(2) "Director" means a person having by law the direction or management of the affairs of a corporation, by whatever name the person is described in the corporation's charter or is known by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-202 Presumption of director's knowledge of affairs.

A director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of the corporation or association so as to enable the director to determine whether an act, proceeding, or omission of the corporation's or association's directors is a violation of this part.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-203 Presumption of director's concurrence in action if present at meeting -- Exception.

(1) Except as provided in Subsection (2), a director of a corporation or joint stock association who is present at a meeting of the directors at which an act, proceeding, or omission of the directors in violation of this part occurs is deemed to have concurred in the act, proceeding, or omission.

(2) A director is not deemed to have concurred in an act, proceeding, or omission of the directors if, at the time of the act, proceeding, or omission, the director:

(a) causes, or in writing requires, the director's dissent from the act, proceeding, or omission to be entered in the minutes of the directors; or

(b) forwards the director's dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-204 Foreign corporations subject to Utah laws.

It is no defense to a prosecution for a violation of this part that the corporation was created by the laws of another state, government, or country if the corporation is carrying on business or keeping an office within this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-205 Fraudulent signing of a stock subscription or agreement.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits fraudulent signing of a stock subscription or agreement if the actor:
  (a) signs the name of a fictitious person to a subscription for, or agreement to take, stock in a proposed or existing corporation; or
  (b) signs the name of any person to a subscription for, or agreement to take, stock in a proposed or existing corporation, knowing that the person has no means or does not intend in good faith to comply with all the terms of the subscription or agreement, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-206 Exhibition of a fraudulent document relating to a corporation or an increase of capital stock.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits exhibition of a fraudulent document relating to a corporation or an increase of capital stock if the actor:
  (a) is:
    (i) an officer, agent, or clerk of a corporation; or
    (ii) a person proposing to organize a corporation or to increase the capital stock of a corporation; and
  (b) knowingly exhibits a false, forged, or altered book, paper, voucher, security, or other instrument of evidence to a public officer or board authorized by law to examine the organization of the corporation, or to investigate the corporation's affairs, or to allow an increase of the corporation's capital, with the intent to deceive the officer or board with respect to the examination, investigation, or increase of capital.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-207 Misrepresentation of a person as an officer, agent, member, or promoter.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits misrepresentation of a person as an officer, agent, member, or promoter if the actor, without being authorized to do so, subscribes the name of another person to, or inserts the name of another person in, a prospectus, circular, or other advertisement or announcement of an existing corporation or joint stock association, existing or intended to be formed, with the intent to permit the prospectus, circular, or other advertisement or

announcement to be published, and thereby to lead persons to believe that the person whose name is included in the prospectus, circular, or other advertisement or announcement is an officer, agent, member, or promoter of the corporation or association.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-208 Illegal concurrence by a director in a dividend or division of capital.

(1)

(a) For purposes of this section, "director" does not include a director of:

(i) a savings and loan association; or

(ii) a building and loan association.

(b) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

(2) An actor commits illegal concurrence by a director in a dividend or division of capital if the actor:

(a) is a director of a stock corporation; and

(b) concurs in a vote or act of one or more directors of the corporation, which vote or act is intended to either:

(i) make a dividend except as permitted by Title 16, Chapter 10a, Utah Revised Business Corporation Act; or

(ii) divide, withdraw, or in any manner pay to one or more stockholders any part of the stated capital of the corporation except as permitted by Title 16, Chapter 10a, Utah Revised Business Corporation Act.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-209 Unlawful omission or entry in a corporate or association record with the intent to defraud.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

(2) An actor commits unlawful omission or entry in a corporate or association record with the intent to defraud if the actor:

(a) is:

(i) a director, officer, or agent of a corporation or association; or

(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and

(b) knowingly receives or possesses for the actor's self property of the corporation or association, otherwise than in payment of a just demand; and

(c) with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry of the property described in Subsection (2)(b) in the books or accounts of the corporation or association.

(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-210 Embezzlement, abstraction, or misapplication of corporate or association funds.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

(2) An actor commits unlawful embezzlement, abstraction, or misapplication of corporate or association funds if the actor:

(a) is:

(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) embezzles, abstracts, or willfully misapplies money, funds, or credits of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-211 Unlawful circulation of a corporate or association note.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful circulation of a corporation or association note if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) without the authority from a corporation's or association's directors, issues or puts in circulation a note of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-212 Unauthorized corporate or association action.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unauthorized corporate or association action if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) without having the authority to do so:
(i) issues or puts forth a certificate of deposit;
(ii) draws an order or bill of exchange;
(iii) makes an acceptance; or
(iv) assigns a note, bond, draft, bill of exchange, mortgage, judgment, or decree.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-213 False entry in a corporate or association book, report, or statement.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits false entry in a corporate or association book, report, or statement if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) makes a false entry in a corporate or association book, report, or statement, with the intent:
(i) to injure or defraud:
(A) the corporation or association;
(B) any other company;
(C) a body politic; or
(D) an individual person; or

(ii) to deceive:
(A) an officer of the corporation or association; or
(B) an agent appointed to examine the affairs of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-214 Unlawful stock issuance.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful stock issuance if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) issues fraudulent, fictitious, or illegal stock in the corporation or association, with the intent:
(i) to injure or defraud:
(A) the corporation or association;
(B) any other company;
(C) a body politic; or
(D) an individual person; or
(ii) to deceive:
(A) an officer of the corporation or association; or
(B) an agent appointed to examine the affairs of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-215 Making or publishing a report containing a false material statement.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits making or publishing a report containing a false material statement if the actor:
(a) is a director, officer, or agent of a corporation or joint stock association; and
(b) knowingly makes or concurs in making or publishing a written report, exhibit, or statement of the corporation's or association's affairs or pecuniary condition that contains a false material statement.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-216 Prohibited refusal of inspection or copying of corporate books.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits prohibited refusal of inspection or copying of corporate books if the actor:
(a) is an officer or agent of a corporation having or keeping an office within this state;
(b) has in the actor's custody or control the books of the corporation; and
(c) refuses to give to a bona fide stockholder of record or member of the corporation, lawfully demanded during office hours, the right to inspect or take a copy of all or part of the corporation's books.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Offenses Concerning Trademarks, Trade Names, and Devices

76-16-301 Definitions.

As used in this part:

(1) "Forged trademark," "forged trade name," "forged trade device," and "counterfeited trademark," "counterfeited trade name," "counterfeited trade device," or their equivalents include every alteration or imitation of a trademark, trade name, or trade device that resembles the original so as to be likely to deceive.

(2) "Trademark" or "trade name" or "trade device" includes every trademark registrable with the Division of Corporations and Commercial Code.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-302 Forging or counterfeiting a trademark, trade name, or trade device.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits forging or counterfeiting a trademark, trade name, or trade device if the actor:

(a) willfully forges or counterfeits, or procures to be forged or counterfeited, a trademark, trade name, or trade device, that:

(i) is usually affixed by a person to the person's goods, or by an association or union of working people to the association's or union's goods; and

(ii) has been filed with the Division of Corporations and Commercial Code; and

(b) performs the action described in Subsection (2)(a) with the intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed, or intended to be affixed, as the goods of the person or association or union of working people.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-303 Selling goods under a counterfeited trademark, trade name, or trade device.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits selling goods under a counterfeited trademark, trade name, or trade device if the actor:

(a) sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade device has been affixed, after the trademark, trade name, or trade device has been filed with the Division of Corporations and Commercial Code;

(b) intends to represent the goods as the genuine goods of another person; and

(c) knows the goods are counterfeited.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-304 Sale in a container bearing a registered trademark of a substituted article.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits sale in a container bearing a registered trademark of a substituted article if the actor:
  (a) has or uses a container or similar article that bears or is in any way connected with the registered trademark of another person; and
  (b) has or uses the container or article described in Subsection (2)(a) for the purpose of disposing, with intent to deceive or defraud, of an article or substance other than that which the container or similar article originally contained or was connected with by the owner of the trademark.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-305 Using, destroying, concealing, or possessing an article with a registered trademark or service mark to deprive the owner of use or possession.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits using, destroying, concealing, or possessing an article with a registered trademark or service mark to deprive the owner of use or possession if the actor, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, and with the intent to deprive the owner of the use or possession of the article:
  (a) uses, destroys, conceals, or possesses the article; or
  (b) defaces or otherwise conceals the trademark or service mark on the article.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to the transfer or use of a wooden box or the re-use of a burlap or cotton bag or sack when the bag or sack has been reversed inside out or the markings on the box, bag, or sack have been concealed or obliterated to effectively demonstrate that the product contained in the box, bag, or sack does not purport to be the product of the owner of the registered trademark or service mark that appeared on the box, bag, or sack.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-306 Selling, trafficking, or withholding an article bearing a registered trademark or service mark with intent to defraud.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits selling, trafficking, or withholding an article bearing a registered trademark or service mark with intent to defraud if the actor, without the consent of the owner of an article that bears the owner's validly registered trademark or service mark, and with the intent to defraud the owner of the article, knowingly:
  (a) sells or traffics the article; or
  (b) withholds the article from the article's owner.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-307 Use of a registered trademark without consent.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits use of a registered trademark without consent if the actor adopts or in any way uses a registered trademark owned by another person without the person's consent.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Concerning Unfair Market Discrimination

76-16-401 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-16-402 Unfair discrimination in competitive practices.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits unfair discrimination in competitive prices if the actor:

(a) is a person engaged in the production, manufacture, or distribution of a commodity in general use; and

(b) intentionally, for the purpose of destroying the competition of a regular, established dealer in the commodity, or to prevent the competition of a person who in good faith intends and attempts to become a dealer, discriminates between different sections, communities, or cities of this state by selling the commodity at a lower rate in one section, community, or city, or any portion of the section, community, or city, than the actor charges for the commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates.

(3) A violation of this section is subject to:

(a) a fine of not less than $500 and no more than $4,000 for each offense; and

(b) sanctions described in Subsection (4).

(4)

(a) If a complaint is made to the attorney general that a corporation has violated this section, the attorney general shall investigate the complaint, and for that purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents.

(b) If in the attorney general's opinion, sufficient grounds exist for a prosecution after an investigation under Subsection (4)(a), the attorney general may prosecute an action in the name of the state to annul the charter or revoke the license of the corporation, and to permanently enjoin the corporation from doing business in this state.

(c) If, in an action described in Subsection (4)(b), the court finds that the corporation is guilty of unfair discrimination under this section, the court shall annul the charter or revoke the license of the corporation and may permanently enjoin the corporation from transacting business in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-403 Fraudulent practice to affect market price.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits fraudulent practice to affect market price if the actor willfully makes or publishes a false statement, spreads a false rumor, or employs any other false or fraudulent means or device, with the intent to affect the market price of any kind of property.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor; and
(b) subject to a fine of not less than $500 and no more than $4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-404 Unfair discrimination by a buyer of milk, cream, or butterfat.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.
(2) An actor commits unfair discrimination by a buyer of milk, cream, or butterfat if the actor:
(a) is:
(i) a person doing business in this state that is engaged in the business of buying milk, cream, or butterfat for the purpose of sale or storage; or
(ii) an officer or agent of a person described in Subsection (2)(a)(i); and
(b) for the purpose of creating a monopoly or destroying the business of a competitor, discriminates between different sections, communities, localities, cities, or towns of this state by purchasing milk, cream, or butterfat at a higher price or rate in one section, community, location, city, or town than is paid for the same milk, cream, or butterfat by the actor in another section, community, locality, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor; and
(b) subject to a fine of not less than $500 and no more than $4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 5
Antitrust Offenses

76-16-501 Definitions.
As used in this part:
(1) "Attempt to monopolize" means action taken without a legitimate business purpose and with a specific intent of destroying competition or controlling prices to substantially lessen competition, or creating a monopoly, where there is a dangerous probability of creating a monopoly.
(2) "Attorney general" means the attorney general of the state or one of the attorney general's assistants.
(3) "Commodity" includes a product of the soil, an article of merchandise or trade or commerce, and any other kind of real or personal property.
(4) "Manufacturer" means the producer or originator of a commodity or service.
(5) "Service" includes an activity that is performed in whole or in part for the purpose of financial gain including, but not limited to, personal service, professional service, rental, leasing or licensing for use.

(6) "Trade or commerce" includes all economic activity involving, or relating to, a commodity, service, or business activity, including the cost of exchange or transportation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-502 Legislative findings -- Interpretation of part.

(1)

(a) The Legislature finds and determines that competition is fundamental to the free market system and that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic, political and social institutions.

(b) The purpose of this part is to encourage free and open competition in the interest of the general welfare and economy of this state by prohibiting monopolistic and unfair trade practices, combinations and conspiracies in restraint of trade or commerce and by providing adequate penalties for the enforcement of the part's provisions.

(2) The Legislature intends that the courts, in construing this part, will be guided by interpretations given by the federal courts to comparable federal antitrust statutes and by other state courts to comparable state antitrust statutes.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-503 Statute of limitations.

(1) An action brought by the attorney general pursuant to this part is barred if the action is not commenced within four years after the cause of action accrues.

(2) Any other action pursuant to this part is barred if the action is not commenced within four years after the cause of action accrues, or within one year after the conclusion of an action brought by the state pursuant to this act based in whole or in part on any matter complained of in the subsequent action, whichever is the latter.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-504 Exempt activities.

(1) This act may not be construed to prohibit:

(a) the activities of a public utility to the extent that those activities are subject to regulation by the public service commission, the state or federal department of transportation, the federal energy regulatory commission, the federal communications commission, the interstate commerce commission, or successor agencies;

(b) the activities of an insurer, insurance producer, independent insurance adjuster, or rating organization including, but not limited to, making or participating in joint underwriting or reinsurance arrangements, to the extent that those activities are subject to regulation by the commissioner of insurance;

(c) the activities of securities dealers, issuers, or agents, to the extent that those activities are subject to regulation under the laws of either this state or the United States;

(d) the activities of a state or national banking institution, to the extent that the activities are regulated or supervised by state government officers or agencies under the banking laws of this state or by federal government officers or agencies under the banking laws of the United States;

(e) the activities of a state or federal savings and loan association to the extent that those activities are regulated or supervised by state government officers or agencies under the banking laws of this state or federal government officers or agencies under the banking laws of the United States;
(f) the activities of a political subdivision to the extent authorized or directed by state law, consistent with the state action doctrine of federal antitrust law; or
(g) the activities of an emergency medical service provider licensed under Title 53, Chapter 2d, Emergency Medical Services Act, to the extent that those activities are regulated by state government officers or agencies under that act.

(2)
(a) The labor of a human being is not a commodity or article of commerce.
(b) Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of these organizations from lawfully carrying out the organizations' legitimate objects; nor may these organizations or membership in them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

(3)
(a) As used in this section, an entity is also a political subdivision if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:
(i) a project entity as defined in Section 11-13-103;
(ii) an electric interlocal entity as defined in Section 11-13-103; or
(iii) an energy services interlocal entity as defined in Section 11-13-103.
(b) The activities of the entities under Subsection (3)(a) are authorized or directed by state law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-505 Attorney general's powers -- Investigations -- Institution of actions -- Cooperation.

(1) The attorney general may investigate a suspected violation of this part and institute an appropriate action regarding the suspected violation as provided in this part.

(2)
(a) A violation of this part that comes to the attention of a state government officer or agency shall be reported to the attorney general.
(b) All state government officers and agencies shall cooperate with, and assist in, a prosecution for violation of this part.

(3) The attorney general may proceed under any antitrust laws in the state or federal courts on behalf of this state, any of the state's political subdivisions or agencies, or as parens patriae on behalf of natural persons in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-506 Civil antitrust investigations -- Demand for production of documents and responses to written interrogatories -- Oral examination -- Judicial order for compliance -- Confidentiality -- Subpoenas precluded.

(1) When the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of any information, including a document, material, or testimony, relevant to a civil antitrust investigation, the attorney general may, before the

commencement of a civil action, issue and cause to be served upon that person a written civil investigative demand requesting that person to:

(a) produce any document or material for inspection, copying, or reproduction by the state where the document or material is located or produced;

(b) give oral testimony under oath, concerning the subject of the investigation;

(c) respond to written interrogatories; or

(d) furnish any combination of these.

(2)

(a) Each demand shall state:

(i) the nature of the activities under investigation, constituting the alleged antitrust violation, which may result in a violation of this part and the applicable provision of law;

(ii) that the recipient is entitled to counsel;

(iii) that the information received in response to the demand may be used in a civil or criminal proceeding;

(iv) that if the recipient does not comply with the demand, the attorney general may compel compliance by appearance, upon reasonable notice to the recipient, before the court in the judicial district where the recipient resides or does business and only upon a showing before that court that the requirements of Subsection (7) have been met;

(v) that the recipient has the right at any time before the return date of the demand, or within 30 days, whichever period is shorter, to seek a court order determining the validity of the demand; and

(vi) that at any time during the proceeding the person may assert any applicable privilege.

(b) If the demand is for production of a document or material, the demand shall also:

(i) describe the document or material to be produced with sufficient definiteness and certainty as to permit the document or material to be fairly identified;

(ii) prescribe return dates that provide a reasonable period of time within which the document or material demanded may be assembled and made available for inspection and reproduction; and

(iii) identify the individual at the Office of the Attorney General to whom the document or material shall be made available.

(c) If the demand is for the giving of oral testimony, the demand shall also:

(i) prescribe the date, time, and place at which oral testimony shall be commenced;

(ii) state that an employee of the Office of the Attorney General shall conduct the examination; and

(iii) state that the recording or the transcript of the examination shall be submitted to and maintained by the Office of the Attorney General.

(d) If the demand is for responses to written interrogatories, the demand shall also:

(i) state that each interrogatory shall be answered separately and fully in writing and under oath, unless the person objects to the interrogatory, in which event the reasons for objection shall be stated in lieu of an answer;

(ii) state that the answers are to be signed by the person making them, and the objections are to be signed by the attorney making them;

(iii) identify by name and address the individual at the Office of the Attorney General on whom answers and objections provided under this Subsection (2)(d) are to be served; and

(iv) prescribe the date on or before which these answers and objections are to be served on the identified individual.

(3) The civil investigative demand may be served upon any person who is subject to the jurisdiction of any Utah court and shall be served upon the person in the manner provided for service of a subpoena.

(4)

(a) A document or material submitted in response to a demand served under this section shall be accompanied by an affidavit, in the form the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to the production.

(b) The affidavit shall state that every document or material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has in good faith been produced and made available to the Office of the Attorney General.

(c) The affidavit shall identify any demanded document or material that is not produced and state the reason why each item was not produced.

(5)

(a)

(i) An examination of a person pursuant to a demand for oral testimony served under this section may only be taken before an officer authorized to administer oaths or affirmations by the laws of the United States or of the place where the examination is held.

(ii) The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness.

(iii) If the testimony is taken stenographically, the testimony shall be transcribed and the officer before whom the testimony is taken shall promptly transmit the transcript of the testimony to the Office of the Attorney General.

(b) When taking oral testimony, all persons other than personnel from the Office of the Attorney General, the witness, counsel for the witness, and the officer before whom the testimony is to be taken shall be excluded from the place where the examination is held.

(c) The oral testimony of a person taken pursuant to a demand served under this section shall be taken in the county where the person resides or transacts business or in any other place agreed upon by the attorney general and the person.

(d)

(i) When testimony is fully transcribed, the transcript shall be certified by the officer before whom the testimony was taken and submitted to the witness for examination and signing, in accordance with Rule 30(e) of the Utah Rules of Civil Procedure.

(ii) A copy of the deposition shall be furnished free of charge to a witness upon the witness's request.

(e) A change in testimony recorded by nonstenographic means shall be made in the manner provided in Rule 30 of the Utah Rules of Civil Procedure for changing deposition testimony recorded by nonstenographic means.

(f)

(i) A person compelled to appear under a demand for oral testimony under this section may be accompanied, represented, and advised by counsel.

(ii) Counsel may advise the person, in confidence, either upon the request of the person or upon counsel's own initiative, with respect to any question asked of the person.

(iii) The person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection.

(iv) An objection may properly be made, received, and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on grounds of

any constitutional or other legal right or privilege, including the privilege against self-incrimination.

(v) If the person refuses to answer any question, the attorney general may petition the district court for an order compelling the person to answer the question.

(g) If a person compelled to appear under a demand for oral testimony or other information pursuant to this section refuses to answer any questions or produce information on grounds of the privilege against self-incrimination, the testimony of that person may be compelled as in criminal cases.

(h)

(i) A person appearing for oral examination pursuant to a demand served under this section is entitled to the same fees and mileage that are paid to witnesses in the district courts of the state of Utah.

(ii) Witness fees and expenses shall be tendered and paid as in any civil action.

(6) The providing of information in response to a civil investigative demand issued pursuant to the provisions of this part shall be considered part of an official proceeding as defined in Section 76-8-501.

(7)

(a)

(i) If a person fails to comply with the demand served upon the person under this section, the attorney general may file in the district court of the county in which the person resides, is found, or does business, a petition for an order compelling compliance with the demand.

(ii) Notice of hearing of the petition and a copy of the petition shall be served upon the person, who may appear in opposition to the petition.

(iii) If the court finds that the demand is proper, that there is reasonable cause to believe there has been a violation of this part, and that the information sought is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe.

(b)

(i)

(A) At any time before the return date specified in a demand or within 30 days after the demand has been served, whichever period is shorter, the person who has been served may file a petition for an order modifying or setting aside the demand.

(B) This petition shall be filed in the court in the county of the person's residence, principal office, or place of business, or in the court in Salt Lake County.

(C) The petition shall specify each ground upon which the petitioner relies in seeking the relief sought.

(D) The petition may be based upon a failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the petitioner.

(E) The petitioner shall serve notice of hearing of the petition and a copy of the petition upon the attorney general.

(F) The attorney general may submit an answer to the petition within 30 days after receipt of the petition.

(ii)

(A) After a hearing on the petition described in Subsection (7)(b)(i), and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

(B) At a hearing pursuant to this section it is the attorney general's burden to establish that the demand is proper, that there is reasonable cause to believe that there has been a violation of this part, and that the information sought is relevant to the violation.

(8)

(a) The attorney general may enter into a confidentiality agreement in lieu of, or in addition to, issuing a civil investigative demand, when the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of information relevant to a civil antitrust investigation or civil antitrust action.

(b) In a civil antitrust action, the court may issue a confidentiality order, which may incorporate a confidentiality agreement.

(c)

(i) The confidentiality agreement or confidentiality order may address any procedure, testimony taken, or document or material produced under this section.

(ii) The agreement or order may define to whom access will be given, the conditions and the restrictions to the access, and how the testimony, document, or material will be safeguarded.

(iii) The agreement or order may require that documentation of testimony and any other document or material:

(A) be returned to the designated person; or

(B) notwithstanding the provisions of Section 63A-12-105 and any retention schedule promulgated pursuant to Section 63G-2-604, be destroyed by the attorney general at a designated time, in which case this requirement is binding upon the attorney general.

(9)

(a) Any procedure, testimony taken, or document or material produced under this section, whether produced pursuant to a civil investigative demand, confidentiality agreement, or confidentiality order, shall be kept confidential by the attorney general unless confidentiality is waived in writing by the person who has testified, or produced a document or material.

(b) Any testimony taken or document or material produced under this section may be used in a civil antitrust action, provided that the use is not restricted or prohibited under a confidentiality agreement or confidentiality order, unless that restriction or prohibition is waived by the person from whom the information was obtained.

(c) Notwithstanding any other provision of this section, the attorney general may disclose testimony taken or a document or material obtained under this section, without either the consent of the person from whom it was received or the person being investigated, to:

(i) a grand jury; and

(ii) officers and employees of federal or state law enforcement agencies, provided the person from whom the information was obtained is notified 20 days prior to disclosure, and the federal or state law enforcement agency certifies that the information will be:

(A) maintained in confidence, as required by Subsection (9)(a); and

(B) used only for official law enforcement purposes.

(10) Use of a civil investigative demand under this action precludes the invocation by the attorney general of Section 77-22-2.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-507 Venue of an action brought by the state -- Transfer.

An action brought by the state pursuant to this part shall be brought in any county in which the defendant resides or does business, or at the option of the defendant, the action shall be

transferred, upon motion made within 30 days after commencement of the action, to Salt Lake County.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-508 Attorney general to advocate for the policy of competition.

The attorney general has the authority and responsibility to advocate for the policy of competition before all political subdivisions of this state and all public agencies whose actions may affect the interests of persons in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-509 Attorney general may bring action for injunctive relief, damages, and civil penalty.

(1) The attorney general may bring an action for appropriate injunctive relief, a civil penalty, and damages in the name of the state, any of the state's political subdivisions or agencies, or as parens patriae on behalf of natural persons in this state, for a violation of this part.
(2) Actions may be brought under this part regardless of whether the plaintiff dealt directly or indirectly with the defendant.
(3) This remedy is an additional remedy to any other remedies provided by law and may not diminish or offset any other remedy.
(4) An individual who violates this act is subject to a civil penalty of not more than $100,000 for each violation.
(5) A person, other than an individual, who violates this act is subject to a civil penalty of not more than $500,000 for each violation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-510 Illegal anticompetitive activities.

(1) Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is declared to be illegal.
(2) It is unlawful for any person to monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of trade or commerce.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-511 Person may bring action for injunctive relief and damages -- Treble damages -- Recovery of actual damages or civil penalty by state or political subdivisions -- Immunity of political subdivisions from damages, costs, or attorney fees -- Conviction as prima facie evidence.

(1)
(a)
(i) A person who is a citizen of this state or a resident of this state and who is injured or is threatened with injury in the person's business or property by a violation of this part may bring an action for injunctive relief and damages, regardless of whether the person dealt directly or indirectly with the defendant.
(ii) This remedy is in addition to any other remedies provided by law and may not diminish or offset any other remedy.

(b) Subject to the provisions of Subsections (3), (4), and (5), the court shall award three times the amount of damages sustained, plus the cost of suit and a reasonable attorney fees, in addition to granting any appropriate temporary, preliminary, or permanent injunctive relief.

(2)

(a) If the court determines that a judgment in the amount of three times the damages awarded plus attorney fees and costs will directly cause the insolvency of the defendant, the court shall reduce the amount of judgment to the highest sum that would not cause the defendant's insolvency.

(b) The court may not reduce a judgment to an amount less than the amount of damages sustained plus the costs of suit and reasonable attorney fees.

(3) The state or any of its political subdivisions may recover three times the amount of damages it sustains and the civil penalty provided by this part, in addition to injunctive relief, costs of suit, and reasonable attorney fees.

(4) No damages, costs, or attorney fees may be recovered under this section:

(a) from any political subdivision;

(b) from the official or employee of any political subdivision acting in an official capacity; or

(c) against any person based on any official action directed by a political subdivision or the political subdivision's official or employee acting in an official capacity.

(5) Subsection (4) does not apply to cases filed before April 27, 1987, unless the defendant establishes and the court determines that in light of all the circumstances, including the posture of litigation and the availability of alternative relief, it would be inequitable not to apply Subsection (4) to a pending case.

(6)

(a) When a defendant has been sued in one or more actions by both direct and indirect purchasers, whether in state court or federal court, a defendant shall be entitled to prove as a partial or complete defense to a claim for damages that the damages incurred by the plaintiff or plaintiffs have been passed on to others who are entitled to recover so as to avoid duplication of recovery of damages.

(b) In an action by indirect purchasers, any damages or settlement amounts paid to direct purchasers for the same alleged antitrust violations shall constitute a defense in the amount paid on a claim by indirect purchasers under this part so as to avoid duplication of recovery of damages.

(7)

(a) It shall be presumed, in the absence of proof to the contrary, that the injured persons who dealt directly with the defendant incurred at least 1/3 of the damages, and shall, therefore, recover at least 1/3 of the awarded damages.

(b) It shall also be presumed, in the absence of proof to the contrary, that the injured persons who dealt indirectly with the defendant incurred at least 1/3 of the damages, and shall, therefore, recover at least 1/3 of the awarded damages.

(c) The final 1/3 of the damages shall be awarded by the court to those injured persons determined by the court as most likely to have absorbed the damages.

(8)

(a) There is a presumption, in the absence of proof to the contrary and subject to Subsection (7), that each level in a product's or service's distribution chain passed on any and all increments in its cost due to an increase in the cost of an ingredient or a component product or service that was caused by a violation of this part.

(b) The amount described in Subsection (8)(a) will be presumed, in the absence of evidence to the contrary, to be equal to the change in the cost, in dollars and cents, of the ingredient, component product, or service to its first purchaser.

(9)

(a) The attorney general shall be notified by the plaintiff about the filing of a class action involving antitrust violations that includes plaintiffs from this state.

(b) The attorney general shall receive a copy of each filing described in Subsection (9)(a) from each plaintiff.

(c) The attorney general may, in his or her discretion, intervene or file amicus briefs in the case, and may be heard on the question of the fairness or appropriateness of any proposed settlement agreement.

(10) If, in a class action or parens patriae action filed under this part, including the settlement of an action, it is not feasible to return any part of the recovery to the injured plaintiffs, the court shall order the residual funds be applied to benefit the specific class of injured plaintiffs, to improve antitrust enforcement generally by depositing the residual funds into the Attorney General Litigation Fund created by Section 67-5-40, or both.

(11) In an action brought under this part, the court shall approve all attorney fees and arrangements for the payment of attorney fees, including contingency fee agreements.

(12)

(a) Except as provided in Subsection (12)(b), in an action brought by the state, a final judgment or decree determining that a person has criminally violated this part is prima facie evidence against that person in an action brought under this section as to all matters with respect to which the judgment or decree would be an estoppel between the parties to the judgment or decree.

(b) Subsection (12)(a) does not apply to a judgment entered under a no contest plea or a decree entered before any testimony has been taken.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-512 Fine for violation -- Certain vertical agreements excluded -- Nolo contendere.

(1)

(a) Any person who violates Section 76-16-510 by price fixing, bid rigging, agreeing among competitors to divide customers or territories, or by engaging in a group boycott with specific intent of eliminating competition is guilty of a third degree felony and, notwithstanding Sections 76-3-301 and 76-3-302, is subject to:

(i) if an individual, a fine not to exceed $100,000; or

(ii) if by a person other than an individual, a fine not to exceed $500,000.

(b) Subsection (1)(a) may not be construed to include vertical agreements between a manufacturer, its distributors, or their subdistributors dividing customers and territories solely involving the manufacturer's commodity or service where the manufacturer distributes its commodity or service both directly and through distributors or subdistributors in competition with itself.

(2) A defendant may plead nolo contendere to a charge brought under this title but only with the consent of the court.

(3) The court may accept the plea only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 17
Offenses Concerning Kickbacks, Pyramid Schemes, and Patterns of Unlawful Activity

Part 1
General Provisions

76-17-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Offenses Concerning Kickbacks

76-17-201 Definitions.

As used in this part:

(1) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration, that is:
  (a) direct or indirect;
  (b) overt or covert; or
  (c) in cash or in kind.

(2) "Kickback or bribe" does not include:
  (a) a fee that is:
    (i) shared between two or more individuals, each of whom is licensed to practice law; and
    (ii) charged for services provided in the individual's capacity as a licensee described in Subsection (2)(a)(i); or
  (b) payment for medical services rendered.

Enacted by Chapter 173, 2025 General Session

76-17-202 Unlawful conduct concerning a kickback or bribe.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-201 apply to this section.

(2) An actor commits unlawful conduct concerning a kickback or bribe if the actor:
  (a) solicits or receives a kickback or bribe in return for the referral of a person to another person for the furnishing of a good or service that relates to an insurance claim or a claim for damages; or
  (b) offers or pays a kickback or bribe to induce the referral of a person to another person for the furnishing of a good or service that relates to an insurance claim or a claim for damages.

(3) A violation of Subsection (2) is a third degree felony.

(4)
  (a) This section does not apply to an individual licensed to practice law or a medical provider when referring a client for medical treatment or evaluation, if the referral is made without compensation.

(b) This section does not apply to an individual licensed to practice law when:
(i) paying a lien, contractual reimbursement, or medical bill on behalf of a client from proceeds of a settlement or judgment; or
(ii) marketing to, or engaging in client development activities with, an individual licensed to provide medical treatment or evaluation, if the marketing or client development activities are not for the purpose of inducing the individual licensed to provide medical treatment or evaluation to refer a particular person to the individual licensed to practice law.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Offenses Concerning Pyramid Schemes

76-17-301 Definitions.

As used in this part:

(1)
(a) "Compensation" means money, money bonuses, overrides, prizes, or other real or personal property, tangible or intangible.
(b) "Compensation" does not include payment based on the sale of goods or services to anyone purchasing the goods or services for actual personal use or consumption.

(2) "Consideration" does not include:
(a) payment for sales demonstration equipment or materials furnished at cost for use in making sales and not for resale; or
(b) time or effort spent in selling or recruiting activities.

(3) "Person" includes a business trust, estate, trust, joint venture, or any other legal or commercial entity.

(4) "Pyramid scheme" means a sales device or plan under which a person gives consideration to another person in exchange for compensation or the right to receive compensation that is derived primarily from the introduction of other persons into the sales device or plan rather than from the sale of goods, services, or other property.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-302 Rights of person giving consideration in pyramid scheme.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.

(2)
(a) A person giving consideration in connection with a pyramid scheme may, notwithstanding any agreement to the contrary, declare the person's giving of consideration and the related sale or contract for sale void, and may bring a court action to recover the consideration.
(b) In an action brought under Subsection (2)(a), the court shall, in addition to any judgment awarded to the plaintiff, require the defendant to pay to the plaintiff interest as provided in Section 15-1-4, reasonable attorney fees, and the costs of the action reduced by any compensation paid by the defendant to the plaintiff in connection with the pyramid scheme.

(3)
(a) The rights, remedies, and penalties provided in this part are independent of and supplemental to each other and to any other right, remedy or penalty available in law or equity.

(b) Nothing contained in this part shall be construed to diminish or abrogate any other right, remedy or penalty.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-303 Conducting a pyramid scheme.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.
(2) An actor commits conducting a pyramid scheme if the actor knowingly organizes, establishes, promotes, or administers a pyramid scheme.
(3) A violation of Subsection (2) is a third degree felony.
(4) It is not a defense to an action brought under this section that:
(a) the sales device or plan limits the number of persons who may be introduced into the sales device or plan;
(b) the sales device or plan includes additional conditions affecting eligibility for introduction into the sales device or plan or when compensation may be received from the sales device or plan; or
(c) a person receives property or services in addition to the compensation or right to receive compensation in connection with a pyramid scheme.
(5) The appropriate county attorney or district attorney has primary responsibility for investigating and prosecuting a criminal violation of this section.
(6)
(a) A violation under this section constitutes a violation of Section 13-11-4.
(b) A criminal conviction under this section is prima facie evidence of a violation of Section 13-11-4.
(c) In addition to prosecution under this section, a violation of this section shall be civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-304 Participating in a pyramid scheme.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.
(2) An actor commits participating in a pyramid scheme if the actor participates in a pyramid scheme only by receiving compensation for the introduction of another person into the pyramid scheme rather than from the sale of goods, services, or other property.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) It is not a defense to an action brought under this section that:
(a) the sales device or plan limits the number of persons who may be introduced into the sales device or plan;
(b) the sales device or plan includes additional conditions affecting eligibility for introduction into the sales device or plan or when compensation may be received from the sales device or plan; or
(c) a person receives property or services in addition to the compensation or right to receive compensation in connection with a pyramid scheme.
(5) The appropriate county attorney or district attorney has primary responsibility for investigating and prosecuting a criminal violation of this section.
(6)
(a) A violation under this section constitutes a violation of Section 13-11-4.

(b) A criminal conviction under this section is prima facie evidence of a violation of Section 13-11-4.
(c) In addition to prosecution under this section, a violation of this section shall be civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Concerning Patterns of Unlawful Activity

76-17-401 Definitions.

As used in this part:

(1)
(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and a union or group of individuals associated in fact although not a legal entity.
(b) "Enterprise" includes illicit as well as licit entities.

(2) "Pattern of unlawful activity" means engaging in conduct that constitutes the commission of at least three episodes of unlawful activity, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

(3) "Person" includes an individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct that would constitute an offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act that would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by an authority or is classified as a misdemeanor or a felony:
(a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;
(b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;
(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;
(d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
(e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;
(f) unlawful marking of pistol or revolver under Section 53-5a-105;
(g) alteration of number or mark on pistol or revolver under Section 53-5a-106;

(h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
(i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;
(j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;
(k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
(l) assault under Section 76-5-102;
(m) aggravated assault under Section 76-5-103;
(n) a threat of terrorism under Section 76-5-107.3;
(o) a criminal homicide offense under Section 76-5-201;
(p) kidnapping under Section 76-5-301;
(q) aggravated kidnapping under Section 76-5-302;
(r) human trafficking for labor under Section 76-5-308;
(s) human trafficking for sexual exploitation under Section 76-5-308.1;
(t) human smuggling under Section 76-5-308.3;
(u) human trafficking of a child under Section76-5-308.5;
(v) benefiting from trafficking and human smuggling under Section 76-5-309;
(w) aggravated human trafficking under Section 76-5-310;
(x) sexual exploitation of a minor under Section 76-5b-201;
(y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(z) sexual extortion under Section 76-5b-204;
(aa) arson under Section 76-6-102;
(bb) aggravated arson under Section76-6-103;
(cc) causing a catastrophe under Section 76-6-105;
(dd) burglary under Section 76-6-202;
(ee) aggravated burglary under Section 76-6-203;
(ff) burglary of a vehicle under Section 76-6-204;
(gg) manufacture or possession of an instrument for burglary or theft under Section 76-6-205;
(hh) robbery under Section 76-6-301;
(ii) aggravated robbery under Section 76-6-302;
(jj) theft under Section 76-6-404;
(kk) theft by deception under Section 76-6-405;
(ll) theft by extortion under Section 76-6-406;
(mm) receiving stolen property under Section 76-6-408;
(nn) theft of services under Section 76-6-409;
(oo) forgery under Section 76-6-501;
(pp) unlawful use of financial transaction card under Section 76-6-506.2;
(qq) unlawful acquisition, possession, or transfer of financial transaction card under Section 76-6-506.3;
(rr) financial transaction card offenses under Section 76-6-506.6;
(ss) deceptive business practices under Section 76-6-507;
(tt) bribery or receiving bribe by person in the business of selection, appraisal, or criticism of goods under Section 76-6-508;
(uu) bribery of a labor official under Section 76-6-509;

(vv) defrauding creditors under Section 76-6-511;
(ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
(xx) unlawful dealing with property by fiduciary under Section 76-6-513;
(yy) unlawful influence of a contest under Section 76-6-514;
(zz) making a false credit report under Section 76-6-517;
(aaa) criminal simulation under Section 76-6-518;
(bbb) criminal usury under Section 76-6-520;
(ccc) insurance fraud under Section 76-6-521;
(ddd) retail theft under Section 76-6-602;
(eee) computer crimes under Section 76-6-703;
(fff) identity fraud under Section 76-6-1102;
(ggg) mortgage fraud under Section 76-6-1203;
(hhh) sale of a child under Section 76-7-203;
(iii) bribery or offering a bribe under Section 76-8-103;
(jjj) threat to influence official or political action under Section 76-8-104;
(kkk) receiving bribe or bribery by public servant under Section 76-8-105;
(lll) receiving bribe for endorsement of person as a public servant under Section 76-8-106;
(mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
(nnn) official misconduct based on unauthorized act or failure of duty under Section 76-8-201;
(ooo) official misconduct concerning inside information under Section 76-8-202;
(ppp) obstruction of justice in a criminal investigation or proceeding under Section 76-8-306;
(qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section 76-8-308;
(rrr) harboring or concealing offender who has escaped from official custody under Section 76-8-309.2;
(sss) making a false or inconsistent material statement under Section 76-8-502;
(ttt) making a false or inconsistent statement under Section 76-8-503;
(uuu) making a written false statement under Section 76-8-504;
(vvv) tampering with a witness under Section 76-8-508;
(www) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(xxx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
(yyy) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
(zzz) tampering with evidence under Section 76-8-510.5;
(aaaa) falsification or alteration of a government record under Section 76-8-511, if the record is a record described in Title 20A, Election Code, or Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act;
(bbbb) public assistance fraud by an applicant for public assistance under Section 76-8-1203.1;
(cccc) public assistance fraud by a recipient of public assistance under Section 76-8-1203.3;
(dddd) public assistance fraud by a provider under Section 76-8-1203.5;
(eeee) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
(ffff) false statement to obtain or increase unemployment compensation under Section 76-8-1301;
(gggg) false statement to prevent or reduce unemployment compensation or liability under Section 76-8-1302;
(hhhh) unlawful failure to comply with Employment Security Act requirements under Section 76-8-1303;
(iiii) unlawful use or disclosure of employment information under Section 76-8-1304;
(jjjj) intentionally or knowingly causing one animal to fight with another under Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning dog fighting;

(kkkk) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang under Section 76-9-803;
(llll) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang under Section 76-9-803.1;
(mmmm) intimidating a minor to remain in a criminal street gang under Section 76-9-803.2;
(nnnn) aggravated intimidating a minor to remain in a criminal street gang under Section 76-9-803.3;
(oooo) unlawful conduct involving an explosive, chemical, or incendiary device under Section 76-15-210;
(pppp) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211;
(qqqq) unlawful delivery or mailing of an explosive, chemical, or incendiary device under Section 76-15-209;
(rrrr) forging or counterfeiting trademarks, trade name, or trade device under Section 76-16-302;
(ssss) selling goods under counterfeited trademark, trade name, or trade devices under Section 76-16-303;
(tttt) sales in containers bearing registered trademark of substituted articles under Section 76-16-304;
(uuuu) selling or dealing with article bearing registered trademark or service mark with intent to defraud under Section 76-16-306;
(vvvv) participating in gambling under Section 76-9-1402;
(wwww) permitting gambling under Section 76-9-1403;
(xxxx) online gambling prohibition under Section 76-9-1404;
(yyyy) gambling promotion under Section 76-9-1405;
(zzzz) gambling fraud under Section 76-9-1406;
(aaaaa) possessing a gambling device or record under Section 76-9-1407;
(bbbbb) obtaining a benefit from a confidence game under Section 76-9-1410;
(ccccc) distributing pornographic material under Section 76-5c-202;
(ddddd) aiding or abetting a minor in distributing pornographic material under Section 76-5c-203;
(eeeee) inducing acceptance of pornographic material under Section 76-5c-204;
(fffff) distributing material harmful to minors under Section 76-5c-205;
(ggggg) aiding or abetting a minor in distributing material harmful to minors under Section 76-5c-206;
(hhhhh) distribution of a pornographic file for exhibition under Section 76-5c-305;
(iiiii) indecent public display in the presence of a minor under Section 76-5c-207;
(jjjjj) engaging in prostitution under Section 76-5d-202;
(kkkkk) aiding prostitution under Section 76-5d-206;
(lllll) exploiting prostitution under Section 76-5d-207;
(mmmmm) aggravated exploitation of prostitution under Section 76-5d-208;
(nnnnn) communications fraud under Section 76-6-525;
(ooooo) possession of a dangerous weapon with criminal intent under Section 76-11-208;
(ppppp) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting;
(qqqqq) vehicle compartment for contraband under Section 76-9-1902 or 76-9-1903;
(rrrrr) an act prohibited by the criminal provisions of the laws governing taxation in this state; or
(sssss) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Secs. 1961(1)(B), (C), and (D).

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-402 Enforcement authority of peace officers.

Notwithstanding any law to the contrary, peace officers in this state have the authority to enforce the criminal provisions of this part by initiating investigations, assisting grand juries, obtaining indictments, filing informations, and assisting in the prosecution of criminal cases through the attorney general or county attorneys' offices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-403 Remedies of person injured by a pattern of unlawful activity -- Double damages -- Costs, including attorney fees -- Arbitration -- Agency -- Burden of proof -- Actions by attorney general or county attorney -- Dismissal -- Statute of limitations -- Authorized orders of a court.

(1)

(a) A person injured in the person's person, business, or property by a person engaged in conduct forbidden by Section 76-17-407 may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to recover twice the damages that the person sustains, regardless of whether:

(i) the injury is separate or distinct from the injury suffered as a result of the acts or conduct constituting the pattern of unlawful conduct alleged as part of the cause of action; or

(ii) the conduct has been adjudged criminal by a court of the state or of the United States.

(2) A party who prevails on a cause of action brought under this section recovers the cost of the suit, including reasonable attorney fees.

(3) All actions arising under this section that are grounded in fraud are subject to arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(4)

(a) In all actions under this section, a principal is liable for actual damages for harm caused by an agent acting within the scope of either the agent's employment or apparent authority.

(b) A principal is liable for double damages only if the pattern of unlawful activity alleged and proven as part of the cause of action was authorized, solicited, requested, commanded, undertaken, performed, or recklessly tolerated by the board of directors or a high managerial agent acting within the scope of the agent's employment.

(5) In all actions arising under this section, the burden of proof is clear and convincing evidence.

(6) The attorney general, county attorney, or, if within a prosecution district, the district attorney may maintain an action under this section on behalf of the state, the county, or any person injured by a person engaged in conduct forbidden by Section 76-17-407, to prevent, restrain, or remedy injury as defined in this section and may recover the damages and costs allowed by this section.

(7) In all actions under this section, the elements of each claim or cause of action shall be stated with particularity against each defendant.

(8) If an action, claim, or counterclaim brought or asserted by a private party under this section is dismissed before trial or disposed of on summary judgment, or if it is determined at trial that there is no liability, the prevailing party shall recover from the party who brought the action or asserted the claim or counterclaim the amount of the prevailing party's reasonable expenses incurred because of the defense against the action, claim, or counterclaim, including a reasonable attorney fee.

(9)

(a) An action or proceeding brought under this section shall be commenced within three years after the conduct prohibited by Section 76-17-407 terminates or the cause of action accrues, whichever is later.
(b) Subsection (9)(a) supersedes any limitation to the contrary.
(10)
(a) In any action brought under this section, the court may prevent, restrain, or remedy injury as defined by this section by issuing appropriate orders after making provisions for the rights of innocent persons.
(b) Before liability is determined in any action brought under this section, the court may:
(i) issue restraining orders and injunctions;
(ii) require satisfactory performance bonds or any other bond the court considers appropriate and necessary in connection with any property or requirement imposed upon a party by the court; and
(iii) enter any other order the court considers necessary and proper.
(c) After a determination of liability, the court may, in addition to granting the relief allowed in Subsection (1), do any one or all of the following:
(i) order a person to divest the person's self of any interest in or any control, direct or indirect, of an enterprise;
(ii) impose reasonable restrictions on the future activities or investments of a person, including prohibiting a person from engaging in the same type of endeavor as the enterprise engaged in, to the extent the Utah Constitution and the Constitution of the United States permit; or
(iii) order the dissolution or reorganization of an enterprise.
(d)
(i) However, if an action is brought to obtain any relief provided by this section, and if the conduct prohibited by Section 76-17-407 has for its pattern of unlawful activity acts or conduct illegal under Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, the court may not enter an order that would amount to a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States, or Article I, Sec. 15 of the Utah Constitution.
(ii) The court shall, upon the request of an affected party, and upon the notice to all parties, before the issuance of an order provided for in this subsection, and at any later time, hold hearings as necessary to determine whether any materials at issue are obscene or pornographic and to determine if there is probable cause to believe that any act or conduct alleged violates Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305.
(iii) In making the court's findings, the court shall be guided by the same considerations required of a court making similar findings in criminal cases brought under Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, including, but not limited to, the definitions in Sections 76-5c-101 and 76-5c-301, and the exemptions in Section 76-5c-302.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-404 Evidentiary value of a criminal judgment in a civil proceeding.

A final judgment or decree rendered in favor of the state or a county in a criminal proceeding brought by this state or a county shall preclude the defendant from denying the essential allegations of the criminal offense in a subsequent civil proceeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-405 Prospective application.

(1) Except as provided in Subsection (2), amendments to this part are prospective in nature and apply only to civil causes of action accruing after April 27, 1987.

(2) A crime committed before April 27, 1987, may comprise part of a pattern of unlawful activity if at least one of the criminal episodes comprising that pattern occurs after April 27, 1987, and the pattern otherwise meets the definition of pattern of unlawful activity as defined in Section 76-17-401.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-406 Severability clause.

If any part or application of this part is held invalid, the remainder of this part, or the part's application to other situations or persons, is not affected.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-407 Prohibited conduct concerning a pattern of unlawful activity.

(1)

(a) As used in this section, "net proceeds" of a violation of this section means property acquired as a result of the violation minus the direct costs of acquiring the property.

(b) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-401 apply to this section.

(2) An actor commits prohibited conduct concerning a pattern of unlawful activity if the actor:

(a)

(i) has received proceeds derived, whether directly or indirectly, from a pattern of unlawful activity in which the actor has participated as a principal; and

(ii) uses or invests, directly or indirectly, any part of the income described in Subsection (2)(a)(i), or the proceeds of the income, or the proceeds derived from the investment or use of those proceeds, in the acquisition of an interest in, or the establishment or operation of, an enterprise;

(b) acquires or maintains, directly or indirectly, through a pattern of unlawful activity, an interest in or control of an enterprise;

(c)

(i) is employed by or associated with an enterprise; and

(ii) conducts or participates, whether directly or indirectly, in the conduct of the enterprise's affairs through a pattern of unlawful activity; or

(d) conspires to violate Subsection (2)(a), (b), or (c).

(3) A violation of Subsection (2) is a second degree felony.

(4) In addition to penalties prescribed by law, the court may order an actor to pay to the state, if the attorney general brought the action, or to the county, if the county attorney or district attorney brought the action, the costs of investigating and prosecuting the offense and the costs of securing the forfeitures provided for in this section.

(5) In lieu of a fine otherwise authorized by law for a violation of this section, an actor who derives net proceeds from a conduct prohibited by this section may be fined not more than twice the amount of the net proceeds.

(6) Upon a conviction for a violation of this section, and in addition to a penalty prescribed by law, the court may do any or all of the following:

(a) order restitution to any victim or rightful owner of property obtained, directly or indirectly, from:
(i) the conduct constituting the pattern of unlawful activity; or
(ii) any act or conduct constituting the pattern of unlawful activity that is proven as part of the violation of this section;
(b) order the actor to divest the actor of any interest in or any control, direct or indirect, of an enterprise;
(c) impose reasonable restrictions on the future activities or investments of any person, including prohibiting the person from engaging in the same type of endeavor as the enterprise engaged in, to the extent the Utah Constitution and the Constitution of the United States permit; or
(d) order the dissolution or reorganization of an enterprise.
(7) If a violation of this section is based on a pattern of unlawful activity consisting of acts or conduct in violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, the court may not enter an order that would amount to a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15.

Renumbered and Amended by Chapter 173, 2025 General Session

Title 77. Utah Code of Criminal Procedure

Chapter 1
Preliminary Provisions

77-1-1 Short title.

This act shall be known and may be cited as the "Utah Code of Criminal Procedure."

Enacted by Chapter 15, 1980 General Session

77-1-2 Criminal procedure prescribed.

The procedure in criminal cases shall be as prescribed in this title, the Rules of Criminal Procedure, and such further rules as may be adopted by the Supreme Court of Utah.

Enacted by Chapter 15, 1980 General Session

77-1-3 Definitions.

For the purpose of this act:

(1) "Criminal action" means the proceedings by which a person is charged, accused, and brought to trial for a public offense.

(2) "Indictment" means an accusation in writing presented by a grand jury to the district court charging a person with a public offense.

(3) "Information" means an accusation, in writing, charging a person with a public offense which is presented, signed, and filed in the office of the clerk where the prosecution is commenced in accordance with Section 77-2-2.2.

(4) "Magistrate" means a justice or judge of a court of record or not of record or a commissioner of such a court appointed in accordance with Section 78A-5-107, except that the authority of a court commissioner to act as a magistrate shall be limited by rule of the judicial council. The judicial council rules shall not exceed constitutional limitations upon the delegation of judicial authority.

(5) "Risk and needs assessment" means an actuarial tool validated on offenders that determines:

(a) an individual's risk of reoffending; and

(b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

Amended by Chapter 260, 2021 General Session

77-1-4 Conviction to precede punishment.

No person shall be punished for a public offense until convicted in a court having jurisdiction.

Enacted by Chapter 15, 1980 General Session

77-1-5 Prosecuting party.

A criminal action for any violation of a state statute shall be prosecuted in the name of the state of Utah. A criminal action for violation of any county or municipal ordinance shall be prosecuted in the name of the governmental entity involved.

Enacted by Chapter 15, 1980 General Session

77-1-6 Rights of defendant.

(1) In criminal prosecutions the defendant is entitled to:
(a) appear in person and defend in person or by counsel;
(b) receive a copy of the accusation filed against the defendant;
(c) testify in the defendant's own behalf;
(d) be confronted by the witnesses against the defendant;
(e) have compulsory process to insure the attendance of witnesses in the defendant's behalf;
(f) a speedy public trial by an impartial jury of the county or district where the offense is alleged to have been committed;
(g) the right of appeal in all cases; and
(h) be admitted to bail in accordance with provisions of law, or be entitled to a trial within 30 days after arraignment if unable to post bail and if the business of the court permits.
(2) In addition:
(a) no person shall be put twice in jeopardy for the same offense;
(b) no accused person shall, before final judgment, be compelled to advance money or fees to secure rights guaranteed by the Constitution or the laws of Utah, or to pay the costs of those rights when received;
(c) no person shall be compelled to give evidence against himself or herself;
(d) an individual may not be compelled to testify against the individual's spouse; and
(e) no person shall be convicted unless by verdict of a jury, or upon a plea of guilty or no contest, or upon a judgment of a court when trial by jury has been waived or, in case of an infraction, upon a judgment by a magistrate.

Amended by Chapter 302, 2025 General Session

77-1-7 Dismissal without trial -- Custody or discharge of defendant.

(1)
(a) Further prosecution for an offense is not barred if the court dismisses an information or indictment based on the ground:
(i) there was unreasonable delay;
(ii) the court is without jurisdiction;
(iii) the offense was not properly alleged in the information or indictment; or
(iv) there was a defect in the impaneling or the proceedings relating to the grand jury.
(b) The court may make orders regarding custody of the defendant pending the filing of new charges as the interest of justice may require. Otherwise, the defendant shall be discharged and bail exonerated.
(2) An order of dismissal based upon unconstitutional delay in bringing the defendant to trial or upon the statute of limitations is a bar to any other prosecution for the offense charged.

Enacted by Chapter 7, 1990 General Session

Chapter 2
Prosecution, Screening, and Diversion

77-2-2 Definitions.

As used in this chapter:
(1) "Commencement of prosecution" means the filing of an information or an indictment.
(2) "Diversion" means suspending criminal proceedings before conviction on the condition that a defendant agree to:
(a) participate in a rehabilitation program;
(b) pay restitution to a victim; or
(c) fulfill some other condition.
(3) "Restitution" means the same as that term is defined in Section 77-38b-102.
(4) "Screening" means the process used by a prosecuting attorney to:
(a) terminate an investigative action;
(b) proceed with prosecution;
(c) move to dismiss a prosecution that has been commenced; or
(d) cause a prosecution to be diverted.

Amended by Chapter 260, 2021 General Session

77-2-2.1 Authorization to file information.

Except as otherwise provided by law, no information may be filed charging the commission of any felony or class A misdemeanor unless authorized by a prosecuting attorney.

Renumbered and Amended by Chapter 260, 2021 General Session

77-2-2.2 Signing and filing of information.

(1) The prosecuting attorney shall sign all informations.
(2) The prosecuting attorney may:
(a) sign the information in the presence of a magistrate; or
(b) present and file the information in the office of the clerk where the prosecution is commenced upon the signature of the prosecuting attorney.
(3) When reasonably available, the prosecuting attorney shall ensure that the information includes:
(a) the defendant's state identification number issued by the Bureau of Criminal Identification;
(b) the citation number associated with the case; and
(c) the offense tracking number associated with the case.

Amended by Chapter 177, 2023 General Session

77-2-2.3 Reducing the level of an offense.

(1) Subject to Subsection (2) and notwithstanding any other provision of law, if a prosecuting attorney determines that it is in the interests of justice, the prosecuting attorney may:
(a) present and file an information charging an individual for an offense under Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the offense at one degree lower than the classification that is provided in the applicable section; or
(b) subject to the approval of the court, amend an information, as part of a plea agreement, to charge an individual for an offense under Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the offense at one degree lower than the classification that is provided in the applicable section.
(2) If the offense the prosecuting attorney is seeking to lower by one degree, either by information or plea agreement under Subsection (1)(a) or (b), is an offense listed in Subsection

76-3-406(2), the prosecuting attorney shall, on the record, state that it is in the interests of justice to lower the offense by one degree.

(3) A court may:

(a) enter a judgment of conviction for an offense filed under Subsection (1) at one degree lower than classified in the applicable section; and

(b) impose a sentence for the offense filed under Subsection (1) at one degree lower than classified in the applicable section.

(4) A conviction of an offense at one degree lower than classified in the applicable section under Subsection (3) does not affect the requirements for registration of the offense under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, if the elements of the offense for which the defendant is convicted are the same as the elements of a registrable offense described in Section 53-29-202.

(5) This section does not preclude an individual from obtaining and being granted an expungement for the individual's record in accordance with Title 77, Chapter 40a, Expungement of Criminal Records.

Amended by Chapter 193, 2025 General Session
Amended by Chapter 291, 2025 General Session

77-2-3 Termination of investigative action.

Prior to the commencement of prosecution, the prosecutor may, without approval of a magistrate, authorize a termination of investigative action when it appears that further investigative action is not in the public interest.

Enacted by Chapter 15, 1980 General Session

77-2-4 Dismissal of prosecution.

After commencement of a prosecution the prosecutor may, upon reasonable grounds, move the magistrate before whom the prosecution is pending to dismiss the prosecution. If, in the judgment of the magistrate, the prosecution should not continue, the magistrate may dismiss the prosecution and enter an order of dismissal stating the reasons for the dismissal in the order.

Amended by Chapter 302, 2025 General Session

77-2-4.2 Compromise of traffic charges -- Deferred prosecution of traffic infractions -- Limitations.

(1) As used in this section:

(a) "Compromise" means referral of an individual charged with a traffic violation to traffic school or other school, class, or remedial or rehabilitative program.

(b) "Deferral period" means the 12-month period following the date on which an individual submits an application for deferred prosecution.

(c) "Deferred prosecution" means the deferral of prosecution of an individual charged with a traffic infraction if the individual complies with the requirements described in Subsection (5).

(d) "Felony traffic violation" means a violation of Title 41, Chapter 6a, Traffic Code, amounting to a felony.

(e) "Moving traffic infraction" means a traffic infraction that occurs when a vehicle is in motion on a highway.

(f)

(i) "Traffic infraction" means a violation of Title 41, Chapter 6a, Traffic Code, or a local traffic ordinance that is an infraction.
(ii) "Traffic infraction" does not include an offense that is a misdemeanor or a felony.
(g) "Traffic school deferred prosecution" means a deferred prosecution for which completion of traffic school is required as a condition of the application.
(h) "Traffic violation" means any charge for which a fine may be voluntarily remitted in lieu of appearance, by citation or information, of a violation of:
(i) Title 41, Chapter 6a, Traffic Code, amounting to:
(A) a class B misdemeanor;
(B) a class C misdemeanor; or
(C) an infraction; or
(ii) any local traffic ordinance.
(2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, and Subsection (3), except:
(a) when the criminal prosecution is dismissed pursuant to Section 77-2-4;
(b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge; or
(c) when there is a deferred plea of no contest as provided in Subsection (5).
(3) In all cases which are compromised pursuant to a plea in abeyance:
(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:
(i) be subject to the same surcharge as if imposed on a criminal fine;
(ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and
(iii) be not more than $25 greater than the fine designated in the Uniform Fine Schedule; or
(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the traffic school or other school, class, or rehabilitative program shall be collected, which surcharge shall:
(i) be computed, assessed, collected, and remitted in the same manner as if the traffic school fee and surcharge had been imposed as a criminal fine and surcharge; and
(ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.
(4) If a written plea in abeyance agreement is provided, or the defendant requests a written accounting, an itemized statement of all amounts assessed by the court shall be provided, including:
(a) the Uniform Fine Schedule amount;
(b) the amount of any surcharges being assessed; and
(c) the amount of the plea in abeyance fee.
(5)
(a)
(i) Except as provided in Subsection (5)(b), an individual who receives a citation for a moving traffic infraction may apply for deferred prosecution.
(ii) A court may not require an individual to appear in-person to apply for a deferred prosecution in accordance with this Subsection (5).
(b) The following may not apply for or be granted a deferred prosecution as described in this section:
(i) an individual under 21 years old;
(ii) an individual with a commercial driver license;

(iii) an individual who has not been issued a current Utah driver license;
(iv) an individual who has been convicted of a felony traffic violation, traffic violation, or traffic infraction within the 24 months immediately preceding the date of the application for deferred prosecution;
(v) an individual charged with two or more moving traffic infractions related to the same episode or occurrence;
(vi) an individual charged with multiple traffic infractions related to the same episode or occurrence if any of the offenses is a misdemeanor or felony traffic violation;
(vii) an individual charged with one or more traffic infractions if none of the traffic infractions are moving traffic violations;
(viii) an individual charged with any traffic infraction or traffic violation that is part of an episode or occurrence involving a traffic accident;
(ix) an individual charged with a moving traffic violation that is for speeding 20 miles per hour or more above the posted speed limit;
(x) an individual charged with a moving violation that is for speeding at a speed of 100 miles per hour or more; or
(xi) an individual who is currently within a deferral period related to a separate episode or occurrence.

(6)
(a) Except as provided in Subsection (6)(b), and upon availability of the traffic school program described in Subsection (11), if an individual completes a traffic school course as described in Subsection (11) within 28 days after the date the individual applies for traffic school deferred prosecution, an individual may apply for and be granted a traffic school deferred prosecution if:
(i) the individual has one or fewer moving traffic infraction convictions in the 24 months immediately preceding the current citation;
(ii) the individual received a citation for more than one but less than three moving traffic infractions from the same incident or occurrence;
(iii) the individual was involved in an accident during the commission of the traffic infraction, other than an accident resulting in serious bodily injury, as defined in Section 41-6a-401.3, or death; or
(iv) the individual received a citation for speeding between 20 and 30 miles per hour over the legal speed limit if the speeding violation is not more than double the legal speed limit.
(b) The following may not apply for or be granted a traffic school deferred prosecution in accordance with this Subsection (6):
(i) an individual to whom more than one of the conditions in Subsection (6)(a) apply;
(ii) an individual under 21 years old;
(iii) an individual with a commercial driver license;
(iv) an individual who has not been issued a current Utah driver license;
(v) an individual who has been convicted of a felony traffic violation or traffic violation within the 24 months immediately preceding the date of the application for deferred prosecution;
(vi) an individual charged with three or more moving traffic infractions related to the same episode or occurrence; or
(vii) an individual charged with multiple traffic infractions related to the same episode or occurrence if any of the offenses is a misdemeanor or felony traffic violation.
(c) A court may not require an individual to appear in-person to apply for traffic school deferred prosecution in accordance with this Subsection (6).
(7) An individual who applies for deferred prosecution or traffic school deferred prosecution shall:

(a) apply through an online application process developed by the Administrative Office of the Courts;
(b) pay the relevant fine, as provided by the uniform fine schedule described in Section 76-3-301.5, associated with each traffic infraction for which the individual was charged;
(c) pay an administrative fee as established by the judicial council; and
(d) enter a deferred plea of no contest as described in Subsection (9).

(8) An individual who receives a traffic citation shall:
(a) comply with Section 77-7-19;
(b) apply for deferred prosecution as described in Subsection (7) no sooner than five and no later than 21 days after receiving the citation; or
(c) for a traffic school deferred prosecution as described in Subsection (6), apply for deferred prosecution as described in Subsection (7) no later than 28 days after submitting an application into the deferred prosecution system.

(9) If an eligible individual applies for deferred prosecution, the court shall:
(a) record the deferred plea of no contest;
(b) not enter the deferred plea of no contest unless the individual fails to comply with the terms of the deferred prosecution; and
(c) if the individual fails to comply with the terms of the deferred prosecution, enter a judgment of conviction as described in Subsection (10)(b).

(10)
(a) Except as provided in Subsection (10)(b), if an individual enters a deferred plea of no contest as described in Subsection (7)(d) and is not convicted of another traffic violation, felony traffic violation, or traffic infraction during the deferral period:
(i) the prosecutor may not prosecute the individual for the traffic infraction subject to the deferred prosecution;
(ii) the court may not enter judgment of conviction against the individual or impose a sentence for the traffic infraction; and
(iii) the court shall dismiss each traffic infraction to which the individual entered a deferred plea of no contest.
(b) If an individual enters a deferred plea of no contest as described in Subsection (7)(d) and is convicted of another a traffic violation within the deferral period, the court shall enter judgment of conviction against the individual for each traffic infraction to which the individual entered a deferred plea of no contest.
(c)
(i) A prosecutor may not amend a charge from an infraction to a misdemeanor:
(A) if the infraction offense has the same elements as the misdemeanor offense; or
(B) for the sole purpose of prohibiting an individual from applying for deferred prosecution.
(ii) A deferred prosecution is not a prosecution for purposes of Section 76-1-403.
(d)
(i) The judicial council shall set and periodically adjust the fee described in Subsection (7)(c) in an amount that the judicial council determines to be necessary to cover the cost to implement, operate, and maintain the deferred prosecution program described in this Subsection (5).
(ii) The state treasurer shall deposit the revenue generated from the administrative fee described in Subsection (7)(c) into the Justice Court Technology, Security, and Training Account created in Section 78A-7-301.

(11)

(a) The Department of Public Safety may enter into a contract with a traffic school provider to establish a traffic school course as described in this section.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety may make rules necessary to establish a traffic school program, including:
(i) establishing requirements and standards for the curriculum of a traffic school program;
(ii) establishing a fee for an individual to enroll and complete the traffic school course; and
(iii) creating a method to electronically transmit the completion of the course to the relevant court as required in Subsection (11)(c).
(c) The Department of Public Safety shall ensure than any traffic school program created under this Subsection (11) includes the ability for the traffic school provider to electronically transmit successful completion of the traffic school course to the relevant court.
(d) The Department of Public Safety shall ensure that the traffic school program required under this Subsection (11) is established no later than November 1, 2023.
(e) After the Department of Public Safety enters into a contract with a traffic school provider as described in this Subsection (11), no later than March 1, 2024, the Administrative Office of the Courts shall coordinate with the traffic school provider to ensure the traffic school provider and the Administrative Office of the Courts:
(i) establish the traffic school program as described in this Subsection (11); and
(ii) establish means by which completion of the traffic school course may be verified electronically.

Amended by Chapter 393, 2023 General Session

77-2-4.3 Compromise of boating violations -- Limitations.

(1) As used in this section:
(a) "Compromise" means referral of a person charged with a boating violation to a boating safety course approved by the Division of Outdoor Recreation.
(b) "Boating violation" means any charge for which bail may be forfeited in lieu of appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating Act, amounting to:
(i) a class B misdemeanor;
(ii) a class C misdemeanor; or
(iii) an infraction.
(2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:
(a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or
(b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.
(3) In a case that is compromised pursuant to Subsection (2):
(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:
(i) be subject to the same surcharge as if imposed on a criminal fine;
(ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and
(iii) be not more than $25 greater than the bail designated in the Uniform Bail Schedule; or
(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the boating safety course shall be collected, which surcharge shall:

(i) be computed, assessed, collected, and remitted in the same manner as if the boating safety course fee and surcharge had been imposed as a criminal fine and surcharge; and
(ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.

(4) If a written plea in abeyance agreement is provided, or the defendant requests a written accounting, an itemized statement of all amounts assessed by the court shall be provided, including:
(a) the Uniform Bail Schedule amount;
(b) the amount of any surcharges being assessed; and
(c) the amount of the plea in abeyance fee.

Amended by Chapter 68, 2022 General Session

77-2-4.5 Dismissal by compromise -- Limitations.

(1) In misdemeanor cases the court may dismiss the case upon motion of the prosecutor if it is compromised by the defendant and the injured party, except under Subsection (2). The injured party shall first acknowledge the compromise before the court or in writing. The reasons for the order shall be set forth and entered in the minutes. The order is a bar to another prosecution for the same offense.

(2) A dismissal by compromise may not be granted when the misdemeanor is committed by or upon a peace officer while in the performance of the peace officer's duties, or riotously, or with intent to commit a felony.

Amended by Chapter 302, 2025 General Session

77-2-5 Diversion agreement -- Negotiation -- Contents.

(1) At any time after the commencement of prosecution and before conviction, the prosecuting attorney may, by written agreement with the defendant, filed with the court, and upon approval of the court, divert a defendant to a non-criminal diversion program.

(2) A defendant shall be represented by counsel during negotiations for diversion and at the time of execution of any diversion agreement unless the defendant has knowingly and intelligently waived the defendant's right to counsel.

(3) The defendant has the right to be represented by counsel at any court hearing relating to a diversion program.

(4)
(a) A diversion agreement, entered into between the prosecuting attorney and the defendant and approved by a court, shall contain a full, detailed statement of the requirements agreed to by the defendant and the reasons for diversion.
(b) The diversion agreement described in Subsection (4)(a) shall include an agreement, by the parties, for a specific amount of restitution that the defendant will pay, unless the prosecuting attorney certifies that:
(i) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of Crime; and
(ii) the defendant does not owe any restitution.

(5)
(a) If the court approves a diversion agreement that includes an agreement by the parties for the amount of restitution that the defendant will pay, the court shall order the defendant to pay restitution in accordance with the terms of the diversion agreement.

(b) The court shall collect, receive, process, and distribute payments for restitution to the victim, unless otherwise provided by law or by the diversion agreement.
(6) A decision by a prosecuting attorney not to divert a defendant is not subject to judicial review.
(7) A diversion agreement entered into between the prosecution and the defense and approved by a magistrate may contain an order that the defendant pay a nonrefundable diversion fee that:
(a) shall be allocated in the same manner as if paid as a fine for a criminal conviction under Section 78A-5-110 or Section 78A-7-120; and
(b) may not exceed the suggested fine listed in the Uniform Fine Schedule adopted by the Judicial Council.
(8) A diversion agreement may not be approved unless the defendant knowingly and intelligently waives the defendant's constitutional right to a speedy trial before a magistrate and in the diversion agreement.
(9)
(a) The court shall, on the defendant's request, consider the defendant's ability to pay a diversion fee before ordering the defendant to pay a diversion fee.
(b) The court may:
(i) consider any relevant evidence in determining the defendant's ability to pay a diversion fee; and
(ii) lower or waive the diversion fee based on that evidence.
(10) A diversion program longer than two years is not permitted.
(11) The court may not rely solely on an algorithm or a risk assessment tool score in determining whether the court should approve the defendant's diversion to a non-criminal diversion program.

Amended by Chapter 187, 2024 General Session

77-2-6 Dismissal after compliance with diversion agreement.

The court shall dismiss the information or indictment filed against the defendant who has complied with the requirements of a diversion agreement and the defendant shall not thereafter be subject to further prosecution for the offense involved or for any lesser included offense.

Amended by Chapter 302, 2025 General Session

77-2-7 Diversion not a conviction.

Diversion is not a conviction and if the case is dismissed the matter shall be treated as if the charge had never been filed.

Enacted by Chapter 15, 1980 General Session

77-2-8 Violation of diversion agreement -- Hearing -- Prosecution resumed.

If, during the course of the diversion of a defendant, information is brought to the attention of a magistrate or the prosecuting attorney that the defendant has violated the diversion agreement and it appears in the best interests of the community to reinstate and proceed with the prosecution, the prosecuting attorney, upon court approval, or the magistrate, on the magistrate's own motion, shall cause to be served upon the defendant an order to show cause specifying the facts relied upon by the prosecuting attorney or magistrate to terminate diversion and shall set a time and place for a hearing to determine whether or not the defendant has violated the diversion agreement. If, at the hearing, the magistrate finds the defendant has failed to comply with any terms or conditions

of the diversion agreement, the magistrate may authorize the prosecuting attorney to proceed with prosecution. The prosecution of a diverted offense shall not bar any independent prosecution arising from any offense that constituted a violation of any term or condition of the diversion agreement by which the original prosecution was diverted.

Amended by Chapter 302, 2025 General Session

77-2-9 Offenses ineligible for diversion.

(1) A magistrate may not grant a diversion for:
  (a) a capital felony;
  (b) a felony in the first degree;
  (c) any case involving a sexual offense against a victim who is under 14 years old;
  (d) any motor vehicle related offense involving alcohol or drugs;
  (e) any case involving using a motor vehicle in the commission of a felony;
  (f) driving a motor vehicle or commercial motor vehicle on a revoked or suspended license;
  (g) any case involving operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of:
    (i) manslaughter under Section 76-5-205; or
    (ii) negligent homicide under Section 76-5-206; or
  (h) a crime of domestic violence as defined in Section 77-36-1.

(2) When an individual is alleged to have committed any violation of Title 76, Chapter 5, Part 4, Sexual Offenses, other than a violation of Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, while the individual is under 16 years old, the court may enter a diversion in the matter if the court enters on the record the court's findings that:
  (a) the offenses could have been adjudicated in juvenile court but for the delayed reporting or delayed filing of the information in the district court, unless the offenses are before the court in accordance with Section 80-6-502 or 80-6-504;
  (b) the individual did not use coercion or force;
  (c) there is no more than three years' difference between the ages of the participants; and
  (d) it would be in the best interest of the person to grant diversion.

Amended by Chapter 173, 2025 General Session

Chapter 2a
Pleas in Abeyance

77-2a-1 Definitions.

As used in this chapter:

(1) "Criminal conduct" means the same as that term is defined in Section 77-38b-102.
(2) "Pecuniary damages" means the same as that term is defined in Section 77-38b-102.
(3) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against the defendant nor imposing sentence upon the defendant on condition that the defendant comply with specific conditions as set forth in a plea in abeyance agreement.

(4) "Plea in abeyance agreement" means an agreement entered into between the prosecuting attorney and the defendant setting forth the specific terms and conditions upon which, following acceptance of the agreement by the court, a plea may be held in abeyance.
(5) "Restitution" means the same as that term is defined in Section 77-38b-102.
(6) "Victim" means the same as that term is defined in Section 77-38b-102.

Amended by Chapter 113, 2023 General Session

77-2a-2 Plea in abeyance agreement -- Negotiation -- Contents -- Terms of agreement -- Waiver of time for sentencing.

(1) At any time after acceptance of a plea of guilty or no contest but before entry of judgment of conviction and imposition of sentence, the court may, upon motion of both the prosecuting attorney and the defendant, hold the plea in abeyance and not enter judgment of conviction against the defendant nor impose sentence upon the defendant within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.
(2) A defendant shall be represented by counsel during negotiations for a plea in abeyance and at the time of acknowledgment and affirmation of any plea in abeyance agreement unless the defendant knowingly and intelligently waives the defendant's right to counsel.
(3) A defendant has the right to be represented by counsel at any court hearing relating to a plea in abeyance agreement.
(4)
  (a) Any plea in abeyance agreement entered into between the prosecution and the defendant and approved by the court shall, subject to Subsection (7), include a full, detailed recitation of the requirements and conditions agreed to by the defendant and the reason for requesting the court to hold the plea in abeyance.
  (b) If the plea is to a felony or any combination of misdemeanors and felonies, the agreement shall be in writing and shall, before acceptance by the court, be executed by the prosecuting attorney, the defendant, and the defendant's counsel in the presence of the court.
(5)
  (a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a period longer than 18 months if the plea is to any class of misdemeanor or longer than three years if the plea is to any degree of felony or to any combination of misdemeanors and felonies.
  (b)
    (i) For a plea in abeyance agreement that the Division of Adult Probation and Parole created in Section 64-14-202 supervises, the plea may not be held in abeyance for a period longer than the initial term of probation required under the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, if the initial term of probation is shorter than the period required under Subsection (5)(a).
    (ii) Subsection (5)(b)(i) does not:
      (A) apply to a plea that is held in abeyance in a drug court created under Title 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by the Judicial Council; or
      (B) prohibit court supervision of a plea in abeyance agreement after the day on which the Division of Adult Probation and Parole supervision described in Subsection (5)(b)(i) ends and before the day on which the plea in abeyance agreement ends.
(6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if the plea is to any class of misdemeanor and the plea in abeyance agreement includes a condition that the defendant participate in a problem solving court approved by the Judicial Council.
(7) A plea in abeyance agreement may not:

(a) be approved unless the defendant, before the court, and any written agreement, knowingly and intelligently waives time for sentencing as designated in Rule 22(a), Utah Rules of Criminal Procedure; or
(b) notwithstanding any other provision of law, include as part of the requirements and conditions agreed to by the defendant that the defendant will forfeit a firearm owned by the defendant if the offense the defendant will plea to is not an offense that would make the defendant a restricted person under Section 76-11-302 or 76-11-303 or federal law.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 431, 2025 General Session

77-2a-3 Manner of entry of plea -- Powers of court -- Expungement.
(1)
(a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be done in full compliance with the Utah Rules of Criminal Procedure, Rule 11.
(b) In cases charging offenses for which bail may be forfeited, a plea in abeyance agreement may be entered into without a personal appearance before a magistrate.
(2) A plea in abeyance agreement may provide that the court may, upon finding that the defendant has successfully completed the terms of the agreement:
(a) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the offense, and impose a sentence for the lower degree of the offense;
(b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
(c) issue an order of expungement for all records of the offense if:
(i) the defendant successfully completes a problem solving court program that is certified by the Judicial Council; and
(ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
(3)
(a) Upon finding that a defendant has successfully completed the terms of a plea in abeyance agreement and only as provided in the plea in abeyance agreement or as agreed to by all parties, the court may :
(i) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the offense, and impose a sentence for the lower degree of the offense;
(ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
(iii) issue an order of expungement for all records of the offense if:
(A) the defendant successfully completes a problem solving court program that is certified by the Judicial Council; and
(B) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
(b) Upon sentencing a defendant for any lesser offense in accordance with a plea in abeyance agreement, the court may not invoke Section 76-3-402 to further reduce the degree of the offense.
(4) The court may require the Division of Adult Probation and Parole created in Section 64-14-202 to assist in the administration of the plea in abeyance agreement as if the defendant were placed on probation under Section 77-18-105.
(5) The terms of a plea in abeyance agreement may include:
(a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a surcharge based on the amount of the plea in abeyance fee, both of which shall be allocated in the same manner as if paid as a fine for a criminal conviction under Section 78A-5-110 and a

surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, and which may not exceed in amount the maximum fine and surcharge which could have been imposed upon conviction and sentencing for the same offense;

(b) an order that the defendant pay the costs of any remedial or rehabilitative program required by the terms of the agreement; and

(c) an order that the defendant comply with any other conditions that could have been imposed as conditions of probation upon conviction and sentencing for the same offense.

(6)

(a) The terms of a plea in abeyance shall include:

(i) a specific amount of restitution that the defendant will pay, as agreed to by the defendant and the prosecuting attorney;

(ii) a certification from the prosecuting attorney that:

(A) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of Crime; and

(B) all victims, including the Utah Office for Victims of Crime, are not seeking restitution; or

(iii) an agreement between the parties that restitution will be determined by the court at a subsequent hearing in accordance with Section 77-38b-205.

(b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the defendant, as a modified term of the plea in abeyance, to pay restitution to all victims for the entire amount of pecuniary damages that are proximately caused by the criminal conduct of the defendant.

(c) The court shall collect, receive, process, and distribute payments for restitution to the victim, unless otherwise provided by law or by the plea in abeyance agreement.

(d) If the defendant does not successfully complete the terms of the plea in abeyance, the court shall enter an order for restitution, in accordance with Chapter 38b, Crime Victims Restitution Act, upon entering a sentence for the defendant.

(7)

(a) A court may not hold a plea in abeyance without the consent of both the prosecuting attorney and the defendant.

(b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.

(8) No plea may be held in abeyance in any case involving:

(a) a sexual offense against an individual who is under 14 years old; or

(b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5, 41-6a-517, 41-6a-520, 41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.

(9)

(a) If the terms of a plea in abeyance agreement allow a court to issue an order of expungement as described in Subsection (2)(c), the prosecuting attorney shall make a reasonable effort to provide notice to any victim of the offense of the terms of the plea in abeyance agreement.

(b) The notice under Subsection (9)(a) shall:

(i) state that the victim has a right to object to the expungement; and

(ii) provide instructions for registering an objection with the court.

(c) If there is a victim of the offense, the victim may file an objection with the court before the court makes a finding as to whether the defendant successfully completed the terms of the plea in abeyance agreement as described in Subsection (3).

(d) The defendant may respond, in writing, to any objection filed by the victim within 14 days after the day on which the objection is received by the court.

(10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:

(a) expunge all records of the case as described in Section 77-40a-401; and

(b) notify the Bureau of Criminal Identification of the order of expungement.

(11)

(a) Upon receiving notice from the court of an expungement order as described in Subsection (10), the Bureau of Criminal Identification shall notify any agency, as defined in Section 77-40a-101, affected by the expungement order.

(b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not notify the Board of Pardons and Parole of an expungement order if the individual has never been:

(i) sentenced to prison in this state; or

(ii) under the jurisdiction of the Board of Pardons and Parole.

(c) The Bureau of Criminal Identification shall forward a copy of the expungement order to the Federal Bureau of Investigation.

(12) The defendant may deliver copies of the expungement to any agency, as defined in Section 77-40a-101, affected by the order of expungement.

(13) If an agency receives an expungement order under this part, the agency shall expunge all records for the case in accordance with Section 77-40a-401.

Amended by Chapter 214, 2025 General Session

77-2a-4 Violation of plea in abeyance agreement -- Hearing -- Entry of judgment and imposition of sentence -- Subsequent prosecutions.

(1) If, at any time during the term of the plea in abeyance agreement, information comes to the attention of the prosecuting attorney or the court that the defendant has violated any condition of the agreement, the court, at the request of the prosecuting attorney, made by appropriate motion and affidavit, or upon its own motion, may issue an order requiring the defendant to appear before the court at a designated time and place to show cause why the court should not find the terms of the agreement to have been violated and why the agreement should not be terminated. If, following an evidentiary hearing, the court finds that the defendant has failed to substantially comply with any term or condition of the plea in abeyance agreement, it may terminate the agreement and enter judgment of conviction and impose sentence against the defendant for the offense to which the original plea was entered. Upon entry of judgment of conviction and imposition of sentence, any amounts paid by the defendant as a plea in abeyance fee prior to termination of the agreement shall be credited against any fine imposed by the court.

(2) The termination of a plea in abeyance agreement and subsequent entry of judgment of conviction and imposition of sentence shall not bar any independent prosecution arising from any offense that constituted a violation of any term or condition of an agreement whereby the original plea was placed in abeyance.

Enacted by Chapter 82, 1993 General Session

Chapter 3
Security to Keep the Peace

77-3-1 Threatened offense -- Complaint.

A complaint that a person has threatened to commit an offense against the person or property of another, except in the case of stalking, may be made before any magistrate. Petitions alleging

the commission of stalking shall be handled pursuant to Title 78B, Chapter 7, Protective Orders and Stalking Injunctions.

Amended by Chapter 276, 2001 General Session

77-3-2 Examination of complainant and witnesses.

The magistrate shall examine, on oath, the complainant and any witnesses the complainant may produce and may take the complainant's or witnesses' testimony in writing.

Amended by Chapter 302, 2025 General Session

77-3-3 "Complaint" defined.

A complaint, within the meaning of this chapter, is a statement in writing setting forth the jurisdictional facts, specifying the threatened offense, and subscribed and sworn to by the complainant before the magistrate.

Enacted by Chapter 15, 1980 General Session

77-3-4 Warrant of arrest -- Temporary restraining order.

If the magistrate believes there is reasonable ground to fear the commission of the offense threatened, the magistrate may issue:

(1) a warrant directed generally to any peace officer, reciting the substance of the complaint and commanding the officer to immediately arrest the person complained of and bring that person before the magistrate or, in the case of the magistrate's absence or inability to act, before the nearest and most accessible magistrate of the county; and

(2) a temporary restraining order against the commission of the offense and order the person complained of to immediately appear before the magistrate for a hearing.

Amended by Chapter 302, 2025 General Session

77-3-5 Defendant taken before different magistrate -- Procedure.

When the person arrested is taken before a magistrate other than the one who issued the warrant, the peace officer who executed the warrant shall deliver it to the issuing magistrate with his or her endorsed return. The complaint and written testimony, if any, on which the warrant was issued shall be sent to the magistrate before whom the person arrested is taken.

Amended by Chapter 302, 2025 General Session

77-3-6 Change of venue.

When the person complained of is brought before the magistrate, a change of venue may be had for good cause shown.

Enacted by Chapter 15, 1980 General Session

77-3-7 Hearing -- Evidence -- Record.

At the time set for hearing, the magistrate shall take evidence. The hearing may be recorded or reduced to writing.

Enacted by Chapter 15, 1980 General Session

77-3-8 Findings and orders -- Discharge -- Undertaking -- Commitment.

(1) If it appears there is no reasonable ground to fear the commission of the offense alleged to have been threatened, the person complained of shall be discharged. The complainant may be ordered to pay the costs of the proceedings if the magistrate believes the complaint was unfounded and frivolous.

(2) If there is reasonable ground to fear the commission of an offense, the court may, in addition or as an alternative to other relief, enter an order permanently restraining the person from engaging in illegal conduct or acting in any manner that could result in illegal conduct or the person complained of may be required to enter into an undertaking in a sum not to exceed $3,000, with one or more sufficient sureties, to keep the peace toward the people of this state and particularly toward the persons endangered. The conditions of the undertaking shall be in writing and shall be for a period of six months. It may be extended on good cause shown for a longer period or enlarged and a new undertaking may be required.

(a) If the undertaking is given, the party complained of shall be discharged.

(b) If the undertaking is not given, the magistrate shall commit the defendant to jail specifying in the warrant of commitment the requirement to give security, the amount thereof, and the effective period of time.

(c) A person committed for not giving the required undertaking may be discharged by any magistrate when the person provides the undertaking.

Amended by Chapter 302, 2025 General Session

77-3-9 Filing undertaking with district court clerk.

An undertaking shall be filed in the office of the clerk of the district court.

Amended by Chapter 68, 1995 General Session

77-3-10 Assault in presence of magistrate or court.

A person who, in the presence of the court or magistrate, assaults or threatens to assault another or to commit an offense against person or property, or who contends with another with threatening words, may be ordered by the court or magistrate to give security and if the person refuses to do so, may be committed as provided in Subsection 77-3-8(2)(b).

Amended by Chapter 302, 2025 General Session

77-3-11 Undertaking, when broken -- Prosecution.

(1) The undertaking is broken if the person posting the bond violates the conditions set by the court.

(2) If the undertaking is broken and the county attorney produces evidence of the violation to the district court where the undertaking was filed, the court shall order an action on the undertaking to be commenced, and the county attorney shall commence an action in the name of the state against the principal sureties on the undertaking.

Enacted by Chapter 15, 1980 General Session

77-3-12 Record of conviction conclusive evidence -- Judgment on undertaking.

In an action filed by the county attorney to recover on an undertaking:
(1) The offense shall be alleged as a breach of the undertaking stated in a record of conviction and a record of conviction is conclusive evidence thereof.
(2) If the court finds the offense constitutes a breach of the undertaking, judgment for the amount of the undertaking shall be entered against the parties liable.

Enacted by Chapter 15, 1980 General Session

Chapter 4
Pleadings and Proceedings Before Trial

Part 1
Suppression of Resistance to Service of Process

77-4-101 Force by officer -- Arrest.

A public officer authorized to execute process issued by any court may use such force as is reasonable and necessary to execute service of process. If necessary, he may seize, arrest, and confine persons resisting or aiding and abetting resistance to his service of process.

Renumbered and Amended by Chapter 231, 2023 General Session

Part 2
Evidence

77-4-201 Reproduction of child sexual abuse material -- Prohibition.

(1) As used in this section:
(a) "Child sexual abuse material" means the same as that term is defined in Section 76-5b-103.
(b) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(c) "Victim" means the same as that term is defined in Section 77-37-2.
(2) In a proceeding involving child sexual abuse material, the child sexual abuse material shall remain in the care, custody, and control of:
(a) a law enforcement agency; or
(b) a court.
(3)
(a) In a proceeding involving child sexual abuse material, a court shall deny a request by a defendant to copy, photograph, duplicate, or otherwise reproduce the child sexual abuse material if the court or a law enforcement agency provides the defendant's attorney or an individual the defendant may seek to qualify as an expert an adequate opportunity to view and examine the child sexual abuse material.
(b) An individual described in Subsection (3)(a) may view or examine the child sexual abuse material only at the law enforcement agency or court that has custody and control of the child sexual abuse material.
(c) A defendant who is self represented:
(i) may not inspect the child sexual abuse material; and

(ii) may request that the court appoint counsel for the purpose of inspecting the child sexual abuse material on behalf of the defendant.

(4)

(a) In a proceeding involving child sexual abuse material, a victim, the victim's attorney, or an individual the victim may, upon a showing of good cause, seek to qualify as an expert, may view and examine the child sexual abuse material that depicts the victim upon a showing of good cause.

(b) An individual described in Subsection (4)(a) may not copy, photograph, duplicate, or otherwise reproduce the child sexual abuse material.

(c) An individual described in Subsection (4)(a) may view or examine the child sexual abuse material only at the law enforcement agency or court that has custody and control of the child sexual abuse material.

(d) The court or law enforcement agency may redact the child sexual abuse material described in this Subsection (4) to protect the privacy of a third party.

Enacted by Chapter 231, 2023 General Session

Chapter 5
Impeachments

77-5-1 Officers liable to impeachment.

The governor and other state and judicial officers shall be liable to impeachment for high crimes and misdemeanors or malfeasance in office.

Amended by Chapter 471, 2015 General Session

77-5-2 Chief justice to preside, when.

When the governor is on trial, the chief justice of the Supreme Court shall preside, and, in case the chief justice is disqualified or unable to act, the Senate shall select some other justice of the Supreme Court to preside.

Amended by Chapter 302, 2025 General Session

77-5-3 Two-thirds vote of House required.

The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected shall vote therefor. Impeachments shall be by resolution. The resolution shall originate in and be adopted by the House of Representatives.

Enacted by Chapter 15, 1980 General Session

77-5-4 Trial by Senate.

All impeachments shall be tried by the Senate sitting for that purpose.

Enacted by Chapter 15, 1980 General Session

77-5-5 Hearing, notice of -- Defendant served with articles.

The Senate shall assign a day for the hearing of the impeachment and inform the House of Representatives. The president of the Senate shall cause a copy of the articles of impeachment, with a notice to appear and answer the same at the time and place appointed, to be served on the officer being impeached not less than 10 days before the day fixed for the hearing.

Enacted by Chapter 15, 1980 General Session

77-5-6 Suspension on filing articles -- Vacancy, how filled.

When articles of impeachment are presented to the Senate, and the officer has been served with a copy of the articles, the officer shall be temporarily suspended from office and may not exercise the duties of the office until the officer is acquitted. Upon the suspension of any officer, other than the governor, or a justice or judge of a court of record, the office shall be temporarily filled by an appointment made by the governor, with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the case of the officer's removal, until the vacancy is filled at the next election as provided by law.

Amended by Chapter 352, 2020 General Session

77-5-7 Senators to be sworn -- Two-thirds required for proceedings.

At the time and place appointed, and before the Senate proceeds to act on the impeachment, the secretary shall administer to the president of the Senate, and the president of the Senate shall administer to each of the members of the Senate then present, an oath or affirmation to do justice according to law and the evidence and no member of the Senate shall act or vote on the impeachment, or any question arising on it without taking the oath or affirmation and being present during the proceedings. No proceedings shall be conducted unless at least two-thirds of the senators elected and entitled to vote are present.

Enacted by Chapter 15, 1980 General Session

77-5-8 Two-thirds vote necessary for conviction.

The officer shall not be convicted on impeachment without the concurrence of two-thirds of the senators elected, voting by ayes and nays, and if two-thirds of the senators elected do not concur in a conviction, the officer shall be acquitted.

Amended by Chapter 302, 2025 General Session

77-5-9 Nature of judgment.

The judgment may be that the officer be suspended, or removed from office and disqualified to hold any office of honor, trust, or profit in the state.

Enacted by Chapter 15, 1980 General Session

77-5-10 Effect of judgment.

If judgment of suspension is given, the officer, during the continuance thereof, is disqualified from receiving the salary, fees, or emoluments of the office.

Enacted by Chapter 15, 1980 General Session

77-5-11 Impeachment not a bar to prosecution.

The officer, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, and punishment according to law for any offense committed that constituted a basis for the impeachment proceedings.

Enacted by Chapter 15, 1980 General Session

77-5-12 Rules of procedure.

The procedure for impeachment proceedings shall be adopted by rule in each house and such rules shall govern.

Enacted by Chapter 15, 1980 General Session

Chapter 6
Removal by Judicial Proceedings

77-6-1 Officers subject to removal.

All officers of any city, county, or other political subdivision of this state not liable to impeachment shall be subject to removal as provided in this chapter for high crimes and misdemeanors or malfeasance in office.

Amended by Chapter 471, 2015 General Session

77-6-2 Commencement of action for removal.

An action for the removal of a justice court judge or officer of a city, county, or other political subdivision of this state shall be commenced by presenting a sworn, written accusation to the district court. The accusation may be initiated by any taxpayer, grand jury, county attorney, or district attorney for the county in which the officer was elected or appointed, or by the attorney general.

Amended by Chapter 38, 1993 General Session

77-6-3 Form of accusation.

The accusation shall state the grounds for removal in ordinary and concise language.

Enacted by Chapter 15, 1980 General Session

77-6-4 Presentation of accusation -- Service on defendant.

(1) When the accusation is initiated by:

(a) a grand jury, the foreperson shall present the accusation to the court in the presence of the grand jurors which shall be filed with the clerk; or

(b) a taxpayer, the county attorney, district attorney, or the attorney general, any of these persons shall present the accusation to the presiding judge of the district court for filing with the clerk.

(2)

(a) Except when the accusation is initiated by the county attorney or district attorney, the court shall furnish a copy of the accusation to the county attorney or, if within a prosecution district, the district attorney who shall investigate and may prosecute the accusation.
(b) If the accusation is against the county or district attorney, the court shall furnish a copy of the accusation to the Office of the Attorney General, who shall investigate and may prosecute the accusation.
(c) If prosecution is pursued, the county attorney, district attorney, or attorney general shall serve a copy of the accusation on the defendant with a summons which requires the defendant to appear before the district court of the county in which the county attorney or district attorney serves and to answer the accusation.

(3) The time fixed for appearance may not be less than 10 days from the date of service of summons. The service of the accusation, summons, and the return of service shall be made in the manner provided by law for service of civil process.

Amended by Chapter 67, 1996 General Session

77-6-5 Appearance -- Procedure on default.

The defendant shall appear at the time appointed and answer the accusation, unless for some sufficient cause the court assigns another time for that purpose. If the defendant does not appear, the court may proceed to hear and determine the accusation in the defendant's absence.

Amended by Chapter 302, 2025 General Session

77-6-6 Answer -- Objections for insufficiency.

The defendant may orally answer the accusation either by admitting or denying it in open court, or the defendant may, in writing, object to the legal sufficiency of the accusation. If the objection to the sufficiency of the accusation is sustained, the accusation shall be dismissed. If the objection is overruled, the defendant shall immediately admit or deny the accusation.

Amended by Chapter 302, 2025 General Session

77-6-7 Trial on denial or refusal to answer -- Procedure.

If the defendant denies the accusation or refuses to answer or appear, the court shall proceed to try the accusation. The rights of the parties and procedures used shall be the same as in any civil proceeding.

Enacted by Chapter 15, 1980 General Session

77-6-8 Judgment of removal -- Service on defendant.

If the defendant admits the accusation or is convicted, the court shall enter judgment against the defendant directing the defendant be removed from office and setting forth the causes of removal. The judgment of removal shall immediately be served upon the defendant.

Amended by Chapter 302, 2025 General Session

77-6-9 Appeal -- Suspension from office.

From a judgment of removal an appeal may be taken to the Supreme Court in the same manner as from a judgment in a civil action; but from entry of judgment and until the judgment is reversed,

the defendant shall be suspended from the defendant's office. Pending the appeal, the office shall be filled as in the case of a vacancy.

Amended by Chapter 302, 2025 General Session

Chapter 7
Arrest, by Whom, and How Made

77-7-1 "Arrest" defined -- Restraint allowed.

An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for arrest and detention.

Amended by Chapter 302, 2025 General Session

77-7-2 Arrest by peace officers.

A peace officer may make an arrest under authority of a warrant or may, without warrant, arrest a person:

(1)
  (a) for any public offense committed or attempted in the presence of any peace officer; and
  (b) as used in this Subsection (1), "presence" includes all of the physical senses or any device that enhances the acuity, sensitivity, or range of any physical sense, or records the observations of any of the physical senses;

(2) when the peace officer has reasonable cause to believe a felony or a class A misdemeanor has been committed and has reasonable cause to believe that the person arrested has committed it;

(3) when the peace officer has reasonable cause to believe the person has committed a public offense, and there is reasonable cause for believing the person may:
  (a) flee or conceal himself to avoid arrest;
  (b) destroy or conceal evidence of the commission of the offense; or
  (c) injure another person or damage property belonging to another person;

(4) when the peace officer has reasonable cause to believe the person has committed the offense of failure to disclose identity under Section 76-8-301.5; or

(5) when the peace officer has reasonable cause to believe that the person is an alien:
  (a) subject to a civil removal order issued by an immigration judge;
  (b) regarding whom a civil detainer warrant has been issued by the federal Department of Homeland Security; or
  (c) who has been charged or convicted in another state with one or more aggravated felonies as defined by 8 U.S.C. Sec. 1101(a)(43).

Amended by Chapter 18, 2011 General Session
Amended by Chapter 21, 2011 General Session

77-7-3 Temporary detention made by a private individual.

(1) A private individual may temporarily detain another individual:
  (a) for a public offense committed or attempted in the private individual's presence; or

(b) when a felony has been committed and the private individual has reasonable cause to believe the individual who the private individual seeks to temporarily detain has committed the felony.

(2)

(a) A temporary detention under Subsection (1) is lawful only if:

(i) the private individual immediately contacts law enforcement to notify law enforcement of the situation and the temporary detention; and

(ii) the temporary detention lasts only until a law enforcement officer arrives.

(b) A private individual is not required to immediately contact law enforcement as described in Subsection (2)(a)(i) if the private individual knows that another individual has already contacted law enforcement to notify law enforcement of the situation and the temporary detention.

(3) A private individual who in good faith conducts a lawful temporary detention under this section is:

(a) not liable for civil damages or penalties as a result of an act or omission by the private individual in performing the temporary detention unless the private individual was grossly negligent; and

(b) not subject to criminal prosecution for an act or omission by the private individual in performing the temporary detention unless the private individual was criminally negligent.

(4) A private individual may use force while temporarily detaining another individual under this section as described in Section 77-7-7.1.

Amended by Chapter 199, 2025 General Session
Amended by Chapter 302, 2025 General Session

77-7-4 Magistrate may orally order arrest.

A magistrate may orally require a peace officer to arrest anyone committing or attempting to commit a public offense in the presence of the magistrate, and, in the case of an emergency, when probable cause exists, a magistrate may orally authorize a peace officer to arrest a person for a public offense, and thereafter, as soon as practical, an information shall be filed against the person arrested.

Enacted by Chapter 15, 1980 General Session

77-7-5 Issuance of summons or warrant -- Time and place arrests may be made -- Contents of warrant or summons -- Responsibility for transporting prisoners.

(1) As used in this section:

(a) "Daytime hours" means the hours after 6 a.m. and before 10 p.m.

(b) "Nighttime hours" means the hours after 10 p.m. and before 6 a.m.

(2) A magistrate may issue a warrant for arrest in lieu of a summons for the appearance of the accused only upon finding:

(a) probable cause to believe that the person to be arrested has committed a public offense; and

(b) under Rule 6 of the Utah Rules of Criminal Procedure and this section that a warrant is necessary to:

(i) prevent risk of injury to a person or property;

(ii) secure the appearance of the accused; or

(iii) protect the public safety and welfare of the community or an individual.

(3) There is a presumption against the issuance of a warrant in lieu of a summons if:

(a) after being booked into jail on conduct that would constitute an offense, the accused was released from jail because the prosecuting attorney did not file an information within the time period required under Rule 9 of the Utah Rules of Criminal Procedure; and
(b) the prosecuting attorney filed an information more than 60 days after the day on which the accused was released from jail.
(4) The presumption described in Subsection (3) may be overcome if:
(a) the accused fails to appear on a served summons;
(b) a summons is unable to be served after good faith efforts; or
(c) the prosecuting attorney establishes good cause for issuing a warrant in lieu of a summons to:
(i) prevent risk of injury to a person or property; or
(ii) protect the public safety and welfare of the community or an individual.
(5) If the offense charged is:
(a) a felony, the arrest upon a warrant may be made at any time of the day or night; or
(b) a misdemeanor, the arrest upon a warrant may be made during nighttime hours only if:
(i) the magistrate has endorsed authorization to do so on the warrant;
(ii) the person to be arrested is upon a public highway, in a public place, or in a place open to or accessible to the public; or
(iii) the person to be arrested is encountered by a peace officer in the regular course of that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant for arrest.
(6)
(a) If the magistrate determines that the accused must appear in court, the magistrate shall include in the arrest warrant the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged.
(b)
(i) The law enforcement agency identified by the magistrate under Subsection (6)(a) is responsible for providing inter-county transportation of the defendant, if necessary, from the arresting law enforcement agency to the court site.
(ii) The law enforcement agency named on the warrant may contract with another law enforcement agency to have a defendant transported.
(7) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and legal holidays if a warrant issued in accordance with this section is an extradition warrant.
(8) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall report any changes to the status of a warrant issued in accordance with this section to the Bureau of Criminal Identification.

Amended by Chapter 314, 2025 General Session

77-7-6 Manner of making arrest.
(1) The person making the arrest shall inform the person being arrested of his intention, cause, and authority to arrest him. Such notice shall not be required when:
(a) there is reason to believe the notice will endanger the life or safety of the officer or another person or will likely enable the party being arrested to escape;
(b) the person being arrested is actually engaged in the commission of, or an attempt to commit, an offense; or
(c) the person being arrested is pursued immediately after the commission of an offense or an escape.

(2)
(a) If a deaf or hard of hearing person, as defined in Subsection 78B-1-201(2), is arrested for an alleged violation of a criminal law, including a local ordinance, the arresting officer shall assess the communicative abilities of the deaf or hard of hearing person and conduct this notification, and any further notifications of rights, warnings, interrogations, or taking of statements, in a manner that accurately and effectively communicates with the deaf or hard of hearing person, including qualified interpreters, lip reading, pen and paper, typewriters, computers with print-out capability, and telecommunications devices for the deaf.
(b) Compliance with this Subsection (2) is a factor to be considered by any court when evaluating whether statements of a deaf or hard of hearing person were made knowingly, voluntarily, and intelligently.

Amended by Chapter 43, 2017 General Session

77-7-7 Use of force in making an arrest by a law enforcement officer.
(1) If a person is being arrested and flees or forcibly resists after being informed of the intention to make the arrest, the law enforcement officer making the arrest may use reasonable force to effect the arrest.
(2) Deadly force in making an arrest may be used only as provided in Section 76-2-404.

Amended by Chapter 199, 2025 General Session

77-7-7.1 Use of force in making a temporary detention by a private individual.
(1) If a private individual temporarily detains another individual under Section 77-7-3, the private individual may use reasonable force to effect the temporary detention of the other individual if:
(a) the other individual who is being temporarily detained flees or forcibly resists after being informed of the private individual's intention to make the temporary detention; and
(b) the private individual's temporary detention of the other individual is lawful.
(2) Deadly force in making a temporary detention may only be used if the situation justifies the use of deadly force under Section 76-2-402, 76-2-405, or 76-2-407.

Enacted by Chapter 199, 2025 General Session

77-7-8 Forcible entry to conduct search or make arrest -- Conditions requiring a warrant.
(1) As used in this section:
(a) "Daytime hours" means the same as that term is defined in Section 77-7-5.
(b) "Forcibly enter" means entering any premises by force.
(c) "Knock" means to knock with reasonably strong force in a quick succession of three or more contacts with a door or other point of entry into a building that would allow the occupant to reasonably hear the peace officer's demand for entry.
(d) "Knock and announce warrant" means a lawful search warrant that authorizes entry into a building after knocking and demanding entry onto a premises described in Subsection (2).
(e) "Nighttime hours" means the same as that term is defined in Section 77-7-5.
(f) "Peace officer" means the same as that term is defined in Section 53-1-102.
(g) "Premises" means any building, room, conveyance, compartment, or other enclosure.
(h)
(i) "Supervisory official" means a command-level officer.

(ii) "Supervisory official" includes a sheriff, a head of a law enforcement agency, and a supervisory enforcement officer equivalent to a sergeant rank or higher.

(2)

(a) Subject to the provisions of this Subsection (2), a peace officer when making a lawful arrest, or serving a knock and announce warrant, may forcibly enter a premises:

(i) if the individual to be arrested is located within the premises; or

(ii) if there is probable cause to believe that the individual is located within the premises.

(b)

(i) Subject to Subsection (3), before forcibly entering a premises as described in Subsection (2)(a), a peace officer shall:

(A) wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing that identifies the individual as a law enforcement officer;

(B) audibly identify himself or herself as a law enforcement officer;

(C) knock and demand admission more than once;

(D) wait a reasonable period of time for an occupant to admit access after knocking and demanding admission; and

(E) explain the purpose for which admission is desired.

(3)

(a) A peace officer does not need to:

(i) comply with the requirements of Subsection (2)(b)(i)(B), (2)(b)(i)(C), (2)(b)(i)(D), and (2)(b)(i)(E) before forcibly entering a premises:

(A) under the exceptions in Section 77-7-6or 77-7-8.1;

(B) where there is probable cause to believe exigent circumstances exist due to the destruction of evidence; or

(C) where there is reasonable suspicion to believe exigent circumstances exist due to the physical safety of a peace officer or individual inside or in near proximity to the premises; or

(ii) comply with the requirements described in Subsections (2)(b)(i)(C) and (2)(b)(i)(D) before forcibly entering a premises if the officer, or another peace officer:

(A) has been near the premises for an extended amount of time and a reasonable person would conclude that an individual on the premises knows or should know that a peace officer is present;

(B) has demanded admission and announced an intent to enter the premises more than once; and

(C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).

(b) If a peace officer forcibly enters a premises under Subsection (3)(a)(i), the peace officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering the premises.

(4) The peace officer may use only that force that is reasonable and necessary to forcibly enter a premises under this section.

(5) Subject to Subsection (6), if the premises to be entered under Subsection (2)(a) appears to be a private residence or the peace officer knows the premises is a private residence, and if there is no consent to enter or there are no exigent circumstances, the peace officer shall, before entering the premises:

(a) obtain an arrest or search warrant if the premises is the residence of the individual to be arrested; or

(b) obtain a search warrant if the building is a private residence, but not the residence of the individual whose arrest is sought.

(6) Before seeking a warrant from a judge or magistrate under Subsection (2)(a), a supervisory official shall, using the peace officer's affidavit:

(a) independently perform an assessment to evaluate the totality of the circumstances;

(b) ensure reasonable intelligence gathering efforts have been made;

(c) ensure a threat assessment was completed on the individual or premises to be searched; and

(d) determine either that there is a sufficient basis to support seeking a warrant or require that the peace officer continue evidence gathering efforts.

(7) Notwithstanding any other provision of this chapter, a peace officer may not forcibly enter a premises based solely on:

(a) the alleged possession or use of a controlled substance under Section 58-37-8; or

(b) the alleged possession of drug paraphernalia as defined in Section 58-37a-3.

(8) All arrest warrants are subject to the conditions described in Subsection 77-7-5(2).

(9) A peace officer shall serve a knock and announce warrant during daytime hours unless a peace officer has requested, and a judge or magistrate has approved, for the warrant to be served during nighttime hours.

Amended by Chapter 133, 2024 General Session

77-7-8.1 Forcible entry to conduct a search -- Conditions requiring a warrant -- No-knock warrants.

(1) As used in this section:

(a) "Daytime hours" means the same as that term is defined in Section 77-7-5.

(b) "Forcibly enter" means the same as that term is defined in Section 77-7-8.

(c) "Nighttime hours" means the same as that term is defined in Section 77-7-5.

(d) "No-knock warrant" means a lawful search warrant that authorizes entry onto a premises without notice to any occupant on the premises at the time of service.

(e) "Supervisory official" means the same as that term is defined in Section 77-7-8.

(f) "Peace officer" means the same as that term is defined in Section 53-1-102.

(g) "Premises" means any property, building, room, conveyance, compartment, or other enclosure.

(2) Subject to the provisions of this section, a peace officer serving a lawful no-knock warrant may forcibly enter a premises to be searched without notice.

(3) Before seeking a no-knock warrant from a judge or magistrate under Subsection (2), a supervisory official shall, using the peace officer's affidavit:

(a) independently perform an assessment to evaluate the totality of the circumstances;

(b) ensure reasonable intelligence gathering efforts have been made;

(c) ensure a threat assessment was completed on the individual or premises to be searched; and

(d) determine either that there is a sufficient basis to support seeking a warrant or require that the peace officer continue evidence gathering efforts.

(4)

(a) The affidavit for a no-knock warrant shall describe:

(i) why the peace officer believes the suspect is unable to be detained or the residence searched using less invasive or less confrontational methods;

(ii) investigative activities that have been undertaken to ensure that the correct premises is identified and that potential harm to innocent third parties, the premises, and officers may be minimized; or

(iii) the present or imminent threat of serious bodily injury or death to an individual inside, outside, or in near proximity to the premises.

(b) A peace officer shall serve a no-knock warrant during daytime hours unless a peace officer's affidavit states sufficient grounds to believe a search is necessary during nighttime hours.

(5) An officer shall wear readily identifiable markings when serving a no-knock warrant, including a badge and vest or clothing with a distinguishing label or other writing that shows that the individual is a peace officer.

(6) Notwithstanding any other provision of this chapter, a peace officer may not request a no-knock warrant if the warrant is solely for a misdemeanor investigation.

Amended by Chapter 133, 2024 General Session

77-7-8.5 Use of tactical groups -- Reporting requirements.

(1) As used in this section:

(a)

(i) "Reportable incident" means:

(A) the deployment of a tactical group; or

(B) law enforcement officers who serve a search warrant after using forcible entry.

(ii) "Reportable incident" does not mean a forced cell entry at a corrections facility.

(b) "Tactical group" means a special unit, within a law enforcement agency, specifically trained and equipped to respond to critical, high-risk situations.

(2) On and after January 1, 2015, every state, county, municipal, or other law enforcement agency shall annually on or before April 30 report to the Commission on Criminal and Juvenile Justice the following information for the previous calendar year:

(a) whether the law enforcement agency conducted one or more reportable incidents;

(b) the following information regarding each reportable incident:

(i) the organizational title of the agency, task force, or tactical group deployed;

(ii) the city, county, and zip code of the location where the reportable incident occurred;

(iii) the reason for the deployment;

(iv) the type of warrant obtained, if any;

(v) if a threat assessment was completed;

(vi) if a warrant was obtained, the name of the judge or magistrate who authorized the warrant;

(vii) the number of arrests made, if any;

(viii) if any evidence was seized;

(ix) if any property was seized, other than property that was seized as evidence;

(x) if a forcible entry was made;

(xi) if a firearm was discharged by a law enforcement officer, and, if so, approximately how many shots were fired by each officer;

(xii) if a weapon was brandished by a person other than the law enforcement officers;

(xiii) if a weapon was used by a person against the law enforcement officers and, if a firearm was used, the number or approximate number of shots fired by the person;

(xiv) the identity of any law enforcement agencies that participated or provided resources for the deployment;

(xv) if a person or domestic animal was injured or killed by a law enforcement officer; and

(xvi) if a law enforcement officer was injured or killed; and

(c) the number of arrest warrants served that required a forced entry as provided by Section 77-7-8 and were not served in conjunction with a search warrant that resulted in a reportable incident.

(3) If a warrant is served by a multijurisdictional team of law enforcement officers, the reporting requirement in this section shall be the responsibility of the commanding agency or governing authority of the multijurisdictional team.
(4) The Commission on Criminal and Juvenile Justice shall develop a standardized format that each law enforcement agency shall use in reporting the data required in Subsection (2).
(5) A law enforcement agency shall:
(a) compile the data described in Subsection (2) for each year as a report in the format required under Subsection (4); and
(b) submit the report to:
(i) the Commission on Criminal and Juvenile Justice; and
(ii) the local governing body of the jurisdiction served by the law enforcement agency.
(6)
(a) The Commission on Criminal and Juvenile Justice shall summarize the yearly reports of law enforcement agencies submitted under Subsection (2).
(b) Before August 1 of each year, the Commission on Criminal and Juvenile Justice shall submit a report of the summaries described in Subsection (6)(a) to:
(i) the attorney general;
(ii) the speaker of the House of Representatives, for referral to any house standing or interim committees with oversight of law enforcement and criminal justice;
(iii) the president of the Senate, for referral to any senate standing or interim committees with oversight of law enforcement and criminal justice; and
(iv) each law enforcement agency.
(c) The report described in Subsection (6)(b) shall be published on the Utah Open Government website, open.utah.gov, before August 15 of each year.
(7)
(a) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection (2), the Commission on Criminal and Juvenile Justice shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.
(b) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection (2) within 30 days after being contacted by the Commission on Criminal and Juvenile Justice with a request to comply, the Commission on Criminal and Juvenile Justice shall report the noncompliance to the attorney general, the speaker of the House of Representatives, and the president of the Senate.

Enacted by Chapter 106, 2014 General Session

77-7-9 Weapons may be taken from prisoner.

Any person making an arrest may seize from the person arrested all weapons which the person arrested may have on or about his or her person.

Amended by Chapter 302, 2025 General Session

77-7-10 Telegraph or telephone authorization of execution of arrest warrant.

Any magistrate may, by an endorsement on a warrant of arrest, authorize by telegraph, telephone or other reasonable means, its execution. A copy of the warrant or notice of its issuance and terms may be sent to one or more peace officers. The copy or notice communicated

authorizes the officer to proceed in the same manner under it as if the peace officer had an original warrant.

Amended by Chapter 302, 2025 General Session

77-7-11 Possession of warrant by arresting officer not required.

Any peace officer who has knowledge of an outstanding warrant of arrest may arrest a person the peace officer reasonably believes to be the person described in the warrant, without the peace officer having physical possession of the warrant.

Amended by Chapter 302, 2025 General Session

77-7-12 Detaining persons suspected of shoplifting or library theft -- Persons authorized.

(1) A peace officer, merchant, or merchant's employee, servant, or agent who has reasonable grounds to believe that goods held or displayed for sale by the merchant have been taken by a person with intent to steal may, for the purpose of investigating the unlawful act and attempting to effect a recovery of the goods, detain the person in a reasonable manner for a reasonable length of time.

(2) A peace officer or employee of a library may detain a person for the purposes and under the limits of Subsection (1) if there are reasonable grounds to believe the person violated Title 76, Chapter 6, Part 8, Library Theft.

Amended by Chapter 245, 1987 General Session

77-7-13 Arrest without warrant by peace officer -- Reasonable grounds, what constitutes -- Exemption from civil or criminal liability.

(1) A peace officer may arrest, without warrant, any person the officer has reasonable ground to believe has committed a theft under Title 76, Chapter 6, Part 8, Library Theft, or of goods held or displayed for sale.

(2) A charge of theft made to a peace officer under Title 76, Chapter 6, Part 8, Library Theft, by an employee of a library, or by a merchant, merchant's employee, servant, or agent constitutes a reasonable ground for arrest, and the peace officer is relieved from any civil or criminal liability.

Amended by Chapter 282, 1998 General Session

77-7-14 Person causing detention or arrest of person suspected of shoplifting or library theft -- Civil and criminal immunity.

(1) A peace officer, merchant, or merchant's employee, servant, or agent who causes the detention of a person as provided in Section 77-7-12, or who causes the arrest of a person for theft of goods held or displayed for sale, is not criminally or civilly liable where there is reasonable and probable cause to believe the person detained or arrested committed a theft of goods held or displayed for sale.

(2) A peace officer or employee of a library who causes a detention or arrest of a person under Title 76, Chapter 6, Part 8, Library Theft, is not criminally or civilly liable where there is reasonable and probable cause to believe that the person committed a theft of library materials.

Amended by Chapter 302, 2025 General Session

77-7-15 Authority of peace officer to stop and question suspect -- Grounds.

A peace officer may stop any individual in a public place when the officer has a reasonable suspicion to believe the individual has committed or is in the act of committing or is attempting to commit a public offense and may demand the individual's name, address, date of birth, and an explanation of the individual's actions.

Amended by Chapter 411, 2019 General Session

77-7-16 Authority of peace officer to frisk suspect for dangerous weapon -- Grounds.

A peace officer who has stopped a person temporarily for questioning may frisk the person for a dangerous weapon if the peace officer reasonably believes the peace officer or any other person is in danger.

Amended by Chapter 302, 2025 General Session

77-7-17 Authority of peace officer to take possession of weapons.

A peace officer who finds a dangerous weapon pursuant to a frisk may take and keep it until the completion of the questioning, at which time the peace officer shall either return it if lawfully possessed, or arrest such person.

Amended by Chapter 302, 2025 General Session

77-7-17.5 Physical body cavity search policy -- Requirements.

(1) As used in this section:
  (a) "Arrestee" means an individual who is in the custody of law enforcement for an offense for which the individual has not been convicted.
  (b)
    (i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.
    (ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.
  (c)
    (i) "Physical body cavity search" means a search of a body cavity of an individual that involves touching the individual with:
      (A) any part of another individual's body; or
      (B) an instrument or other item.
    (ii) "Physical body cavity search" does not include a clothed, pat down search.
(2) Each county jail shall adopt and implement a policy that meets the minimum standards contained in a model policy established by the Commission on Criminal and Juvenile Justice.
(3) The model policy shall specify the minimum standards and procedures to be followed by the county jail when a body cavity search is performed on an arrestee within the county jail's jurisdiction, including:
  (a) stating with specificity the circumstances under which a body cavity search may be performed on an arrestee;
  (b) designating who may authorize the performance of a body cavity search;
  (c) designating specific jail staff or medical personnel who may perform a body cavity search;
  (d) requiring any nonmedically trained jail staff who may perform a body cavity search to be trained on safe practices for conducting a body cavity search;
  (e) requiring documentation of each body cavity search performed at the correctional facility, including:

(i) the identity of the arrestee searched;
(ii) the date, time, and location of the search;
(iii) the identity of the individual performing the search;
(iv) the identity of the individual authorizing the search;
(v) a description of the body areas searched and the procedures followed in performing the search; and
(vi) the circumstances necessitating the body cavity search; and
(f) designating rules and procedures to be followed, by authorized staff, when performing a body cavity search that account for the health and privacy interests of the arrestee, including:
(i) the location where a body cavity search must be performed;
(ii) the gender requirements of the individuals who perform or observe the search in relation to the gender of the arrestee being searched; and
(iii) methods to ensure the body cavity search is conducted with the minimal amount of touching necessary to effectuate the purposes of the search.
(4) A county jail's body cavity search policy is a public record.

Enacted by Chapter 462, 2019 General Session

77-7-18 Citation on misdemeanor or infraction charge.
(1) Any person subject to arrest or prosecution on a misdemeanor or infraction charge may be issued and delivered a citation that requires the person to appear at the court of the magistrate with territorial jurisdiction.
(2) The following may issue the citation described in Subsection (1):
(a) a peace officer, in lieu of or in addition to taking the person into custody;
(b) any public official of any county or municipality charged with the enforcement of the law;
(c) a port-of-entry agent as defined in Section 72-1-102;
(d) an animal control officer of a county, municipality, or special service district under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal control service; and
(e) a volunteer authorized to issue a citation under Section 41-6a-217.

Amended by Chapter 379, 2018 General Session

77-7-19 Appearance required by citation -- Arrest for failure to appear -- Transfer of cases -- Disposition of fines and costs.
(1) An individual receiving a citation issued pursuant to Section 77-7-18 shall appear in the court designated in the citation on or before the time and date specified in the citation unless:
(a) the citation states that the court will, within five to 14 days, notify the individual of when to appear; or
(b) the individual is permitted to remit the fine and other penalties without a personal appearance in accordance with a uniform fine schedule adopted by the Judicial Council or by court order under Section 77-7-21.
(2) A citation may not require an individual to appear or contact the court sooner than five days or later than 14 days following its issuance.
(3) If the individual cited does not appear before the court as directed by the citation or the court, or pay the fine as allowed by Section 77-7-21, the court may issue a bench warrant for the individual's arrest.
(4)

(a) Clerks and other administrative personnel serving the courts shall identify for the judge any citations over which the court may lack jurisdiction.
(b) Upon determining that the court lacks jurisdiction over a citation, the court shall:
(i) transfer the case to a court with jurisdiction;
(ii) if the court cannot readily identify a court with jurisdiction, dismiss the charges contained in the citation; and
(iii) notify the prosecutor of the transfer or dismissal.
(c) Any fine, fee, or forfeiture collected by a court that lacks jurisdiction shall be:
(i) transferred to the court receiving the case; or
(ii) if the case is dismissed, returned to the defendant.

Amended by Chapter 185, 2020 General Session

77-7-20 Service of citation on defendant -- Filing in court -- Electronic filing -- Contents of citations.

(1) Except as provided in Subsection (4), a peace officer or other authorized official who issues a citation pursuant to Section 77-7-18 shall give the citation to the individual cited and shall, within five business days, electronically file the data from Subsections (2)(a) through (2)(h) with the court specified in the citation. The data transmission shall use the court's electronic filing interface. A nonconforming filing is not effective.
(2) The citation issued under authority of this chapter shall contain the following data:
(a) the name, address, and phone number of the court before which the individual is to appear;
(b) the name and date of birth of the individual cited;
(c) a brief description of the offense charged;
(d) the date, time, and place at which the offense is alleged to have occurred;
(e) the date on which the citation was issued;
(f) the name of the peace officer or official who issued the citation, and the name of the arresting individual if a private party made the arrest and the citation was issued in lieu of taking the arrested individual before a magistrate;
(g) the time and date on or date range during which the individual is to appear or a statement that the court will notify the individual of the time to appear;
(h) whether the offense is a domestic violence offense;
(i) language informing the individual that the individual may be eligible for deferred prosecution under Section 77-2-4.2, including a link to a website with information regarding deferred prosecution; and
(j) a notice containing substantially the following language:

READ CAREFULLY

This citation is not an information and will not be used as an information without your consent. If an information is filed you will be provided a copy by the court. You MUST appear in court on or before the time set in this citation or as directed by the court. IF YOU FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

(3) By electronically filing the data with the court, the peace officer or official affirms to the court that:
(a) the citation or information, including the summons and complaint, was served upon the defendant in accordance with the law;
(b) the defendant committed the offense described in the served documents; and

(c) the court to which the defendant was directed to appear has jurisdiction over the offense charged.

(4)

(a) If a citing law enforcement officer is not reasonably able to access the efiling system, the citation need not be filed electronically if being filed with a justice court.

(b) The court may accept an electronic filing received after five business days if:

(i) the defendant consents to the filing; and

(ii) the court finds the interests of justice would be best served by accepting the filing.

Amended by Chapter 393, 2023 General Session

77-7-21 Proceeding on citation -- Voluntarily remitting a fine -- Parent signature required -- Information, when required.

(1)

(a) A citation filed with the court may, with the consent of the defendant, serve in lieu of an information to which the defendant may plead guilty or no contest to the charge or charges listed and be sentenced accordingly.

(b) If provided by the uniform fine schedule described in Section 76-3-301.5, or with the court's approval, an individual may remit the fine and other penalties without a personal appearance before the court in any case charging a class B misdemeanor or lower offense, unless the charge is:

(i) a domestic violence offense as defined in Section 77-36-1;

(ii) a violation of Section 41-6a-502, driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration;

(iii) a violation of Section 41-6a-517, driving with any measurable controlled substance in the body;

(iv) a violation of a local ordinance similar to the offenses described in Subsections (1)(b)(i) through (iii); or

(v) a violation that appears to:

(A) affect a victim, as defined in Section 77-38b-102; or

(B) require restitution, as defined in Section 77-38b-102.

(c) The remittal of fines and other penalties shall be entered as a conviction and treated the same as if the accused pleaded no contest.

(d) If the person cited is under 18 years old, the court shall promptly mail a copy or notice of the citation to the address as shown on the citation, to the attention of the parent or guardian of the defendant.

(2) If the individual pleads not guilty to the offense charged, further proceedings shall be held in accordance with the Rules of Criminal Procedure and all other applicable provisions of this code.

Amended by Chapter 260, 2021 General Session
Amended by Chapter 431, 2021 General Session

77-7-23 Delivery of an individual arrested without a warrant to a magistrate -- Transfer to a court with jurisdiction -- Transfer of duties -- Violation as misdemeanor.

(1)

(a)

(i)

(A) If an arrest is made without a warrant by a peace officer, the individual who has been arrested shall be taken by a peace officer without unnecessary delay to the magistrate in the district court, the precinct of the county, or the municipality in which the offense occurred, except under Subsection (2).

(B) An information stating the charge against the arrested individual shall be made before the magistrate.

(ii) If a private individual temporarily detains another individual under Section 77-7-3, a peace officer shall determine whether to release or arrest the individual who has been detained, and if the peace officer arrests the individual who has been detained, the peace officer shall follow the procedures described in Subsection (1)(a)(i).

(b) If the justice court judge of the precinct or municipality or the district court judge is not available, the arrested individual shall be taken before the magistrate within the same county who is nearest to the scene of the alleged offense or nearest to the jail under Subsection (2), who may act as committing magistrate for arraigning the accused individual, setting bail, or issuing warrants.

(2)

(a) If the arrested individual under Subsection (1) must be transported from jail to a magistrate, the individual may be taken before the magistrate nearest to the jail rather than the magistrate specified in Subsection (1) for arraignment, setting bail, or issuing warrants.

(b) The case shall then be transferred to the court having jurisdiction.

(3) If a jail accepts custody of an individual arrested under Subsection (1), the duties under this section of the peace officer who makes the arrest are transferred to the jail and the jail's personnel.

(4) This section does not confer jurisdiction upon a court unless otherwise provided by law.

(5) A violation of this section is a class B misdemeanor.

Amended by Chapter 199, 2025 General Session

77-7-24 Notice to appear in court -- Contents -- Promise to comply -- Signing -- Release from custody -- Official misconduct.

(1) If a person who is arrested for a violation of Title 41, Chapter 6a, Traffic Code, that is punishable as a misdemeanor is immediately taken before a magistrate as provided under Section 77-7-23, the peace officer shall prepare, in triplicate or more copies, a written notice to appear in court containing:

(a) the name and address of the person;

(b) the number, if any, of the person's driver license;

(c) the license plate number of the person's vehicle;

(d) the offense charged; and

(e) the time and place the person shall appear in court.

(2) The time specified in the notice to appear must be at least five days after the arrest of the person unless the person demands an earlier hearing.

(3) The place specified in the notice to appear shall be made before a magistrate of competent jurisdiction in the county in which the alleged violation occurred.

(4)

(a) In order to secure release as provided in this section, the arrested person shall promise to appear in court by signing at least one copy of the written notice prepared by the arresting officer.

(b) The arresting peace officer shall immediately:

(i) deliver a copy of the notice to the person promising to appear; and
(ii) release the person arrested from custody.
(5) A peace officer violating any of the provisions of this section shall be:
(a) guilty of misconduct in office; and
(b) subject to removal from office.

Renumbered and Amended by Chapter 2, 2005 General Session

77-7-25 Keeping of records -- Making and forwarding of abstract upon conviction or forfeiture of bail -- Form and contents -- Official misconduct.

(1) A magistrate or judge of a court shall keep a full record of each case in which a person is charged with:
(a) a violation of this chapter; or
(b) any other law regulating the operation of a motor vehicle on the highway.
(2)
(a) Within five days after the conviction or forfeiture of bail of a person on a charge of violating a provision of this chapter or other law regulating the operation of a motor vehicle on the highway, the magistrate of the court or clerk of the court in which the conviction was made or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was convicted or forfeited bail.
(b) The abstract shall be certified by the person required to prepare the abstract to be true and correct.
(c) A report under this Subsection (2) is not required for a conviction involving the illegal parking or standing of a vehicle.
(3) The abstract must be made in a manner specified by the Driver License Division and shall include the:
(a) name and address of the party charged;
(b) number, if any, of the person's driver license;
(c) license plate number of the vehicle involved;
(d) nature of the offense;
(e) date of hearing;
(f) plea;
(g) judgment, or whether bail was forfeited; and
(h) amount of the fine or forfeiture.
(4) A court shall provide a copy of the report to the Driver License Division on the conviction of a person of manslaughter or other felony in which a vehicle was used.
(5) The failure, refusal, or neglect of a judicial officer to comply with the requirements of this section constitutes misconduct in office and is grounds for removal.
(6) The Driver License Division shall classify and disclose all abstracts received in accordance with Section 53-3-109.

Amended by Chapter 33, 2016 General Session

77-7-26 Improper disposition or cancellation of notice to appear or traffic citation -- Official misconduct -- Misdemeanor.

(1)
(a) It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of:

(i) a notice to appear; or
(ii) traffic citation.
(b) The provisions of Subsection (1)(a) do not apply if the disposal is done with the consent of the magistrate before whom the arrested person was to appear.
(2) A person who cancels or solicits the cancellation of a notice to appear or a traffic citation, in any manner other than as provided by law, is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 2, 2005 General Session

77-7-27 Quotas for arrest, citation prohibited.
(1) As used in this section:
(a) "Law enforcement agency" means an entity of the state, or a political subdivision of the state, that exists primarily to prevent and detect crime and enforce criminal laws, statutes, or ordinances.
(b) "Law enforcement quota" means any requirement or minimum standard regarding the number or percentage of citations or arrests made by a law enforcement officer.
(2) A political subdivision or law enforcement agency employing a peace officer may not require or direct that a peace officer meet a law enforcement quota.
(3) Subsection (2) does not prohibit a political subdivision or law enforcement agency from including a peace officer's engagement with the community or enforcement activity as part of an overall determination of the peace officer's performance.

Enacted by Chapter 289, 2018 General Session

Chapter 7a
Law Enforcement Use of Body-worn Cameras

77-7a-102 Body-worn cameras -- Written policies and procedures.
(1) Any law enforcement agency that uses body-worn cameras shall have a written policy governing the use of body-worn cameras that is consistent with the provisions of this chapter.
(2)
(a) Any written policy regarding the use of body-worn cameras by a law enforcement agency shall, at a minimum:
(i) comply with and include the requirements in this chapter; and
(ii) address the security, storage, and maintenance of data collected from body-worn cameras.
(b) Except as provided in Subsection 77-7a-104(11), this chapter does not prohibit a law enforcement agency from adopting body-worn camera policies that are more expansive than the minimum guidelines provided in this chapter.
(3) This chapter does not require an officer to jeopardize the safety of the public, other law enforcement officers, or himself or herself in order to activate or deactivate a body-worn camera.

Amended by Chapter 415, 2017 General Session

77-7a-103 Definitions.
(1)

(a) "Body-worn camera" means a video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer.
(b) "Body-worn camera" does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.
(2) "Law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.
(3) "Law enforcement encounter" means:
(a) an enforcement stop;
(b) a dispatched call;
(c) a field interrogation or interview;
(d) use of force;
(e) execution of a warrant;
(f) a traffic stop, including:
(i) a traffic violation;
(ii) stranded motorist assistance; and
(iii) any crime interdiction stop; or
(g) any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Enacted by Chapter 410, 2016 General Session

77-7a-104 Activation and use of body-worn cameras.
(1) As used in this section:
(a) "Health care facility" means the same as that term is defined in Section 78B-3-403.
(b) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(c) "Hospital" means the same as that term is defined in Section 78B-3-403.
(d) "Human service program" means the same as that term is defined in Section 26B-2-101.
(2) Except as provided in Subsection (5), an officer using a body-worn camera:
(a) shall verify that the equipment is properly functioning as is reasonably within the officer's ability;
(b) shall report any malfunctioning equipment to the officer's supervisor if:
(i) the body-worn camera issued to the officer is not functioning properly upon initial inspection; or
(ii) the officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty;
(c) shall wear the body-worn camera so that it is clearly visible to the individual being recorded;
(d) shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible;
(e) shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter, except as an interruption of a recording is allowed under this section;
(f) shall, when going on duty and off duty, record the officer's name, identification number, and the current time and date, unless the information is already available due to the functionality of the body-worn camera;
(g) shall, if the body-worn camera was present during a law enforcement encounter, document the presence of the body-worn camera in any report or other official record of a contact;
(h) except as provided in Subsection (2)(i), when the body-worn camera has been activated during the officer's direct participation in a law enforcement encounter, keep the body-worn

camera activated until the officer's direct participation in the law enforcement encounter is complete;

(i) may deactivate the body-worn camera:

(i) to consult with a supervisor or another officer;

(ii) during a significant period of inactivity;

(iii) during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:

(A) the individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera; and

(B) the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body-worn camera; or

(iv) during a conversation with a victim of a domestic violence offense as defined in Section 77-36-1, or a sexual offense, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420 if:

(A) the officer is conducting an evidence-based lethality assessment;

(B) the victim or the officer believes that deactivating the body-worn camera recording will encourage complete and accurate information sharing by the victim, or is necessary to protect the safety or identity of the victim; and

(C) the officer's body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete;

(j) shall, if the officer deactivates or fails to activate the body-worn camera in violation of this section, document in a written report the reason for deactivating or for failing to activate the body-worn camera; and

(k) may not activate a body-worn camera in a hospital, health care facility, human service program, or the clinic of a health care provider, except during a law enforcement encounter, and with notice under Section 77-7a-105.

(3) A violation of this section may not serve as the sole basis to dismiss a criminal case or charge.

(4) This section does not preclude a law enforcement agency from establishing internal agency policies for an officer's failure to comply with the requirements of this section.

(5) Subsections (2)(c), (d), (e), (g), (h), and (j) do not apply to an officer who:

(a) is assigned to a narcotics unit or task force that is engaged primarily in narcotics investigations; or

(b) is engaged in an undercover operation.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 249, 2025 General Session

77-7a-104.1 Adverse inference jury instruction.

(1) As used in this section, "adverse inference instruction" means an instruction that:

(a) is provided to a jury in accordance with Utah Rules of Criminal Procedure, Rule 19; and

(b) directs the jury that an officer's failure to comply with a requirement of Section 77-7a-104 may give rise to an adverse inference against the officer.

(2)

(a) A court presiding over a jury trial may provide an adverse inference instruction if the defendant seeking the adverse inference instruction establishes by a preponderance of the evidence that:

(i) an officer intentionally or, with reckless disregard of a requirement of Section 77-7a-104, failed to comply with a requirement of Section 77-7a-104; and
(ii) the officer's failure to comply with the requirement of Section 77-7a-104 is reasonably likely to affect the outcome of the defendant's trial.
(b) In considering whether to include an adverse inference instruction under Subsection (2)(a), the court shall consider:
(i) the degree of prejudice to the defendant as a result of the officer's failure to comply with Section 77-7a-104;
(ii) the materiality and importance of the missing evidence in relation to the case as a whole;
(iii) the strength of the remaining evidence;
(iv) the degree of fault on behalf of the officer described in Subsection (2)(a)(i) or the law enforcement agency employing the officer, including whether evidence supports that the officer or the law enforcement agency displays a pattern of intentional or reckless disregard of the requirements of Section 77-7a-104; and
(v) other considerations the court determines are relevant to ensure just adjudication and due process.
(c) If a court includes an adverse inference instruction, the prosecutor shall, after the conclusion of the trial, send written notice of the instruction to the law enforcement agency that employed the officer described in Subsection (2)(a)(i) at the time of the offense, including:
(i) the written order or a description of the order allowing for the instruction;
(ii) the language of the instruction; and
(iii) the outcome of the trial.

Enacted by Chapter 404, 2020 General Session

77-7a-105 Notice and privacy.

(1) An officer with a body-worn camera shall give notice, when reasonable under the circumstances:
(a) to:
(i) the occupants of a private residence in which the officer enters and in which a body-worn camera is in use; or
(ii) a health care provider present at a hospital, a health care facility, human service program, or a health care provider's clinic in which the officer enters and in which a body-worn camera is in use; and
(b) either by:
(i) wearing a body-worn camera in a clearly visible manner; or
(ii) giving an audible notice that the officer is using a body-worn camera.
(2) An agency shall make the agency's policies regarding the use of body-worn cameras available to the public, and shall place the policies on the agency's public website when possible.

Amended by Chapter 415, 2017 General Session

77-7a-106 Prohibited Activities.

An officer is prohibited from:
(1) using a body-worn camera for personal use;
(2) making a personal copy of a recording created while on duty or acting in an official capacity as a law enforcement officer;

(3) retaining a recording of any activity or information obtained while on duty or acting in an official capacity as a law enforcement officer;
(4) duplicating or distributing a recording except as authorized by the employing law enforcement agency; and
(5) altering or deleting a recording in violation of this chapter.

Enacted by Chapter 410, 2016 General Session

77-7a-107 Retention and release of recordings.

(1)
(a) Any recording made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer shall be retained in accordance with applicable federal, state, and local laws.
(b) Any recording made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer may not be retained, electronically or otherwise, by a private entity if the private entity has any authority to:
(i) withhold the recording; or
(ii) prevent the political subdivision from accessing or disclosing the recording.
(c)
(i) Notwithstanding Subsection (1)(b), a political subdivision may continue to retain a recording in a manner prohibited under Subsection (1)(b) if the political subdivision is under contract with a private entity on May 7, 2018, and the contract includes terms prohibited by Subsection (1)(b).
(ii) A political subdivision may not renew a contract described in Subsection (1)(c)(i).
(d) This Subsection (1) does not prohibit a political subdivision from using a private entity's retention or redaction service if the private entity does not have authority to:
(i) withhold the recording; or
(ii) prevent the political subdivision from accessing or disclosing the recording.

(2)
(a) Except as provided in Subsection (3)(e), a release of a recording made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer is subject to Title 63G, Chapter 2, Government Records Access and Management Act.
(b) Notwithstanding any other provision in state or local law, a person who requests access to a recording may immediately appeal to a district court, as provided in Section 63G-2-404, any denial of access to a recording based solely on Subsection 63G-2-305(10)(b) or (c) due to a pending criminal action that has been filed in a court of competent jurisdiction.

(3)
(a) A person may request from a law enforcement agency the release of a recording of an incident between an officer and an individual that results in death or serious bodily injury, or during which an officer fires a weapon.
(b) A person shall make a request under Subsection (3)(a) to the law enforcement agency responsible for creating the recording described in Subsection (3)(a).
(c) The law enforcement agency described in Subsection (3)(b) shall direct a records custodian in possession of a recording described in Subsection (3)(a) to release the recording to the requesting party under Subsection (3)(a) within 10 days after the day on which one of the following occurs:
(i) the prosecuting agency declines to file a criminal action related to the incident;
(ii)

(A) the prosecuting agency files a criminal action related to the incident;
(B) the judge adjudicating the criminal action is notified by the prosecutor or the defendant of the request to release the recording; and
(C) the judge determines that the release of the recording would not have a substantial likelihood of prejudicing a finder of fact in the criminal action; or
(iii) if more than 10 days have passed since the day on which the events described in Subsection (3)(c)(i) or (3)(c)(ii) occurred, the day on which the law enforcement agency described in Subsection (3)(b) receives the request under Subsection (3)(a).
(d) Notwithstanding Subsection (3)(a) or (c), a law enforcement agency may not, in response to a request under Subsection (3)(a), direct a records custodian in possession of a recording to release the recording if the law enforcement agency is notified that one of the following individuals has requested that the recording not be publicly distributed:
(i) an individual injured in the incident described in Subsection (3)(a); or
(ii) an immediate family member of an individual injured or killed in the incident described in Subsection (3)(a).
(e) The provisions of Title 63G, Chapter 2, Government Records Access and Management Act, do not apply to this Subsection (3).

Amended by Chapter 150, 2022 General Session

Chapter 8
Lineups

77-8-1 Order of magistrate -- Grounds -- Arrested suspect's appearance without order.
(1) A magistrate may issue an order requiring a suspect to appear in a lineup when probable cause exists to believe a crime has been committed and there is reason to believe the suspect committed it.
(2) A suspect who has been arrested, and is in custody, may be required by a peace officer to appear in a lineup without a court order.
(3) Upon application of any suspect and a showing of good cause, a magistrate may order a lineup.

Enacted by Chapter 15, 1980 General Session

77-8-2 Suspect's right to have attorney present.
A suspect has the right to have an attorney present at any lineup. The magistrate or party in charge of the lineup shall notify the suspect of this right. Every suspect unable to employ counsel shall be entitled to representation by an attorney appointed by a magistrate for a lineup either before or after an arrest.

Amended by Chapter 302, 2025 General Session

77-8-3 Conduct of peace officer.
The peace officers conducting a lineup shall not attempt to influence the identification of any particular suspect.

Enacted by Chapter 15, 1980 General Session

77-8-4 Record of proceedings -- Access by suspect.

The entire lineup procedure shall be recorded, including all conversations between the witnesses and the conducting peace officers. The suspect shall have access to and may make copies of the record and any photographs taken of the suspect or any other persons in connection with the lineup.

Amended by Chapter 302, 2025 General Session

Chapter 8a
Criminal Offense Charges

77-8a-1 Joinder of offenses and of defendants.

(1) Two or more felonies, misdemeanors, or both, may be charged in the same indictment or information if each offense is a separate count and if the offenses charged are:
  (a) based on the same conduct or are otherwise connected together in their commission; or
  (b) alleged to have been part of a common scheme or plan.

(2)
  (a) When a felony and misdemeanor are charged together the defendant is afforded a preliminary hearing with respect to both the misdemeanor and felony offenses.
  (b) Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or conduct or in the same criminal episode.
  (c) The defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.
  (d) When two or more defendants are jointly charged with any offense, they shall be tried jointly unless the court in its discretion on motion or otherwise orders separate trials consistent with the interests of justice.

(3)
  (a) The court may order two or more indictments or informations or both to be tried together if the offenses, and the defendants, if there is more than one, could have been joined in a single indictment or information.
  (b) The procedure shall be the same as if the prosecution were under a single indictment or information.

(4)
  (a) If the court finds a defendant or the prosecution is prejudiced by a joinder of offenses or defendants in an indictment or information or by a joinder for trial together, the court shall order an election of separate trials of separate counts, grant a severance of defendants, or provide other relief as justice requires.
  (b) A defendant's right to severance of offenses or defendants is waived if the motion is not made at least five days before trial. In ruling on a motion by defendant for severance, the court may order the prosecutor to disclose any statements made by the defendants which the prosecutor intends to introduce in evidence at the trial.

Amended by Chapter 302, 2025 General Session

Chapter 9
Uniform Act on Fresh Pursuit

77-9-1 Authority of peace officer of another state.

A peace officer of another state or the District of Columbia who enters this state in fresh pursuit and continues in fresh pursuit of a person in order to make an arrest on the ground that the person is reasonably believed to have committed a felony in another state, has the same authority to arrest and hold a person in custody as a peace officer of this state. Fresh pursuit does not require instant action, but pursuit without unreasonable delay.

Amended by Chapter 302, 2025 General Session

77-9-2 Procedure after arrest.

An officer who has made an arrest pursuant to Section 77-9-1 shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made. The magistrate shall conduct a hearing to determine the lawfulness of the arrest. If the magistrate finds the arrest was lawful, the magistrate may commit the person arrested for a reasonable time or may admit the person to bail pending extradition proceedings.

Amended by Chapter 302, 2025 General Session

77-9-3 Authority of peace officer of this state beyond normal jurisdiction.

(1) Any peace officer authorized by any governmental entity of this state may exercise a peace officer's authority beyond the limits of such officer's normal jurisdiction as follows:
  (a) when in fresh pursuit of an offender for the purpose of arresting and holding that person in custody or returning the suspect to the jurisdiction where the offense was committed;
  (b) when a public offense is committed in such officer's presence;
  (c) when participating in an investigation of criminal activity which originated in the officer's normal jurisdiction in cooperation with the local authority; or
  (d) when called to assist peace officers of another jurisdiction.

(2)
  (a) Any peace officer, prior to taking any action authorized by Subsection (1), shall notify and receive approval of the local law enforcement authority, or if the prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible.
  (b) Unless specifically requested to aid a peace officer of another jurisdiction or otherwise as provided for by law, no legal responsibility for a peace officer's action outside the peace officer's normal jurisdiction, except as provided in this section, shall attach to the local law enforcement authority.

Amended by Chapter 302, 2025 General Session

Chapter 10a
Grand Jury Reform

77-10a-1 Definitions.

As used in this chapter:

(1) "Clerk of the court" means the state court administrator or the state court administrator's designee.

(2) "Managing judge" means the supervising judge when the supervising judge retains authority to manage a grand jury, or the district court judge to whom the supervising judge delegates management of a grand jury.

(3) "Presiding officer" means the presiding officer of the Judicial Council.

(4) "Subject" means a person whose conduct is within the scope of the grand jury's investigation, and that conduct exposes the person to possible criminal prosecution.

(5) "Supervising judge" means the district court judge appointed by the presiding officer to supervise the five-judge grand jury panel.

(6) "Target" means a person regarding whom the attorney for the state, the special prosecutor, or the grand jury has substantial evidence that links that person to the commission of a crime and who could be indicted or charged with that crime.

(7) "Witness" means a person who appears before the grand jury either voluntarily or pursuant to subpoena for the purpose of providing testimony or evidence for the grand jury's use in discharging its responsibilities.

Amended by Chapter 302, 2025 General Session

77-10a-2 Panel of judges -- Appointment -- Membership -- Ordering of grand jury.

(1)

(a) The presiding officer of the Judicial Council shall appoint a panel of five judges from the district courts of the state to hear in secret all persons claiming to have information that would justify the calling of a grand jury. The presiding officer may appoint senior status district court judges to the panel. The presiding officer shall designate one member of the panel as supervising judge to serve at the pleasure of the presiding officer. The panel has the authority of the district court.

(b) To ensure geographical diversity on the panel one judge shall be appointed from the first or second district for a five-year term, one judge shall be appointed from the third district for a four-year term, one judge shall be appointed from the fourth district for a three-year term, one judge shall be appointed from the fifth, sixth, seventh, or eighth districts for a two-year term, and one judge shall be appointed from the third district for a one-year term. Following the first term, all terms on the panel are for five years.

(c) The panel shall schedule hearings in each judicial district at least once every three years and may meet at any location within the state. Three members of the panel constitute a quorum for the transaction of panel business. The panel shall act by the concurrence of a majority of members present and may act through the supervising judge or managing judge. The schedule for the hearings shall be set by the panel and published by the Administrative Office of the Courts. Persons who desire to appear before the panel shall schedule an appointment with the Administrative Office of the Courts at least 10 days in advance. If no appointments are scheduled, the hearing may be canceled. Persons appearing before the panel shall be placed under oath and examined by the judges conducting the hearings. Hearsay evidence may be presented at the hearings only under the same provisions and limitations that apply to preliminary hearings.

(2)

(a) If the panel finds good cause to believe a grand jury is necessary, the panel shall make its findings in writing and may order a grand jury to be summoned.
(b) The panel may refer a matter to the attorney general, county attorney, district attorney, or city attorney for investigation and prosecution. The referral shall contain as much of the information presented to the panel as the panel determines relevant. The attorney general, county attorney, district attorney, or city attorney shall report to the panel the results of any investigation and whether the matter will be prosecuted by a prosecutor's information. The report shall be filed with the panel within 120 days after the referral unless the panel provides for a different amount of time. If the panel is not satisfied with the action of the attorney general, county attorney, district attorney, or city attorney, the panel may order a grand jury to be summoned.

(3) When the attorney general, a county attorney, a district attorney, municipal attorney, or a special prosecutor appointed under Section 77-10a-12 certifies in writing to the supervising judge that in his judgment a grand jury is necessary because of criminal activity in the state, the panel shall order a grand jury to be summoned if the panel finds good cause exists.
(4) In determining whether good cause exists under Subsection (3), the panel shall consider, among other factors, whether a grand jury is needed to help maintain public confidence in the impartiality of the criminal justice process.
(5) A written certification under Subsection (3) shall contain a statement that in the prosecutor's judgement a grand jury is necessary, but the certification need not contain any information which if disclosed may create a risk of:
(a) destruction or tainting of evidence;
(b) flight or other conduct by the subject of the investigation to avoid prosecution;
(c) damage to a person's reputation or privacy;
(d) harm to any person; or
(e) a serious impediment to the investigation.
(6) A written certification under Subsection (3) shall be accompanied by a statement of facts in support of the need for a grand jury.
(7) The supervising judge shall seal any written statement of facts submitted under Subsection (6).
(8) The supervising judge may at the time the grand jury is summoned:
(a) order that it be drawn from the state at large as provided in this chapter or from any district within the state; and
(b) retain authority to supervise the grand jury or delegate the supervision of the grand jury to any judge of any district court within the state.
(9) If after the certification under Subsection (3) the panel does not order the summoning of a grand jury or the grand jury does not return an indictment regarding the subject matter of the certification, the prosecuting attorney may release to the public a copy of the written certification if in the prosecutor's judgment the release does not create a risk as described in Subsection (5).

Amended by Chapter 25, 2018 General Session

77-10a-3 Scope of grand jury inquiry.

Any grand jury summoned under this chapter may inquire into and indict for any criminal activity occurring within the state.

Enacted by Chapter 318, 1990 General Session

77-10a-4 Number of members -- Number required for indictment.

(1) Any grand jury summoned under this chapter shall consist of not fewer than nine or more than 15 members.

(2) The grand jury may return an indictment only if at least three-fourths of the members, or the next highest whole number, vote in favor of the indictment.

Enacted by Chapter 318, 1990 General Session

77-10a-5 Grand jurors -- Qualification and selection -- Limits on disclosure.

(1) Grand jurors shall meet the qualifications provided for jurors generally in Title 78B, Chapter 1, Part 1, Jury and Witness Act. Grand jurors shall be selected from the prospective jury list as provided in Section 78B-1-107.

(2) The names of grand jurors are classified as protected records under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 115, 2017 General Session

77-10a-7 Selection of grand jurors -- Notice -- Examination -- Qualification -- Alternates.

(1) When the supervising judge orders that a grand jury be summoned, the managing judge shall direct the clerk to select at random from the master list the number of names determined by the managing judge to ensure that the required number of grand jurors under this chapter may be qualified to constitute the grand jury.

(2)

(a) The managing judge may direct the clerk to draw additional names from the master list so alternate grand jurors may be designated at the time the grand jury is selected.

(b) Alternate grand jurors shall be drawn in the same manner and have the same qualifications as the regular grand jurors. If impanelled, they are subject to the same challenges, shall take the same oath, and have the same functions, powers, facilities, and privileges as the regular jurors.

(3) The clerk shall cause each person drawn for service on the grand jury or as an alternate to be notified of when and where to report for service. Notice may be given by telephone or by service of a summons, either personally or by first class mail addressed to the prospective juror's current residence, place of business, or post office box.

(4) The names of those drawn for service on the grand jury or as alternates and the contents of all grand juror questionnaires may not be made available to the public.

(5)

(a) At the time and place specified for the appearance of the persons summoned to serve as grand jurors and alternates, the managing judge shall examine the prospective grand jurors and alternates. Before accepting any person as a grand juror or alternate, the managing judge shall be satisfied that the person has no bias or prejudice that would prevent the person from fairly and dispassionately considering the matters presented to the grand jury.

(b) When drawn and qualified, the person shall be accepted for service unless, in the managing judge's discretion and on the application of the juror, the managing judge excuses the person from service before the person is sworn.

(6) The managing judge may dismiss the grand jury panel if the managing judge finds there has been a material departure from the methods prescribed for the selecting, drawing, and return of the grand jury, or if there has been an intentional omission by the proper officer to summon one or more of the grand jurors drawn.

(7) When 15 of the persons summoned as grand jurors who are qualified and not excused remain, they are the grand jury. If more than 15 qualified persons remain, their names shall be written by the clerk on separate slips, folded to conceal the names, and placed in a box. The clerk shall then draw 15 slips, and the persons whose names are drawn are the grand jury.

(8)

(a) When the number of persons to be designated as alternate grand jurors who are qualified and not excused remain, they are the alternate grand jurors.

(b) If more than the number of alternate grand jurors designated by the managing judge remain, their names shall be written by the clerk on separate slips, folded to conceal the names, and placed in a box. The clerk shall then draw slips until the designated number of alternate grand jurors are selected.

Amended by Chapter 302, 2025 General Session

77-10a-8 Challenge of prospective grand jurors -- Failure to comply in selection of jurors -- Remedies.

(1) The attorney general, county attorney, district attorney, or special prosecutor may challenge:

(a) the array of grand jurors on the ground the grand jury was not selected, drawn, or summoned in accordance with law; and

(b) an individual juror on the ground the juror is not legally qualified.

(2) Challenges shall be made before the administration of the oath to the jurors and shall be tried to the court managing the grand jury.

(3) A motion to dismiss the indictment may be based on objections to the array or on the lack of legal qualification of an individual juror, if not previously determined upon challenge.

(4) In criminal cases the defendant or attorney for the state may move to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with this chapter in selecting the grand jury. However, the defendant or attorney for the state must do so before the voir dire examination begins or within seven days after the defendant or attorney for the state discovered or could have discovered the grounds by the exercise of diligence, whichever is earlier, or the motion is considered waived.

(5)

(a) Any motion filed under Subsection (1), (3), or (4) must contain a sworn statement of facts which, if true, would constitute a substantial failure to comply with the provisions of this chapter. The moving party may present in support of the motion the testimony of the clerk if the clerk is available, any relevant records and papers used by the clerk that were not made public or otherwise available, and any other relevant evidence.

(b) If the managing judge determines there has been a substantial failure to comply with the provisions of this chapter in selecting the grand jury, the managing judge shall stay the proceedings pending the selection of a grand jury in conformity with this chapter or dismiss the indictment, whichever is appropriate.

(6)

(a) The procedures prescribed by this section are the exclusive means by which a party accused of a crime or an attorney for the state may challenge any grand jury on the ground it was not selected in conformity with this chapter.

(b) An indictment may not be dismissed in any case on the ground that one or more members of the grand jury that returned the indictment were not legally qualified if it appears from the record kept by the grand jury that eight or more jurors, after deducting the number not qualified, concurred in finding the indictment.

Amended by Chapter 302, 2025 General Session

77-10a-9 Oath for grand jurors.

Grand jurors and those selected as alternates shall take the following oath:

"Do you, and each of you, solemnly swear that you will diligently inquire into and make true presentment or indictment of all matters and things as are given you in charge or otherwise come to your knowledge, touching upon your grand jury service; to keep secret the counsel of the state, your fellows, and yourselves; to not present or indict any person through hatred, malice, or ill will; to not leave any person unpresented or unindicted through fear, favor, or affection, nor for any reward, or hope or promise thereof; but in all your investigations, presentments, and indictments to seek and present the truth, the whole truth and nothing but the truth, to the best of your skill and understanding? If so, answer 'I do.'"

Enacted by Chapter 318, 1990 General Session

77-10a-10 Charge of grand jury -- Rights and duties.

Upon impanelment of each grand jury, the judge managing the grand jury shall charge the grand jury and inform it of:

(1) its duty to inquire into offenses against the criminal laws alleged to have been committed within the jurisdiction;
(2) its independent right to call and interrogate witnesses;
(3) its right to request the production of documents or other evidence, including exculpatory evidence;
(4) the necessity of finding credible evidence of each material element of any crime charged before returning an indictment;
(5) the need to be satisfied that clear and convincing evidence exists that tends to show that a crime was committed by the person or persons accused before returning an indictment;
(6) its right to have the prosecutor present it with draft indictments for less serious charges than those originally requested by the prosecutor;
(7) the obligation of secrecy; and
(8) other duties and rights as the court finds advisable.

Enacted by Chapter 318, 1990 General Session

77-10a-11 Jury foreman -- Compensation of grand jurors.

(1) The managing judge shall appoint one of the jurors to be foreman and another to be deputy foreman. The foreman may administer oaths and affirmations and shall sign all indictments. The foreman or another juror designated by the foreman shall keep record of the number of jurors concurring in the finding of every indictment and shall file the record with the clerk of the court. The record may not be made public except on order of the managing judge.
(2) During the absence of the foreman the deputy foreman shall act as foreman.
(3) A grand juror shall be compensated at the same rate as a juror in a state district court for each day of service.

Amended by Chapter 302, 2025 General Session

77-10a-12 Representation of state -- Appointment and compensation of special prosecutor.

(1) The state may be represented before any grand jury summoned in the state by:
(a) the attorney general or any assistant attorney general;
(b) a county attorney or any deputy county attorney;
(c) a district attorney or any deputy district attorney;
(d) a municipal attorney or any deputy municipal attorney; or
(e) special prosecutors appointed under this chapter and their assistants.
(2) The supervising judge shall determine if a special prosecutor is necessary. A special prosecutor may be appointed only upon good cause shown and after the supervising judge makes a written finding that a conflict of interest exists in the Office of the Attorney General, the office of the county attorney, district attorney, or municipal attorney who would otherwise represent the state before the grand jury.
(3) In selecting a special prosecutor, the supervising judge shall give preference to the attorney general and assistant attorneys general, county attorneys, district attorneys, or municipal attorneys and their deputies.
(4)
(a) The compensation of a special prosecutor appointed under this chapter who is an employee of the Office of the Attorney General, the office of a county attorney, district attorney, or municipal attorney is only the current compensation received in that office.
(b) The compensation for an appointed special prosecutor who is not an employee of a prosecutorial office under Subsection (4)(a) shall be comparable to the compensation of a deputy or assistant attorney general having similar experience to that of the special prosecutor.
(5) The attorney general, county attorney, district attorney, or municipal attorney may elect to have a special prosecutor appointed by the supervising judge at the expense of the governmental entity supporting the electing prosecutor. Upon receipt of written notice from the prosecutor of that election, the supervising judge shall appoint a special prosecutor in accordance with this section. The electing prosecutor's supporting governmental entity shall reimburse the state for expenses incurred in appointment and compensation of the special prosecutor.

Amended by Chapter 258, 2015 General Session

77-10a-13 Location -- Who may be present -- Witnesses -- Witnesses who are subjects -- Evidence -- Contempt -- Notice -- Record of proceedings -- Disclosure.

(1) The managing judge shall designate the place where the grand jury meets. The grand jury may, upon request and with the permission of the managing judge, meet and conduct business any place within the state. Subject to the approval of the managing judge the grand jury shall determine the times at which it meets.
(2)
(a) Attorneys representing the state, special prosecutors appointed under Section 77-10a-12, the witness under examination, interpreters when needed, counsel for a witness, and a court reporter or operator of a recording device to record the proceedings may be present while the grand jury is in session.
(b) No person other than the jurors may be present while the grand jury is deliberating.
(3)
(a) The attorneys representing the state and the special prosecutors may subpoena witnesses to appear before the grand jury and may subpoena evidence in the name of the grand jury without the prior approval or consent of the grand jury or the court. The jury may request that other witnesses or evidence be subpoenaed.

(b) Subpoenas may be issued in the name of the grand jury to any person located within the state and for any evidence located within the state or as otherwise provided by law.
(c) Except as provided in Subsection (3)(d), a subpoena requiring a minor, who is a victim of a crime, to testify before a grand jury may not be served less than 72 hours before the victim is required to testify.
(d) A subpoena may be served upon a minor less than 72 hours before the minor is required to testify if the managing judge makes a factual finding that the minor was intentionally concealed to prevent service or that a shorter period is reasonably necessary to prevent:
(i) a risk to the minor's safety;
(ii) the concealment or removal of the minor from the jurisdiction;
(iii) intimidation or coercion of the minor or a family member of the minor; or
(iv) undue influence on the minor regarding the minor's testimony.
(e) The service requirement in Subsection (3)(c) may be asserted only by or on behalf of the minor and is not a basis for invalidation of the minor's testimony or any indictment issued by the grand jury.
(f) The service requirement of Subsection (3)(d) may be asserted by a parent or legal guardian of the minor on the minor's behalf.
(g) If the managing judge finds it necessary to prevent any of the actions enumerated in Subsections (3)(d)(i) through (iv) or to otherwise protect the minor, the judge may appoint a guardian ad litem to receive service on behalf of the minor, to represent the minor, and to protect the interests of the minor.
(h) If the minor served under Subsection (3)(d) has no parent, legal guardian, or guardian ad litem with whom to confer prior to the grand jury hearing, the managing judge shall appoint legal counsel to represent the minor at the hearing.
(i) For any minor served with a subpoena under this section, attorneys representing the state, or special prosecutors appointed under Section 77-10a-12, shall interview and prepare the minor in the presence of the minor's parent or legal guardian and their attorney, or a guardian ad litem at least 24 hours prior to the time the minor is required to testify. The provisions of this subsection requiring the presence of the minor's parent do not apply if:
(i) the parent is the subject of the grand jury investigation; or
(ii) the parent is engaged in frustrating, or conspires with another to frustrate, the protections and purposes of Subsection (3)(d).
(j) The managing judge may enter any order necessary to secure compliance with any subpoena issued in the name of the grand jury.

(4)
(a) Any witness who appears before the grand jury shall be advised, by the attorney for the state or the special prosecutor, of his right to be represented by counsel.
(b) A witness who is also a subject as defined in Section 77-10a-1 shall, at the time of appearance as a witness, be advised:
(i) of his right to be represented by counsel;
(ii) that he is a subject;
(iii) that he may claim his privilege against self-incrimination; and
(iv) of the general scope of the grand jury's investigation.
(c) A witness who is also a target as defined in Section 77-10a-1 shall, at the time of appearance as a witness, be advised:
(i) of his right to be represented by counsel;
(ii) that he is a target;
(iii) that he may claim his privilege against self-incrimination;

(iv) that the attorney for the state, the special prosecutor, or the grand jury is in possession of substantial evidence linking him to the commission of a crime for which he could be charged; and

(v) of the general nature of that charge and of the evidence that would support the charge.

(d) This Subsection (4) does not require the attorney for the state, the special prosecutor, or the grand jury to disclose to any subject or target the names or identities of witnesses, sources of information, or informants, or disclose information in detail or in a fashion that would jeopardize or compromise any ongoing criminal investigation or endanger any person or the community.

(5)

(a) The grand jury shall receive evidence without regard for the formal rules of evidence, except the grand jury may receive hearsay evidence only under the same provisions and limitations that apply to preliminary hearings.

(b) Any person, including a witness who has previously testified or produced books, records, documents, or other evidence, may present exculpatory evidence to the attorney representing the state or the special prosecutor and request that it be presented to the grand jury, or request to appear personally before the grand jury to testify or present evidence to that body. The attorney for the state or the special prosecutor shall forward the request to the grand jury.

(c) When the attorney for the state or the special prosecutor is personally aware of substantial and competent evidence negating the guilt of a subject or target that might reasonably be expected to lead the grand jury not to indict, the attorney or special prosecutor shall present or otherwise disclose the evidence to the grand jury before the grand jury is asked to indict that person.

(6)

(a) The managing judge has the contempt power and authority inherent in the court over which the managing judge presides and as provided by statute.

(b) When a witness in any proceeding before or ancillary to any grand jury appearance refuses to comply with an order from the managing judge to testify or provide other information, including any book, paper, document, record, recording, or other material without having a recognized privilege, the attorney for the state or special prosecutor may apply to the managing judge for an order directing the witness to show cause why the witness should not be held in contempt.

(c) After submission of the application and a hearing at which the witness is entitled to be represented by counsel, the managing judge may hold the witness in contempt and order that the witness be confined, upon a finding that the refusal was not privileged.

(d) A hearing may not be held under this part unless 72 hours' notice is given to the witness who has refused to comply with the order to testify or provide other information, except a witness may be given a shorter notice if the managing judge upon a showing of special need so orders.

(e) Any confinement for refusal to comply with an order to testify or produce other information shall continue until the witness is willing to give the testimony or provide the information. A period of confinement may not exceed the term of the grand jury, including extensions, before which the refusal to comply with the order occurred. In any event the confinement may not exceed one year.

(f) A person confined under this Subsection (6) for refusal to testify or provide other information concerning any transaction, set of transactions, event, or events may not be again confined under this Subsection (6) or for criminal contempt for a subsequent refusal to testify or

provide other information concerning the same transaction, set of transactions, event, or events.

(g) Any person confined under this section may be admitted to bail or released in accordance with local procedures pending the determination of an appeal taken by the person from the order of the person's confinement unless the appeal affirmatively appears to be frivolous or taken for delay. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, pursuant to an expedited schedule and in no event more than 30 days from the filing of the appeal.

(7)

(a) All proceedings, except when the grand jury is deliberating or voting, shall be recorded stenographically or by an electronic recording device. An unintentional failure of any recording to reproduce all or any portion of a proceeding does not affect the validity of any prosecution or indictment. The recording or reporter's notes or any transcript prepared from them shall remain in the custody or control of the attorney for the state or the special prosecutor unless otherwise ordered by the managing judge in a particular case.

(b) A grand juror, an interpreter, a court reporter, an operator of a recording device, a typist who transcribes recorded testimony, an attorney for the state or special prosecutor, or any person to whom disclosure is made under the provisions of this section may not disclose matters occurring before the grand jury except as otherwise provided in this section. A knowing violation of this provision may be punished as a contempt of court.

(c) Disclosure otherwise prohibited by this section of matters occurring before the grand jury, other than its deliberations and the vote of any grand juror, may be made to:

(i) an attorney for the state or a special prosecutor for use in the performance of that attorney's duty; and

(ii) government personnel, including those of state, local, and federal entities and agencies, as are considered necessary by the attorney for the state or special prosecutor to assist the attorney in the performance of the attorney's duty to enforce the state's criminal laws.

(d) Any person to whom matters are disclosed under this section may not utilize that grand jury material for any purpose other than assisting the attorney for the state or the special prosecutor in performance of that attorney's duty to enforce the state's criminal laws. An attorney for the state or the special prosecutor shall promptly provide the managing judge with the names of the persons to whom the disclosure has been made and shall certify that the attorney has advised the person of the person's obligation of secrecy under this section.

(e) Disclosure otherwise prohibited by this section of matters occurring before the grand jury may also be made when:

(i) directed by the managing judge or by any court before which the indictment that involves matters occurring before the grand jury that are subject to disclosure is to be tried, preliminary to or in connection with a judicial proceeding;

(ii) permitted by the managing judge at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury;

(iii) the disclosure is made by an attorney for the state or the special prosecutor to another state or local grand jury or a federal grand jury;

(iv) permitted by the managing judge at the request of an attorney for the state or the special prosecutor, upon a showing that the matters may disclose a violation of federal criminal law, to an appropriate official of the federal government for the purpose of enforcing federal law; or

(v) showing of special need is made and the managing judge is satisfied that disclosure of the information or matters is essential for the preparation of a defense.

(f) When the matters are transcripts of testimony given by witnesses the state or special prosecutor intends to call in the state's case in chief in any trial upon an indictment returned by the grand jury before which the witnesses testified, the attorney for the state or the special prosecutor shall, no later than 30 days before trial, provide the defendant with access to the transcripts. The attorney for the state or the special prosecutor shall at the same time provide the defendant with access to all exculpatory evidence presented to the grand jury prior to indictment.

(g) When the managing judge orders disclosure of matters occurring before the grand jury, disclosure shall be made in a manner, at a time, and under conditions the managing judge directs.

(h) A petition for disclosure made under Subsection (7)(e)(ii) shall be filed with the managing judge. Unless the hearing is ex parte, the petitioner shall serve written notice upon the attorney for the state or the special prosecutor, the parties to the judicial proceeding if disclosure is sought in connection with the proceeding, and other persons as the managing judge directs. The managing judge shall afford those persons a reasonable opportunity to appear and be heard.

(8) Records, orders, and subpoenas relating to grand jury proceedings shall be kept under seal to the extent and so long as necessary to prevent disclosure of matters occurring before the grand jury other than as provided in this section.

(9) Subject to any right to an open hearing in contempt proceedings, the managing judge shall order a hearing on matters affecting a grand jury proceeding to be closed to the extent necessary to prevent disclosure of matters occurring before a grand jury.

Amended by Chapter 281, 2018 General Session

77-10a-14 Concurrence for indictment -- Proof -- Validity -- Disclosure.

(1) An indictment may be found only upon the concurrence of at least three-fourths, or the next highest whole number, of the grand jurors.

(2) An indictment may not be found unless the grand jurors who vote in favor of the indictment find there is clear and convincing evidence to believe the crime to be charged was committed and the person to be indicted committed the crime. An indictment may not be returned solely on the basis of incompetent hearsay.

(3) To be valid, the indictment shall be signed by the foreman and then returned to the managing judge in open court. The clerk of the managing court shall file the indictment upon receipt.

(4)

(a) The managing judge who takes the return of the indictment may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial.

(b) The clerk shall then seal the indictment and, except for transferring the indictment to the appropriate court for trial as provided by this chapter, may not permit any person to disclose the return of the indictment except when necessary for the issuance and execution of a warrant or summons.

Amended by Chapter 30, 2018 General Session

77-10a-15 Return and transfer of indictment.

Immediately upon the return of an indictment the managing judge shall enter an order transferring the indictment to a court with appropriate jurisdiction and proper venue under Section 76-1-202 to try the matter.

Enacted by Chapter 318, 1990 General Session

77-10a-16 Return of indictment -- Warrant of arrest -- Bail.

(1) The managing judge may upon return of an indictment, when the defendant is not in custody, cause a warrant to be issued for the arrest of the defendant charged and shall fix an appropriate bail.
(2) Return of any warrant of arrest shall be in the court to which the indictment is transferred for trial. The court to which the return is made may review bail and any conditions of detention or release.

Enacted by Chapter 318, 1990 General Session

77-10a-17 Grand jury report on noncriminal misconduct -- Action on the report.

(1) A grand jury may upon completion of its original term or each extension, with the concurrence of a majority of its members, submit to the managing judge a report concerning noncriminal misconduct, malfeasance, or misfeasance in office as a basis for a recommendation of removal or disciplinary action against a public officer or employee.
(2) The judge to whom the report is submitted shall examine it and the minutes of the grand jury. The judge shall make an order accepting and filing the report as a public record, but only if the judge is satisfied that it complies with Subsection (1) and:
  (a) the report is based on facts revealed during the grand jury's investigation and is supported by a preponderance of evidence; and
  (b) each person named and any reasonable number of witnesses on the named person's behalf as designated by the named person to the foreman of the grand jury were afforded an opportunity to testify before the grand jury prior to the filing of the report.
(3) An order accepting a report made under this section and the report itself shall be sealed by the managing judge and may not be filed as a public record or be subject to subpoena or otherwise made public until:
  (a) at least 31 days after a copy of the order and report are served on each public officer or employee named and an answer has been filed;
  (b) the time for filing an answer has expired; or
  (c) an appeal is taken or until all rights of review of the public officer or employee named have expired or terminated in an order accepting the report.
(4)
  (a) An order accepting the report may not be entered until 30 days after the delivery of the report to the public officer or body having jurisdiction, responsibility, or authority over each public officer or employee named in the report.
  (b) The managing judge may issue orders it finds necessary and appropriate to prevent unauthorized publication of a report. Unauthorized publication of a report may be punished as contempt of court.
(5)
  (a) A public officer or employee named in a report may file with the clerk a verified answer to the report not later than 20 days after service of the order and report upon the public officer or employee. Upon a showing of good cause, the managing judge may grant the public officer

or employee an extension of time to file an answer and may authorize limited publication of the report as necessary to prepare an answer.

(b) The answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in the report. Except for those parts the managing judge determines have been inserted scandalously, prejudiciously, or unnecessarily, the answer becomes an appendix to the report.

(6) Upon the submission of a report made under this section the managing judge shall order the report sealed if the managing judge finds the filing of the report as a public record may prejudice fair consideration of a pending criminal matter. The report may not be subject to subpoena or public inspection during the pendency of the criminal matter except upon order of the managing judge.

(7)

(a) When the managing judge to whom a report is submitted is not satisfied that the report complies with the provisions of this section, the managing judge may direct that additional testimony be taken before the same grand jury or the managing judge shall make an order sealing the report.

(b) If the report is sealed, it may not be filed as a public record or be subject to subpoena or otherwise made public until the provisions of this section are met.

(8) A grand jury's term may be extended by the managing judge so additional testimony may be taken or the provisions of this section met.

Amended by Chapter 302, 2025 General Session

77-10a-18 Grand jury term of service -- Excusing a juror.

(1) A grand jury shall serve until discharged by the managing judge. However, a grand jury may not serve more than 18 months unless the managing judge extends the service of the grand jury, upon determining an extension is in the public interest. The extension may be no longer than a period of six months.

(2) The managing judge may at any time excuse a juror either temporarily or permanently for cause shown. If a juror is excused permanently, the managing judge may impanel another juror in that juror's place.

Amended by Chapter 302, 2025 General Session

77-10a-19 Compensation for special prosecutors.

(1) Compensation for special prosecutors under this section shall be paid by the Judicial Council. For this purpose, there is appropriated from the General Fund to the Judicial Council $50,000 as a separate line item in the budget of the Judicial Council for the fiscal year 1989-1990. The line item shall be nonlapsing.

(2)

(a) If during the fiscal year compensation of special prosecutors under this chapter exceeds $50,000, additional compensation shall be requested as a supplemental appropriation from the Legislature.

(b) If during the fiscal year compensation of special prosecutors under this chapter is less than $50,000, the balance carries over to the next fiscal year, and the appropriation for that next fiscal year for prosecutor compensation shall be no more than the amount necessary to total $50,000 when added to the nonlapsing balance carried over from the prior fiscal year.

Enacted by Chapter 318, 1990 General Session

77-10a-20 Expenses of grand jury -- Appropriation -- Payment by state or county.

(1)
(a) The expenses of operation of a grand jury summoned under this chapter shall be paid by the Judicial Council, except under Subsection (2).
(b) Expenses include grand juror fees, rental of a facility, cost of transcripts, payment for a court reporter or electronic recording device, secretarial services, and investigation and recorder staff.
(c) For this purpose, an appropriation of $25,000 is made from the General Fund to the Judicial Council as a separate line item in the budget of the Judicial Council.
(d) Any amount of this appropriation remaining at the end of the fiscal year lapses into the General Fund.

(2)
(a) When a grand jury is summoned to investigate an allegation that is determined to be primarily a county-related issue, the expenses of the grand jury shall be paid by the county or counties involved.
(b) The supervising judge shall determine before the grand jury is called if the allegations involve primarily the state or a county or counties for purposes of determining payment of expenses under this section.

(3) The expenses of any grand jury and the compensation for any special prosecutor appointed under this chapter shall be reviewed and approved or disapproved by the clerk of the court under the direction of the managing judge.

Amended by Chapter 372, 1997 General Session

Chapter 11a
Seizure of Property and Contraband

Part 1
General Provisions

77-11a-101 Definitions.

As used in this chapter:

(1)
(a) "Agency" means an agency of this state or a political subdivision of this state.
(b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

(2) "Claimant" means:
(a) an owner of property;
(b) an interest holder; or
(c) an individual or entity who asserts a claim to any property for which an agency seeks to forfeit.

(3)
(a) "Computer" means, except as provided in Subsection (3)(c), an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, and storage functions.

(b) "Computer" includes any device that is used for the storage of digital or electronic files, flash memory, software, or other electronic information.

(c) "Computer" does not mean a computer server of an Internet or electronic service provider, or the service provider's employee, if used to comply with the requirements under 18 U.S.C. Sec. 2258A.

(4)

(a) "Contraband" means any property, item, or substance that is unlawful to produce or to possess under state or federal law.

(b) "Contraband" includes:

(i) a controlled substance that is possessed, transferred, distributed, or offered for distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

(ii) a computer that:

(A) contains or houses child sexual abuse material, or is used to create, download, transfer, upload to a storage account, or store any electronic or digital files containing child sexual abuse material; or

(B) contains the personal identifying information of another individual, as defined in Section 76-6-1101, whether that individual is alive or deceased, and the personal identifying information has been used to create false or fraudulent identification documents or financial transaction cards in violation of Title 76, Chapter 6, Part 5, Fraud.

(5) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(6) "Court" means a municipal, county, or state court.

(7) "Division of Law Enforcement" means the division within the Department of Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

(8) "Evidence" means the same as that term is defined in Section 77-11c-101.

(9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a peace officer or agency.

(10) "Innocent owner" means a claimant who:

(a) held an ownership interest in property at the time of the commission of an offense subjecting the property to seizure, and:

(i) did not have actual knowledge of the offense subjecting the property to seizure; or

(ii) upon learning of the commission of the offense, took reasonable steps to prohibit the use of the property in the commission of the offense; or

(b) acquired an ownership interest in the property and had no knowledge that the commission of the offense subjecting the property to seizure had occurred or that the property had been seized, and:

(i) acquired the property in a bona fide transaction for value;

(ii) was an individual, including a minor child, who acquired an interest in the property through probate or inheritance; or

(iii) was a spouse who acquired an interest in property through dissolution of marriage or by operation of law.

(11)

(a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security interest or encumbrance pertaining to an interest in property, whose interest would be perfected against a good faith purchaser for value.

(b) "Interest holder" does not mean a person:

(i) who holds property for the benefit of or as an agent or nominee for another person; or

(ii) who is not in substantial compliance with any statute requiring an interest in property to be:

(A) recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value; or
(B) held in control by a secured party, as defined in Section 70A-9a-102, in accordance with Section 70A-9a-314 in order to perfect the interest against a good faith purchaser for value.

(12) "Law enforcement agency" means:
(a) a municipal, county, state institution of higher education, or state police force or department;
(b) a sheriff's office; or
(c) a municipal, county, or state prosecuting authority.

(13) "Legislative body" means:
(a)
(i) the Legislature, county commission, county council, city commission, city council, or town council that has fiscal oversight and budgetary approval authority over an agency; or
(ii) the agency's governing political subdivision; or
(b) the lead governmental entity of a multijurisdictional task force, as designated in a memorandum of understanding executed by the agencies participating in the task force.

(14) "Multijurisdictional task force" means a law enforcement task force or other agency comprised of individuals who are employed by or acting under the authority of different governmental entities, including federal, state, county, or municipal governments, or any combination of federal, state, county, or municipal agencies.

(15) "Owner" means an individual or entity, other than an interest holder, that possesses a bona fide legal or equitable interest in property.

(16) "Pawn or secondhand business" means the same as that term is defined in Section 13-32a-102.

(17) "Peace officer" means an employee:
(a) of an agency;
(b) whose duties consist primarily of the prevention and detection of violations of laws of this state or a political subdivision of this state; and
(c) who is authorized by the agency to seize property.

(18)
(a) "Proceeds" means:
(i) property of any kind that is obtained directly or indirectly as a result of the commission of an offense; or
(ii) any property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission regarding property under Subsection (18)(a)(i).
(b) "Proceeds" includes any property of any kind without reduction for expenses incurred in the acquisition, maintenance, or production of that property, or any other purpose regarding property under Subsection (18)(a)(i).
(c) "Proceeds" is not limited to the net gain or profit realized from the offense that subjects the property to seizure.

(19)
(a) "Property" means all property, whether real or personal, tangible or intangible.
(b) "Property" does not include contraband.

(20) "Prosecuting attorney" means:
(a) the attorney general and an assistant attorney general;
(b) a district attorney or deputy district attorney;
(c) a county attorney or assistant county attorney; and
(d) an attorney authorized to commence an action on behalf of the state.

(21) "Public interest use" means a:
(a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or
(b) donation of the property to a nonprofit charity registered with the state.
(22) "Real property" means land, including any building, fixture, improvement, appurtenance, structure, or other development that is affixed permanently to land.
(23)
(a) "Seized property" means property seized by a peace officer or agency in accordance with Section 77-11a-201.
(b) "Seized property" includes property that the agency seeks to forfeit under Chapter 11b, Forfeiture of Seized Property.

Amended by Chapter 80, 2024 General Session

77-11a-102 Venue.

In addition to Title 78B, Chapter 3a, Venue for Civil Actions, or any other provision of law, a person may bring an action or proceeding under this chapter in the judicial district in which:
(1) the property is seized; or
(2) any part of the property is found.

Amended by Chapter 401, 2023 General Session
Renumbered and Amended by Chapter 448, 2023 General Session

Part 2
Seizure of Property and Contraband

77-11a-201 Grounds for seizing property and contraband.

A peace officer may seize property or contraband:
(1) upon a search warrant or administrative warrant that is issued in accordance with the Utah Code and the Utah Rules of Criminal Procedure;
(2) when the seizure is incident to an arrest;
(3) when the property seized is the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under Chapter 11b, Forfeiture of Seized Property; or
(4) when the peace officer has probable cause to believe that the property or contraband:
(a) is directly or indirectly dangerous to health or safety;
(b) is evidence of an offense;
(c) has been used or was intended to be used to commit an offense; or
(d) is proceeds of an offense.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11a-202 Ownership interest in property or contraband seized by a peace officer.

(1) To disclaim an ownership interest in property at the time of seizure, a person's disclaimer of the property must be knowing and voluntary.
(2) A person may not assert an ownership interest in contraband seized by a peace officer.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11a-203 Procedure after seizure of property or contraband.

(1) If a peace officer seizes property or contraband under Section 77-11a-201, the property and contraband:
  (a) is not recoverable by replevin; and
  (b) is considered in the custody of the agency that employed the peace officer.
(2) If a peace officer seizes property under Section 77-11a-201, the peace officer or the peace officer's employing agency shall provide a receipt to the person from which the property is seized.
(3) The receipt shall describe the:
  (a) property seized;
  (b) date of seizure; and
  (c) name and contact information of the peace officer's employing agency.
(4) In addition to the receipt, the peace officer or agency shall provide the person with:
  (a) information on:
    (i) the time periods for the forfeiture of property; and
    (ii) what happens to property upon a conviction or acquittal of the offense subjecting the property to seizure; and
  (b) a web link or referral to the self-help webpage of the Utah Courts' website for resources that may assist the person in making a claim for the return of seized property.
(5) The agency shall maintain a copy of the receipt provided in accordance with Subsection (2).
(6) If a peace officer seizes property that, at the time of seizure, is held by a pawn or secondhand business in the course of the pawn or secondhand business's business, the provisions of Section 13-32a-109.5 shall apply to the seizure of the property.
(7) If custody of the property is transferred to another agency, the transferring agency shall provide the other agency a copy of the receipt under Subsection (2) and the name of the person from which the property was seized.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11a-204 Custody of seized property and contraband.

(1) An agency with custody of seized property or contraband shall:
  (a) hold the property or contraband in safe custody until the property or contraband is returned or disposed of in accordance with:
    (i) this chapter; and
    (ii) Chapter 11c, Retention of Evidence; and
  (b) maintain a record of the property or contraband, including:
    (i) a detailed inventory of all property or contraband seized;
    (ii) the name of the person from which the property or contraband was seized; and
    (iii) the agency's case number.
(2)
  (a) Except as provided in Subsection (2)(b), no later than 30 days after the day on which a peace officer seizes property in the form of cash or other readily negotiable instruments, an agency shall deposit the property into a separate, restricted, interest-bearing account maintained by the agency solely for the purpose of managing and protecting the property from commingling, loss, or devaluation.

(b) A prosecuting attorney may authorize one or more written extensions of the 30-day period under Subsection (2)(a) if the property needs to maintain the form in which the property was seized for evidentiary purposes or other good cause.

(3) An agency shall:

(a) have written policies for the identification, tracking, management, and safekeeping of seized property and contraband; and

(b) shall have a written policy that prohibits the transfer, sale, or auction of seized property and contraband to an employee of the agency.

Amended by Chapter 150, 2024 General Session

77-11a-205 Transfer or release of seized property to another governmental entity -- Requirements.

(1) Except as provided in Subsections (3)(a) through (c), upon the seizure of property by a peace officer, the property is subject to the exclusive jurisdiction of a district court of this state.

(2) Except as provided in Subsection (3), a peace officer, agency, or prosecuting attorney may not directly or indirectly transfer or release seized property to a federal agency or to a governmental entity not created or subject to the laws of this state.

(3) An agency or prosecuting attorney may transfer or release seized property to a federal agency or to a governmental entity not created or subject to the laws of this state if:

(a)

(i) the property is cash or another readily negotiable instrument; and

(ii) the property is evidence in, or subject to, a federal criminal indictment, a federal criminal information, or a federal criminal complaint that is filed before the property is seized;

(b)

(i) the property is not cash or another readily negotiable instrument; and

(ii) the property is evidence in, or subject to, a federal criminal indictment, a federal criminal information, or a federal criminal complaint that is filed before the day on which the agency with custody of the property is required to return the property if no criminal or civil action is filed by the prosecuting attorney or a federal prosecutor in accordance with Section 77-11b-203;

(c)

(i) the property was used in the commission of an offense in another state; and

(ii) an agency of that state requests the transfer of the property before the day on which the agency with custody of the property is required to return the property if no criminal or civil action is filed by the prosecuting attorney or a federal prosecutor in accordance with Section 77-11b-203; or

(d) a district court authorizes, in accordance with Subsection (5), the transfer or release of the property to an agency of another state or a federal agency upon a petition by a prosecuting attorney or a federal prosecutor.

(4)

(a) A prosecuting attorney, or a federal prosecutor, may file a petition in the district court for the transfer or release of seized property.

(b) If a prosecuting attorney, or a federal prosecutor, files a petition under Subsection (4)(a), the petition shall include:

(i) a detailed description of the property seized;

(ii) the location where the property was seized;

(iii) the date the property was seized;

(iv) the case number assigned by the agency; and
(v) a declaration that:
(A) states the basis for relinquishing jurisdiction to a federal agency or an agency of another state;
(B) contains the names and addresses of any known claimant; and
(C) is signed by the prosecuting attorney or federal prosecutor.
(5) A district court may not authorize the transfer or release of seized property under Subsection (3)(d), unless the district court finds, by a preponderance of the evidence:
(a) the property is evidence in, or subject to, a federal criminal indictment, a federal criminal information, or a federal criminal complaint after the property is seized;
(b) the property may only be forfeited under federal law;
(c) forfeiting the property under state law would unreasonably burden the prosecuting attorney or agency; or
(d) the property was subject to a federal criminal investigation before the property was seized.
(6)
(a) Before a district court may order the transfer of seized property in accordance with this section, the court, the prosecuting attorney, or the federal prosecutor shall mail a notice to:
(i) each address contained in the declaration under Subsection (4)(b)(v) to give a claimant the right to be heard with regard to the transfer; and
(ii)
(A) if a federal prosecutor files the petition under Subsection (4), the prosecuting attorney that is representing the agency with custody of the property; or
(B) if a prosecuting attorney files the petition under Subsection (4), the federal prosecutor who will receive the property upon the transfer or release of the property.
(b) If a claimant, or the party under Subsection (6)(a)(i), does not object to the petition to transfer the property within 10 days after the day on which the notice is mailed, the district court shall issue the district court's order in accordance with this section.
(c) If the declaration does not include an address for a claimant, the district court shall delay the district court's order under this section for 20 days to allow time for the claimant to appear and make an objection.
(d)
(i) If a claimant, or a party under Subsection (6)(a)(i), contests a petition to transfer the property to a federal agency or to another governmental entity not created or subject to the laws of this state, the district court shall promptly set the matter for hearing.
(ii) In making a determination under Subsection (5), the district court shall consider evidence regarding hardship, complexity, judicial and law enforcement resources, protections afforded under state and federal law, pending state or federal investigations, and any other relevant matter.
(7) If an agency receives property, money, or other things of value under a federal law that authorizes the sharing or transfer of all or a portion of forfeited property, or the proceeds from the sale of forfeited property, the agency:
(a) shall use the property, money, or other things of value in compliance with federal laws and regulations relating to equitable sharing;
(b) may use the property, money, or other things of value for a law enforcement purpose described in Subsection 77-11b-403(10); and
(c) may not use the property, money, or other thing of value for a law enforcement purpose prohibited in Subsection 77-11b-403(11).

(8) An agency awarded an equitable share of property forfeited by the federal government may use the award money only after approval of the use by the agency's legislative body.
(9) If a district court exercises exclusive jurisdiction over seized property, the district court's exclusive jurisdiction is terminated if the agency with custody of the property returns the property to a claimant under:
(a) Part 3, Return of Seized Property to Claimant; or
(b) Section 77-11b-203.

Amended by Chapter 150, 2024 General Session

Part 3
Return of Seized Property to Claimant

77-11a-301 Return of seized property to claimant -- Generally.
(1)
(a) An agency with custody of seized property, or the prosecuting attorney, may return the property to a claimant if the agency or the prosecuting attorney:
(i) determines that the agency does not need to retain or preserve the property as evidence under Chapter 11c, Retention of Evidence; or
(ii) seeks to return the property to the claimant because the agency or prosecuting attorney determines that the claimant is an innocent owner or an interest holder.
(b) An agency with custody of seized property, or the prosecuting attorney, may not return property under this Subsection (1) if the property is subject to retention or preservation under Chapter 11c, Retention of Evidence.
(2) An agency with custody of the seized property, or the prosecuting attorney, shall return the property to a claimant if:
(a) the claimant posts a surety bond or cash with the court in accordance with Section 77-11a-302;
(b) the court orders the return of property to the claimant for hardship purposes under Section 77-11a-303;
(c) a claimant establishes that the claimant is an innocent owner or an interest holder under Section 77-11a-304; or
(d) the court orders property retained as evidence to be returned to the claimant under Section 77-11a-305.
(3)
(a) For a computer determined to be contraband, a court may order the reasonable extraction and return of specifically described personal digital data to the owner of the computer.
(b) The agency shall determine a reasonable cost to extract the data.
(c) At the time of the request to extract the data, the owner of the computer shall pay the agency the cost to extract the data.
(4) If a natural resources officer for the Division of Law Enforcement seizes a vehicle, the Division of Law Enforcement shall return the vehicle to a claimant in accordance with Section 23A-5-201.
(5) If an agency is not required, or is no longer required, to retain or preserve property as evidence under Chapter 11c, Retention of Evidence, and the agency seeks to return or dispose of the

property, the agency shall exercise due diligence in attempting to notify the claimant of the property to advise the claimant that the property is to be returned.

(6)

(a) Before an agency may return seized property to a person claiming ownership of the property, the person shall establish that the person:

(i) is the owner of the property; and

(ii) may lawfully possess the property.

(b) The person shall establish ownership under Subsection (6)(a) by providing to the agency:

(i) identifying proof or documentation of ownership of the property; or

(ii) a notarized statement if proof or documentation is not available.

(c) When seized property is returned to the owner, the owner shall sign a receipt listing in detail the property that is returned.

(d) The agency shall:

(i) retain a copy of the receipt; and

(ii) provide a copy of the receipt to the owner.

Amended by Chapter 80, 2024 General Session

77-11a-302 Return of seized property to claimant by surety bond or cash.

(1) Except as provided in Subsection (2), a claimant may obtain the return of seized property by posting a surety bond or cash with the court that is in an amount equal to the current fair market value of the property as determined by the court or a stipulation by the parties.

(2) A court may refuse to order the return of property under Subsection (1) if:

(a) the bond tendered for the property is inadequate;

(b) the property is subject to the retention or preservation requirements under Chapter 11c, Retention of Evidence;

(c) the property is particularly altered or designed for use in the commission of the offense subjecting the property to forfeiture under Section 77-11b-102; or

(d) the property is contraband.

(3) If a surety bond or cash is posted and the court later determines that the property is forfeited, the court shall order the forfeiture of the surety bond or cash in lieu of the property.

Amended by Chapter 150, 2024 General Session

77-11a-303 Return of seized property subject to forfeiture to claimant for hardship.

(1) A claimant is entitled to the immediate return of seized property for which the agency has filed a notice of intent to forfeit under Section 77-11b-201 if:

(a) the claimant had a possessory interest in the property at the time of seizure;

(b) continued possession by the agency pending a forfeiture proceeding will cause substantial hardship to the claimant, including:

(i) preventing the functioning of a legitimate business;

(ii) preventing any individual from working;

(iii) preventing any child from attending elementary or secondary school;

(iv) preventing or hindering an individual from receiving necessary medical care;

(v) preventing the care of a dependent child or adult who is elderly or disabled;

(vi) leaving an individual homeless; or

(vii) any other condition that the court determines causes a substantial hardship;

(c) the hardship from the continued possession of the property by the agency outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if the property is returned to the claimant during the pendency of the proceeding; and
(d) the determination of substantial hardship under this Subsection (1) is based upon the property's use before the seizure.
(2) A claimant may file a motion or petition for hardship release under this section:
(a) in the court in which forfeiture proceedings have commenced; or
(b) in a district court where there is venue under Section 77-11a-102 if a forfeiture proceeding has not yet commenced.
(3) The motion or petition for hardship release shall be served upon the agency with custody of the property within five days after the day on which the motion or petition is filed.
(4) The court shall:
(a) schedule a hearing on the motion or petition within 14 days after the day on which the motion or petition is filed; and
(b) render a decision on a motion or petition for hardship filed under this section no later than 20 days after the day of the hearing, unless this period is extended by the agreement of both parties or by the court for good cause shown.
(5) If the claimant demonstrates substantial hardship under Subsection (1), the court shall order the agency to immediately return the property to the claimant pending completion of any forfeiture proceeding.
(6) The court may place conditions on the return of the property as the court finds necessary and appropriate to preserve the availability of the property or the property's equivalent for forfeiture.
(7) The hardship release under this section does not apply to:
(a) contraband;
(b) property that is subject to the retention or preservation requirements under Chapter 11c, Retention of Evidence; or
(c) property that is likely to be used to commit additional offenses if returned to the claimant.

Amended by Chapter 150, 2024 General Session

77-11a-304 Release of seized property to innocent owner or interest holder.
(1)
(a) Except for property required to be retained or preserved under Chapter 11c, Retention of Evidence, a claimant alleged to be an innocent owner or an interest holder may recover possession of seized property by:
(i) submitting a written request with the seizing agency before the later of:
(A) the commencement of a civil forfeiture proceeding under Section 77-11b-302; or
(B) 30 days after the day on which the property was seized; and
(ii) providing the seizing agency with:
(A) evidence that establishes proof of ownership; and
(B) a brief description of the date, time, and place that the claimant mislaid or relinquished possession of the seized property, or any evidence that the claimant is an innocent owner or an interest holder.
(b) If a seizing agency receives a claim under Subsection (1)(a), the seizing agency shall issue a written response to the claimant within 30 days after the day on which the seizing agency receives the claim.

(c) A response under Subsection (1)(b) from the seizing agency shall indicate whether the claim has been granted, denied on the merits, or denied for failure to provide the information required by Subsection (1)(a)(ii).

(d)

(i) If a seizing agency denies a claim for failure to provide the information required by Subsection (1)(a)(ii), the claimant has 15 days after the day on which the claim is denied to submit additional information.

(ii) If a prosecuting attorney has not filed a civil action seeking to forfeit the property under Section 77-11b-302, and a seizing agency has denied a claim for failure to provide the information required by Subsection (1)(a)(ii), the prosecuting attorney may not commence a civil action until:

(A) the claimant has submitted information under Subsection (1)(d)(i); or

(B) the deadline for the claimant to submit information under Subsection (1)(d)(i) has passed.

(e) If a seizing agency fails to issue a written response within 30 days after the day on which the seizing agency receives the response, the seizing agency shall return the property.

(2) If a claim under Subsection (1)(a) is granted, or the property is returned because the seizing agency fails to respond within 30 days, a claimant may not receive any expenses, costs, or attorney fees for the returned property.

(3) A claimant may collect reasonable attorney fees and court costs if:

(a) a claimant filed a claim under Subsection (1)(a);

(b) the seizing agency denies the claim on the merits; and

(c) a court determines that the claimant is an innocent owner or an interest holder in a civil asset forfeiture proceeding.

(4) If a court grants reasonable attorney fees and court costs, the amount of the attorney fees begins to accrue from the day on which the seizing agency denied the claim.

(5) If the court grants reasonable attorney fees and court costs under Subsection (3), the attorney fees and court costs are not subject to the 50% cap under Subsection 77-11b-305(2).

(6) A communication between parties regarding a claim submitted under Subsection (3) and any evidence provided to the parties in connection with a claim is subject to the Utah Rules of Evidence, Rules 408 and 410.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11a-305 Release of seized property to claimant when seized property is retained as evidence.

(1)

(a) A claimant may file a petition with the court for the return of the property that is being retained as evidence in accordance with Chapter 11c, Retention of Evidence.

(b) The claimant may file the petition in:

(i) the court in which criminal proceedings have commenced regarding the offense for which the property is being retained as evidence; or

(ii) the district court with venue under Section 77-11a-102 if there are no pending criminal proceedings.

(c) A claimant shall serve a copy of the petition on the prosecuting attorney or federal prosecutor and the agency with custody of the property.

(2)

(a) The court shall provide an opportunity for an expedited hearing.

(b) After the opportunity for an expedited hearing, the court may order that the property is:

(i) returned to the claimant if the claimant is the owner as determined by the court;
(ii) if the offense subjecting the property to seizure results in a conviction, applied directly or by proceeds of the sale of the property toward restitution, fines, or fees owed by the claimant in an amount set by the court;
(iii) converted to a public interest use;
(iv) held for further legal action;
(v) sold at public auction and the proceeds of the sale applied to a public interest use; or
(vi) destroyed.

(3) Before the court can order property be returned to a claimant, the claimant shall establish, by clear and convincing evidence, that the claimant:
(a) is the owner of the property; and
(b) may lawfully possess the property.

(4) If the court orders the property to be returned to the claimant, the agency with custody of the property shall return the property to the claimant as expeditiously as possible.

Amended by Chapter 150, 2024 General Session

Part 4
Disposal of Seized Property and Contraband

77-11a-401 Applicability of this part.

The provisions of this part do not apply to property or contraband:

(1) for which an agency has filed a notice of intent to seek forfeiture under Chapter 11b, Forfeiture of Seized Property; or

(2) until the property or contraband is no longer subject to the retention or preservation requirements under Chapter 11c, Retention of Evidence.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11a-402 Disposition of seized property and contraband -- Return of seized property.

(1) Except as provided in Subsection (2), if a prosecuting attorney determines that seized property no longer needs to be retained as evidence under Chapter 11c, Retention of Evidence, the prosecuting attorney may:
(a) petition the court to apply the property that is money towards restitution, fines, fees, or monetary judgments owed by the owner of the property;
(b) petition the court for an order transferring ownership of weapons to the agency with custody for the agency's use and disposal in accordance with Section 77-11a-403 if the owner:
(i) is the individual who committed the offense for which the weapon was seized; or
(ii) may not lawfully possess the weapon; or
(c) notify the agency with custody of the property or contraband that:
(i) the property may be returned to the owner in accordance with Section 77-11a-301 if the owner may lawfully possess the property; or
(ii) the contraband may be disposed of or destroyed.

(2)
(a) If an individual is charged with a crime that would not make the individual a restricted person under Section 76-11-302 or 76-11-303 or federal law if convicted and the prosecuting

attorney determines that any firearm seized from the individual as a result of the offense allegedly committed by the individual no longer needs to be retained for court proceedings, the prosecuting attorney shall notify the agency with custody of the firearm that the firearm shall be returned to the individual if the individual may lawfully possess the firearm.

(b) This Subsection (2) does not prohibit a law enforcement agency from performing a background check on an individual described in Subsection (2)(a) to determine if the individual may lawfully possess firearms.

(3) Before returning a firearm to an individual, the agency returning the firearm shall confirm, through the Bureau of Criminal Identification, that the individual is eligible to lawfully possess and receive firearms.

(4)

(a) Except as provided in Subsection (4)(b), if the agency is unable to locate the owner of the property or the owner is not entitled to lawfully possess the property, the agency may:

(i) apply the property to a public interest use;

(ii) sell the property at public auction and apply the proceeds of the sale to a public interest use; or

(iii) destroy the property if the property is unfit for a public interest use or for sale.

(b) If the property described in Subsection (4)(a) is a firearm, the agency shall dispose of the firearm in accordance with Section 77-11a-403.

(5) Before applying the property or the proceeds from the sale of the property to a public interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:

(a) permission to apply the property or the proceeds to public interest use; and

(b) the designation and approval of the public interest use of the property or the proceeds.

(6) If a peace officer seizes property that at the time of seizure is held by a pawn or secondhand business in the course of the pawn or secondhand business's business, the provisions of Section 13-32a-116 shall apply to the disposition of the property.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 431, 2025 General Session

77-11a-403 Disposition of firearms no longer needed as evidence.

(1) As used in this section:

(a) "Confiscated or unclaimed firearm" means a firearm that is subject to disposal by an agency under Section 53-5a-503 or 77-11a-402.

(b) "Department" means the Department of Public Safety created in Section 53-1-103.

(c) "Federally licensed firearms dealer" means a person:

(i) licensed as a dealer under 18 U.S.C. Sec. 923; and

(ii) engaged in the business of selling firearms.

(d) "State-approved dealer" means the federally licensed firearms dealer that contracts with the department under Subsection (4).

(2) An agency shall dispose of a confiscated or unclaimed firearm by:

(a) selling or destroying the confiscated or unclaimed firearm in accordance with Subsection (3);

(b) giving the confiscated or unclaimed firearm to the state-approved dealer to sell or destroy in accordance with Subsection (4) and the agreement between the state-approved dealer and the department; or

(c) after the agency obtains approval from the legislative body of the agency's jurisdiction, transferring the confiscated or unclaimed firearm to the Bureau of Forensic Services, created in Section 53-10-401, or another public forensic laboratory for testing.

(3)

(a) An agency that elects to dispose of a confiscated or unclaimed firearm under Subsection (2)(a) shall:

(i) sell the confiscated or unclaimed firearm to a federally licensed firearms dealer and apply the proceeds from the sale to a public interest use; or

(ii) destroy the firearm, if the agency determines that:

(A) the condition of a confiscated or unclaimed firearm makes the firearm unfit for sale; or

(B) the confiscated or unclaimed firearm is associated with a notorious crime.

(b) Before an agency applies the proceeds of a sale of a confiscated or unclaimed firearm to a public interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:

(i) permission to apply the proceeds of the sale to a public interest use; and

(ii) the designation and approval of the public interest use to which the agency applies the proceeds.

(4)

(a)

(i) The department shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, contract with a federally licensed firearms dealer to sell or destroy all confiscated or unclaimed firearms in the state.

(ii) The term of an agreement executed in accordance with this Subsection (4) may not exceed five years.

(iii) Nothing in this Subsection (4) prevents the department from contracting with the same federally licensed firearms dealer more than once.

(b) An agreement executed in accordance with Subsection (4)(a) shall:

(i) address the amount of money that the federally licensed firearms dealer is entitled to retain from the sale of each confiscated or unclaimed firearm as compensation for the federally licensed firearms dealer's performance under the agreement;

(ii) require the federally licensed firearms dealer to donate, on behalf of the state, all proceeds from the sale of a confiscated or unclaimed firearm, except the amount described in Subsection (4)(b)(i), to an organization that:

(A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code;

(B) complies with any applicable licensing or registration requirements in the state;

(C) primarily helps the families of law enforcement officers in the state who die in the line of duty;

(D) gives financial assistance to the families of law enforcement officers in the state who die in the line of duty; and

(E) provides other assistance to children of active law enforcement officers, including scholarships;

(iii) state that if the federally licensed firearms dealer determines that the condition of a confiscated or unclaimed firearm makes the firearm unfit for sale, the federally licensed firearms dealer shall destroy the firearm; and

(iv) provide a procedure by which the department can ensure that the federally licensed firearms dealer complies with the provisions of the agreement and applicable law.

Amended by Chapter 208, 2025 General Session

Chapter 11b
Forfeiture of Seized Property

Part 1
General Provisions

77-11b-101 Definitions.

As used in this chapter:

(1)
(a) "Acquitted" means a finding by a jury or a judge at trial that a claimant is not guilty.
(b) "Acquitted" does not include:
(i) a verdict of guilty on a lesser or reduced charge;
(ii) a plea of guilty to a lesser or reduced charge; or
(iii) dismissal of a charge as a result of a negotiated plea agreement.
(2) "Agency" means the same as that term is defined in Section 77-11a-101.
(3) "Claimant" means the same as that term is defined in Section 77-11a-101.
(4) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(5) "Complaint" means a civil or criminal complaint seeking the forfeiture of any property under this chapter.
(6) "Forfeit" means to divest a claimant of an ownership interest in property seized under Section 77-11a-201.
(7) "Innocent owner" means the same as that term is defined in Section 77-11a-101.
(8) "Interest holder" means the same as that term is defined in Section 77-11a-101.
(9) "Known address" means:
(a) any address provided by a claimant to the peace officer or agency at the time the property is seized; or
(b) the claimant's most recent address on record with a governmental entity if no address was provided at the time of the seizure.
(10) "Legal costs" means the costs and expenses incurred by a party in a forfeiture action.
(11) "Legislative body" means the same as that term is defined in Section 77-11a-101.
(12) "Peace officer" means the same as that term is defined in Section 77-11a-101.
(13) "Proceeds" means the same as that term is defined in Section 77-11a-101.
(14) "Program" means the State Asset Forfeiture Grant Program created in Section 77-11b-403.
(15) "Property" means the same as that term is defined in Section 77-11a-101.
(16) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
(17) "Seized property" means the same as that term is defined in Section 77-11a-101.

Enacted by Chapter 448, 2023 General Session

77-11b-102 Property subject to forfeiture.

(1)
(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to forfeit:

(i) seized property that was used to facilitate the commission of an offense that is a violation of federal or state law; or

(ii) seized proceeds.

(b) An agency, or the prosecuting attorney, may not forfeit the seized property of an innocent owner or an interest holder.

(2) If seized property is used to facilitate an offense that is a violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, an agency may not forfeit the property if the forfeiture would constitute a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15, or would otherwise unlawfully interfere with the exercise of the party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15.

(3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not seek forfeiture of the motor vehicle, unless:

(a) the operator of the vehicle has previously been convicted of an offense committed after May 12, 2009, that is:

(i) a felony driving under the influence violation under Section 41-6a-502 or Subsection 76-5-102.1(2)(a);

(ii) a felony violation under Subsection 76-5-102.1(2)(b);

(iii) a violation under Section 76-5-207; or

(iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g); or

(b) the operator of the vehicle was driving on a denied, suspended, revoked, or disqualified license and:

(i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii) was imposed because of a violation under:

(A) Section 41-6a-502;

(B) Section 41-6a-517;

(C) a local ordinance that complies with the requirements of Subsection 41-6a-510(1);

(D) Section 41-6a-520.1;

(E) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

(F) Section 76-5-102.1;

(G) Section 76-5-207; or

(H) a criminal prohibition as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances described in Subsections (3)(b)(i)(A) through (G); or

(ii) the denial, suspension, revocation, or disqualification described in Subsection (3)(b)(i):

(A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension, revocation, or disqualification; and

(B) the original denial, suspension, revocation, or disqualification was imposed because of a violation described in Subsection (3)(b)(i).

(4) If a peace officer seizes property incident to an arrest solely for possession of a controlled substance under Subsection 58-37-8(2)(a)(i) but not Subsection 58-37-8(2)(b)(i), an agency may not seek to forfeit the property that was seized in accordance with the arrest.
(5) If a peace officer seizes an individual's firearm as the result of an offense under Section 76-11-218, an agency may not seek to forfeit the individual's firearm if the individual may lawfully possess the firearm.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

77-11b-103 Trial by jury.

The right to trial by jury applies to forfeiture proceedings under this chapter.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-104 Venue.

Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or any other provision of law, a person may bring an action or proceeding under this chapter in the judicial district in which:
(1) the property is seized;
(2) any part of the property is found; or
(3) a civil or criminal action could be maintained against a claimant for the offense subjecting the property to forfeiture under this chapter.

Amended by Chapter 277, 2025 General Session

77-11b-105 Training requirements.

(1) As used in this section:
(a) "Council" means the Utah Prosecution Council created in Section 67-5a-1.
(b) "Division" means the Peace Officers Standards and Training Division created in Section 53-6-103.
(2) To participate in the program, an agency shall have at least one employee who is certified by the division as an asset forfeiture specialist through the completion of an online asset forfeiture course by the division.
(3) The division shall:
(a) develop an online asset forfeiture specialist course that is available to an agency for certification purposes;
(b) certify an employee of an agency who meets the course requirements to be an asset forfeiture specialist;
(c) recertify, every 36 months, an employee who is designated as an asset forfeiture specialist by an agency;
(d) submit annually a report to the commission no later than April 30 that contains a list of the names of the employees and agencies participating in the certification courses;
(e) review and update the asset forfeiture specialist course each year to comply with state and federal law; and
(f) provide asset forfeiture training to all peace officers in basic training programs.
(4) To be reimbursed for costs under Subsection 77-11b-401(3)(b), a prosecuting agency shall have at least one employee who is certified by the council as an asset forfeiture specialist through the completion of an online asset forfeiture course.

(5) The council shall:
(a) develop an online asset forfeiture specialist course that is available to a prosecuting agency for certification purposes;
(b) certify an employee of a prosecuting agency who meets the course requirements to be an asset forfeiture specialist;
(c) submit annually a report to the commission no later than April 30 that contains a list of the names of the employees and prosecuting agencies participating in certification courses by the council; and
(d) review and update the asset forfeiture specialist course each year to comply with state and federal law.

Renumbered and Amended by Chapter 448, 2023 General Session

Part 2
Initiating Forfeiture of Seized Property

77-11b-201 Initiating forfeiture proceedings -- Notice of intent to seek forfeiture.
(1)
(a) If an agency seeks to forfeit seized property, the agency shall serve a notice of intent to seek forfeiture to any known claimant within 30 days after the day on which the property is seized.
(b) The notice of intent to seek forfeiture shall describe:
(i) the date of the seizure;
(ii) the property seized;
(iii) the claimant's rights and obligations under this chapter and Chapter 11a, Seizure of Property and Contraband, including the availability of hardship relief in appropriate circumstances; and
(iv) the statutory basis for the forfeiture, including the judicial proceedings by which the property may be forfeited under this chapter.
(c) The agency shall serve the notice of intent to seek forfeiture by:
(i) certified mail, with a return receipt requested, to the claimant's known address; or
(ii) personal service.
(d) A court may void a forfeiture made without notice under Subsection (1)(a), unless the agency demonstrates:
(i) good cause for the failure to give notice to the claimant; or
(ii) that the claimant had actual notice of the seizure.
(2) Before an agency serves a notice of intent to forfeit seized property under Subsection (1)(a), the agency shall conduct a search of public records applicable to the seized property, including county records or records of the Division of Corporations and Commercial Code, the Division of Motor Vehicles, or other state or federal licensing agencies, in order to obtain the name and address of each interest holder of the property.
(3) If an agency serves a notice of intent to forfeit seized property under Subsection (1)(a), an individual or entity may not alienate, convey, sequester, or attach the property until a court:
(a) issues a final order to dismiss an action under this chapter; or
(b) orders the forfeiture of the property.
(4)
(a)

(i) If an agency has served each claimant with a notice of intent to seek forfeiture, the agency shall present a written request for forfeiture to the prosecuting attorney of the municipality or county where the property is seized.
(ii) The agency shall provide the request under Subsection (4)(a)(i) no later than 45 days after the day on which the property is seized.
(b) The written request described in Subsection (4)(a) shall:
(i) describe the property that the agency is seeking to forfeit; and
(ii) include a copy of all reports, supporting documents, and other evidence that is necessary for the prosecuting attorney to determine the legal sufficiency for filing a forfeiture action.
(c) The prosecuting attorney shall:
(i) review the written request described in Subsection (4)(a)(i); and
(ii) within 75 days after the day on which the property is seized, decline or accept, in writing, the agency's written request for the prosecuting attorney to initiate a proceeding to forfeit the property.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-202 Sale of seized property subject to forfeiture.

(1)
(a) Except for property that is required to be retained or preserved under Chapter 11c, Retention of Evidence, the court may order seized property for which a forfeiture proceeding is pending to:
(i) be sold, leased, rented, or operated to satisfy a specified interest of any claimant; or
(ii) preserve the interests of any party on motion of that party.
(b) The court may only enter an order under Subsection (1)(a) after:
(i) written notice to any person known to have an interest in the property has been given; and
(ii) an opportunity for a hearing for any person known to have an interest in the property has occurred.

(2)
(a) A court may order a sale of property under Subsection (1) when:
(i) the property is liable to perish, waste, or be significantly reduced in value; or
(ii) the expenses of maintaining the property are disproportionate to the property's value.
(b) A third party designated by the court shall:
(i) dispose of the property by a commercially reasonable public sale; and
(ii) distribute the proceeds in the following order of priority:
(A) first, for the payment of reasonable expenses incurred in connection with the sale;
(B) second, for the satisfaction of an interest, including an interest of an interest holder, in the order of an interest holder's priority as determined by Title 70A, Uniform Commercial Code; and
(C) third, any balance of the proceeds shall be preserved in the actual or constructive custody of the court, in an interest-bearing account, subject to further proceedings under this chapter.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-203 Mandatory return of seized property subject to forfeiture.

(1) Except for property that is required to be retained or preserved under Chapter 11c, Retention of Evidence, an agency shall promptly return seized property to a claimant and the prosecuting

attorney may take no further action to forfeit the property, unless within 75 days after the day on which the property is seized:

(a) the prosecuting attorney:

(i) files a criminal indictment or information under Subsection 77-11b-301(3);

(ii) files a petition to transfer the property to another agency in accordance with Section 77-11a-205; or

(iii) files a civil forfeiture complaint under Section 77-11b-302; or

(b) the prosecuting attorney or a federal prosecutor obtains a restraining order under Subsection 77-11b-301(4).

(2)

(a) The prosecuting attorney may file a petition to extend the deadline under Subsection (1) by 21 days.

(b) If a prosecuting attorney files a petition under Subsection (2)(a) and the prosecuting attorney provides good cause for extending the deadline, a court shall grant the petition.

(c) The prosecuting attorney may not file more than one petition under this Subsection (2).

(3) If a prosecuting attorney is unable to file a civil forfeiture complaint under Subsection (1)(a)(iii) because a claimant has filed a claim under Section 77-11a-304 and the claimant has an extension to provide additional information on the claim under Subsection 77-11a-304(1)(d), the deadline under Subsection (1) may be extended by 15 days.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-204 Compensation for damaged property subject to forfeiture.

(1) As used in this section:

(a) "Damage or other injury" does not mean normal depreciation, deterioration, or ordinary wear and tear of the property.

(b) "Wildlife" means the same as that term is defined in Section 23A-1-101.

(2) If seized property is returned under this chapter, a claimant has a civil right of action against an agency for a claim based upon the negligent destruction, loss, or damage or other injury to seized property while in the possession or custody of the agency.

(3) This section does not apply to wildlife or parts of wildlife that are seized for an offense under Title 23A, Wildlife Resources Act.

Renumbered and Amended by Chapter 448, 2023 General Session

Part 3
Forfeiture Proceedings

77-11b-301 Forfeiture of seized property through the criminal case.

(1) As used in this section, "defendant" means a claimant who is criminally prosecuted for the offense subjecting the property to forfeiture under Subsection 77-11b-102(1).

(2) A prosecuting attorney may seek forfeiture of the defendant's interest in seized property through the criminal case.

(3) If the prosecuting attorney seeks forfeiture of a defendant's interest in seized property through the criminal case, the prosecuting attorney shall state in the information or indictment the grounds for which the agency seeks to forfeit the property.

(4)
(a)
(i) A court may enter a restraining order or injunction or take any other reasonable action to preserve property being forfeited under this section.
(ii) Before a court's decision under Subsection (4)(a)(i), a known claimant, who can be identified after due diligence, shall be:
(A) provided notice; and
(B) given an opportunity for a hearing.
(iii) A court shall grant an order under Subsection (4)(a)(i) if:
(A) there is a substantial probability that the state will prevail on the issue of forfeiture and that failure to enter the order will result in the property being sold, transferred, destroyed, or removed from the jurisdiction of the court or otherwise made unavailable for forfeiture; and
(B) the need to preserve the availability of the property or prevent the property's sale, transfer, destruction, or removal through the entry of the requested order outweighs the hardship against a claimant against which the order is to be entered.
(b) A court may enter a temporary restraining order ex parte upon application of the prosecuting attorney or a federal prosecutor before or after an information or indictment has been filed, with respect to the property, if the prosecuting attorney or federal prosecutor demonstrates that:
(i) there is probable cause to believe that the property with respect to which the order is sought would, in the event of a conviction, be forfeited under this section; and
(ii) providing notice to a claimant would jeopardize the availability of the property for forfeiture or would jeopardize an ongoing criminal investigation.
(c) The temporary order expires no more than 10 days after the day on which the order is entered unless extended for good cause shown or unless the claimant against whom the temporary order is entered consents to an extension.
(d) After service of the temporary order upon a claimant known to the prosecuting attorney or federal prosecutor, the court shall hold a hearing on the order as soon as practicable and before the expiration of the temporary order.
(e) The court is not bound by the Utah Rules of Evidence regarding evidence the court may receive and consider at a hearing under this section.
(5) Upon conviction of a defendant for the offense subjecting the property to forfeiture, a court or jury shall find property forfeited to the state if the prosecuting attorney establishes, beyond a reasonable doubt, that:
(a) the defendant:
(i) committed the offense subjecting the property to forfeiture under Subsection 77-11b-102(1);
(ii) knew of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1) and allowed the property to be used in furtherance of the offense; or
(iii) acquired the property at the time of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1), or within a reasonable time after the offense occurred; or
(b) there is no likely source for the purchase or acquisition of the property other than the commission of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1).
(6)
(a) Upon conviction of a defendant for the offense subjecting the property to forfeiture and a finding by a court or jury that the property is forfeited, the court shall enter a judgment and order the property forfeited to the state upon the terms stated by the court in the court's order.

(b) Following the entry of an order declaring the property forfeited under Subsection (6)(a), and upon application by the prosecuting attorney, the court may:
(i) enter a restraining order or injunction;
(ii) require the execution of satisfactory performance bonds;
(iii) appoint a receiver, conservator, appraiser, accountant, or trustee; or
(iv) take any other action to protect the state's interest in property ordered forfeited.

(7)
(a)
(i) After property is ordered forfeited under this section, the agency shall direct the disposition of the property under Section 77-11b-401.
(ii) If property under Subsection (7)(a)(i) is not transferrable for value to the agency, or the agency is not able to exercise an ownership interest in the property, the property may not revert to the defendant.
(iii) A defendant, or a person acting in concert with or on behalf of the defendant, is not eligible to purchase forfeited property at any sale held by the agency unless approved by the judge.
(b) A court may stay the sale or disposition of the property pending the conclusion of any appeal of the offense subjecting the property to forfeiture if the claimant demonstrates that proceeding with the sale or disposition of the property may result in irreparable injury, harm, or loss.

(8) If a defendant is acquitted of the offense subjecting the property to forfeiture under this section on the merits:
(a)
(i) the property for which forfeiture is sought shall be returned to the claimant; or
(ii) the open market value of the property for the property for which forfeiture is sought shall be awarded to the claimant if the property has been disposed of under Section 77-11b-202; and
(b) any payment requirement under this chapter related to the holding of property shall be paid to the claimant.

(9) Except as provided under Subsection (4) or (12), a claimant claiming an interest in property that is being forfeited under this section:
(a) may not intervene in a trial or appeal of a criminal case involving the forfeiture of the property; and
(b) may not commence an action at law or equity concerning the validity of the claimant's alleged interests in the property subsequent to the filing of an indictment or an information alleging that the property is being forfeited under this section.

(10) A court that has jurisdiction of a case under this part may enter orders under this section without regard to the location of any property that is or has been ordered forfeited under this section.

(11) To facilitate the identification or location of property forfeited under this section, and to facilitate the disposition of a petition for remission or mitigation of forfeiture after the entry of an order declaring property forfeited to the agency, the court may, upon application of the prosecuting attorney, order:
(a) the testimony of any witness relating to the forfeited property be taken by deposition; and
(b) any book, paper, document, record, recording, or other material is produced in accordance with the Utah Rules of Civil Procedure.

(12)
(a) If a court orders property forfeited under this section, the prosecuting attorney shall publish notice of the intent to dispose of the property.

(b) Service by publication shall be by publication of two notices, in two successive weeks, of the forfeiture proceeding:
(i) in a newspaper of general circulation in the county in which the seizure of the property occurred; and
(ii) on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b).
(c) The prosecuting attorney shall also send written notice to any claimants, other than the defendant, known to the prosecuting attorney to have an interest in the property, at the claimant's known address.

(13)
(a) A claimant, other than the defendant, may petition the court for a hearing to adjudicate the validity of the claimant's alleged interest in property forfeited under this section.
(b) A claimant shall file a petition within 30 days after the earlier of the day on which a notice is published or the day on which the claimant receives written notice under Subsection (12)(a).

(14) The petition under Subsection (13) shall:
(a) be in writing and signed by the claimant under penalty of perjury;
(b) set forth the nature and extent of the claimant's right, title, or interest in the property, the time and circumstances of the claimant's acquisition of the right, title, or interest in the property; and
(c) set forth any additional facts supporting the claimant's claim and the relief sought.

(15)
(a) The court shall expedite the trial or hearing under this Subsection (15) to the extent practicable.
(b) Any party may request a jury to decide any genuine issue of material fact.
(c) The court may consolidate a trial or hearing on the petition under Subsection (11)(b) and any other petition filed by a claimant, other than the defendant, under this section.
(d) For a petition under this section, the court shall permit the parties to conduct pretrial discovery in accordance with the Utah Rules of Civil Procedure.
(e)
(i) At the trial or hearing, the claimant may testify and present evidence and witnesses on the claimant's own behalf and cross-examine witnesses who appear at the hearing.
(ii) The prosecuting attorney may present evidence and witnesses in rebuttal and in defense of the claim to the property and cross-examine witnesses who appear.
(f) In addition to testimony and evidence presented at the trial or hearing, the court may consider the relevant portion of the record of the criminal case that resulted in the order of forfeiture.
(g) A trial or hearing shall be conducted in accordance with the Utah Rules of Evidence.

(16) The court shall amend the order of forfeiture in accordance with the court's determination, if after the trial or hearing under Subsection (15), the court or jury determines that the claimant has established, by a preponderance of the evidence, that:
(a)
(i) the claimant has a legal right, title, or interest in the property; and
(ii) the claimant's right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the claimant rather than the defendant, or was superior to any right, title, or interest of the defendant at the time of the commission of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1); or
(b) the claimant acquired the right, title, or interest in the property in a bona fide transaction for value, and, at the time of acquisition, the claimant did not know that the property could be forfeited under this chapter.

(17) An agency has clear title to the property and may transfer title to a purchaser or transferee if:

(a) the court issued a disposition on all petitions under Subsection (13) denying any claimant's right, title, or interest to the property; or
(b) a petition was not filed under the timelines provided in Subsection (13)(b).
(18) If the prosecuting attorney seeks to discontinue a forfeiture proceeding under this section and transfer the action to another state or federal agency that has initiated a civil or criminal proceeding involving the same property, the prosecuting attorney shall file a petition to transfer the property in accordance with Section 77-11a-205.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-302 Civil forfeiture of seized property.
(1)
(a) A prosecuting attorney may commence a civil action to forfeit seized property by filing a complaint.
(b) The complaint under Subsection (1)(a) shall describe with reasonable particularity:
(i) the property that the agency is seeking to forfeit;
(ii) the date and place of seizure; and
(iii) the factual allegations that constitute a basis for forfeiture.
(2)
(a) After a complaint is filed, the prosecuting attorney shall serve a copy of the complaint and summons upon each claimant known to the prosecuting attorney within 30 days after the day on which the complaint is filed.
(b) The prosecuting attorney is not required to serve a copy of the complaint or the summons upon a claimant which has disclaimed, in writing, an ownership interest in the seized property.
(c) Service of the complaint and summons shall be by:
(i) personal service;
(ii) certified mail, with a return receipt requested, to the claimant's known address; or
(iii) service by publication, if the prosecuting attorney demonstrates to the court that service cannot reasonably be made by personal service or certified mail.
(d) Service by publication shall be by publication of two notices, in two successive weeks, of the forfeiture proceeding:
(i) in a newspaper of general circulation in the county in which the seizure occurred; and
(ii) on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b).
(e) Service is effective upon the earlier of:
(i) personal service;
(ii) certified mail; or
(iii) publication in accordance with Subsection (2)(d).
(f) The court may extend the period to complete service under this section for an additional 60 days if the prosecuting attorney:
(i) moves the court to extend the period to complete service; and
(ii) has shown good cause for extending service.
(3)
(a) If a prosecuting attorney files a complaint for forfeiture as described in Subsection (1), a claimant may file an answer to the complaint.
(b) If a claimant files an answer in accordance with Subsection (3)(a), the claimant shall file the answer within 30 days after the day on which the complaint is served upon the claimant.
(c) If an agency is seeking to forfeit property that is valued at less than $10,000, the agency shall return the property to the claimant if:

(i)
(A) the prosecuting attorney has filed a forfeiture complaint, and the claimant has filed an answer, in accordance with Subsections (3)(a) and (b); and
(B) the prosecuting attorney has not filed an information or indictment for the offense for which the property is seized within 60 days after the day on which the prosecuting attorney served the claimant with the complaint, or the prosecuting attorney has not timely moved a court and demonstrated reasonable cause for extending the time to file the information or indictment; or
(ii) the information or indictment for the offense for which the property was seized was dismissed and the prosecuting attorney has not refiled the information or indictment within seven days after the day on which the information or indictment was dismissed.
(d) A claimant is not entitled to any expenses, costs, or attorney fees for the return of property to the claimant under Subsection (3)(c).
(e)
(i) The time limitations in Subsection (3)(c)(i) may be extended for up to 15 days if a claimant timely seeks to recover possession of seized property in accordance with Section 77-11a-304.
(ii) If the time limitations are extended under Subsection (3)(c)(i), the time limitations in Subsection (3)(c)(i) shall resume immediately upon the agency's or prosecuting attorney's timely denial of a claim under Section 77-11a-304 on the merits.
(4) Except as otherwise provided in this chapter, a civil action for a forfeiture proceeding is governed by the Utah Rules of Civil Procedure.
(5) The court shall:
(a) take all reasonable steps to expedite a civil forfeiture proceeding; and
(b) give a civil forfeiture proceeding the same priority as a criminal case.
(6) A claimant may file an answer to a complaint for civil forfeiture without posting bond with respect to the property that the agency seeks to forfeit.
(7) A court shall grant an agency's request to forfeit property if the prosecuting attorney establishes, by clear and convincing evidence, that:
(a) the claimant:
(i) committed the offense subjecting the property to forfeiture under Subsection 77-11b-102(1);
(ii) knew of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1)(a) and allowed the property to be used in furtherance of the offense; or
(iii) acquired the property at the time of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1), or within a reasonable time after the offense occurred; or
(b) there is no likely source for the purchase or acquisition of the property other than the commission of the offense subjecting the property to forfeiture under Subsection 77-11b-102(1).
(8) If a court finds that the property is the proceeds of an offense that subjects the proceeds to forfeiture under Subsection 77-11b-102(1), the prosecuting attorney does not need to prove that the property was the proceeds of a particular exchange or transaction.
(9) If a claimant is acquitted of the offense subjecting the property to forfeiture under this section:
(a)
(i) the property for which forfeiture is sought shall be returned to the claimant; or
(ii) the open market value of the property for the property for which forfeiture is sought shall be awarded to the claimant if the property has been disposed of under Section 77-11b-202; and

(b) any payment requirement under this chapter related to the holding of property shall be paid to the claimant.

(10) If the prosecuting attorney seeks to discontinue a forfeiture proceeding under this section and transfer the action to another state or federal agency that has initiated a civil or criminal proceeding involving the same property, the prosecuting attorney shall file a petition to transfer the property in accordance with Section 77-11a-205.

(11) A civil forfeiture action under this section may be converted to a criminal forfeiture action at any time after a prosecuting attorney files a criminal complaint, information, or indictment for the offense subjecting the property to forfeiture under Subsection 77-11b-102(1).

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-303 Proportionality of forfeiture.

(1)

(a) A claimant's interest in property that is used to facilitate an offense may not be forfeited under any provision of state law if the forfeiture is substantially disproportionate to the use of the property in committing or facilitating an offense that is a violation of state law and the value of the property.

(b) If property is used solely in a manner that is merely incidental and not instrumental to the commission or facilitation of an offense, a forfeiture of the property is not proportional.

(2)

(a) In determining proportionality, the court shall consider:

(i) the offense subjecting the property to forfeiture under Subsection 77-11b-102(1);

(ii) what portion of the forfeiture, if any, is remedial in nature;

(iii) the gravity of the conduct for which the claimant is responsible in light of the offense; and

(iv) the value of the property.

(b) If the court finds that the forfeiture is substantially disproportional to an offense for which the claimant is responsible, the court shall reduce or eliminate the forfeiture as the court finds appropriate.

(3) A prosecuting attorney has the burden of demonstrating that a forfeiture is proportional to the offense subjecting the property to forfeiture under Subsection 77-11b-102(1).

(4) In all cases, the court shall decide questions of proportionality.

(5) A forfeiture of any proceeds used to facilitate the commission of an offense that is a violation of federal or state law is proportional.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-304 Postjudgment interest to prevailing party in forfeiture proceeding.

In a proceeding to forfeit currency or other negotiable instruments under this chapter, the court shall award postjudgment interest to a prevailing party on the currency or negotiable instruments at the interest rate established under Section 15-1-4.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-305 Attorney fees and costs for forfeiture proceeding.

(1) In a forfeiture proceeding under this chapter, a court shall award reasonable legal costs and attorney fees to a prevailing claimant.

(2) If a court awards legal costs and attorney fees to a prevailing claimant under Subsection (1), the award may not exceed 50% of the value of the seized property.
(3) A claimant who prevails only in part is entitled to recover reasonable legal costs and attorney fees only on an issue on which the party prevailed.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-306 Limitation on fees for holding seized property subject to forfeiture.

In any civil or criminal proceeding under this part in which a judgment is entered in favor of a claimant, or where a forfeiture proceeding against a claimant is voluntarily dismissed by the prosecuting attorney, an agency may not charge a claimant any fee or cost for holding seized property.

Renumbered and Amended by Chapter 448, 2023 General Session

Part 4
Disposal and Allocation of Forfeited Property

77-11b-401 Disposition and allocation of forfeited property.

(1) If a court finds that property is forfeited under this chapter, the court shall order the property forfeited to the state.
(2)
  (a) If the property is not currency, the agency shall authorize a public or otherwise commercially reasonable sale of that property if the property is not required by law to be destroyed and is not harmful to the public.
  (b) If the property forfeited is an alcoholic product as defined in Section 32B-1-102, the property shall be disposed of as follows:
    (i) an alcoholic product shall be sold if the alcoholic product is:
      (A) unadulterated, pure, and free from any crude, unrectified, or impure form of ethylic alcohol, or any other deleterious substance or liquid; and
      (B) otherwise in saleable condition; or
    (ii) an alcoholic product and the alcoholic product's package shall be destroyed if the alcoholic product is impure, adulterated, or otherwise unfit for sale.
  (c) If the property forfeited is a cigarette or other tobacco product as defined in Section 59-14-102, the property shall be destroyed, except that the lawful holder of the trademark rights in the cigarette or tobacco product brand is permitted to inspect the cigarette before the destruction of the cigarette or tobacco product.
  (d) The proceeds of the sale of forfeited property shall remain segregated from other property, equipment, or assets of the agency until transferred in accordance with this chapter.
(3) Before transferring currency and the proceeds or revenue from the sale of the property in accordance with this chapter, the agency shall:
  (a) deduct the agency's direct costs, expense of reporting under Section 77-11b-404, and expense of obtaining and maintaining the property pending a forfeiture proceeding; and
  (b) if the prosecuting agency that employed the prosecuting attorney has met the requirements of Subsection 77-11b-105(3), pay the prosecuting attorney the legal costs associated with the

litigation of the forfeiture proceeding, and up to 20% of the value of the forfeited property in attorney fees.

(4) If the forfeiture arises from a violation relating to wildlife resources, the agency shall deposit any remaining currency and the proceeds or revenue from the sale of the property into the Wildlife Resources Account created in Section 23A-3-201.

(5) The agency shall transfer any remaining currency, the proceeds, or revenue from the sale of the property to the commission and deposited into the Criminal Forfeiture Restricted Account created in Section 77-11b-402.

Amended by Chapter 34, 2023 General Session
Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-402 Criminal Forfeiture Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Criminal Forfeiture Restricted Account."

(2) Except as provided in Section 77-11b-401, the commission shall deposit any proceeds from property forfeited through a forfeiture proceeding under this chapter into the Criminal Forfeiture Restricted Account.

(3) The Legislature shall appropriate money in the Criminal Forfeiture Restricted Account to the commission for the purpose of implementing the State Asset Forfeiture Grant Program described in Section 77-11b-403.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-403 State Asset Forfeiture Grant Program.

(1) There is created the State Asset Forfeiture Grant Program.

(2) The program shall fund crime prevention, crime victim reparations, and law enforcement activities that have the purpose of:

(a) deterring crime by depriving criminals of the profits and proceeds of their illegal activities;

(b) weakening criminal enterprises by removing the instrumentalities of crime;

(c) reducing crimes involving substance abuse by supporting the creation, administration, or operation of drug court programs throughout the state;

(d) encouraging cooperation between agencies;

(e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited proceeds of crime;

(f) increasing the equitability and accountability of the use of forfeited property used to assist agencies in reducing and preventing crime; and

(g) providing aid to victims of criminally injurious conduct, as defined in Section 63M-7-502, who may be eligible for assistance under Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime.

(3)

(a) Upon appropriation of funds from the Criminal Forfeiture Restricted Account, the commission shall allocate and administer grants to an agency or political subdivision of the state in compliance with this section and Subsection 77-11b-105(2) and to further the program purposes under Subsection (2).

(b) The commission may retain up to 3% of the annual appropriation from the Criminal Forfeiture Restricted Account to pay for administrative costs incurred by the commission, including

salary and benefits, equipment, supplies, or travel costs that are directly related to the administration of the program.

(4) An agency or political subdivision shall apply for an award from the program by completing and submitting forms specified by the commission.

(5) In granting the awards, the commission shall ensure that the amount of each award takes into consideration the:

(a) demonstrated needs of the agency or political subdivision;

(b) demonstrated ability of the agency or political subdivision to appropriately use the award;

(c) degree to which the agency's or political subdivision's need is offset through the agency's or political subdivision's participation in federal equitable sharing or through other federal and state grant programs; and

(d) agency's or political subdivision's cooperation with other state and local agencies and task forces.

(6) The commission may award a grant to any agency or political subdivision engaged in activities associated with Subsection (2) even if the agency has not contributed to the fund.

(7) An applying agency or political subdivision shall demonstrate compliance with all reporting and policy requirements applicable under this chapter and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential award recipient.

(8)

(a) A recipient agency may only use award money after approval by the agency's legislative body.

(b) The award money is nonlapsing.

(9) A recipient agency or political subdivision shall use an award:

(a) only for law enforcement purposes described in this section, or for victim reparations as described in Subsection (2)(g); and

(b) for the purposes specified by the agency or political subdivision in the agency's or political subdivision's application for the award.

(10) A permissible law enforcement purpose for which award money may be used includes:

(a) controlled substance interdiction and enforcement activities;

(b) drug court programs;

(c) activities calculated to enhance future law enforcement investigations;

(d) law enforcement training that includes:

(i) implementation of the Fourth Amendment to the United States Constitution and Utah Constitution, Article I, Section 7, and that addresses the protection of the individual's right of due process;

(ii) protection of the rights of innocent property holders; and

(iii) the Tenth Amendment to the United States Constitution regarding states' sovereignty and the states' reserved rights;

(e) law enforcement or detention facilities;

(f) law enforcement operations or equipment that are not routine costs or operational expenses;

(g) drug, gang, or crime prevention education programs that are sponsored in whole or in part by the law enforcement agency or its legislative body;

(h) matching funds for other state or federal law enforcement grants; and

(i) the payment of legal costs, attorney fees, and postjudgment interest in forfeiture actions.

(11) A law enforcement purpose for which award money may not be granted or used includes:

(a) payment of salaries, retirement benefits, or bonuses to any individual;

(b) payment of expenses not related to law enforcement;

(c) uses not specified in the agency's award application;

(d) uses not approved by the agency's legislative body;
(e) payments, transfers, or pass-through funding to an entity other than an agency; or
(f) uses, payments, or expenses that are not within the scope of the agency's functions.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11b-404 Forfeiture reporting requirements.

(1) An agency shall provide all reasonably available data described in Subsection (5):
(a) if transferring the forfeited property resulting from the final disposition of any civil or criminal forfeiture matter to the commission as required under Subsection 77-11b-401(5); or
(b) if the agency has been awarded an equitable share of property forfeited by the federal government.
(2) The commission shall develop a standardized report format that each agency shall use in reporting the data required under this section.
(3) The commission shall annually, on or before April 30, prepare a summary report of the case data submitted by each agency under Subsection (1) during the prior calendar year.
(4)
(a) If an agency does not comply with the reporting requirements under this section, the commission shall contact the agency and request that the agency comply with the required reporting provisions.
(b) If an agency fails to comply with the reporting requirements under this section within 30 days after receiving the request to comply, the commission shall report the noncompliance to the attorney general, the speaker of the House of Representatives, and the president of the Senate.
(5) The data for any civil or criminal forfeiture matter for which final disposition has been made under Subsection (1) shall include:
(a) the agency that conducted the seizure;
(b) the case number or other identification;
(c) the date or dates on which the seizure was conducted;
(d) the number of individuals having a known property interest in each seizure of property;
(e) the type of property seized;
(f) the alleged offense that was the cause for seizure of the property;
(g) whether any criminal charges were filed regarding the alleged offense, and if so, the final disposition of each charge, including the conviction, acquittal, or dismissal, or whether action on a charge is pending;
(h) the type of enforcement action that resulted in the seizure, including an enforcement stop, a search warrant, or an arrest warrant;
(i) whether the forfeiture procedure was civil or criminal;
(j) the value of the property seized, including currency and the estimated market value of any tangible property;
(k) the final disposition of the matter, including whether final disposition was entered by stipulation of the parties, including the amount of property returned to any claimant, by default, by summary judgment, by jury award, or by guilty plea or verdict in a criminal forfeiture;
(l) if the property was forfeited by the federal government, the amount of forfeited money awarded to the agency;
(m) the agency's direct costs, expense of reporting under this section, and expenses for obtaining and maintaining the seized property, as described in Subsection 77-11b-401(3)(a);

(n) the legal costs and attorney fees paid to the prosecuting attorney, as described in Subsection 77-11b-401(3)(b); and

(o) if the property was transferred to a federal agency or any governmental entity not created under and subject to state law:

(i) the date of the transfer;

(ii) the name of the federal agency or entity to which the property was transferred;

(iii) a reference to which reason under Subsection 77-11a-205(3) justified the transfer;

(iv) the court or agency where the forfeiture case was heard;

(v) the date of the order of transfer of the property; and

(vi) the value of the property transferred to the federal agency, including currency and the estimated market value of any tangible property.

(6) An agency shall annually on or before April 30 submit a report for the prior calendar year to the commission that states:

(a) whether the agency received an award from the State Asset Forfeiture Grant Program under Section 77-11b-403 and, if so, the following information for each award:

(i) the amount of the award;

(ii) the date of the award;

(iii) how the award was used or is planned to be used; and

(iv) a statement signed by both the agency's executive officer or designee and by the agency's legal counsel, that:

(A) the agency has complied with all inventory, policy, and reporting requirements under Section 77-11b-403; and

(B) all awards were used for crime reduction or law enforcement purposes as specified in the application and that the awards were used only upon approval by the agency's legislative body; and

(b) whether the agency received any property, money, or other things of value in accordance with federal law as described in Subsection 77-11a-205(7) and, if so, the following information for each piece of property, money, or other thing of value:

(i) the case number or other case identification;

(ii) the value of the award and the property, money, or other things of value received by the agency;

(iii) the date of the award;

(iv) the identity of any federal agency involved in the forfeiture;

(v) how the awarded property has been used or is planned to be used; and

(vi) a statement signed by both the agency's executive officer or designee and by the agency's legal counsel, that the agency has only used the award for crime reduction or law enforcement purposes authorized under Section 77-11b-403, and that the award was used only upon approval by the agency's legislative body.

(7)

(a) On or before July 1 of each year, the commission shall submit notice of the annual reports in Subsection (3) and Subsection (6), in electronic format, to:

(i) the attorney general;

(ii) the speaker of the House of Representatives, for referral to any House standing or interim committees with oversight over law enforcement and criminal justice;

(iii) the president of the Senate, for referral to any Senate standing or interim committees with oversight over law enforcement and criminal justice; and

(iv) each law enforcement agency.

(b) The reports described in Subsection (3) and Subsection (6), as well as the individual case data described in Subsection (1) for the previous calendar year, shall be published on the Utah Open Government website at open.utah.gov on or before July 15 of each year.

Renumbered and Amended by Chapter 448, 2023 General Session

Chapter 11c
Retention of Evidence

Part 1
General Provisions

77-11c-101 Definitions.

As used in this chapter:

(1) "Acquitted" means the same as that term is defined in Section 77-11b-101.

(2) "Adjudicated" means that:

(a)

(i) a judgment of conviction by plea or verdict of an offense has been entered by a court; and

(ii) a sentence has been imposed by the court; or

(b) a judgment has been entered for an adjudication of an offense by a juvenile court under Section 80-6-701.

(3) "Adjudication" means:

(a) a judgment of conviction by plea or verdict of an offense; or

(b) an adjudication for an offense by a juvenile court under Section 80-6-701.

(4) "Agency" means the same as that term is defined in Section 77-11a-101.

(5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the United States Supreme Court.

(6)

(a) "Biological evidence" means an item that contains blood, semen, hair, saliva, epithelial cells, latent fingerprint evidence that may contain biological material suitable for DNA testing, or other identifiable human biological material that:

(i) is collected as part of an investigation or prosecution of a violent felony offense; and

(ii) may reasonably be used to incriminate or exculpate a person for the violent felony offense.

(b) "Biological evidence" includes:

(i) material that is catalogued separately, including:

(A) on a slide or swab; or

(B) inside a test tube, if the evidentiary sample that previously was inside the test tube has been consumed by testing;

(ii) material that is present on other evidence, including clothing, a ligature, bedding, a drinking cup, a cigarette, or a weapon, from which a DNA profile may be obtained;

(iii) the contents of a sexual assault kit; and

(iv) for a violent felony offense, material described in this Subsection (6) that is in the custody of an evidence collecting or retaining entity on May 4, 2022.

(7) "Claimant" means the same as that term is defined in Section 77-11a-101.

(8) "Computer" means the same as that term is defined in Section 77-11a-101.

(9) "Continuous chain of custody" means:
(a) for a law enforcement agency or a court, that legal standards regarding a continuous chain of custody are maintained; and
(b) for an entity that is not a law enforcement agency or a court, that the entity maintains a record in accordance with legal standards required of the entity.
(10) "Contraband" means the same as that term is defined in Section 77-11a-101.
(11) "Controlled substance" means the same as that term is defined in Section 58-37-2.
(12) "Court" means a municipal, county, or state court.
(13) "DNA" means deoxyribonucleic acid.
(14) "DNA profile" means a unique identifier of an individual derived from DNA.
(15) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
(16) "Evidence" means property, contraband, or an item or substance that:
(a) is seized or collected as part of an investigation or prosecution of an offense; and
(b) may reasonably be used to incriminate or exculpate an individual for an offense.
(17)
(a) "Evidence collecting or retaining entity" means an entity within the state that collects, stores, or retrieves biological evidence.
(b) "Evidence collecting or retaining entity" includes:
(i) a medical or forensic entity;
(ii) a law enforcement agency;
(iii) a court; and
(iv) an official, employee, or agent of an entity or agency described in this Subsection (17).
(v) "Evidence collecting or retaining entity" does not include a collecting facility defined in Section 53-10-902.
(18) "Exhibit" means property, contraband, or an item or substance that is admitted into evidence for a court proceeding.
(19) "In custody" means an individual who:
(a) is incarcerated, civilly committed, on parole, or on probation; or
(b) is required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.
(20) "Law enforcement agency" means the same as that term is defined in Section 77-11a-101.
(21) "Medical or forensic entity" means a private or public hospital, medical facility, or other entity that secures biological evidence or conducts forensic examinations related to criminal investigations.
(22) "Physical evidence" includes evidence that:
(a) is related to:
(i) an investigation;
(ii) an arrest; or
(iii) a prosecution that resulted in a judgment of conviction; and
(b) is in the actual or constructive possession of a law enforcement agency or a court or an agent of a law enforcement agency or a court.
(23) "Property" means the same as that term is defined in Section 77-11a-101.
(24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
(25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
(26) "Victim" means the same as that term is defined in Section 53-10-902.
(27) "Violent felony offense" means the same as the term "violent felony" is defined in Section 76-3-203.5.
(28) "Wildlife" means the same as that term is defined in Section 23A-1-101.

Amended by Chapter 291, 2025 General Session

77-11c-102 Retention of evidence as an exhibit.

(1) If evidence is admitted as an exhibit for a court proceeding, the clerk of the court shall:
  (a) retain the evidence; or
  (b) return the evidence to the custody of the agency.
(2) Rule 4-206 of the Utah Code of Judicial Administration applies to evidence that is admitted as an exhibit in a court proceeding.

Enacted by Chapter 448, 2023 General Session

77-11c-103 Disposal or return of evidence.

When evidence is no longer subject to retention under this chapter, the agency shall:
(1) return evidence that is property to a claimant under Chapter 11a, Part 3, Return of Seized Property to Claimant; or
(2) dispose of evidence that is property or contraband in accordance with Chapter 11a, Part 4, Disposal of Seized Property and Contraband.

Amended by Chapter 150, 2024 General Session

Part 2
Retention of Evidence for Misdemeanor Offenses

77-11c-201 Retention of evidence of misdemeanor offenses.

(1) An agency shall retain evidence of a misdemeanor offense for the longer of:
  (a) the length of the statute of limitations for the offense if:
    (i) no charges are filed for the offense; or
    (ii) the offense remains unsolved;
  (b) 60 days after the day on which any individual charged with the offense is acquitted if each individual charged with the offense is acquitted;
  (c) 90 days after the day on which any individual is adjudicated for the offense if:
    (i) each individual charged with the offense has been adjudicated;
    (ii) there is no appeal pending in:
      (A) an appellate court for any individual adjudicated for the offense; or
      (B) the district court for a trial de novo for any individual adjudicated by a justice court for the offense; and
    (iii) there is no post-trial motion pending in the court:
      (A) for a new trial under Rule 24 of the Utah Rules of Criminal Procedure;
      (B) to amend or make additional findings of fact under Rule 52(b) of the Utah Rules of Civil Procedure; or
      (C) for relief under Rule 60(b) of the Utah Rules of Civil Procedure;
  (d) 30 days after the day on which any individual is adjudicated by a district court for the offense on a trial de novo from the justice court if:
    (i) each individual charged with the offense has been adjudicated by a justice court or a district court on a trial de novo from the justice court; and

(ii) there is no appeal pending in:
(A) an appellate court for any individual adjudicated for the offense; or
(B) the district court for a trial de novo for any individual adjudicated by a justice court for the offense;
(e) 30 days after the day on which an appellate court issues a remittitur for an appeal of any individual adjudicated for the offense if:
(i) the appellate court's final decision upholds the individual's adjudication;
(ii) each individual charged with the offense has been adjudicated; and
(iii) there is no appeal pending in:
(A) an appellate court for any individual adjudicated for the offense; or
(B) the district court for a trial de novo for any individual adjudicated by a justice court for the offense; or
(f) 20 years from the day on which the evidence is collected if the evidence is a sexual assault kit.
(2) Subsection (1) does not require an agency to return or dispose of evidence of a misdemeanor offense.
(3) An agency shall ensure that evidence of a misdemeanor offense is subject to a continuous chain of custody.

Amended by Chapter 164, 2024 General Session

77-11c-202 Requirements for not retaining evidence of a misdemeanor offense -- Preservation of sufficient evidence.
(1) An agency is not required to retain evidence of a misdemeanor offense under Section 77-11c-201 if:
(a)
(i) the agency determines that:
(A) the size, bulk, or physical character of the evidence renders retention impracticable; or
(B) the evidence poses a security or safety problem for the agency;
(ii) the agency preserves sufficient evidence of the property, contraband, item, or substance for use as evidence in a prosecution of the offense;
(iii) the agency sends a written request under Subsection 77-11c-203(1) to the prosecuting attorney for permission to return or dispose of the evidence; and
(iv) the prosecuting attorney grants the agency's written request in accordance with Section 77-11c-203;
(b) a court orders the agency to return evidence that is property to a claimant under Section 77-11a-305; or
(c) the evidence is wildlife or parts of wildlife.
(2) Notwithstanding Subsection (1), the agency may not dispose of evidence of a misdemeanor offense that is a sexual assault kit before the day on which the time period described in Section 77-11c-201 expires if:
(a) the agency sends a notice to the victim as described in Section 53-10-905; and
(b) the victim submits a written request for retention of the evidence within the 180-day period described in Section 53-10-905.
(3)
(a) Subsection (1) does not require an agency to return or dispose of evidence of a misdemeanor offense.

(b) Subsection (1)(a) does not apply when the return or disposal of evidence of a misdemeanor offense is in compliance with a memorandum of understanding between the agency and the prosecuting attorney.

(4) If the evidence described in Subsection (1) is a controlled substance, an agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the controlled substance by:

(a) collecting and preserving a sample of the controlled substance for independent testing and use as evidence;

(b) taking a photographic or video record of the controlled substance with identifying case numbers;

(c) maintaining a written report of a chemical analysis of the controlled substance if a chemical analysis was performed by the agency; and

(d) if the controlled substance exceeds 10 pounds, retain at least one pound of the controlled substance that is randomly selected from the controlled substance.

(5) If the evidence described in Subsection (1) is drug paraphernalia, an agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the drug paraphernalia by:

(a) collecting and preserving a sample of the controlled substance from the drug paraphernalia for independent testing and use as evidence;

(b) maintaining a written report of a chemical analysis of the drug paraphernalia if a chemical analysis was performed by the agency; and

(c) taking a photographic or video record of the drug paraphernalia with identifying case numbers.

(6) If the evidence described in Subsection (1) is a computer, the agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the computer by:

(a) extracting all data from the computer that would be evidence in a prosecution of an individual for the offense; and

(b) taking a photographic or video record of the computer with identifying case numbers.

(7) For any other type of evidence, the agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the property, contraband, item, or substance bytaking a photographic or video record of the property, contraband, item, or substance with identifying case numbers.

Amended by Chapter 150, 2024 General Session
Amended by Chapter 164, 2024 General Session

77-11c-203 Request to prosecuting attorney by agency -- Notification to defendant.

(1) If an agency determines that the agency is not required to retain evidence of a misdemeanor offense under Subsection 77-11c-202(1)(a)(i) and the agency seeks to return or dispose of the evidence, the agency shall send a written request to the prosecuting attorney that:

(a) identifies the evidence;

(b) explains the reason for which the agency is not required to retain the evidence under Subsection 77-11c-202(1)(a)(i); and

(c) explains the steps that the agency will take, or has taken, to preserve sufficient evidence of the property, contraband, item, or substance for use as evidence in a prosecution of the offense.

(2) If the prosecuting attorney receives a written request under Subsection (1) and determines that the agency needs to retain the evidence for a prosecution of the misdemeanor offense, the prosecuting attorney shall send a written notification to the agency that explains the reason for which the prosecuting attorney is denying the agency's request.

(3) If the prosecuting attorney receives a written request under Subsection (1) and determines that the agency does not need to retain the evidence for a prosecution of the misdemeanor offense, the prosecuting attorney shall provide written notice of the intent to not retain the evidence that:
  (a) is sent by certified mail, return receipt requested, or a delivery service that provides proof of delivery, to:
    (i) any individual charged with or adjudicated for the offense; and
    (ii) the individual's most recent attorney of record; and
  (b) explains that the individual receiving the notice may submit a written objection to the prosecuting attorney.
(4)
  (a) An individual, who is charged with or adjudicated for the offense, may submit a written objection to the return or disposal of the evidence by the agency no later than 30 days after the day on which the prosecuting attorney receives proof of delivery under Subsection (3).
  (b) If an individual submits a written objection under Subsection (4)(a), the prosecuting attorney shall send a written notification to the agency that explains the reason for which the prosecuting attorney is denying the agency's request.
  (c) If the prosecuting attorney does not receive a written objection within the time period described in Subsection (4)(a), the prosecuting attorney shall send a written notification to the agency that grants the agency's request to return or dispose of the evidence.
(5)
  (a) If a prosecuting attorney receives a written request from an agency seeking to return or dispose of evidence, the prosecuting attorney shall:
    (i) provide a notice of receipt to the agency within 15 days after the day on which the prosecuting attorney receives the written request; and
    (ii) send a written notification to the agency of the prosecuting attorney's decision to deny or grant an agency's written request within 60 days after the day on which the prosecuting attorney receives the agency's written request.
  (b) If an agency does not receive a notice of receipt under Subsection (5)(a)(i) or a written notification under Subsection (5)(a)(ii), the agency may send the written request to the district attorney, county attorney, attorney general, or other prosecuting attorney who directly oversees and supervises the prosecuting attorney.
(6) If a prosecuting attorney denies an agency's written request to return or dispose of evidence under this section, the agency shall retain the evidence in accordance with Section 77-11c-201.
(7) The requirements of this section do not apply when the return or disposal of evidence of a misdemeanor offense is in compliance with a memorandum of understanding between the agency and the prosecuting attorney.

Amended by Chapter 150, 2024 General Session

Part 3
Retention of Evidence for Felony Offenses

77-11c-301 Retention of evidence for felony offenses.

(1) Except as provided in Subsection (4), an agency shall retain evidence of a felony offense:
  (a) for the longer of:
    (i) the length of the statute of limitations for the felony offense if:

(A) charges are not filed for the felony offense; or
(B) the felony offense remains unsolved;
(ii) the length of time that any individual convicted of the felony offense, or a lesser included offense, remains in custody;
(iii) one year after the day on which all direct appeals of the final judgment for any individual convicted of the felony offense, or a lesser included offense, are exhausted; or
(iv) the length of time that a petition for postconviction relief, and any appeal of the petition, is pending if an individual convicted of the felony offense files the petition within the one-year time period described in Subsection (1)(a)(iii); or
(v) 20 years from the day on which the evidence is collected if the evidence is the contents of a sexual assault kit; or
(b) at the discretion of the prosecuting attorney or federal prosecutor if the prosecution of the felony offense resulted in an acquittal or dismissal.
(2) An agency shall ensure that evidence of a felony offense is subject to a continuous chain of custody.
(3) Subsection (1) does not require an agency to return or dispose of evidence of a felony offense.
(4) An agency shall retain and preserve biological evidence of a violent felony offense in accordance with Part 4, Preservation of Biological Evidence for Violent Felony Offenses.

Amended by Chapter 150, 2024 General Session
Amended by Chapter 164, 2024 General Session

77-11c-302 Requirements for not retaining evidence of felony offense -- Preservation of sufficient evidence.

(1) An agency is not required to retain evidence of a felony offense under Section 77-11c-301 if:
(a)
(i) the agency determines that:
(A) the size, bulk, or physical character of the evidence renders retention impracticable or the evidence poses a security or safety problem for the agency; and
(B) the evidence no longer has any significant evidentiary value;
(ii) the agency preserves sufficient evidence from the property, contraband, item, or substance for use as evidence in a prosecution of the offense; and
(iii) a prosecuting attorney or a court authorizes the agency to return or dispose of the evidence as described in Subsection 77-11c-303;
(b) a court orders the agency to return evidence that is property to a claimant under Section 77-11a-305; or
(c) the evidence is wildlife or parts of wildlife.
(2) Notwithstanding Subsection (1), the agency may not dispose of evidence of a felony offense that is a sexual assault kit before the day on which the time period described in Section 77-11c-301 expires if:
(a) the agency sends a notice to the victim in accordance with Section 53-10-905; and
(b) the victim submits a written request for retention of the evidence within the 180-day period described in Section 53-10-905.
(3) Subsection (1) does not require an agency to return or dispose of evidence of a felony offense.
(4) Subsection (1) does not apply to biological evidence of a violent felony offense because an agency is required to retain biological evidence of a violent felony offense as described in Part 4, Preservation of Biological Evidence for Violent Felony Offenses.

(5) If the evidence described in Subsection (1) is a controlled substance, an agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the controlled substance by:
(a) collecting and preserving a sample of the controlled substance for independent testing and use as evidence;
(b) taking a photographic or video record of the controlled substance with identifying case numbers;
(c) maintaining a written report of a chemical analysis of the controlled substance if a chemical analysis was performed by the agency;
(d) if the controlled substance exceeds 10 pounds, retaining at least one pound of the controlled substance that is randomly selected from the controlled substance; and
(e) for a violent felony offense, collecting and preserving biological evidence from the controlled substance as described in Section 77-11c-401.
(6) If the evidence described in Subsection (1) is drug paraphernalia, an agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the drug paraphernalia by:
(a) collecting and preserving a sample of the controlled substance from the drug paraphernalia for independent testing and use as evidence;
(b) maintaining a written report of a chemical analysis of the drug paraphernalia if a chemical analysis was performed by the agency;
(c) taking a photographic or video record of the drug paraphernalia with identifying case numbers; and
(d) for a violent felony offense, collecting and preserving biological evidence from the drug paraphernalia as described in Section 77-11c-401.
(7) If the evidence described in Subsection (1) is a computer, the agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the computer by:
(a) extracting all data from the computer that would be evidence in a prosecution of an individual for the offense;
(b) taking a photographic or video record of the computer with identifying case numbers; and
(c) for a violent felony offense, collecting and preserving biological evidence from the computer as described in Section 77-11c-401.
(8) For any other type of evidence, the agency shall preserve sufficient evidence under Subsection (1)(a)(ii) of the property, contraband, item, or substance by:
(a) taking a photographic or video record of the property, contraband, item, or substance with identifying case numbers; and
(b) for a violent felony offense, collecting and preserving biological evidence as described in Section 77-11c-401.

Enacted by Chapter 150, 2024 General Session

77-11c-303 Procedure for authorizing the return or disposal of evidence of a felony offense.
(1) If an agency determines that the agency is not required to retain evidence of a felony offense under Subsection 77-11c-302(1)(a)(i), and the agency seeks to return or dispose of the evidence, the agency shall send a written request to the prosecuting attorney that:
(a) identifies the evidence;
(b) explains the reason that the agency is not required to retain the evidence under Subsection 77-11c-302(1)(a)(i); and
(c) explains the steps that the agency will take, or has taken, to preserve sufficient evidence from the property, contraband, item, or substance for use as evidence in a prosecution of the offense.

(2) If a prosecuting attorney receives a written request described in Subsection (1), the prosecuting attorney shall:
  (a) provide a notice of receipt to the agency within 15 days after the day on which the prosecuting attorney receives the written request; and
  (b) send a written notification to the agency of the prosecuting attorney's decision to deny or grant an agency's written request within 60 days after the day on which the prosecuting attorney receives the agency's written request.
(3) If an agency sends a written request described in Subsection (1) to the prosecuting attorney, the agency shall also send the written request by certified mail, return receipt requested, or a delivery service that provides proof of delivery, to:
  (a) any individual who remains in custody based on a conviction related to the evidence;
  (b) the private attorney or public defender of record for each individual described in Subsection (3)(a);
  (c) the entity that employed the private attorney or public defender described in Subsection (3)(b) at the time of the criminal conviction;
  (d) if applicable, the prosecuting agency responsible for the prosecution of each individual described in Subsection (3)(a); and
  (e) the Utah attorney general.
(4)
  (a) If a person described in Subsection (3) receives a written request from an agency seeking to return or dispose of evidence of the felony offense, the person may object to the agency's written request to return or dispose of evidence of the felony offense.
  (b) To object to an agency's request under Subsection (4)(a), the person must send a written objection to the agency and prosecuting attorney within 60 days after the day on which the person receives the agency's written request.
(5) If the prosecuting attorney receives a written request under Subsection (2) and determines that the agency needs to retain the evidence for a prosecution of the felony offense, the prosecuting attorney shall send a written notification to the agency that explains the reason for which the prosecuting attorney is denying the agency's request.
(6) The agency may petition the court for an order granting the agency's request to return or dispose of the evidence of a felony offense if:
  (a) the prosecuting attorney denies the agency's written request or does not respond to an agency's written request within the time periods described in Subsection (2); or
  (b) a person described in Subsection (3) objects to the agency's written request.
(7) The court shall hold a hearing on the agency's petition to determine whether an agency's request to return or dispose of evidence should be granted.
(8) After a hearing on the agency's petition, the court shall grant an agency's request to return or dispose of evidence of a felony offense if the court determines, by a preponderance of the evidence, that:
  (a) the size, bulk, or physical character of the evidence renders retention impracticable or the evidence poses a security or safety problem for the agency;
  (b) the evidence no longer has any significant evidentiary value; and
  (c) the agency will take, or has taken, steps to preserve sufficient evidence from the property, contraband, item, or substance for use as evidence in a prosecution of the offense.
(9) If the court determines that a prosecuting attorney, or a person described in Subsection (3), objects to an agency's request to dispose or return of physical evidence of a felony offense because the physical evidence contains biological evidence that would be evidence in a

prosecution of the offense, the court may require the agency to collect and preserve biological evidence from the physical evidence before the agency returns or disposes of the evidence.

(10) If a prosecuting attorney denies the agency's written request or a person described in Subsection (3) objects to the agency's written request, the agency shall retain the evidence of a felony offense as described in Section 77-11c-301 until:

(a) the agency obtains a court order granting the agency's request to return or dispose of the evidence as described in Subsection (8); or

(b) the time periods described in Section 77-11c-301 have expired.

Enacted by Chapter 150, 2024 General Session

Part 4
Preservation of Biological Evidence for Violent Felony Offenses

77-11c-401 Preservation of biological evidence -- Procedures -- Inventory request.

(1) Except as provided in Section 77-11c-402, an evidence collecting or retaining entity shall preserve biological evidence of a violent felony offense in accordance with this part.

(2) An evidence collecting or retaining entity shall preserve biological evidence of a violent felony offense:

(a) for the longer of:

(i) the length of the statute of limitations for the violent felony offense if:

(A) no charges are filed for the violent felony offense; or

(B) the violent felony offense remains unsolved;

(ii) the length of time that any individual convicted of the violent felony offense, or a lesser included offense, remains in custody;

(iii) one year after the day on which all direct appeals of the judgment for any individual convicted of the violent felony offense, or a lesser included offense, are exhausted;

(iv) the length of time that a petition for postconviction relief, and any appeal of the petition, is pending if an individual convicted of the violent felony offense files the petition within the one-year time period described in Subsection (2)(a)(iii); or

(v) 20 years from the day on which the biological evidence is collected if the biological evidence is the contents of a sexual assault kit; or

(b) at the discretion of the prosecuting attorney or federal prosecutor if the prosecution of the violent felony offense resulted in an acquittal or dismissal.

(3) An evidence collecting or retaining entity shall ensure that biological evidence under Subsection (2) is:

(a) preserved in an amount and manner sufficient to:

(i) develop a DNA profile; and

(ii) if practicable, allow for independent testing of the biological evidence by a defendant; and

(b) subject to a continuous chain of custody.

(4)

(a) Upon request by a defendant under Title 63G, Chapter 2, Government Records Access and Management Act, the evidence collecting or retaining entity shall prepare an inventory of the biological evidence preserved in connection with the defendant's criminal case.

(b) If the evidence collecting or retaining entity cannot locate biological evidence requested under Subsection (4)(a), the custodian for the entity shall provide a sworn affidavit to the defendant that:
(i) describes the efforts taken to locate the biological evidence; and
(ii) affirms that the biological evidence could not be located.

(5)
(a) If the evidence collecting or retaining entity intends to dispose of biological evidence of a violent felony offense before the day on which the period described in Subsection (2) expires, the evidence collecting or retaining entity shall send a notice of intent to dispose of the biological evidence that:
(i) is sent by certified mail, return receipt requested, or a delivery service that provides proof of delivery, to:
(A) an individual who remains in custody based on a criminal conviction related to the biological evidence;
(B) the private attorney or public defender of record for each individual described in Subsection (5)(a)(i)(A);
(C) the entity that employed the private attorney or public defender at the time of the criminal conviction;
(D) if applicable, the prosecuting agency responsible for the prosecution of each individual described in Subsection (5)(a)(i)(A); and
(E) the Utah attorney general; and
(ii) explains that the party receiving the notice may:
(A) file a motion for testing of biological evidence under Section 78B-9-301 if the party is the individual convicted of the violent felony offense; or
(B) submit a written request that the evidence collecting or retaining entity retain the biological evidence.
(b) An individual must file a motion, or submit a written request, described in Subsection (5)(a)(ii) within 180 days after the day on which the evidence collecting or retaining entity receives proof of delivery under Subsection (5)(a).
(c) An evidence collecting or retaining entity shall send a notice of intent to dispose of biological evidence that is the contents of a sexual assault kit to a victim in accordance with Section 53-10-905.

(6) The evidence collecting or retaining entity may not dispose of biological evidence of a violent felony offense before the day on which the time period described in Subsection (2) expires if:
(a) the evidence collecting or retaining entity is required by federal or state law to preserve the biological evidence; or
(b)
(i) the evidence collecting or retaining entity sends notice in accordance with:
(A) Subsection (5); and
(B) Section 53-10-905 if the biological evidence is the contents of a sexual assault kit; and
(ii) an individual notified under Subsection (5)(a) or Section 53-10-905:
(A) files a motion for testing of the biological evidence under Section 78B-9-301 within the 180-day period described in Subsection (5)(b); or
(B) submits a written request for retention of the biological evidence within the 180-day period described in Subsection (5)(b) or Section 53-10-905.

(7)

(a) Subject to Subsections (7)(b) and (c), if the evidence collecting or retaining entity receives a written request to retain the biological evidence, the evidence collecting or retaining entity shall retain the biological evidence for the time period described in Subsection (2).
(b) Subject to Subsection (7)(c), the evidence collecting or retaining entity may only return or dispose of physical evidence as described in Part 3, Retention of Evidence for Felony Offenses.
(c) If the evidence collecting or retaining entity is not required to retain physical evidence of the violent felony offense under Part 3, Retention of Evidence for Felony Offenses, before returning or disposing of the physical evidence, the evidence collecting or retaining entity shall:
(i) remove the portions of the physical evidence likely to contain biological evidence related to the violent felony offense; and
(ii) preserve the removed biological evidence in a quantity sufficient to permit future DNA testing.
(8) To comply with the preservation requirements described in this section, a law enforcement agency or a court may:
(a) retain the biological evidence; or
(b) if a continuous chain of custody can be maintained, return the biological evidence to the custody of the other law enforcement agency that originally provided the biological evidence to the law enforcement agency.

Amended by Chapter 150, 2024 General Session
Amended by Chapter 164, 2024 General Session

77-11c-402 Exceptions to preservation of biological evidence.
(1) As used in this section, "offense concerning driving under the influence" means:
(a) Section 41-6a-502;
(b) Section 41-6a-502.5;
(c) Section 41-6a-517;
(d) Section 41-6a-530;
(e) Section 76-5-102.1;
(f) Section 76-5-207; and
(g) a local ordinance similar to the offenses described in this Subsection (1).
(2) Section 77-11c-401 does not apply to biological evidence obtained during an investigation or prosecution for an offense concerning driving under the influence solely for toxicology purposes.

Amended by Chapter 277, 2025 General Session

77-11c-403 Remedies for failure to preserve biological evidence.
(1)
(a) Except as provided in Subsections (1)(b) and (2), if a court finds that biological evidence that reasonably could have been found to be exculpatory in a defendant's criminal case was not preserved in accordance with this chapter, the court may impose sanctions and remedies at the court's discretion, including:
(i) the grant of a new trial;
(ii) an instruction to the jury that evidence was not preserved as required by law;
(iii) the reduction of the sentence;

(iv) the dismissal of the criminal charge;
(v) the vacation of the conviction; or
(vi) the entry of a finding that because the evidence was not preserved in accordance with this chapter, a presumption exists that the evidence would have been exculpatory to the defendant.
(b) The provisions in Subsection (1)(a) apply only if:
(i) a defendant's appeal has not concluded;
(ii) a defendant's time for appeal has not expired; or
(iii) a defendant has received a new trial in accordance with Subsection (2)(b).
(2)
(a) A defendant shall seek relief under Title 78B, Chapter 9, Postconviction Remedies Act, if:
(i) the defendant alleges that the biological evidence that is the basis for the defendant's claim was not preserved in accordance with this chapter; and
(ii)
(A) the defendant's appeal has concluded; or
(B) the time for the defendant's appeal has expired.
(b) If a defendant obtains relief under Title 78B, Chapter 9, Postconviction Remedies Act, the provisions in Subsection (1) apply to the defendant's new trial.

Renumbered and Amended by Chapter 448, 2023 General Session

Chapter 11d
Lost or Mislaid Property

77-11d-101 Definitions.

As used in this chapter:
(1) "Interest holder" means the same as that term is defined in Section 77-11a-101.
(2)
(a) "Lost or mislaid property":
(i) means any property that comes into the possession of a peace officer or law enforcement agency:
(A) that is not claimed by anyone who is identified as the owner of the property; or
(B) for which no owner or interest holder can be found after a reasonable and diligent search;
(ii) includes any property received by a peace officer or law enforcement agency from a person claiming to have found the property; and
(iii) does not include property seized by a peace officer in accordance with Chapter 11a, Seizure of Property and Contraband.
(b) "Lost or mislaid property" includes a firearm or other dangerous weapon received by a law enforcement agency at an airport under Subsection 76-11-218(7).
(3) "Owner" means the same as that term is defined in Section 77-11a-101.
(4) "Public interest use" means:
(a) use by a governmental agency as determined by the agency's legislative body; or
(b) donation to a nonprofit charity registered with the state.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

77-11d-102 Disposition by police agency.

All lost or mislaid property coming into the possession of a peace officer or law enforcement agency shall be turned over to, held, and disposed of only by the local law enforcement agency whose authority extends to the area where the item was found.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11d-103 Statement of finder of property.

(1) A person who finds lost or mislaid property and delivers it to a local law enforcement agency shall sign a statement included in a form provided by the agency, stating:
  (a) the manner in which the property came into the person's possession, including the time, date, and place;
  (b) that the person does not know who owns the property;
  (c) that, to the person's knowledge, the property was not stolen;
  (d) that the person's possession of the property is not unlawful; and
  (e) any information the person is aware of which could lead to a determination of the owner.
(2) Additional information may be requested by the agency receiving the property, as necessary.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11d-104 Locating owner of property.

(1) The local law enforcement agency shall take reasonable steps to determine the identity and location of the owner, and notify the owner that the property is in custody.
(2) The owner may obtain the property only by providing personal identification, identifying the property, and paying any costs incurred by the agency, including costs for advertising or storage.

Renumbered and Amended by Chapter 448, 2023 General Session

77-11d-105 Disposition of unclaimed property.

(1)
  (a) Except as provided in Subsection (6), if the owner of any lost or mislaid property cannot be determined or notified, or if the owner of the property is determined and notified, and fails to appear and claim the property after three months of the property's receipt by the local law enforcement agency, the agency shall:
    (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);
    (ii) post a similar notice on the public website of the political subdivision within which the law enforcement agency is located; and
    (iii) post a similar notice in a public place designated for notice within the law enforcement agency.
  (b) The notice shall:
    (i) give a general description of the item; and
    (ii) the date of intended disposition.
  (c) The agency may not dispose of the lost or mislaid property until at least eight days after the date of publication and posting.

(2)
(a) If no claim is made for the lost or mislaid property within nine days of publication and posting, the agency shall notify the person who turned the property over to the local law enforcement agency, if it was turned over by a person under Section 77-11d-103.
(b) Except as provided in Subsection (4), if that person has complied with the provisions of this chapter, the person may take the lost or mislaid property if the person:
(i) pays the costs incurred for advertising and storage; and
(ii) signs a receipt for the item.
(3) If the person who found the lost or mislaid property fails to take the property under the provisions of this chapter, the agency shall:
(a) apply the property to a public interest use as provided in Subsection (4);
(b) sell the property at public auction and apply the proceeds of the sale to a public interest use; or
(c) destroy the property if it is unfit for a public interest use or sale.
(4)
(a) Before applying the lost or mislaid property to a public interest use, the agency having possession of the property shall obtain from the agency's legislative body:
(i) permission to apply the property to a public interest use; and
(ii) the designation and approval of the public interest use of the property.
(b) If the agency is a private law enforcement agency as defined in Subsection 53-19-102(4), the agency may apply the lost or mislaid property to a public interest use as provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the legislative body of the municipality in which the agency is located.
(5) Any person employed by a law enforcement agency who finds property may not claim or receive property under this section.
(6)
(a) If the lost or mislaid property is a firearm or other dangerous weapon received by a law enforcement agency under Subsection 76-11-218(7), the law enforcement agency may dispose of the firearm or other dangerous weapon three months after the property's receipt by the law enforcement agency if the owner of the firearm or other dangerous weapon, or the owner's agent:
(i) fails to retrieve the firearm or other dangerous weapon; or
(ii) is legally prohibited from possessing the firearm or other dangerous weapon.
(b) A law enforcement agency may dispose of a firearm under Subsection (6)(a) by following the procedures described in Section 77-11a-403, disposition of firearms no longer needed as evidence.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

Chapter 13
Pleas

77-13-1 Kinds of pleas.
(1) There are five kinds of pleas to an indictment or information:
(a) not guilty;

(b) guilty;
(c) no contest;
(d) not guilty by reason of insanity; and
(e) guilty with a mental condition at the time of the offense.
(2) An alternative plea of not guilty or not guilty by reason of insanity may be entered.

Amended by Chapter 184, 2023 General Session

77-13-2 Record of plea -- Effect of each kind of plea.

Every plea shall be entered upon the record of the court and shall have the following effect:
(1) A plea of not guilty is a denial of the guilt of the accused and puts in issue every material allegation of the information or indictment;
(2) A plea of guilty is an acknowledgment that the accused is guilty of the offense charged; and
(3) A plea of no contest indicates the accused does not challenge the charges in the information or indictment and if accepted by the court shall have the same effect as a plea of guilty and imposition of sentence may be rendered in the same manner as if a plea of guilty had been entered.

Enacted by Chapter 15, 1980 General Session

77-13-3 Court approval of no contest plea required.

A plea of no contest may be entered by the accused only upon approval of the court and only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

Enacted by Chapter 15, 1980 General Session

77-13-4 Felonies -- Entry in open court.

All pleas in felony cases shall be entered by the defendant in open court and the proceedings recorded.

Enacted by Chapter 15, 1980 General Session

77-13-5 Failure to plead -- Not guilty entered.

When a defendant does not enter a plea, the court shall enter a plea of not guilty for the defendant.

Amended by Chapter 302, 2025 General Session

77-13-6 Withdrawal of a plea.

(1) A defendant may withdraw a plea of not guilty at any time before conviction.
(2) A defendant may only withdraw a plea of guilty or no contest upon:
(a) a leave of the court; and
(b) a showing that the defendant did not knowingly or voluntarily make the plea.
(3) A defendant shall make a motion to withdraw a plea of guilty or no contest in accordance with Rule 11 of the Utah Rules of Criminal Procedure.

Amended by Chapter 358, 2025 General Session

Chapter 14
Defenses

77-14-1 Time and place of alleged offense -- Specification.

The prosecuting attorney, on timely written demand of the defendant, shall within 10 days, or such other time as the court may allow, specify in writing as particularly as is known to the prosecuting attorney the place, date and time of the commission of the offense charged.

Amended by Chapter 302, 2025 General Session

77-14-2 Alibi -- Notice requirements -- Witness lists.

(1) A defendant, whether or not written demand has been made, who intends to offer evidence of an alibi shall, not less than 10 days before trial or at such other time as the court may allow, file and serve on the prosecuting attorney a notice, in writing, of the defendant's intention to claim alibi. The notice shall contain specific information as to the place where the defendant claims to have been at the time of the alleged offense and, as particularly as is known to the defendant or the defendant's attorney, the names and addresses of the witnesses by whom the defendant proposes to establish alibi. The prosecuting attorney, not more than five days after receipt of the list provided herein or at such other time as the court may direct, shall file and serve the defendant with the addresses, as particularly as are known to the prosecuting attorney, of the witnesses the state proposes to offer to contradict or impeach the defendant's alibi evidence.

(2) The defendant and prosecuting attorney shall be under a continuing duty to disclose the names and addresses of additional witnesses which come to the attention of either party after filing their alibi witness lists.

(3) If a defendant or prosecuting attorney fails to comply with the requirements of this section, the court may exclude evidence offered to establish or rebut alibi. However, the defendant may always testify on the defendant's own behalf concerning alibi.

(4) The court may, for good cause shown, waive the requirements of this section.

Amended by Chapter 302, 2025 General Session

77-14-3 Testimony regarding mental state of defendant or another -- Notice requirements -- Right to examination.

(1)

(a) If the prosecution or the defense intends to call any expert to testify at trial or at any hearing regarding the mental state of the defendant or another, the party intending to call the expert shall give notice to the opposing party as soon as practicable but not less than 30 days before trial or 10 days before any hearing at which the testimony is offered. Notice shall include the name and address of the expert, the expert's curriculum vitae, and a copy of the expert's report.

(b) The expert shall prepare a written report relating to the proposed testimony. If the expert has not prepared a report or the report does not adequately inform concerning the substance of the expert's proposed testimony including any opinion and the bases and reasons of that opinion, the party intending to call the expert shall provide a written explanation of the expert's

anticipated testimony sufficient to give the opposing party adequate notice to prepare to meet the testimony, followed by a copy of any report prepared by the expert when available.

(2) As soon as practicable after receipt of the expert's report, the party receiving notice shall provide notice to the other party of witnesses whom the party anticipates calling to rebut the expert's testimony, including the name and address of any expert witness and the expert's curriculum vitae. If available, a report of any rebuttal expert shall be provided. If the rebuttal expert has not prepared a report or the report does not adequately inform concerning the substance of the expert's proposed rebuttal testimony, or in the event the witness is not an expert, the party intending to call the rebuttal witness shall provide a written explanation of the witness's anticipated rebuttal testimony sufficient to give the opposing party adequate notice to prepare to meet the testimony, followed by a copy of any report prepared by any rebuttal expert when available.

(3) If the prosecution or the defense proposes to introduce testimony of an expert which is based upon personal contact, interview, observation, or psychological testing of the defendant, testimony of an expert involving a mental diagnosis of the defendant, or testimony of an expert that the defendant does or does not fit a psychological or sociological profile, the opposing party shall have a corresponding right to have its own expert examine and evaluate the defendant.

(4) This section applies to any trial, sentencing hearing, and other hearing, excluding a preliminary hearing, whether or not the defendant proposes to offer evidence of the defense of insanity or diminished mental capacity.

(5) If the defendant or the prosecution fails to meet the requirements of this section, the opposing party shall be entitled to a continuance of the trial or hearing sufficient to allow preparation to meet the testimony. If the court finds that the failure to comply with this section is the result of bad faith on the part of any party or attorney, the court shall impose appropriate sanctions.

(6) This section may not require the admission of evidence not otherwise admissible.

Amended by Chapter 139, 1994 General Session

77-14-4 Insanity or diminished mental capacity -- Notice requirement.

(1) If a defendant intends to offer evidence that the defendant is not guilty as a result of insanity or that the defendant had diminished mental capacity, or intends to offer evidence in mitigation of a criminal homicide or attempted criminal homicide offense under Subsection 76-5-205.5(2)(a), the defendant shall file and serve the prosecuting attorney with written notice of the intention to claim the defense at the time of arraignment or as soon afterward as practicable, but not less than 30 days before the trial.

(2) If the court receives notice that a defendant intends to claim that the defendant is not guilty by reason of insanity or that the defendant had diminished mental capacity, the court shall proceed in accordance with the requirements described in Section 77-16a-301.

Amended by Chapter 312, 2019 General Session

77-14-6 Entrapment -- Notice of claim required.

Notice of a claim of entrapment shall be given by the defendant in accord with Section 76-2-303.

Amended by Chapter 194, 1986 General Session

Chapter 15
Defendant's Competency to Proceed

77-15-1 Incompetent individual not to be tried for public offense.

An individual who is incompetent to proceed may not be tried for a public offense.

Amended by Chapter 147, 2018 General Session

77-15-2 Definitions.

As used in this chapter:

(1) "Competency evaluation" means an evaluation conducted by a forensic evaluator to determine if an individual is competent to stand trial.

(2) "Competent to stand trial" means that a defendant has:

(a) a rational and factual understanding of the criminal proceedings against the defendant and of the punishment specified for the offense charged; and

(b) the ability to consult with the defendant's legal counsel with a reasonable degree of rational understanding in order to assist in the defense.

(3) "Department" means the Department of Health and Human Services.

(4) "Forensic evaluator" means a licensed mental health professional who:

(a) is not involved in the defendant's treatment;

(b) is trained and qualified by the department to conduct a competency evaluation, a restoration screening, and a progress toward competency evaluation, based on knowledge, experience, or education relating to:

(i) intellectual functioning or psychopathology; and

(ii) the legal system and the rights of a defendant in a criminal trial; and

(c) if under contract with the department, demonstrates ongoing education and training relating to forensic mental health in accordance with rules established by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) "Incompetent to proceed" means that a defendant is not competent to stand trial as a result of:

(a) mental illness; or

(b) intellectual disability.

(6) "Mental illness" means the same as that term is defined in Section 26B-5-301.

(7) "Petition" means a petition to request a court to determine whether a defendant is competent to stand trial.

(8) "Progress toward competency evaluation" means an evaluation to determine whether an individual who is receiving restoration treatment is:

(a) competent to stand trial;

(b) incompetent to proceed but has a substantial probability of becoming competent to stand trial in the foreseeable future; or

(c) incompetent to proceed and does not have a substantial probability of becoming competent to stand trial in the foreseeable future.

(9) "Restoration treatment" means training and treatment that is:

(a) provided to an individual who is incompetent to proceed;

(b) tailored to the individual's particular impairment to competency; and

(c) limited to the purpose of restoring the individual to competency.

Amended by Chapter 46, 2025 General Session

77-15-3 Petition for inquiry regarding defendant -- Filing -- Contents.

(1) When a defendant charged with a public offense is incompetent to proceed, an individual described in Subsection (2)(b) may file a petition in the district court of the county where the charge is pending or where the defendant is confined.

(2)

(a)

(i) The petition shall contain a certificate that it is filed in good faith and on reasonable grounds to believe the defendant is incompetent to proceed.

(ii) The petition shall contain a recital of the facts, observations, and conversations with the defendant that have formed the basis for the petition.

(iii) If filed by defense counsel, the petition may not disclose information in violation of the attorney-client privilege.

(b) The petition may be based upon knowledge or information and belief and may be filed by the defendant, any person acting on behalf of the defendant, the prosecuting attorney, or any person having custody or supervision over the defendant.

Amended by Chapter 145, 2024 General Session

77-15-3.5 Incompetent to proceed in misdemeanor cases.

(1) When a defendant charged with a misdemeanor may be incompetent to proceed, any petition shall be filed in accordance with Section 77-15-3.

(2) If the most severe charge against a defendant is a misdemeanor and the defendant is adjudicated by a court as incompetent to proceed:

(a) the department shall provide restoration treatment to the defendant; and

(b) the court may refer the defendant to pretrial diversion services, upon agreement of the prosecution and defense counsel.

(3) Unless the prosecutor or another individual indicates that civil commitment proceedings will be initiated under Subsection 77-15-6(5)(c), a court shall release a defendant who is incompetent to proceed if:

(a) the most severe charge against the defendant is a class B misdemeanor;

(b) more than 60 days have passed after the day on which the court adjudicated the defendant incompetent to proceed; and

(c) the defendant is not restored to competency.

(4) The department shall provide restoration treatment to the defendant within the timeframe described in Subsection (3)(b).

(5) The court may, but is not required to, dismiss the charges against a defendant who was released under Subsection (3).

Amended by Chapter 171, 2023 General Session

77-15-4 Court may raise issue of competency at any time.

The court in which a charge is pending may raise the issue of a defendant's competency at any time. If raised by the court, the court shall permit counsel for each party to address the issue of competency.

Amended by Chapter 147, 2018 General Session

77-15-5 Order for hearing -- Stay of other proceedings -- Examinations of defendant -- Scope of examination and report.

(1) A court in which criminal proceedings are pending shall stay all criminal proceedings, if:
  (a) a petition is filed under Section 77-15-3 or 77-15-3.5; or
  (b) the court raises the issue of the defendant's competency under Section 77-15-4.

(2) The court in which the petition described in Subsection (1)(a) is filed:
  (a) shall inform the court in which criminal proceedings are pending of the petition, if the petition is not filed in the court in which criminal proceedings are pending;
  (b) shall review the allegations of incompetency;
  (c) may hold a limited hearing solely for the purpose of determining the sufficiency of the petition, if the court finds the petition is not clearly sufficient on its face;
  (d) shall hold a hearing, if the petition is opposed by either party; and
  (e) may not order an examination of the defendant or order a hearing on the mental condition of the defendant unless the court finds that the allegations in the petition raise a bona fide doubt as to the defendant's competency to stand trial.

(3)
  (a) If the court finds that there is a bona fide doubt as to the defendant's competency to stand trial, the court shall order the department to have one or two forensic evaluators complete a competency evaluation for the defendant in accordance with Subsection (3)(b) and provide a report to the court regarding the competency of the defendant to stand trial.
  (b) The court shall order the department to have the defendant evaluated by one forensic evaluator unless:
    (i) the defendant is charged with a capital felony; or
    (ii) the defendant is charged with a felony that is not a capital felony, and the court determines, based on the allegations in the petition, that good cause exists to order two competency evaluations.
  (c)
    (i) This section does not prohibit a party from seeking an additional forensic evaluator to conduct a competency evaluation of the defendant.
    (ii) If a party seeks an additional competency evaluation under this Subsection (3)(c), the party shall:
      (A) select the additional forensic evaluator; and
      (B) pay the costs of the additional forensic evaluator.
  (d) The stipulation by parties to a bona fide doubt as to the defendant's competency to stand trial alone may not take the place of a competency evaluation ordered under this Subsection (3).
  (e) In accordance with state licensing laws, the court may only order the department to provide an initial evaluation and progress toward competency evaluation for a defendant who is located within the state.

(4)
  (a) If the petition or other information sufficiently raises concerns that the defendant may have an intellectual disability, at least one forensic evaluator who is experienced in assessments of intellectual disabilities shall conduct a competency evaluation.
  (b) The petitioner or other party, as directed by the court or requested by the department, shall provide to the forensic evaluator nonmedical information and materials relevant to a determination of the defendant's competency, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.

(c) For purposes of a competency evaluation, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:
(i) with the defendant's consent, a forensic evaluator or the department on the department's request; or
(ii) a forensic evaluator by court order.
(d) A court order under Subsection (4)(c) shall include a protective order that expires 180 days after the day on which:
(i) the defendant is found guilty;
(ii) the defendant enters a guilty plea;
(iii) the court sentences the defendant; or
(iv) if the case is appealed, the day on which the final appeal is resolved.
(e)
(i) Except as otherwise provided by law and in Subsections (4)(e)(ii) and (4)(f), the court shall order the forensic evaluator to destroy all records subject to the protective order within the 180 day period described in Subsection (4)(d).
(ii) A forensic evaluator is not required to destroy the records subject to the protective order if destroying the records is a violation of ethical standards to which the forensic evaluator is subject for occupational licensing.
(f) The court may extend the protective order described in Subsection (4)(d) if:
(i) the court finds the defendant incompetent to proceed without a substantial probability that the defendant will become competent in the foreseeable future;
(ii) the prosecutor or another individual indicates to the court that the prosecutor or other individual will seek civil commitment of the defendant under Section 77-15-6; and
(iii) the court orders the records be maintained and used only for the purposes of examining the defendant in connection with the petition for civil commitment.
(g) An order for a competency evaluation may not contain an order for any other inquiry into the mental state of the defendant that is not described in this Subsection (4).
(5) Pending a competency evaluation, unless the court or the department directs otherwise, the defendant shall be retained in the same custody or status that the defendant was in at the time the examination was ordered.
(6) In the conduct of a competency evaluation and in a report to the court, a forensic evaluator shall consider and address, in addition to any other factors determined to be relevant by the forensic evaluator:
(a) the impact of the defendant's mental illness or intellectual disability on the defendant's present ability to:
(i) rationally and factually understand the criminal proceedings against the defendant; and
(ii) consult with the defendant's legal counsel with a reasonable degree of rational understanding in order to assist in the defense;
(b) in making the determinations described in Subsection (6)(a), the forensic evaluator shall consider, as applicable the defendant's present ability to:
(i) understand the charges or allegations against the defendant;
(ii) communicate facts, events, and states of mind;
(iii) understand the range of possible penalties associated with the charges or allegations against the defendant;
(iv) engage in reasoned choice of legal strategies and options;
(v) understand the adversarial nature of the proceedings against the defendant;
(vi) manifest behavior sufficient to allow the court to proceed; and

(vii) testify relevantly, if applicable; and

(c) whether the defendant is exhibiting false or exaggerated physical or psychological symptoms relevant to the defendant's capacity to stand trial.

(7) Upon a determination that the defendant is incompetent to proceed, the forensic evaluator shall indicate in the report to the court:

(a) the factors that contribute to the defendant's incompetency, including the nature of the defendant's mental illness or intellectual disability, if any, and its relationship to the factors contributing to the defendant's incompetency;

(b) whether there is a substantial probability that:

(i) restoration treatment may bring the defendant to competency to stand trial in the foreseeable future; or

(ii) the defendant cannot become competent to stand trial in the foreseeable future;

(c) whether the defendant would benefit from restoration treatment; and

(d) if the forensic evaluator makes the determination under Subsection (7)(b)(i) or (7)(c), an explanation of the reason for the determination and a summary of the treatment provided to the defendant in the past.

(8)

(a) A forensic evaluator shall provide an initial report to the court and the prosecuting and defense attorneys within 30 days of the receipt of the court's order. The report shall inform the court of the examiner's opinion concerning the competency of the defendant to stand trial.

(b)

(i) If the forensic evaluator is unable to complete the report in the time specified in Subsection (8)(a), the forensic evaluator shall give written notice to the court.

(ii) A forensic evaluator who provides the notice described in Subsection (8)(b)(i) shall receive a 15-day extension, giving the forensic evaluator a total of 45 days after the day on which the forensic evaluator received the court's order to conduct a competency evaluation and file a report.

(iii) The court may further extend the deadline for completion of the evaluation and report if the court determines that there is good cause for the extension.

(iv) Upon receipt of an extension described in Subsection (8)(b)(iii), the forensic evaluator shall file the report as soon as reasonably possible.

(9) Any written report submitted by a forensic evaluator shall:

(a) identify the case ordered for evaluation by the case number;

(b) describe the procedures, techniques, and tests used in the examination and the purpose or purposes for each, the time spent by the forensic evaluator with the defendant for purposes of the examination, and the compensation to be paid to the evaluator for the report;

(c) state the forensic evaluator's clinical observations, findings, and opinions on each factor described in Subsection (6); and

(d) identify the sources of information used by the forensic evaluator and present the basis for the forensic evaluator's clinical findings and opinions.

(10)

(a) Any statement made by the defendant in the course of any competency examination, whether the examination is with or without the consent of the defendant, any testimony by a forensic evaluator based upon the statement, and any other fruits of the statement may not be admitted in evidence against the defendant in any criminal proceeding except on an issue respecting mental condition on which the defendant has introduced evidence, unless the evidence is relevant to a determination of the defendant's competency.

(b) Before examining the defendant, the forensic evaluator shall specifically advise the defendant of the limits of confidentiality as provided under Subsection (10)(a).

(11)

(a) Upon receipt of the forensic evaluators' reports, the court shall set a date for a competency hearing. The hearing shall be held not less than five and not more than 15 days after the day on which the court received the forensic evaluators' reports, unless for good cause the court sets a later date.

(b) Any person directed by the department to conduct the competency evaluation may be subpoenaed to testify at the hearing.

(c) The court may call any forensic evaluator to testify at the hearing who is not called by the parties. If the court calls a forensic evaluator, counsel for the parties may cross-examine the forensic evaluator.

(d)

(i) If the forensic evaluators are in conflict as to the competency of the defendant, all forensic evaluators should be called to testify at the hearing if reasonably available.

(ii) A conflict in the opinions of the forensic evaluators does not require the appointment of an additional forensic evaluator unless the court finds good cause for the appointment.

(iii) If a party seeks an additional competency evaluation under this Subsection (11), that party shall:

(A) select the additional forensic evaluator; and

(B) pay the costs of the additional forensic evaluator.

(12)

(a)

(i) A defendant shall be presumed competent to stand trial unless the court, by a preponderance of the evidence, finds the defendant incompetent to proceed.

(ii) The burden of proof is upon the proponent of incompetency at the hearing.

(b) An adjudication of incompetent to proceed does not operate as an adjudication of incompetency to give informed consent for medical treatment or for any other purpose, unless specifically set forth in the court order.

(13) In determining the defendant's competency to stand trial, the court shall consider the totality of the circumstances, including:

(a) the petition;

(b) the defendant's criminal and arrest history;

(c) prior mental health evaluations and treatments provided to the court by the defendant;

(d) subject to Subsection (15), whether the defendant was found incompetent to proceed in a criminal action unrelated to the charged offense for which the petition is filed;

(e) the testimony of lay witnesses, if any;

(f) the forensic evaluator's testimony and report;

(g) the materials on which the forensic evaluator's report is based; and

(h) any other relevant evidence or consideration bearing on the competency of the defendant.

(14) If the court finds the defendant incompetent to proceed:

(a) the court shall issue the order described in Subsection 77-15-6(1), which shall:

(i) include findings addressing each of the factors in Subsection (6)(a);

(ii) include a transportation order, if necessary;

(iii) be accompanied by the forensic evaluators' reports, any psychiatric, psychological, or social work reports submitted to the court relative to the mental condition of the defendant, and any other documents made available to the court by either the defense or the prosecution, pertaining to the defendant's current or past mental condition; and

(iv) be sent by the court to the department; and
(b) the prosecuting attorney shall provide to the department:
(i) the charging document and probable cause statement, if any;
(ii) arrest or incident reports prepared by law enforcement and pertaining to the charged offense; and
(iii) additional supporting documents.
(15) The court may not find the defendant incompetent to proceed based solely on a court having ordered the release of the defendant under Section 77-15-3.5 or Section 77-15-6 in an unrelated criminal action if the court in the unrelated criminal action ordered the release more than one year before the day on which the petition described in Subsection (13)(a) is filed.
(16) The court may make any reasonable order to ensure compliance with this section.
(17) Failure to comply with this section does not result in the dismissal of criminal charges.

Amended by Chapter 46, 2025 General Session

77-15-6 Commitment on finding of incompetency to stand trial -- Subsequent hearings -- Notice to prosecuting attorneys.
(1)
(a) Except as provided in Subsection (5), if after a hearing a court finds a defendant to be incompetent to proceed, the court shall order the defendant committed to the department for restoration treatment.
(b)
(i) Except as provided in Subsection (1)(b)(ii), the court may recommend but may not order placement of a defendant who is found incompetent to proceed.
(ii) The court may order that the defendant be placed in a secure setting rather than a nonsecure setting.
(c) Following restoration screening, the department's designee shall designate and inform the court of the specific placement and restoration treatment program for the defendant.
(d) Restoration treatment shall be of sufficient scope and duration to:
(i) restore the defendant to competency; or
(ii) determine whether the defendant can be restored to competency in the foreseeable future.
(e) A defendant who a court determines is incompetent to proceed may not be held for restoration treatment longer than:
(i) the time reasonably necessary to determine that the defendant cannot become competent to stand trial in the foreseeable future; and
(ii) the maximum period of incarceration that the defendant could receive if the defendant were convicted of the most severe offense of the offenses charged.
(2)
(a) A defendant who is receiving restoration treatment shall receive a progress toward competency evaluation, by:
(i) a forensic evaluator, designated by the department; and
(ii) an additional forensic evaluator, if requested by a party and paid for by the requesting party.
(b) A forensic evaluator shall complete a progress toward competency evaluation and submit a report within 90 days after the day on which the forensic evaluator receives the commitment order from the department.
(c) The report shall:
(i) assess whether the defendant is exhibiting false or exaggerated physical or psychological symptoms;

(ii) describe any diagnostic instruments, methods, and observations used by the evaluator to make the determination;
(iii) describe the defendant's current mental illness or intellectual disability, if any;
(iv) state the forensic evaluator's opinion as to the effect of any false or exaggerated symptoms on the defendant's competency to stand trial;
(v) assess the facility's or program's capacity to provide appropriate restoration treatment for the defendant;
(vi) assess the nature of restoration treatment provided to the defendant;
(vii) assess what progress the defendant has made toward competency restoration, with respect to the factors identified by the court in its initial order;
(viii) assess whether the defendant can reasonably be restored to competency in the foreseeable future given the restoration treatment currently being provided and the facility's or program's capacity to provide appropriate restoration treatment for the defendant;
(ix) assess the likelihood of restoration to competency, the amount of time estimated to achieve competency, or the amount of time estimated to determine whether restoration to competency may be achieved; and
(x) include a statement by the facility's treating physician regarding:
(A) whether the defendant is taking any antipsychotic medication as prescribed;
(B) whether ongoing administration of antipsychotic medication is necessary to maintain the defendant's competency to stand trial;
(C) whether antipsychotic medication is substantially likely to maintain the defendant's competency to stand trial;
(D) whether antipsychotic medication is substantially unlikely to produce side effects which would significantly interfere with the defendant's ability to assist in the defendant's defense;
(E) that no less intrusive means are available, and whether any of those means have been attempted to render the defendant competent; and
(F) whether antipsychotic medication is medically appropriate and in the defendant's best medical interest in light of the defendant's medical condition.

(3)
(a) The court on its own motion or upon motion by either party or the department may appoint an additional forensic evaluator to conduct a progress toward competency evaluation.
(b) If the court appoints an additional forensic evaluator upon motion of a party, that party shall pay the costs of the additional forensic evaluator.

(4)
(a) Within 15 days after the day on which the court receives the forensic evaluator's report of the progress toward competency evaluation, the court shall hold a hearing to review the defendant's competency.
(b) At the hearing, the burden of proving that the defendant is competent to stand trial is on the proponent of competency.
(c) Following the hearing, the court shall determine by a preponderance of evidence whether the defendant:
(i) is competent to stand trial;
(ii) is competent, but requires the ongoing administration of antipsychotic medication in order to maintain the defendant's competency to stand trial;
(iii) is incompetent to proceed, with a substantial probability that the defendant may become competent in the foreseeable future; or

(iv) is incompetent to proceed, without a substantial probability that the defendant may become competent in the foreseeable future.

(5)

(a) If at any time the court determines that the defendant is competent to stand trial, the court shall:

(i) proceed with the trial or other procedures as may be necessary to adjudicate the charges;

(ii) order that the defendant be returned to the placement and status that the defendant was in at the time when the petition for the adjudication of competency was filed or raised by the court, unless the court determines that placement of the defendant in a less restrictive environment is more appropriate;

(iii) order the ongoing administration of antipsychotic medication to the defendant for the purpose of maintaining the defendant's competency to stand trial, if the court finds that the administration of antipsychotic medication is necessary to maintain the defendant's competency to stand trial under Subsection (4)(c)(ii); and

(iv) require the agency, jail, or prison with custody over the defendant to report to the court any noncompliance with the court's orders under this Subsection (5) within 48 hours of the noncompliance.

(b) If the court determines that the defendant is incompetent to proceed with a substantial probability that the defendant may become competent in the foreseeable future, the court may order that the defendant remain committed to the department or the department's designee for the purpose of restoration treatment.

(c)

(i) If the court determines that the defendant is incompetent to proceed without a substantial probability that the defendant may become competent in the foreseeable future, the court shall order the defendant released from commitment to the department, unless the prosecutor or another individual informs the court that civil commitment proceedings pursuant to Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, or Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities, will be initiated.

(ii) The commitment proceedings must be initiated by a petition filed within seven days after the day on which the court makes the determination described in Subsection (4)(c)(iv), unless the court finds that there is good cause to delay the initiation of the civil commitment proceedings.

(iii) The court may order the defendant to remain committed to the department until the civil commitment proceedings conclude.

(iv) If the defendant is civilly committed and admitted to a secure setting, the department shall provide notice to the court that adjudicated the defendant incompetent to proceed and to the prosecution agency that prosecuted the case at least 15 days before any proposed release of the committed individual from the secure setting.

(v) If the prosecution agency that prosecuted the case intends to refile charges against the committed individual:

(A) the prosecution agency shall provide written notice of that intent to the department within 15 days after the department provides the notice described in Subsection (5)(c)(iv); and

(B) the department shall postpone release of the committed individual for at least 30 days after the day on which the department receives the written notice of intent from the prosecution agency.

(vi) If the prosecution agency that prosecuted the case refiles charges against the committed individual and the individual's competency is raised, the department shall postpone release of the individual until the competency proceedings conclude.

(6)
(a) At any time following the court's order under Subsection (5)(a)(iii), the defendant, the prosecuting attorney, the department, the treating physician, or the agency, jail, or prison with custody over the defendant, may notify the court of the need to review the medication order under Subsection (5)(a)(iii) for continued appropriateness and feasibility.
(b) The court shall set the matter for a hearing if the notification under Subsection (6)(a) establishes good cause to review the matter.
(7) If a court, under Subsection (5)(b), extends a defendant's commitment, the court shall schedule a competency review hearing for the earlier of:
(a) the department's best estimate of when the defendant may be restored to competency; or
(b) three months after the day on which the court determined under Subsection (5)(b) to extend the defendant's commitment.
(8) Unless the defendant is charged with a crime listed in Subsection (9), if a defendant is incompetent to proceed by the day of the competency review hearing that follows the extension of a defendant's commitment, the court shall:
(a) order the defendant be:
(i) released or temporarily detained pending civil commitment proceedings as described in Subsection (5)(c); and
(ii) terminate the defendant's commitment to the department for restoration treatment; or
(b) if the forensic evaluator reports to the court that there is a substantial probability that restoration treatment will bring the defendant to competency to stand trial in the foreseeable future, extend the defendant's commitment for restoration treatment up to 45 additional days.
(9) If the defendant is charged with aggravated murder, murder, attempted murder, manslaughter, or a first degree felony and the court determines that the defendant is making reasonable progress towards restoration of competency at the time of the hearing held pursuant to Subsection (7), the court may extend the commitment for a period not to exceed nine months for the purpose of restoration treatment, with a mandatory review hearing at the end of the nine-month period.
(10) Unless the defendant is charged with aggravated murder or murder, if, at the nine-month review hearing described in Subsection (9), the court determines that the defendant is incompetent to proceed, the court shall:
(a)
(i) order the defendant be released or temporarily detained pending civil commitment proceedings as provided in Subsection (5)(c); and
(ii) terminate the defendant's commitment to the department for restoration treatment; or
(b) if the forensic evaluator reports to the court that there is a substantial probability that restoration treatment will bring the defendant to competency to stand trial in the foreseeable future, extend the defendant's commitment for restoration treatment for up to 135 additional days.
(11) If the defendant is charged with aggravated murder or murder and the court determines that the defendant is making reasonable progress towards restoration of competency at the time of the nine-month review hearing described in Subsection (9), the court may extend the commitment for a period not to exceed 24 months for the purpose of restoration treatment.
(12) If the court extends the defendant's commitment term under Subsection (11), the court shall hold a hearing no less frequently than at 12-month intervals following the extension for the purpose of determining the defendant's competency status.
(13) If, at the end of the 24-month commitment period described in Subsection (11), the court determines that the defendant is incompetent to proceed, the court shall:

(a)
(i) order the defendant be released or temporarily detained pending civil commitment proceedings as provided in Subsection (5)(c); and
(ii) terminate the defendant's commitment to the department for restoration treatment; or
(b) if the forensic evaluator reports to the court that there is a substantial probability that restoration treatment will bring the defendant to competency to stand trial in the foreseeable future, extend the defendant's commitment for restoration treatment for up to 12 additional months.
(14)
(a) Neither release from a pretrial incompetency commitment under the provisions of this section nor civil commitment requires dismissal of criminal charges.
(b) The court may retain jurisdiction over the criminal case and may order periodic reviews.
(15) A defendant who is civilly committed pursuant to Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, or Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities, may still be adjudicated competent to stand trial under this chapter.
(16)
(a) The remedy for a violation of the time periods specified in this section, other than those specified in Subsection (5)(c), (8), (10), or (13), shall be a motion to compel the hearing, or mandamus, but not release from detention or dismissal of the criminal charges.
(b) The remedy for a violation of the time periods specified in Subsection (5)(c), (8), (9), or (13), or is not dismissal of the criminal charges.
(17) In cases in which the treatment of the defendant is precluded by court order for a period of time, that time period may not be considered in computing time limitations under this section.
(18)
(a) If, at any time, the defendant becomes competent to stand trial while the defendant is committed to the department, the clinical director of the Utah State Hospital, the department, or the department's designee shall certify that fact to the court.
(b) The court shall conduct a competency review hearing:
(i) within 15 working days after the day on which the court receives the certification described in Subsection (18)(a); or
(ii) within 30 working days after the day on which the court receives the certification described in Subsection (18)(a), if the court determines that more than 15 working days are necessary for good cause related to the defendant's competency.
(19) The court may order a hearing at any time on the court's own motion or upon recommendations of the clinical director of the Utah State Hospital or other facility or the department.
(20) Notice of a hearing on competency to stand trial shall be given to the prosecuting attorney and all counsel of record.

Amended by Chapter 46, 2025 General Session

77-15-6.5 Petition for involuntary medication of incompetent defendant.
(1) As used in this section, "final order" means a court order that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.
(2)
(a) At any time after a defendant has been found incompetent to proceed and has been committed to the department under Section 77-15-6 for restoration treatment, the department

shall notify the court, prosecuting attorney, and attorney for the defendant if the department determines that the defendant is not responding to restoration treatment and is unlikely to be restored to competency without the involuntary administration of antipsychotic medication.

(b) The department shall provide the notification under Subsection (2)(a) only if there is no basis for involuntarily medicating the defendant for reasons other than to restore the defendant's competency.

(3) In the notice under Subsection (2)(a), the department shall state whether:

(a) medication is necessary to render the defendant competent;

(b) medication is substantially likely to render the defendant competent;

(c) medication is substantially unlikely to produce side effects which would significantly interfere with the defendant's ability to assist in the defendant's defense;

(d) no less intrusive means are available, and whether any of those means have been attempted to render the defendant competent; and

(e) medication is medically appropriate and is in the defendant's best medical interest in light of the defendant's medical condition.

(4)

(a) The court shall conduct a hearing within 15 days, or, for good cause, within 30 days after the day on which the court receives the notice described in Subsection (2)(a), regarding the involuntary medication of the defendant.

(b) The prosecuting attorney shall represent the state at any hearing under this section.

(c) The court shall consider whether the following factors apply in determining whether the defendant should be involuntarily medicated:

(i) important state interests are at stake in restoring the defendant's competency;

(ii) involuntary medication will significantly further the important state interests, in that the medication proposed:

(A) is substantially likely to render the defendant competent to stand trial; and

(B) is substantially unlikely to produce side effects which would significantly interfere with the defendant's ability to assist in the defendant's defense;

(iii) involuntary medication is necessary to further important state interests, because any less intrusive treatments are unlikely to achieve substantially the same results; and

(iv) the administration of the proposed medication is medically appropriate, as it is in the defendant's best medical interest in light of the defendant's medical condition.

(5) In determining whether the proposed treatment is medically appropriate and is in the defendant's best medical interest, the potential penalty the defendant may be subject to, if the defendant is convicted of any charged offense, is not a relevant consideration.

(6)

(a) If the court finds by clear and convincing evidence that the involuntary administration of antipsychotic medication is appropriate, it shall make findings addressing each of the factors in Subsection (4)(c) and shall issue an order authorizing the department to involuntarily administer antipsychotic medication to the defendant in order to restore the defendant's competency, subject to the periodic reviews and other procedures provided in Section 77-15-6.

(b) When issuing an order under Subsection (6)(a), the court shall consider ordering less intrusive means for administering the drugs, such as a court order to the defendant enforceable by the contempt power, before ordering more intrusive methods of involuntary medication.

(7) The provisions in Section 77-15-6 establishing time limitations for treatment of incompetent defendants before they must be either released or civilly committed are tolled from the time the department gives notice to the court and the parties under Subsection (2) until:
(a) the court has issued a final order for the involuntary medication of the defendant, and the defendant has been medicated under that order; or
(b) the court has issued a final order that the defendant will not be involuntarily medicated.
(8) This section applies only when an order of involuntary medication is sought solely for the purpose of rendering a defendant competent to stand trial.

Amended by Chapter 147, 2018 General Session

77-15-7 Statute of limitations and speedy trial -- Effect of incompetency of defendant.
(1) The statute of limitations is tolled during any period in which the defendant is adjudicated incompetent to proceed.
(2) Any period of time during which the defendant has been adjudicated incompetent to proceed and any period during which the defendant is being evaluated for competency may not be computed in determining the defendant's speedy trial rights.

Amended by Chapter 147, 2018 General Session

77-15-8 Bail exonerated on commitment of defendant.
When a defendant awaiting trial is committed to a mental health facility, bail shall be exonerated.

Enacted by Chapter 15, 1980 General Session

77-15-9 Expenses.
(1) In determining the competence of a defendant to proceed, expenses of examination, observation, or treatment, excluding travel to and from any mental health facility, shall be charged to the department when the offense is a state offense. Travel expenses incurred by the defendant shall be charged to the county where prosecution is commenced. Examination of a defendant on local ordinance violations shall be charged by the department to the municipality or county commencing the prosecution.
(2) When examination is initiated by the court or on motion of the prosecutor, expenses of commitment and treatment of the defendant, if the defendant is determined to be incompetent to proceed, shall also be charged to the department.
(3) Expenses of examination, treatment, or confinement in a mental health facility for any individual who has been convicted of a crime and placed in a state correctional facility shall be charged to the Department of Corrections.
(4) If, after evaluation, the court determines that a defendant is competent to stand trial, all subsequent costs are charged to the county commencing prosecution. If the defendant requested the examination and is found to be competent to stand trial by the court, the department may recover the expenses of the examination from the defendant.

Amended by Chapter 147, 2018 General Session

Chapter 15a
Exemptions From Death Penalty In Capital Cases

77-15a-101 Intellectually disabled defendant not subject to death penalty -- Defendant with subaverage functioning not subject to death penalty if confession not corroborated.

(1) A defendant who is found by the court to be intellectually disabled as defined in Section 77-15a-102 is not subject to the death penalty.

(2) A defendant who does not meet the definition of intellectually disabled under Section 77-15a-102 is not subject to the death penalty if:

(a) the defendant has significantly subaverage general intellectual functioning that exists concurrently with significant deficiencies in adaptive functioning;

(b) the functioning described in Subsection (2)(a) is manifested prior to age 22; and

(c) the state intends to introduce into evidence a confession by the defendant which is not supported by substantial evidence independent of the confession.

Amended by Chapter 115, 2016 General Session

77-15a-102 "Intellectually disabled" defined.

As used in this chapter, a defendant is " intellectually disabled" if:

(1) the defendant has significant subaverage general intellectual functioning that results in and exists concurrently with significant deficiencies in adaptive functioning that exist primarily in the areas of reasoning or impulse control, or in both of these areas; and

(2) the subaverage general intellectual functioning and the significant deficiencies in adaptive functioning under Subsection (1) are both manifested prior to age 22.

Amended by Chapter 115, 2016 General Session

77-15a-103 Court may raise issue of intellectual disability at any time.

The court in which a capital charge is pending may raise the issue of the defendant's intellectual disability at any time. If raised by the court, counsel for each party shall be allowed to address the issue of intellectual disability.

Amended by Chapter 115, 2016 General Session

77-15a-104 Hearing -- Notice -- Stay of proceeding -- Examinations of defendant -- Scope of examination -- Report -- Procedures.

(1)

(a) If a defendant proposes to offer evidence concerning or argue that he qualifies for an exemption from the death penalty under Subsection 77-15a-101(1) or (2), the defendant shall file and serve the prosecuting attorney with written notice of his intention as soon as practicable, but not fewer than 60 days before trial.

(b) If the defendant wishes to claim the exemption provided in Subsection 77-15a-101(2), the defendant shall file and serve the prosecuting attorney with written notice of his intention as soon as practicable, but not fewer than 60 days before trial.

(2) When notice is given under Subsection (1), the court raises the issue, or a motion is filed regarding Section 77-15a-101, the court may stay all proceedings in order to address the issue.

(3)

(a) The court shall order the Department of Health and Human Services to appoint at least two mental health experts to examine the defendant and report to the court. The experts:
(i) may not be involved in the current treatment of the defendant; and
(ii) shall have expertise in intellectual disability assessment.
(b) Upon appointment of the experts, the defendant or other party as directed by the court shall provide information and materials to the examiners relevant to a determination of the defendant's intellectual disability, including copies of the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.
(c) The court may make the necessary orders to provide the information listed in Subsection (3)(b) to the examiners.
(d) The court may provide in its order appointing the examiners that custodians of mental health records pertaining to the defendant shall provide those records to the examiners without the need for consent of the defendant or further order of the court.
(e) Prior to examining the defendant, examiners shall specifically advise the defendant of the limits of confidentiality as provided under Section 77-15a-106.

(4) During any examinations under Subsection (3), unless the court directs otherwise, the defendant shall be retained in the same custody or status he was in at the time the examination was ordered.

(5) The experts shall in the conduct of their examinations and in their reports to the court consider and address:
(a) whether the defendant is intellectually disabled as defined in Section 77-15a-102;
(b) the degree of any intellectual disability the expert finds to exist;
(c) whether the defendant is intellectually disabled as specified in Subsection 77-15a-101(2); and
(d) the degree of any intellectual disability the expert finds to exist.

(6)
(a) The experts examining the defendant shall provide written reports to the court, the prosecution, and the defense within 60 days of the receipt of the court's order, unless the expert submits to the court a written request for additional time in accordance with Subsection (6)(c).
(b) The reports shall provide to the court and to prosecution and defense counsel the examiners' written opinions concerning the intellectual disability of the defendant.
(c) If an examiner requests of the court additional time, the examiner shall provide the report to the court and counsel within 90 days from the receipt of the court's order unless, for good cause shown, the court authorizes an additional period of time to complete the examination and provide the report.

(7) Any written report submitted by an expert shall:
(a) identify the specific matters referred for evaluation;
(b) describe the procedures, techniques, and tests used in the examination and the purpose or purposes for each;
(c) state the expert's clinical observations, findings, and opinions; and
(d) identify the sources of information used by the expert and present the basis for the expert's clinical findings and opinions.

(8) Within 30 days after receipt of the report from the Department of Health and Human Services, but not later than five days before hearing, or at any other time the court directs, the prosecuting attorney shall file and serve upon the defendant a notice of witnesses the prosecuting attorney proposes to call in rebuttal.

(9)

(a) Except pursuant to Section 77-15a-105, this chapter does not prevent any party from producing any other testimony as to the mental condition of the defendant.
(b) Expert witnesses who are not appointed by the court are not entitled to compensation under Subsection (10).

(10)
(a) Expenses of examinations of the defendant ordered by the court under this section shall be paid by the Department of Health and Human Services.
(b) Travel expenses associated with any court-ordered examination that are incurred by the defendant shall be charged by the Department of Health and Human Services to the county where prosecution is commenced.

(11)
(a) When the report is received, the court shall set a date for a hearing to determine if the exemption under Section 77-15a-101 applies. The hearing shall be held and the judge shall make the determination within a reasonable time prior to jury selection.
(b) Prosecution and defense counsel may subpoena to testify at the hearing any person or organization appointed by the Department of Health and Human Services to conduct the examination and any independent examiner.
(c) The court may call any examiner to testify at the hearing who is not called by the parties. If the court calls an examiner, counsel for the parties may cross-examine that examiner.

(12)
(a) A defendant is presumed not to be intellectually disabled unless the court, by a preponderance of the evidence, finds the defendant to be intellectually disabled. The burden of proof is upon the proponent of intellectual disability at the hearing.
(b) A finding of intellectual disability does not operate as an adjudication of intellectual disability for any purpose other than exempting the person from a sentence of death in the case before the court.

(13)
(a) The defendant is presumed not to possess the mental deficiencies listed in Subsection 77-15a-101(2) unless the court, by a preponderance of the evidence, finds that the defendant has significant subaverage general intellectual functioning that exists concurrently with significant deficiencies in adaptive functioning and that this functioning was manifested prior to age 22. The burden of proof is upon the proponent of that proposition.
(b) If the court finds by a preponderance of the evidence that the defendant has significant subaverage general intellectual functioning that exists concurrently with significant deficiencies in adaptive functioning and that this functioning was manifested prior to age 22, then the burden is upon the state to establish that any confession by the defendant which the state intends to introduce into evidence is supported by substantial evidence independent of the confession.

(14)
(a) If the court finds the defendant intellectually disabled, it shall issue an order:
(i) containing findings of fact and conclusions of law, and addressing each of the factors in Subsections (5)(a) and (b); and
(ii) stating that the death penalty is not a sentencing option in the case before the court.
(b) If the court finds by a preponderance of the evidence that the defendant possesses the mental deficiencies listed in Subsection 77-15a-101(2) and that the state fails to establish that any confession is supported by substantial evidence independent of the confession, the state may proceed with its case and:

(i) introduce the confession into evidence, and the death penalty will not be a sentencing option in the case; or

(ii) not introduce into evidence any confession or the fruits of a confession that the court has found is not supported by substantial evidence independent of the confession, and the death penalty will be a sentencing option in the case.

(c)

(i) A finding by the court regarding whether the defendant qualifies for an exemption under Section 77-15a-101 is a final determination of that issue for purposes of this chapter.

(ii) The following questions may not be submitted to the jury by instruction, special verdict, argument, or other means:

(A) whether the defendant is intellectually disabled for purposes of this chapter; and

(B) whether the defendant possesses the mental deficiencies specified in Subsection 77-15a-101(2).

(iii) This chapter does not prevent the defendant from submitting evidence of intellectual disability or other mental deficiency to establish a mental condition as a mitigating circumstance under Section 76-3-207.

(15) A ruling by the court that the defendant is exempt from the death penalty may be appealed by the state pursuant to Section 77-18a-1.

(16) Failure to comply with this section does not result in the dismissal of criminal charges.

Amended by Chapter 330, 2023 General Session

77-15a-105 Defendant's wilful failure to cooperate -- Expert testimony regarding intellectual disability is barred.

(1) If the defendant files notice, raises the issue, or intends to present evidence or make an argument that the defendant is exempt from the death penalty under this chapter, the defendant shall make himself available and fully cooperate in any examination by mental health experts appointed by the Department of Health and Human Services and any other independent examiners for the defense or the prosecution.

(2) If the defendant wilfully fails to make himself available and fully cooperate in the examination, and that failure is established to the satisfaction of the court, the defendant is barred from presenting expert testimony relating to any exemption from the death penalty under this chapter.

Amended by Chapter 330, 2023 General Session

77-15a-106 Limitations on admitting intellectual disability examination evidence.

(1) The following may not be admitted into evidence against the defendant in any criminal proceeding, except as provided in Subsection (2):

(a) any statement made by the defendant in the course of any mental examination conducted under this chapter, whether the examination is with or without the consent of the defendant, and any testimony by the expert based upon the defendant's statement; and

(b) any other fruits of the defendant's statement under Subsection (1)(a).

(2) Evidence under Subsection (1) may be admitted on an issue regarding a mental condition on which the defendant has introduced evidence.

Enacted by Chapter 11, 2003 General Session

Chapter 16a
Commitment and Treatment of Individuals with a Mental Condition

Part 1
Plea and Verdict of Guilty with a Mental Condition

77-16a-101 Definitions.

As used in this chapter:

(1) "Board" means the Board of Pardons and Parole established under Section 77-27-2.

(2) "Department" means the Department of Health and Human Services.

(3) "Executive director" means the executive director of the Department of Health and Human Services.

(4) "Forensic evaluator" means a licensed mental health professional who is:

(a) not involved in the defendant's treatment; and

(b) trained and qualified to conduct a guilty with a mental condition evaluation.

(5) "Mental condition" means the same as that term is defined in Section 76-2-305.

(6) "Mental disability" means the same as that term is defined in Section 76-2-305.

(7) "Mental health facility" means the Utah State Hospital or other facility that provides mental health services under contract with the division, a local mental health authority, or organization that contracts with a local mental health authority.

(8) "Mental health supervision" includes regular and periodic activities including:

(a) the review of a defendant's assessment, diagnostic formulation, individual service plan development, and progress toward completion of care;

(b) identification of barriers to a defendant's care, assistance in removing barriers to a defendant's care, continuation of services to a defendant, authorization of care for a defendant, and the observation of the delivery of clinical care to a defendant; and

(c) the provision of an update report to a court as required under Subsection 77-16a-103(5)(g).

(9) "Mental illness" means the same as that term is defined in Section 76-2-305.

(10) "Offender with a mental condition" means an individual who has been adjudicated guilty with a mental condition.

(11) "Secure setting" means a jail, prison, or locked inpatient medical facility approved by the department.

(12) "UDC" means the Department of Corrections.

Amended by Chapter 177, 2024 General Session

77-16a-102 Jury instructions.

(1) If a defendant asserts a defense of not guilty by reason of insanity, the court shall instruct the jury that the jury may find the defendant:

(a) guilty;

(b) guilty with a mental condition at the time of the offense;

(c) guilty of a lesser offense;

(d) guilty of a lesser offense with a mental condition at the time of the offense;

(e) not guilty by reason of insanity; or

(f) not guilty.

(2)

(a) When a defendant asserts a mental defense pursuant to Section 76-2-305 or asserts special mitigation reducing the level of an offense pursuant to Subsection 76-5-205.5(2)(a), or when the evidence raises the issue and either party requests the instruction, the court shall instruct the jury that if the jury finds a defendant guilty by proof beyond a reasonable doubt of a charged offense or lesser included offense, the jury shall also return a special verdict indicating whether the jury finds that the defendant had a mental condition at the time of the offense.

(b) If the jury finds the defendant guilty of the charged offense by proof beyond a reasonable doubt, and by special verdict finds the defendant had a mental condition at the time of the offense, the jury shall return the general verdict of "guilty with a mental condition at the time of the offense."

(c) If the jury finds the defendant guilty of a lesser offense by proof beyond a reasonable doubt, and by special verdict finds the defendant had a mental condition at the time of the offense, the jury shall return the general verdict of "guilty of a lesser offense with a mental condition at the time of the offense."

(d) If the jury finds the defendant guilty of the charged offense or a lesser included offense and does not find that the defendant had a mental condition at the time of the offense, the jury shall return a verdict of "guilty" of the offense, along with the special verdict form indicating that the jury did not find that the defendant had a mental condition at the time of the offense.

(e) The special verdict shall be returned by the jury at the same time as the general verdict, to indicate the basis for the jury's general verdict.

(3)

(a) In determining whether a defendant should be found guilty with a mental condition at the time of the offense, the court shall instruct the jury that the standard of proof applicable to a finding of mental condition is by a preponderance of the evidence.

(b) The court shall also instruct the jury that the standard of preponderance of the evidence does not apply to the elements establishing a defendant's guilt, and that the proof of the elements establishing a defendant's guilt of an offense must be proven beyond a reasonable doubt.

(4)

(a) When special mitigation based on extreme emotional distress is at issue pursuant to Subsection 76-5-205.5(2)(b), the jury shall, in addition to the jury's general verdict, return a special verdict.

(b) The special verdict shall be returned by the jury at the same time as the general verdict, to indicate the basis for the jury's general verdict.

Amended by Chapter 184, 2023 General Session

77-16a-103 Plea of guilty with a mental condition-- Procedures -- Sentencing -- Reduction -- Costs.

(1)

(a)

(i) If a defendant wishes to enter a plea of guilty with a mental condition, the parties may stipulate as to:

(A) whether the defendant had a mental condition at the time of the commission of the offense; and

(B) whether the defendant could benefit from supervision or treatment.

(ii) If the parties stipulate as described in Subsection (1)(a)(i), the court shall enter findings consistent with the parties' stipulation if the stipulation is supported by sufficient evidence.

(b) If the parties do not stipulate to Subsection (1)(a)(i), the court shall hold a hearing and determine, by clear and convincing evidence:
(i) whether the defendant had a mental condition at the time of the commission of the offense; and
(ii) whether the defendant could benefit from supervision or treatment.
(c) After reviewing the stipulation described in Subsection (1)(a)(i) or conducting a hearing under Subsection (1)(b):
(i) if the court finds that the defendant had a mental condition at the time of the offense, the court shall accept the defendant's plea of guilty with a mental condition; or
(ii) if the court finds that the defendant did not have a mental condition at the time of the offense, the court may not accept the defendant's plea of guilty with a mental condition.
(2)
(a) If a defendant wishes to enter a plea of guilty with a mental condition for a felony offense and the parties do not stipulate to Subsection (1)(a)(i), before holding the hearing described in Subsection (1)(b), the court may order the defendant to submit to an examination, which may be conducted only by a forensic evaluator appointed by the department, to determine:
(i) whether the defendant had a mental condition at the time of the commission of the offense;
(ii) whether the defendant could benefit from supervision or treatment; or
(iii) whether the defendant currently is competent to enter a plea.
(b)
(i) If a defendant wishes to enter a plea of guilty with a mental condition for a misdemeanor offense and the parties do not stipulate to Subsection (1)(a)(i), before holding the hearing described in Subsection (1)(b), the court may order the defendant to submit to an examination by a forensic evaluator.
(ii) The examination shall determine:
(A) whether the defendant had a mental condition at the time of the commission of the offense;
(B) whether the defendant could benefit from supervision or treatment; or
(C) whether the defendant currently is competent to enter a plea.
(c) Before an examination is conducted pursuant to Subsection (1)(b) or this Subsection (2):
(i) the petitioner or other party, as directed by the court or requested by the department, shall provide to the forensic evaluation provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments; and
(ii) for purposes of a guilty with a mental condition evaluation, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:
(A) with the defendant's consent, a forensic evaluation provider or the department on the department's request; or
(B) pursuant to an order of the court, a forensic evaluation provider.
(3)
(a) If a defendant relies on a private mental health evaluation in support of the defendant's plea of guilty with a mental condition and the parties do not stipulate to Subsection (1)(a)(i), upon the request of the prosecutor before the hearing described in Subsection (1)(b), the court shall order the defendant to submit to an examination by:
(i) the department if the offense is a felony; or

(ii) the department or a forensic evaluator if the offense is a misdemeanor.

(b) The petitioner or other party, as directed by the court or requested by the department, shall provide to the private mental health evaluation provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.

(c) For purposes of a guilty with a mental condition evaluation, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:

(i) with the defendant's consent, a private mental health evaluation provider or the department on the department's request; or

(ii) pursuant to an order of the court, a private mental health evaluation provider.

(4) If a court finds that a defendant was guilty with a mental condition at the time of the offense in accordance with Subsection (1)(c)(i) but would not benefit from available supervision or treatment, the court shall hold a sentencing hearing within 45 days of the entry of the defendant's plea of guilty with a mental condition.

(5)

(a) If a court finds that a defendant had a mental condition at the time of the commission of the offense, the defendant could benefit from supervision or treatment, and has entered a plea of guilty with a mental condition in accordance with Subsection (1)(c)(i), the court:

(i) shall order:

(A) the department to provide a treatment assessment of the defendant and to submit to the court treatment recommendations for the defendant; or

(B) the defendant to arrange for a treatment assessment of the defendant with a private provider and for the private provider to submit to the court treatment recommendations for the defendant;

(ii) shall schedule a treatment review hearing within 30 days after the day on which the court entered the plea of guilty with a mental condition; and

(iii) may defer sentencing for up to one year in accordance with Subsection (6), if the defendant consents to a deferred sentence.

(b) The petitioner or other party, as directed by the court or requested by the department, shall provide to the treatment assessment provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.

(c) For purposes of a guilty with a mental condition treatment assessment, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:

(i) with the defendant's consent, a treatment assessment provider or the department on the department's request; or

(ii) pursuant to an order of the court, a treatment assessment provider.

(d) At the treatment review hearing described in Subsection (5)(a)(ii), the court shall:

(i) consider all available diagnosis, treatment, and supervision recommendations;

(ii) if a party does not agree with treatment recommendations issued by the department under Subsection (5)(a)(i)(A), hold a hearing on the issue of the department's recommendations and make appropriate modifications to the recommendations if necessary; and

(iii) order the defendant to comply with all treatment and supervision recommendations that are in the best interest of the defendant and public safety.

(e)

(i) In determining treatment and supervision recommendations under Subsection (5)(d), the court may order the defendant to be placed in a secure setting as described in Subsections (5)(e)(ii) and (iii) if the court finds that the placement would be in the best interest of the defendant, a victim of the defendant, or public safety.

(ii)

(A) If the offense is a class C misdemeanor, the court may not place the defendant in a secure setting for more than 90 days.

(B) If the offense is a class B misdemeanor, the court may not place the defendant in a secure setting for more than six months.

(C) If the offense is a class A misdemeanor or a felony, the court may place the defendant in a secure setting for up to one year.

(iii) The court shall, before making a determination as to a secure setting placement, notify the executive director of the proposed placement and provide the department with an opportunity to:

(A) evaluate the defendant; and

(B) make a recommendation regarding placement to the court.

(f) If the court determines that the defendant is eligible for supervised release as part of the defendant's treatment and supervision recommendations under Subsection (5)(d), except as provided in Section 76-3-406, the court may order:

(i) if the offense is a felony:

(A) supervision by the Division of Adult Probation and Parole created in Section 64-14-202, or a third party that is approved by the Division of Adult Probation and Parole, for a period of up to one year in accordance with the applicable supervision provisions described in Title 64, Chapter 13, Department of Corrections - State Prison, and Title 64, Chapter 14, Adult Probation and Parole; and

(B) mental health supervision by:

(I) the department or a local mental health authority; or

(II) if the court determines that it is appropriate, a public or private entity that provides mental or behavioral health services and is approved by the; or

(ii) if the offense is a misdemeanor, mental health supervision by:

(A) a local mental health authority; or

(B) if the court determines that it is appropriate, a public or private entity that provides mental or behavioral health services and is approved by the department.

(g)

(i) After the initial review hearing described in Subsection (5)(a), the court shall hold periodic review hearings approximately every 90 days, the frequency of which may be modified by the court.

(ii) At a review hearing described in Subsection (5)(g)(i):

(A) the department or the department's designee shall report on the progress of the defendant, provide recommendations for the defendant's future care, treatment, and secure or unsecure placement, and advise the court on the medical necessity of treatments for the defendant;

(B) the court shall review the status of the defendant and determine whether any changes are needed to the defendant's supervision or treatment plan; and

(C) a party may request, if the party has a good faith basis, that the court review or change the defendant's placement within a secure or non-secure setting.

(h) If a defendant is willfully non-compliant with the treatment or supervision ordered by the court under this Subsection (5), the court shall hold an order to show cause hearing to determine whether the court should:

(i) proceed with sentencing under Subsection (6);

(ii) change the defendant's placement to a secure setting;

(iii) impose another sanction; or

(iv) take no action.

(6)

(a) The court shall defer sentencing for a defendant who has pleaded guilty with a mental condition as described in Subsection (5) until:

(i) the court determines, after an order to show cause hearing or a review hearing as described in Subsection (5), that:

(A) the defendant is willfully non-compliant with treatment or supervision and is unlikely to become compliant with further ordered treatment or supervision; or

(B) the defendant has reached the maximum benefit of treatment and supervision; or

(ii) one year has elapsed after the day on which the court entered the defendant's plea of guilty with a mental condition.

(b) At the sentencing hearing, the court shall:

(i) consider all treatment and supervision that has occurred before the sentencing hearing in the defendant's case;

(ii) credit any time the defendant has spent in a mental health facility or other residential treatment facility or a secure facility against the defendant's sentence;

(iii) consider victim input;

(iv) consider the best interests of the defendant, including which sentence will help prevent the defendant:

(A) from losing the defendant's ability to control the defendant's state of mental health; and

(B) from committing additional criminal conduct related to the defendant's mental condition;

(v) consider the best interest of public safety; and

(vi) consider any other relevant factor or circumstance.

(7)

(a) Except as provided in Subsection (7)(b), after a defendant who has been sentenced under Subsection (6) has completed the defendant's sentence and any probation or parole:

(i) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1), the court has jurisdiction to enter a judgment of conviction and shall reduce the judgment of conviction for the offense by two degrees from the original offense; and

(ii) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1), if the prosecuting attorney specifically agrees in writing or on the court record at any time, the court has jurisdiction to consider and enter a judgment of conviction and may enter a judgment of conviction for the offense that is reduced by up to three degrees from the original offense.

(b) If a defendant's probation is revoked and any suspended sentence is imposed, the defendant may not receive a reduction under this Subsection (7).

(8)

(a)

(i) Except as provided in Subsection (8)(a)(iv), when the offense is a state offense, expenses of examination, observation, and treatment for the defendant shall be paid by the department when not paid for by the defendant's insurance.
(ii) Travel expenses shall be paid by the county where prosecution is commenced.
(iii) Expenses of examination for a defendant charged with a violation of a municipal or county ordinance shall be paid by the municipality or county that commenced the prosecution.
(iv) The department is not responsible for payment for an evaluation described in Subsection (3)(a)(ii) that is conducted by a forensic evaluator who is privately retained by a party.

(b)
(i) Provisions in this part for the support at public expense of a defendant with a mental condition do not release an insurer of a defendant with a mental condition from liability for the care or treatment of the defendant with a mental condition.
(ii) The department is authorized to collect amounts spent on a defendant with a mental condition from an insurer of the defendant with a mental condition.
(iii) A health insurance company may not deny coverage for court-ordered treatment or supervision of a defendant with a mental condition solely based on the fact that the treatment or supervision is ordered by a court if the treatment or supervision is medically necessary and would otherwise be a covered benefit under the defendant's insurance plan.

(9) A guilty with a mental condition evaluation conducted under this section is also subject to the procedural requirements of Subsections 77-15-5(8) through (11) and 77-15-6(4)(a).

Amended by Chapter 214, 2025 General Session

77-16a-104 Verdict of guilty with a mental condition -- Hearing to determine present mental state.

(1) Upon a verdict of guilty with a mental condition for the offense charged, or any lesser offense, the court shall conduct a hearing to determine the defendant's present mental state.

(2)
(a) The court may order the department to examine the defendant to determine the defendant's mental condition, and may receive the evidence of any public or private expert witness offered by the defendant or the prosecutor.
(b) The defendant may be placed in the Utah State Hospital for the examination described in Subsection (2)(a) only upon approval of the executive director.

(3) If the court finds by clear and convincing evidence that the defendant currently has a mental condition, the court shall impose any sentence that could be imposed under law upon a defendant who does not have a mental condition and who is convicted of the same offense, and:
(a) commit the defendant to the department, in accordance with the provisions of Section 77-16a-202, if:
(i) the court gives the department the opportunity to provide an evaluation and recommendation under Subsection (4); and
(ii) the court finds by clear and convincing evidence that:
(A) because of the defendant's mental condition the defendant poses an immediate physical danger to self or others, including jeopardizing the defendant's own or others' safety, health, or welfare if placed in a correctional or probation setting, or lacks the ability to provide the basic necessities of life, such as food, clothing, and shelter, if placed on probation; and

(B) the department is able to provide the defendant with treatment, care, custody, and security that is adequate and appropriate to the defendant's conditions and needs;

(b) order probation in accordance with Section 77-16a-201; or

(c) if the court determines that commitment to the department under Subsection (3)(a) or probation under Subsection (3)(b) is not appropriate, the court shall place the defendant in the custody of UDC or a county jail as allowed by law.

(4) In order to ensure that the requirements of Subsection (3)(a) are met, the court shall, before making a determination, notify the executive director of the proposed placement and provide the department with an opportunity to evaluate the defendant and make a recommendation to the court regarding placement prior to commitment.

(5) If the court finds that the defendant does not currently have a mental condition, the court shall sentence the defendant as it would any other defendant.

(6) Expenses for examinations ordered under this section shall be paid in accordance with Subsection 77-16a-103(8).

Amended by Chapter 184, 2023 General Session

Part 2
Disposition of Defendants Found Guilty with a Mental Condition

77-16a-201 Probation.

(1)

(a) In felony cases, when the court proposes to place on probation a defendant who has pled or is found guilty with a mental condition at the time of the offense, it shall request UDC to provide a presentence investigation report regarding whether probation is appropriate for that defendant and, if so, recommending a specific treatment program. If the defendant is placed on probation, that treatment program shall be made a condition of probation, and the defendant shall remain under the jurisdiction of the sentencing court.

(b) The court may not place an offender who has been convicted of the felony offenses listed in Section 76-3-406 on probation, regardless of whether the offender has, or had, a mental condition.

(2) The period of probation for a felony offense committed by a defendant who has been found guilty with a mental condition at the time of the offense may not be subsequently reduced by the sentencing court without consideration of an updated report on the mental health status of the defendant.

(3)

(a) Treatment ordered by the court under this section may be provided by or under contract with the department, a mental health facility, a local mental health authority, or, with the approval of the sentencing court, any other public or private mental health provider.

(b) The entity providing treatment under this section shall file a report with the defendant's probation officer at least every six months during the term of probation.

(c) Any request for termination of probation regarding a defendant who is receiving treatment under this section shall include a current mental health report prepared by the treatment provider.

(4) Failure to continue treatment or any other condition of probation, except by agreement with the entity providing treatment and the sentencing court, is a basis for initiating probation violation hearings.
(5) The court may not release an offender with a mental condition into the community, as a part of probation, if it finds by clear and convincing evidence that the offender:
  (a) poses an immediate physical danger to self or others, including jeopardizing the offender's own or others' safety, health, or welfare if released into the community; or
  (b) lacks the ability to provide the basic necessities of life, such as food, clothing, and shelter, if released into the community.
(6) An offender with a mental condition who is not eligible for release into the community under the provisions of Subsection (5) may be placed by the court, on probation, in an appropriate mental health facility.

Amended by Chapter 184, 2023 General Session

77-16a-202 Person found guilty with a mental condition-- Commitment to department -- Admission to Utah State Hospital.
(1) In sentencing and committing an offender with a mental condition to the department under Subsection 77-16a-104(3)(a) or in a felony case under Subsection 77-16a-103(6), the court shall:
  (a) sentence the offender to a term of imprisonment and order that the offender be committed to the department and admitted to the Utah State Hospital for care and treatment until transferred to UDC in accordance with Sections 77-16a-203 and 77-16a-204, making provision for readmission to the Utah State Hospital whenever the requirements and conditions of Section 77-16a-204 are met; or
  (b) order that the offender be committed to the department for care and treatment for no more than 18 months, or until the offender's condition has been stabilized to the point that commitment to the department and admission to the Utah State Hospital is no longer necessary to ensure adequate mental health treatment, whichever occurs first. At the expiration of that time, the court shall sentence the offender. A retention of jurisdiction under this Subsection (1)(b) shall be specified in a court order.
(2) The court may not retain jurisdiction, under Subsection (1)(b), over the sentence of an offender with a mental condition who has been convicted of a capital felony. In capital cases, the court shall make the findings required by this section after the capital sentencing proceeding mandated by Section 76-3-207.
(3) When an offender is committed to the department and admitted to the Utah State Hospital under Subsection (1)(b), the department shall provide the court with reports of the offender's mental health status every six months. Those reports shall be prepared in accordance with the requirements of Section 77-16a-203. Additionally, the court may appoint an independent examiner to assess the mental health status of the offender.
(4) The period of commitment to the department and admission to the Utah State Hospital, and any subsequent retransfers to the Utah State Hospital made pursuant to Section 77-16a-204 may not exceed the maximum sentence imposed by the court. Upon expiration of that sentence, the administrator of the facility where the offender is located may initiate civil proceedings for involuntary commitment in accordance with Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, or Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Amended by Chapter 184, 2023 General Session
Amended by Chapter 330, 2023 General Session

77-16a-203 Review of offenders with a mental condition committed to department -- Recommendations for transfer to Department of Corrections.

(1)
(a) The executive director shall designate a review team of at least three qualified staff members, including at least one licensed psychiatrist, to evaluate the mental condition of each offender with a mental condition committed to it in accordance with Section 77-16a-202, at least once every six months.
(b) If the offender has an intellectual disability, the review team shall include at least one individual who is a designated intellectual disability professional, as defined in Section 26B-6-401.

(2) At the conclusion of the review team's evaluation, the review team described in Subsection (1) shall make a report to the executive director:
(a) regarding the offender's:
(i) current mental condition;
(ii) progress since commitment; and
(iii) prognosis; and
(b) that includes a recommendation regarding whether the offender with a mental condition should be:
(i) transferred to UDC; or
(ii) remain in the custody of the department.

(3)
(a) The executive director shall notify the UDC medical administrator and the board's mental health adviser that an offender with a mental condition is eligible for transfer to UDC if the review team finds that the offender:
(i) no longer has a mental condition; or
(ii) has a mental condition and may continue to be a danger to self or others, but can be controlled if adequate care, medication, and treatment are provided by UDC; and
(iii) the offender's condition has been stabilized to the point that commitment to the department and admission to the Utah State Hospital are no longer necessary to ensure adequate mental health treatment.
(b) The administrator of the mental health facility where the offender is located shall provide the UDC medical administrator with a copy of the reviewing staff's recommendation and:
(i) all available clinical facts;
(ii) the diagnosis;
(iii) the course of treatment received at the mental health facility;
(iv) the prognosis for remission of symptoms;
(v) the potential for recidivism;
(vi) an estimation of the offender's dangerousness, either to self or others; and
(vii) recommendations for future treatment.

Amended by Chapter 184, 2023 General Session
Amended by Chapter 330, 2023 General Session

77-16a-204 UDC acceptance of transfer of persons found guilty with a mental condition -- Retransfer from UDC to department for admission to the Utah State Hospital.

(1) The UDC medical administrator shall designate a transfer team of at least three qualified staff members, including at least one licensed psychiatrist, to evaluate the recommendation made by the department's review team pursuant to Section 77-16a-203. If the offender has an intellectual disability, the transfer team shall include at least one person who has expertise in testing and diagnosis of people with intellectual disabilities.
(2) The transfer team shall concur in the recommendation if the transfer team determines that UDC can provide the offender with a mental condition with adequate mental health treatment.
(3) The UDC transfer team and medical administrator shall recommend the facility in which the offender should be placed and the treatment to be provided in order for the offender's mental condition to remain stabilized to the director of the Division of Institutional Operations, within the Department of Corrections.
(4) In the event that the department and UDC do not agree on the transfer of an offender with a mental condition, the administrator of the mental health facility where the offender is located shall notify the mental health adviser for the board, in writing, of the dispute. The mental health adviser shall be provided with copies of all reports and recommendations. The board's mental health adviser shall make a recommendation to the board on the transfer and the board shall issue its decision within 30 days.
(5) UDC shall notify the board whenever an offender with a mental condition is transferred from the department to UDC.
(6) When an offender with a mental condition sentenced under Section 77-16a-202, who has been transferred from the department to UDC, and accepted by UDC, is evaluated and it is determined that the offender's mental condition has deteriorated or that the offender has become mentally unstable, the offender may be readmitted to the Utah State Hospital in accordance with the findings and procedures described in Section 26B-5-372.
(7) Any individual readmitted to the Utah State Hospital pursuant to Subsection (6) shall remain in the custody of UDC, and the state hospital shall act solely as the agent of UDC.
(8) An offender with a mental condition who has been readmitted to the Utah State Hospital pursuant to Subsection (6) shall be transferred back to UDC in accordance with the provisions of Section 77-16a-203.

Amended by Chapter 184, 2023 General Session
Amended by Chapter 330, 2023 General Session

77-16a-205 Parole.

(1) When an offender with a mental condition who has been committed to the department becomes eligible to be considered for parole, the board shall request a recommendation from the executive director and from UDC before placing the offender on parole.
(2) Before setting a parole date, the board shall request that its mental health adviser prepare a report regarding the offender with a mental condition, including:
  (a) all available clinical facts;
  (b) the diagnosis;
  (c) the course of treatment received at the mental health facility;
  (d) the prognosis for remission of symptoms;
  (e) potential for recidivism;
  (f) an estimation of the dangerousness of the offender with a mental condition either to self or others; and
  (g) recommendations for future treatment.

(3) Based on the report described in Subsection (2), the board may place the offender with a mental condition on parole. The board may require mental health treatment as a condition of parole. If treatment is ordered, failure to continue treatment, except by agreement with the treatment provider, and the board, is a basis for initiation of parole violation hearings by the board.

(4)

(a) The Division of Adult Probation and Parole created in Section 64-14-202 shall monitor the status of an offender with a mental condition who has been placed on parole.

(b) UDC may provide treatment by contracting with the department, a local mental health authority, any other public or private provider, or in-house staff.

(5) The board may not subsequently reduce the period of parole without considering an updated report on the offender's current mental condition.

Amended by Chapter 214, 2025 General Session

Part 3
Defendants Pleading Not Guilty by Reason of Insanity

77-16a-301 Mental examination of defendant.

(1)

(a) When the court receives notice that a defendant intends to claim that the defendant is not guilty by reason of insanity or that the defendant had diminished mental capacity, or that the defendant intends to assert special mitigation under Subsection 76-5-205.5(2)(a), the court shall order the department to examine the defendant and investigate the defendant's mental condition.

(b) The person or organization directed by the department to conduct the examination shall testify at the request of the court or either party in a proceeding in which the testimony is otherwise admissible.

(c) Pending trial, unless the court or the executive director directs otherwise, the defendant shall be retained in the same custody or status the defendant was in at the time the examination was ordered.

(2)

(a) The defendant shall be available and shall fully cooperate in the examination by the department and other independent examiners for the defense and the prosecuting attorney.

(b) If the defendant fails to be available and to fully cooperate, and that failure is established to the satisfaction of the court at a hearing prior to trial, the defendant is barred from presenting expert testimony relating to the defendant's defense of a mental condition at the trial of the case.

(c) The department shall complete the examination within 30 days after the court's order, and shall prepare and provide to the court prosecutor and defense counsel a written report concerning the condition of the defendant.

(3) Within 10 days after receipt of the report described in Subsection (2)(c) from the department, but not later than five days before the trial of the case, or at any other time the court directs, the prosecuting attorney shall file and serve upon the defendant a notice of rebuttal of the defense of a mental condition, which shall contain the names of witnesses the prosecuting attorney proposes to call in rebuttal.

(4) The report of another independent examiner is admissible as evidence upon stipulation of the prosecution and defense.
(5)
  (a) This section does not prevent a party from producing other testimony as to the mental condition of the defendant.
  (b) An expert witness who is not appointed by the court is not entitled to compensation under Subsection (7).
(6) This section does not require the admission of evidence not otherwise admissible.
(7)
  (a) The department shall pay the expenses of an examination ordered by the court under this section.
  (b) The department shall charge the county where the prosecution is commenced for travel expenses associated with an examination incurred by a defendant.
  (c) The department shall charge the entity commencing the prosecution for an examination of a defendant charged with a violation of a municipal or county ordinance.

Amended by Chapter 184, 2023 General Session

77-16a-302 Persons found not guilty by reason of insanity -- Disposition.
(1) Upon a verdict of not guilty by reason of insanity, the court shall conduct a hearing within 10 days to determine whether the defendant currently has a mental condition. The defense counsel and prosecutors may request further evaluations and present testimony from those examiners.
(2) After the hearing and upon consideration of the record, the court shall order the defendant committed to the department if it finds by clear and convincing evidence that:
  (a) the defendant has a mental condition; and
  (b) because of that mental condition the defendant presents a substantial danger to self or others.
(3) The period of commitment described in Subsection (2) may not exceed the period for which the defendant could be incarcerated had the defendant been convicted and received the maximum sentence for the crime of which the defendant was accused. At the time that period expires, involuntary civil commitment proceedings may be instituted in accordance with Title 26B, Chapter 5, Health Care -- Substance Use and Mental Health.

Amended by Chapter 184, 2023 General Session
Amended by Chapter 330, 2023 General Session

77-16a-303 Court determinations.
After entry of judgment of not guilty by reason of insanity, the court shall:
(1) determine on the record the offense of which the person otherwise would have been convicted and the maximum sentence the person could have received; and
(2) make specific findings regarding whether there is a victim of the crime for which the defendant has been found not guilty by reason of insanity and, if so, whether the victim wishes to be notified of any conditional release, discharge, or escape of the defendant.

Amended by Chapter 302, 2025 General Session

77-16a-304 Review after commitment.

(1)
(a) The executive director, or the executive director's designee, shall establish a review team of at least three qualified staff members to review the defendant's mental condition at least every six months.
(b) The team described in Subsection (1)(a) shall include:
(i) at least one psychiatrist; and
(ii) if the defendant has an intellectual disability, at least one staff member who is a designated intellectual disability professional.
(2) If the review team described in Subsection (1) finds that the defendant has recovered from the defendant's mental condition, or, that the defendant still has a mental condition but does not present a substantial danger to self or others, the executive director, or the executive director's designee, shall:
(a) notify the court that committed the defendant that the defendant is a candidate for discharge; and
(b) provide the court with a report stating the facts that form the basis for the recommendation.
(3)
(a) The court shall conduct a hearing within 10 business days after receipt of the executive director's, or the executive director's designee's, notification.
(b) The court clerk shall provide notice of the date and time of the hearing to:
(i) the prosecuting attorney;
(ii) the defendant's attorney; and
(iii) any victim of the crime for which the defendant was found not guilty by reason of insanity.
(4)
(a) The court shall order that the defendant be discharged from commitment if the court finds that the defendant:
(i) no longer has a mental condition; or
(ii) has a mental condition, but no longer presents a substantial danger to self or others.
(b) The court shall order the person conditionally released in accordance with Section 77-16a-305 if the court finds that the defendant:
(i) has a mental condition;
(ii) is a substantial danger to self or others; and
(iii) can be controlled adequately if conditionally released with treatment as a condition of release.
(c) The court shall order that the commitment be continued if the court finds that the defendant:
(i) has not recovered from the defendant's mental condition;
(ii) is a substantial danger to self or others; and
(iii) cannot adequately be controlled if conditionally released on supervision.
(d)
(i) Except as provided in Subsection (4)(d)(ii), the court may not discharge a defendant whose mental condition is in remission as a result of medication or hospitalization if it can be determined within reasonable medical probability that without continued medication or hospitalization the defendant's mental condition will reoccur, making the defendant a substantial danger to self or others.
(ii) Notwithstanding Subsection (4)(d)(i), the defendant described in Subsection (4)(d)(i) may be a candidate for conditional release, in accordance with Section 77-16a-305.

Amended by Chapter 184, 2023 General Session

77-16a-305 Conditional release.

(1) If the review team finds that a defendant is not eligible for discharge, in accordance with Section 77-16a-304, but that the defendant's mental condition and dangerousness can be controlled with proper care, medication, supervision, and treatment if the defendant is conditionally released, the review team shall prepare a report and notify the executive director, or the executive director's designee, that the defendant is a candidate for conditional release.

(2) The executive director, or the executive director's designee, shall prepare a conditional release plan, listing the type of care and treatment that the individual needs and recommending a treatment provider.

(3) The executive director, or the executive director's designee, shall provide the court, the defendant's attorney, and the prosecuting attorney with a copy of the report issued by the review team under Subsection (1), and the conditional release plan. The court shall conduct a hearing on the issue of conditional release within 30 days after receipt of those documents.

(4) The court may order that a defendant be conditionally released if it finds that, even though the defendant presents a substantial danger to self or others, the defendant can be adequately controlled with supervision and treatment that is available and provided for in the conditional release plan.

(5) The department may provide treatment or contract with a local mental health authority or other public or private provider to provide treatment for a defendant who is conditionally released under this section.

Amended by Chapter 184, 2023 General Session

77-16a-306 Continuing review -- Discharge.

(1) Each entity that provides treatment for a defendant committed to the department as not guilty by reason of insanity under this part shall review the status of each defendant at least once every six months. If the treatment provider finds that a defendant has recovered from the defendant's mental condition, or, if the defendant has a mental condition, no longer presents a substantial danger to self or others, the treatment provider shall notify the executive director of the treatment provider's findings.

(2) Upon receipt of notification under Subsection (1), the executive director shall designate a review team, in accordance with Section 77-16a-304, to evaluate the defendant. If that review team concurs with the treatment provider's assessment, the executive director shall notify the court, the defendant's attorney, and the prosecuting attorney that the defendant is a candidate for discharge. The court shall conduct a hearing, in accordance with Section 77-16a-302, within 10 business days after receipt of that notice.

(3) The court may not discharge an individual whose mental condition is in remission as a result of medication or hospitalization if it can be determined within reasonable medical probability that without continued medication or hospitalization the defendant's mental condition will reoccur, making the defendant a substantial danger to self or others.

Amended by Chapter 184, 2023 General Session

Chapter 16b
Involuntary Feeding and Hydration of Inmates

77-16b-101 Title.

This chapter is known as the "Involuntary Feeding and Hydration of Inmates."

Enacted by Chapter 355, 2012 General Session

77-16b-102 Definitions.

As used in this chapter:

(1) "Correctional facility" means:
- (a) a county jail;
- (b) a secure correctional facility as defined by Section 64-13-1; or
- (c) a secure care facility as defined in Section 80-1-102.

(2) "Correctional facility administrator" means:
- (a) a county sheriff in charge of a county jail;
- (b) a designee of the executive director of the Utah Department of Corrections; or
- (c) a designee of the director of the Division of Juvenile Justice and Youth Services.

(3) "Medical supervision" means under the direction of a licensed physician, physician assistant, or nurse practitioner.

(4) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(5) "Prisoner" means:
- (a) any individual who is a pretrial detainee or who has been committed to the custody of a sheriff or the Utah Department of Corrections, and who is physically in a correctional facility; and
- (b) any individual who is 18 years old or older and younger than 21 years old, and who has been committed to the custody of the Division of Juvenile Justice and Youth Services.

Amended by Chapter 240, 2024 General Session

77-16b-103 Involuntary feeding or hydration of prisoners -- Petition procedures, venue -- Prisoner rights.

(1) A correctional facility administrator may petition the district court where the correctional facility is located for an order permitting the involuntary feeding or hydration of any prisoner who is likely to suffer severe harm or death by refusing to accept sufficient nutrition or hydration.

(2) Prior to the filing of a petition under this section, a mental health therapist who is designated by the correctional facility administrator shall conduct a mental health evaluation of the subject prisoner.

(3) Upon the filing of a petition, the district court shall hold a hearing within two working days. The court:
- (a) shall confidentially review the prisoner's medical and mental health records as they are available;
- (b) may hear testimony or receive evidence, subject to the Utah Rules of Evidence, concerning the circumstances of the prisoner's lack of nutrition or hydration; and
- (c) may exclude from the hearing any person whose presence is not necessary for the purposes of the hearing, due to the introduction of personal medical and mental health evidence.

(4) After conducting the hearing under Subsection (3), the district court shall issue an order to involuntarily feed or hydrate the prisoner, if the court finds by a preponderance of evidence that:
- (a)
  - (i) the prisoner is likely to suffer severe harm or death by refusing to accept sufficient nutrition or hydration; and

(ii) the correctional facility's medical or penological objectives are valid and outweigh the prisoner's right to refuse treatment; or

(b) the prisoner is refusing sufficient nutrition or hydration with the intent to obstruct or delay any judicial or administrative proceeding pending against the prisoner.

(5) The district court shall state its findings of fact and conclusions of law on the record.

(6) The correctional facility administrator shall serve copies of the petition and a notice of the district court hearing on the prisoner and the prisoner's counsel, if the prisoner is represented by counsel, at least 24 hours in advance of the hearing under Subsection (3).

(7) The prisoner has the right to attend the hearing, testify, present evidence, and cross-examine witnesses.

Enacted by Chapter 355, 2012 General Session

77-16b-104 Involuntary feeding or hydration of prisoners -- Standards, continuing jurisdiction, and records.

(1) Any involuntary nutrition or hydration of a prisoner pursuant to this chapter shall be conducted under immediate medical supervision and in a medically recognized and acceptable manner.

(2) Upon the filing of a petition pursuant to Section 77-16b-102, the court has the continuing jurisdiction to review the prisoner's need for involuntary nutrition or hydration as long as the prisoner remains in custody of the correctional facility.

(3) A correctional facility shall maintain records of any involuntary feeding or hydration of prisoners under this chapter.

(a) The records are classified as "controlled" under Section 63G-2-304.

(b) All medical or mental health records submitted to the court under this chapter shall be kept under seal.

Enacted by Chapter 355, 2012 General Session

77-16b-105 Involuntary feeding or hydration of prisoners -- Exceptions.

This chapter does not apply to medically imposed fasts for the purpose of conducting medical procedures or tests, or to religious fasts of reasonable duration.

Enacted by Chapter 355, 2012 General Session

Chapter 17
The Trial

77-17-1 Doubt as to degree -- Conviction only on lowest.

When it appears the defendant has committed a public offense and there is reasonable doubt as to which of two or more degrees the defendant is guilty, the defendant shall be convicted only of the lower degree.

Amended by Chapter 302, 2025 General Session

77-17-2 Discharging one of several defendants -- To testify for state.

When two or more persons are included in the same charge, the court may at any time, on the application of the prosecuting attorney, direct any defendant to be discharged or the defendant's case severed so that the defendant may be a witness for the prosecution.

Amended by Chapter 302, 2025 General Session

77-17-3 Discharge for insufficient evidence.

When it appears to the court that there is not sufficient evidence to put a defendant to the defendant's defense, it shall forthwith order the defendant discharged.

Amended by Chapter 302, 2025 General Session

77-17-4 Conspiracy -- Pleading -- Evidence -- Proof necessary.

On a trial for conspiracy in a case where an overt act is necessary to constitute the offense, the defendant shall not be convicted unless one or more overt acts are expressly alleged in the information or indictment, and unless one of the acts alleged has been proved. However, proof of overt acts not alleged may be given in evidence.

Enacted by Chapter 15, 1980 General Session

77-17-5 Proof of corporate existence or powers generally.

In a criminal case the existence, constitution or powers of any corporation may be proved by general reputation, or by the printed statutes of the state, government or country by which this corporation was created.

Enacted by Chapter 15, 1980 General Session

77-17-6 Lottery tickets -- Evidence.

(1) On a trial for violation of any of the lottery provisions of the Utah Criminal Code, it is not necessary to prove:
  (a) The existence of any lottery in which any lottery tickets shall purport to have been issued;
  (b) The actual signing of any ticket or share, or pretended share of any pretended lottery; or
  (c) That any lottery ticket, share or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager.
(2) In all cases, proof of the sale, furnishing, bartering or procuring of any lottery ticket, share or interest therein, or of any instrument purporting to be a ticket, or part or share of any ticket shall be evidence that the share or interest was signed and issued according to its purport.

Enacted by Chapter 15, 1980 General Session

77-17-7 Conviction on testimony of accomplice -- Instruction to jury.

(1) A conviction may be had on the uncorroborated testimony of an accomplice.
(2) In the discretion of the court, an instruction to the jury may be given to the effect that such uncorroborated testimony should be viewed with caution, and such an instruction shall be given if the trial judge finds the testimony of the accomplice to be self contradictory, uncertain or improbable.

Enacted by Chapter 15, 1980 General Session

77-17-8 Mistake in charging offense -- Procedure -- Witnesses.

(1) If, at any time before verdict or judgment, a mistake is made in charging the proper offense, and there is probable cause to believe that the defendant is chargeable with another offense, the court may:
  (a) release the individual on the individual's own recognizance, as defined in Section 77-20-102, during the time the individual awaits trial or other resolution of criminal charges;
  (b) designate a condition, or a combination of conditions, described in Subsection 77-20-205(4), to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
  (c) order the individual be detained during the time the individual awaits trial or other resolution of criminal charges.
(2) A court may require a witness to post monetary bail, as defined in Section 77-20-102, to ensure that the witness appears in court.

Amended by Chapter 4, 2021 Special Session 2

77-17-9 Separation or sequestration of jurors -- Oath of officer having custody.

(1) The court, at any time before the submission of the case to the jury, may permit the jury to separate or order that it be sequestered in charge of a proper officer.
(2) If the jury is sequestered, the officer:
  (a) shall be sworn to keep the jurors together until the next meeting of the court, to prevent any person from speaking or communicating with them;
  (b) may not communicate with the jurors on any subject connected with the trial; and
  (c) shall return the jury to the court pursuant to its order.

Amended by Chapter 302, 2025 General Session

77-17-10 Court to determine law; the jury, the facts.

(1) In a jury trial, questions of law are to be determined by the court, questions of fact by the jury.
(2) The jury may find a general verdict which includes questions of law as well as fact but they are bound to follow the law as stated by the court.

Enacted by Chapter 15, 1980 General Session

77-17-11 Jury to retire for deliberation -- Oath of officer having custody.

(1) After hearing the court's instructions and arguments of counsel, the jury shall retire for deliberation.
(2) An officer shall:
  (a) be sworn to keep the jury together in some private and convenient place;
  (b) not permit any person to speak to or communicate with the jury;
  (c) not communicate with the jury except:
    (i) upon the order of the court; or
    (ii) to ask the jury whether the jury has agreed on a verdict; and
  (d) return the jury to court when the jury has agreed and the court has so ordered, or when otherwise ordered by the court.

Amended by Chapter 302, 2025 General Session

77-17-12 Defendant on bail appearing for trial may be committed.

When a defendant who has given bail appears for trial, the court may, at any time after the defendant's appearance for trial, order the defendant to be committed to the custody of the proper officer to await the judgment or further order of the court.

Amended by Chapter 302, 2025 General Session

77-17-13 Expert testimony generally -- Notice requirements.

(1)
(a) If the prosecution or the defense intends to call any expert to testify in a felony case at trial or any hearing, excluding a preliminary hearing held pursuant to Rule 7 of the Utah Rules of Criminal Procedure, the party intending to call the expert shall give notice to the opposing party as soon as practicable but not less than 30 days before trial or 10 days before the hearing.
(b) Notice shall include the name and address of the expert, the expert's curriculum vitae, and one of the following:
(i) a copy of the expert's report, if one exists; or
(ii) a written explanation of the expert's proposed testimony sufficient to give the opposing party adequate notice to prepare to meet the testimony; and
(iii) a notice that the expert is available to cooperatively consult with the opposing party on reasonable notice.
(c) The party intending to call the expert is responsible for any fee charged by the expert for the consultation.
(2) If an expert's anticipated testimony will be based in whole or part on the results of any tests or other specialized data, the party intending to call the witness shall provide to the opposing party the information upon request.
(3) As soon as practicable after receipt of the expert's report or the information concerning the expert's proposed testimony, the party receiving notice shall provide to the other party notice of witnesses whom the party anticipates calling to rebut the expert's testimony, including the information required under Subsection (1)(b).
(4)
(a) If the defendant or the prosecution fails to substantially comply with the requirements of this section, the opposing party shall, if necessary to prevent substantial prejudice, be entitled to a continuance of the trial or hearing sufficient to allow preparation to meet the testimony.
(b) If the court finds that the failure to comply with this section is the result of bad faith on the part of any party or attorney, the court shall impose appropriate sanctions. The remedy of exclusion of the expert's testimony will only apply if the court finds that a party deliberately violated the provisions of this section.
(5)
(a) For purposes of this section, testimony of an expert at a preliminary hearing held pursuant to Rule 7 of the Utah Rules of Criminal Procedure constitutes notice of the expert, the expert's qualifications, and a report of the expert's proposed trial testimony as to the subject matter testified to by the expert at the preliminary hearing.
(b) Upon request, the party who called the expert at the preliminary hearing shall provide the opposing party with a copy of the expert's curriculum vitae as soon as practicable prior to trial or any hearing at which the expert may be called as an expert witness.

(6) This section does not apply to the use of an expert who is an employee of the state or its political subdivisions, so long as the opposing party is on reasonable notice through general discovery that the expert may be called as a witness at trial, and the witness is made available to cooperatively consult with the opposing party upon reasonable notice.

Amended by Chapter 290, 2003 General Session

Chapter 18
The Judgment

77-18-101 Title.

This chapter is known as "The Judgment."

Enacted by Chapter 260, 2021 General Session

77-18-102 Definitions.

As used in this chapter:

(1) "Assessment" means the same as the term "risk and needs assessment" in Section 77-1-3.
(2) "Board" means the Board of Pardons and Parole.
(3) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
(4) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
(5) "Convicted" means the same as that term is defined in Section 76-3-201.
(6) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
(7) "Default" means the same as that term is defined in Section 77-32b-102.
(8) "Delinquent" means the same as that term is defined in Section 77-32b-102.
(9) "Department" means the Department of Corrections created in Section 64-13-2.
(10) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
(11) "Habitual offender" means an individual who:
(a)
(i) has been convicted in at least five previous cases for one or more felony offenses in each case; and
(ii) the conviction for each case referred to in Subsection (11)(a)(i) occurred within the five-year period immediately preceding the day on which the defendant is convicted of the new felony offense before the court;
(b)
(i) has been charged with one or more felony offenses in at least nine separate cases; and
(ii) a felony charge in each case referred to in Subsection (11)(b)(i) was issued within the five-year period immediately preceding the day on which the defendant is convicted of the new felony offense before the court;
(c)
(i) has been convicted in at least nine previous cases for one or more misdemeanor offenses in each case; and
(ii) the conviction for each case referred to in Subsection (11)(b)(i) occurred within the three-year period immediately preceding the day on which the defendant is convicted of a new misdemeanor or felony offense before the court; or
(d)

(i) has been charged with one or more misdemeanor offenses in at least 19 separate cases; and
(ii) a misdemeanor charge in each case referred to in Subsection (11)(d)(i) was issued within the three-year period immediately preceding the day on which the defendant is convicted of the new misdemeanor or felony offense before the court.
(12) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
(13) "Restitution" means the same as that term is defined in Section 77-38b-102.
(14) "Screening" means a tool or questionnaire that is designed to determine whether an individual needs further assessment or any additional resource or referral for treatment.
(15) "Substance use disorder treatment" means treatment obtained through a substance use disorder program that is licensed by the Office of Licensing within the Department of Health and Human Services.

Amended by Chapter 243, 2025 General Session

77-18-103 Presentence investigation report -- Classification of presentence investigation report -- Evidence or other information at sentencing.

(1) Before the imposition of a sentence, the court may:
(a) upon agreement of the defendant, continue the date for the imposition of the sentence for a reasonable period of time for the purpose of obtaining a presentence investigation report from the department or a law enforcement agency, or information from any other source about the defendant; and
(b) if the defendant is convicted of a felony or a class A misdemeanor, request that the department or a law enforcement agency prepare a presentence investigation report for the defendant.
(2)
(a) Notwithstanding Subsection (1), if a defendant is convicted of an offense and the defendant is a habitual offender, the prosecuting attorney shall notify the court that the defendant is a habitual offender.
(b) Upon a notification under Subsection (2)(a), the court may not impose a sentence for the conviction without ordering and obtaining a presentence investigation report, unless the court finds good cause to proceed with sentencing without the presentence investigation report.
(3) If a presentence investigation report is required under Subsection (2) or the standards established by the department described in Section 77-18-109, the presentence investigation report under Subsection (1) shall include:
(a) any impact statement provided by a victim as described in Subsection 77-38b-203(3)(c);
(b) information on restitution as described in Subsections 77-38b-203(3)(a) and (b);
(c) recommendations for treatment for the defendant; and
(d) the number of days since the commission of the offense that the defendant has spent in the custody of the jail and the number of days, if any, the defendant was released to a supervised release program or an alternative incarceration program under Section 17-72-402.
(4) The department or law enforcement agency shall provide the presentence investigation report to the defendant's attorney, or the defendant if the defendant is not represented by counsel, the prosecuting attorney, and the court for review within three working days before the day on which the defendant is sentenced.
(5)
(a)

(i) If there is an alleged inaccuracy in the presentence investigation report that is not resolved by the parties and the department or law enforcement agency before sentencing:
(A) the alleged inaccuracy shall be brought to the attention of the court at sentencing; and
(B) the court may grant an additional 10 working days after the day on which the alleged inaccuracy is brought to the court's attention to allow the parties and the department to resolve the alleged inaccuracy in the presentence investigation report.
(ii) If the court does not grant additional time under Subsection (5)(a)(i)(B), or the alleged inaccuracy cannot be resolved after 10 working days, and if the court finds that there is an inaccuracy in the presentence investigation report, the court shall:
(A) enter a written finding as to the relevance and accuracy of the challenged portion of the presentence investigation report; and
(B) provide the written finding to the department or the law enforcement agency.
(b) The department shall attach the written finding to the presentence investigation report as an addendum.
(c) If a party fails to challenge the accuracy of the presentence investigation report at the time of sentencing, the matter shall be considered waived.
(6) The contents of the presentence investigation report are protected and not available except by court order for purposes of sentencing as provided by rule of the Judicial Council or for use by the department or law enforcement agency.
(7)
(a) A presentence investigation report is classified as protected in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
(b) Notwithstanding Sections 63G-2-403 and 63G-2-404, the director of the State Records Office, created in Section 63A-12-202, may not order the disclosure of a presentence investigation report.
(8) Except for disclosure at the time of sentencing in accordance with this section, the department or law enforcement agency may disclose a presentence investigation only when:
(a) ordered by the court in accordance with Subsection 63G-2-202(7);
(b) requested by a law enforcement agency or other agency approved by the department for purposes of supervision, confinement, and treatment of a defendant;
(c) requested by the board;
(d) requested by the subject of the presentence investigation report or the subject's authorized representative;
(e) requested by the victim of the offense discussed in the presentence investigation report, or the victim's authorized representative, if the disclosure is only information relating to:
(i) statements or materials provided by the victim;
(ii) the circumstances of the offense, including statements by the defendant; or
(iii) the impact of the offense on the victim or the victim's household; or
(f) requested by a sex offender treatment provider:
(i) who is certified to provide treatment under the certification program established in Subsection 64-13-25(2);
(ii) who is providing, at the time of the request, sex offender treatment to the offender who is the subject of the presentence investigation report; and
(iii) who provides written assurance to the department that the report:
(A) is necessary for the treatment of the defendant;
(B) will be used solely for the treatment of the defendant; and
(C) will not be disclosed to an individual or entity other than the defendant.
(9)

(a) At the time of sentence, the court shall receive any testimony, evidence, or information that the defendant or the prosecuting attorney desires to present concerning the appropriate sentence.
(b) Testimony, evidence, or information under Subsection (9)(a) shall be presented in open court on record and in the presence of the defendant.
(10) The court may not rely solely on an algorithm or a risk assessment tool score in determining the appropriate sentence for a defendant.

Amended by Chapter 17, 2025 Special Session 1

77-18-105 Pleas held in abeyance -- Suspension of a sentence -- Probation -- Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench supervision for payments on criminal accounts receivable.

(1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in abeyance agreement, the court may hold the plea in abeyance:
(a) in accordance with Chapter 2a, Pleas in Abeyance; and
(b) under the terms of the plea in abeyance agreement.
(2) If a defendant is convicted, the court:
(a) shall impose a sentence in accordance with Section 76-3-201; and
(b) subject to Subsection (5), may suspend the execution of the sentence and place the defendant:
(i) on probation under the supervision of the division;
(ii) on probation under the supervision of an agency of a local government or a private organization; or
(iii) on court probation under the jurisdiction of the sentencing court.
(3)
(a) The legal custody of all probationers under the supervision of the division is with the department.
(b) The legal custody of all probationers under the jurisdiction of the sentencing court is vested as ordered by the court.
(c) The court has continuing jurisdiction over all probationers.
(4)
(a) Court probation may include an administrative level of services, including notification to the sentencing court of scheduled periodic reviews of the probationer's compliance with conditions.
(b) Supervised probation services provided by the division, an agency of a local government, or a private organization shall specifically address the defendant's risk of reoffending as identified by a screening or an assessment.
(c) If a court orders supervised probation and determines that a public probation provider is unavailable or inappropriate to supervise the defendant, the court shall make available to the defendant the list of private probation providers prepared by a criminal justice coordinating council under Section 17E-2-201.
(5)
(a) Before ordering supervised probation, the court shall consider the supervision costs to the defendant for each entity that can supervise the defendant.
(b)
(i) A court may order an agency of a local government to supervise the probation for an individual convicted of any crime if:

(A) the agency has the capacity to supervise the individual; and
(B) the individual's supervision needs will be met by the agency.
(ii) A court may only order:
(A) the division to supervise the probation for an individual convicted of a class A misdemeanor or any felony; or
(B) a private organization to supervise the probation for an individual convicted of a class A, B, or C misdemeanor or an infraction.
(c) A court may not order a specific private organization to supervise an individual unless there is only one private organization that can provide the specific supervision services required to meet the individual's supervision needs.
(6)
(a) If a defendant is placed on probation, the court may order the defendant as a condition of the defendant's probation:
(i) to provide for the support of persons for whose support the defendant is legally liable;
(ii) to participate in available treatment programs, including any treatment program in which the defendant is currently participating if the program is acceptable to the court;
(iii) be voluntarily admitted to the custody of the Division of Substance Use and Mental Health for treatment at the Utah State Hospital in accordance with Section 77-18-106;
(iv) if the defendant is on probation for a felony offense, to serve a period of time as an initial condition of probation that does not exceed one year in a county jail designated by the department, after considering any recommendation by the court as to which jail the court finds most appropriate;
(v) to serve a term of home confinement in accordance with Section 77-18-107;
(vi) to participate in compensatory service programs, including the compensatory service program described in Section 76-3-410;
(vii) to pay for the costs of investigation, probation, or treatment services;
(viii) to pay restitution to a victim with interest in accordance with Chapter 38b, Crime Victims Restitution Act; or
(ix) to comply with other terms and conditions the court considers appropriate to ensure public safety or increase a defendant's likelihood of success on probation.
(b) If a defendant is placed on probation and a condition of the defendant's probation is routine or random drug testing, the defendant shall sign a waiver consistent with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq., allowing the treatment provider conducting the drug testing to notify the defendant's supervising probation officer regarding the results of the defendant's drug testing.
(c)
(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a defendant to include a period of time that is served in a county jail immediately before the termination of probation as long as that period of time does not exceed one year.
(ii) If a defendant is ordered to serve time in a county jail as a sanction for a probation violation, the one-year limitation described in Subsection (6)(a)(iv) or (6)(c)(i) does not apply to the period of time that the court orders the defendant to serve in a county jail under this Subsection (6)(c)(ii).
(7)
(a) Except as provided in Subsection (7)(b), probation of an individual placed on probation after December 31, 2018:
(i) may not exceed the individual's maximum sentence;

(ii) shall be for a period of time that is in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law; and

(iii) shall be terminated in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.

(b) Probation of an individual placed on probation after December 31, 2018, whose maximum sentence is one year or less, may not exceed 36 months.

(c) Probation of an individual placed on probation on or after October 1, 2015, but before January 1, 2019, may be terminated at any time at the discretion of the court or upon completion without violation of 36 months probation in felony or class A misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions, or as allowed in accordance with Section 64-13-21 regarding earned credits.

(d) This Subsection (7) does not apply to the probation of an individual convicted of an offense for criminal nonsupport under Section 76-7-201.

(8)

(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal accounts receivable for the defendant upon termination of the probation period for the defendant under Subsection (7), the court may require the defendant to continue to make payments towards the criminal accounts receivable in accordance with the payment schedule established by the court under Section 77-32b-103.

(b) A court may not require the defendant to make payments as described in Subsection (8)(a) beyond the expiration of the defendant's sentence.

(c) If the court requires a defendant to continue to pay in accordance with the payment schedule for the criminal accounts receivable under this Subsection (8) and the defendant defaults on the criminal accounts receivable, the court shall proceed with an order for a civil judgment of restitution and a civil accounts receivable for the defendant as described in Section 77-18-114.

(d)

(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's own motion, the court may require a defendant to show cause as to why the defendant's failure to pay in accordance with the payment schedule should not be treated as contempt of court.

(ii) A court may hold a defendant in contempt for failure to make payments for a criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3, Contempt.

(e) This Subsection (8) does not apply to the probation of an individual convicted of an offense for criminal nonsupport under Section 76-7-201.

(9) When making any decision regarding probation:

(a) the court shall consider information provided by the Department of Corrections regarding a defendant's individual case action plan, including any progress the defendant has made in satisfying the case action plan's completion requirements; and

(b) the court may not rely solely on an algorithm or a risk assessment tool score.

Amended by Chapter 17, 2025 Special Session 1

77-18-106 Treatment at the Utah State Hospital -- Condition of probation or stay of sentence.

The court may order as a condition of probation, or a stay of sentence, that the defendant be voluntarily admitted to the custody of the Office of Substance Use and Mental Health for

treatment at the Utah State Hospital only if the superintendent of the Utah State Hospital, or the superintendent's designee, certifies to the court that:
(1) the defendant is appropriate for, and can benefit from, treatment at the Utah State Hospital;
(2) there is space at the Utah State Hospital for treatment of the defendant; and
(3) individuals described in Subsection 26B-5-306(2)(g) are receiving priority for treatment over the defendant.

Amended by Chapter 330, 2023 General Session

77-18-107 Home confinement -- Electronic monitoring for home confinement.
(1) The court may order home confinement as a condition of probation under the supervision of the division, except as provided in Sections 76-3-406 and 76-5-406.5.
(2) The department shall establish procedures and standards for home confinement for all defendants supervised by the division for home confinement.
(3) If the court places the defendant on probation and orders the defendant to participate in home confinement under Subsection (1), the court may order the defendant to participate in home confinement through the use of electronic monitoring until further order of the court.
(4) The electronic monitoring of a defendant shall alert the division and the appropriate law enforcement agency of the defendant's whereabouts.
(5) An electronic monitoring device shall be used under conditions that require:
  (a) the defendant to wear an electronic monitoring device at all times; and
  (b) the device be placed in the home of the defendant to monitor the defendant's compliance with the court's order.
(6) If a court orders a defendant to participate in home confinement through electronic monitoring as a condition of probation under Subsection (3), the court shall:
  (a) place the defendant on probation under the supervision of the division;
  (b) order the division to place an electronic monitoring device on the defendant and install electronic monitoring equipment in the residence of the defendant; and
  (c) order the defendant to pay the costs associated with home confinement to the department or the program provider.
(7) The department shall pay the costs of home confinement through electronic monitoring only for an individual who is determined to be indigent by the court.
(8) The department may provide the electronic monitoring described in this section directly or by contract with a private provider.

Amended by Chapter 193, 2025 General Session
Amended by Chapter 214, 2025 General Session

77-18-108 Termination, revocation, modification, or extension of probation -- Violation of probation -- Hearing on violation.
(1)
  (a) The division shall send a written notice to the court:
    (i) when the division is recommending termination of supervision for a defendant; or
    (ii) before a defendant's supervision will be terminated by law.
  (b) The written notice under this Subsection (1) shall include:
    (i) a probation progress report; and

(ii) if the department is responsible for the collection of the defendant's criminal accounts receivable, a summary of the criminal accounts receivable, including the amount of restitution ordered and the amount of restitution that has been paid.

(c)

(i) Upon receipt of the written notice under Subsection (1)(a), the court shall:

(A) file the written notice on the docket; and

(B) provide notice to all parties in the criminal case.

(ii) A party shall have a reasonable opportunity to respond to the written notice under Subsection (1)(a).

(d) If a defendant's probation is being terminated, and the defendant's criminal accounts receivable has an unpaid balance or there is any outstanding debt with the department, the department shall send a written notice to the Office of State Debt Collection with a summary of the defendant's criminal accounts receivable, including the amount of restitution ordered and the amount of restitution that has been paid.

(2)

(a) The court may modify the defendant's probation in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.

(b) The court may not:

(i) extend the length of a defendant's probation, except upon:

(A) waiver of a hearing by the defendant; or

(B) a hearing and a finding by the court that the defendant has violated the terms of probation;

(ii) revoke a defendant's probation, except upon a hearing and a finding by the court that the terms of probation have been violated; or

(iii) terminate a defendant's probation before expiration of the probation period until the court:

(A) reviews the docket to determine whether the defendant owes a balance on the defendant's criminal accounts receivable; and

(B) enters a finding of whether the defendant owes restitution under Section 77-38b-205.

(c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe restitution if no request for restitution has been filed with the court.

(3)

(a) Upon the filing of an affidavit, or an unsworn written declaration executed in substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations Act, alleging with particularity facts asserted to constitute violation of the terms of a defendant's probation, the court shall determine if the affidavit or unsworn written declaration establishes probable cause to believe that revocation, modification, or extension of the defendant's probation is justified.

(b)

(i) If the court determines there is probable cause, the court shall order that the defendant be served with:

(A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn written declaration; and

(B) an order to show cause as to why the defendant's probation should not be revoked, modified, or extended.

(ii) The order under Subsection (3)(b)(i)(B) shall:

(A) be served upon the defendant at least five days before the day on which the hearing is held;

(B) specify the time and place of the hearing; and

(C) inform the defendant of the right to be represented by counsel at the hearing, the right to have counsel appointed if the defendant is indigent, and the right to present evidence at the hearing.

(iii) The defendant shall show good cause for a continuance of the hearing.

(c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or unsworn written declaration.

(d)

(i) If the defendant denies the allegations of the affidavit or unsworn written declaration, the prosecuting attorney shall present evidence on the allegations.

(ii) If the affidavit, or unsworn written declaration, alleges that a defendant is delinquent, or in default, on a criminal accounts receivable, the prosecuting attorney shall present evidence to establish, by a preponderance of the evidence, that the defendant:

(A) was aware of the defendant's obligation to pay the balance of the criminal accounts receivable;

(B) failed to pay on the balance of the criminal accounts receivable as ordered by the court; and

(C) had the ability to make a payment on the balance of the criminal accounts receivable if the defendant opposes an order to show cause, in writing, and presents evidence that the defendant was unable to make a payment on the balance of the criminal accounts receivable.

(e) The persons who have given adverse information on which the allegations are based shall be presented as witnesses subject to questioning by the defendant, unless the court for good cause otherwise orders.

(f) At the hearing, the defendant may:

(i) call witnesses;

(ii) appear and speak in the defendant's own behalf; and

(iii) present evidence.

(g)

(i) After the hearing, the court shall make findings of fact.

(ii) Upon a finding that the defendant violated the terms of the defendant's probation, the court may order the defendant's probation terminated, revoked, modified, continued, or reinstated for all or a portion of the original term of probation.

(4)

(a)

(i) Except as provided in Subsection 77-18-105(7), the court may not require a defendant to remain on probation for a period of time that exceeds the length of the defendant's maximum sentence.

(ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is revoked and later reinstated, the total time of all periods of probation that the defendant serves, in relation to the same sentence, may not exceed the defendant's maximum sentence.

(b) If the court orders a sanction for a defendant who violated terms of probation, the court may:

(i) order a period of incarceration that is consistent with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;

(ii) order a period of incarceration that deviates from the guidelines with an explanation for the deviation on the record;

(iii) order treatment services that are immediately available in the community for a defendant that needs substance abuse or mental health treatment, as determined by a screening and assessment;

(iv) execute the sentence previously imposed; or
(v) order any other appropriate sanction.
(c) If the defendant had, before the imposition of a term of incarceration or the execution of the previously imposed sentence under this section, served time in jail as a term of probation or due to a violation of probation, the time that the defendant served in jail constitutes service of time toward the sentence previously imposed.
(5)
(a) Any time served by a defendant:
(i) outside of confinement after having been charged with a probation violation, and before a hearing to revoke probation, does not constitute service of time toward the total probation term, unless the defendant is exonerated at a hearing to revoke the defendant's probation;
(ii) in confinement awaiting a hearing or a decision concerning revocation of the defendant's probation does not constitute service of time toward the total probation term, unless the defendant is exonerated at the hearing to revoke probation; or
(iii) in confinement awaiting a hearing or a decision concerning revocation of the defendant's probation constitutes service of time toward a term of incarceration imposed as a result of the revocation of probation or a graduated and evidence-based response imposed under the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.
(b) The running of the probation period is tolled upon:
(i) the filing of a report with the court alleging a violation of the terms of the defendant's probation; or
(ii) the issuance of an order or a warrant under Subsection (3).

Amended by Chapter 214, 2025 General Session

77-18-109 Standards for supervision and presentence investigation.
(1) The department shall establish supervision and presentence investigation standards for all individuals referred to the division based on:
(a) the type of offense;
(b) the results of a screening and an assessment;
(c) the demand for services;
(d) the availability of agency resources;
(e) public safety; and
(f) other criteria established by the department to determine what level of services shall be provided.
(2) The department shall submit proposed supervision and presentence investigation standards annually to the Judicial Council and the board for review and comment before the department adopts the standards.
(3) The Judicial Council and the department shall establish procedures for the division to implement the supervision and presentence investigation standards.
(4) The Judicial Council and the department shall annually consider modifications to the standards based upon criteria in Subsection (1) and other criteria as the Judicial Council and the department consider appropriate.
(5) The Judicial Council and the department shall:
(a) annually prepare an impact report; and
(b) submit the impact report to the appropriate legislative appropriations subcommittee.

Amended by Chapter 214, 2025 General Session

77-18-110 Disposition of fines.

A fine imposed by the district court shall be paid in accordance with Section 78A-5-110.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-111 Sentence -- Term -- Construction.

(1) If an individual is convicted of a crime and the judgment provides for a commitment to the state prison, the court shall not fix a definite term of imprisonment unless otherwise provided by law.
(2) The sentence and judgment of imprisonment shall be for an indeterminate term of not less than the minimum and not to exceed the maximum term provided by law for the particular crime.
(3) Except as otherwise expressly provided by law, every sentence, regardless of the sentence's form or terms, which purports to be for a shorter or different period of time, shall be construed to be a sentence for the term between the minimum and maximum periods of time provided by law and shall continue until the maximum period has been reached unless sooner terminated or commuted by authority of the board.
(4)
  (a) A court may not order that a term of imprisonment commences before the day upon which the sentence of imprisonment is imposed, except to correct a sentence consistent with Rule 22(e) or 30(b) of the Utah Rules of Criminal Procedure.
  (b) The board may grant an individual credit for time served or other credit against a sentence, including as provided in Subsection 76-3-208(1)(b) or Section 76-3-403 or 77-27-5.4.

Amended by Chapter 145, 2024 General Session

77-18-112 Reports by courts and prosecuting attorneys to Board of Pardons and Parole.

In cases where an indeterminate sentence is imposed, the court and prosecuting attorney may, within 30 days, mail a statement to the board setting forth the term for which the prisoner ought to be imprisoned together with any information which might aid the board in passing on the application for termination or commutation of the sentence or for parole or pardon.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-113 Judgment of death -- Method is lethal injection -- Exceptions for use of firing squad.

(1)
  (a) When a defendant is convicted of a capital felony and the judgment of death has been imposed, lethal intravenous injection is the method of execution.
  (b) Subsection (1)(a) applies to any defendant sentenced to death on or after May 3, 2004, except under Subsections (2), (3), and (4).
(2)
  (a) If a court holds that a defendant has a right to be executed by a firing squad, the method of execution for that defendant shall be a firing squad.
  (b) This Subsection (2) applies to any defendant whose right to be executed by a firing squad is preserved by that judgment.
(3)
  (a) If a court holds that execution by lethal injection is unconstitutional on its face, the method of execution shall be a firing squad.

(b) If a court holds that execution by lethal injection is unconstitutional as applied, the method of execution for that defendant shall be a firing squad.

(4) The method of execution for the defendant is the firing squad if the sentencing court determines the state is unable to lawfully obtain the substance or substances necessary to conduct an execution by lethal intravenous injection 30 or more days before the date specified in the warrant issued upon a judgment of death under Section 77-19-6.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-114 Unpaid balance at termination of sentence -- Transfer of collection responsibility -- Past due account -- Notice -- Account or judgment paid in full -- Effect of civil accounts receivable and civil judgment of restitution.

(1) When a defendant's sentence is terminated by law or by the decision of the court or the board:

(a) the board shall provide notice to the Office of State Debt Collection, and the Office of State Debt Collection shall provide an accounting of the unpaid balance of the defendant's criminal accounts receivable to the court if the defendant was on parole or incarcerated at the time of termination; and

(b) except as provided in Subsection (1)(b)(iv), Subsection 77-18-118(1)(g), and Subsection 77-27-6.1(2)(f), within 90 days after the day on which a defendant's sentence is terminated, the court shall:

(i) enter an order for a civil accounts receivable and a civil judgment of restitution for a defendant on the civil judgment docket;

(ii) transfer the responsibility of collecting the civil accounts receivable and the civil judgment of restitution to the Office of State Debt Collection;

(iii) identify in the order under this Subsection (1):

(A) the Office of State Debt Collection as a judgment creditor for the civil accounts receivable and the civil judgment of restitution; and

(B) the victim as a judgment creditor for the civil judgment of restitution; and

(iv) if the restitution is owed to the Department of Workforce Services or the Department of Health and Human Services, upon request by the prosecutor or victim:

(A) enter an order for the civil accounts receivable and a civil judgment of restitution for a defendant on the civil judgment docket;

(B) transfer the responsibility of collecting the civil judgment of restitution to each entity described in this Subsection (1)(b)(iv) that is owed restitution, with the balance owed to each entity assigned to each entity respectively if applicable;

(C) identify each entity that is assigned responsibility for collecting a civil judgment of restitution under Subsection (1)(b)(iv)(B) as a judgment creditor for the civil judgment of restitution; and

(D) identify the Office of State Debt Collection as a judgment creditor for any civil accounts receivable and transfer the responsibility of collecting the civil accounts receivable to the Office of State Debt Collection.

(2) If a criminal accounts receivable for the defendant is more than 90 days past due and the court has ordered that a defendant does not owe restitution to any victim, or the time period for entering an order for restitution has expired under Section 77-38b-205 and the court has not ordered restitution, the court may:

(a) enter an order for a civil accounts receivable for the defendant on the civil judgment docket;

(b) identify, in the order under Subsection (2)(a), the Office of State Debt Collection as a judgment creditor for the civil accounts receivable; and

(c) transfer the responsibility of collecting the civil accounts receivable to the Office of State Debt Collection.

(3) An order for a criminal accounts receivable is no longer in effect after the court enters an order for a civil accounts receivable or a civil judgment of restitution under Subsection (1) or (2).

(4) The court shall provide notice to the Office of State Debt Collection and the prosecuting attorney of any hearing that affects an order for the civil accounts receivable or the civil judgment of restitution.

(5) The Office of State Debt Collection shall notify the court when a civil judgment of restitution or a civil accounts receivable is satisfied.

(6) When a fine, forfeiture, surcharge, cost, or fee is recorded in an order for a civil accounts receivable on the civil judgment docket, or when restitution is recorded as an order for a civil judgment of restitution on the civil judgment docket, the order:

(a) constitutes a lien on the defendant's real property until the judgment is satisfied; and

(b) may be collected by any means authorized by law for the collection of a civil judgment.

(7) A criminal accounts receivable, a civil accounts receivable, and a civil judgment of restitution are not subject to the civil statutes of limitation and expire only upon payment in full.

(8)

(a) If a defendant asserts that a payment was made to a victim or third party for a civil judgment of restitution, or enters into any other transaction that does not involve the Office of State Debt Collection, and the defendant asserts that the payment results in a credit toward the civil judgment of restitution for the defendant:

(i) the defendant shall provide notice to the Office of State Debt Collection and the prosecuting attorney within 30 days after the day on which the payment or other transaction is made; and

(ii) the payment may only be credited towards the civil judgment of restitution and does not affect any other amount owed to the Office of State Debt Collection under Section 63A-3-502.

(b) Nothing in this Subsection (8) shall be construed to prevent a victim or a third party from providing notice of a payment towards a civil judgment of restitution to the Office of State Debt Collection.

Amended by Chapter 526, 2025 General Session

77-18-115 Liability of rescued person for costs of emergency response.

(1) Any person who violates Section 76-6-206.1 and whose conduct required emergency care, rescue, assistance, or recovery services at the scene of an abandoned or inactive mine may be charged with the expenses incurred in meeting the emergency.

(2)

(a) The court's order shall be a judgment that orders the payment of reimbursement to any public agency or private body that incurred the expenses.

(b) The judgment shall constitute a lien when recorded in the judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action.

(3) The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-116 Costs imposed on defendant -- Restrictions.

Unless specifically authorized by statute, a defendant shall not be required to pay court costs in a criminal case as:
(1) a part of a sentence; or
(2) a condition of probation or dismissal.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-117 Fine not paid -- Commitment.
(1) When a defendant is sentenced to pay a fine in addition to a jail or a prison sentence and the judgment is that the jail or prison sentence be suspended upon payment of the fine, the service of the jail or prison sentence shall satisfy the judgment.
(2) If a defendant fails to pay the fine and the court finds that the defendant failed to make a good faith effort to pay the fine, the court may, after a hearing, order the execution of the suspended jail or prison sentence.
(3) If a defendant is sentenced to pay a fine only, or is sentenced to jail or prison and a fine, with neither suspended, the defendant may not later be committed to jail for failure to pay the fine.

Renumbered and Amended by Chapter 260, 2021 General Session

77-18-118 Continuing jurisdiction of a sentencing court.
(1) A sentencing court shall retain jurisdiction over a defendant's criminal case:
  (a) if the defendant is on probation as described in Subsection 77-18-105(3)(c);
  (b) if the defendant is on probation and the probation period has terminated under Subsection 77-18-105(7), to require the defendant to continue to make payments towards a criminal accounts receivable until the defendant's sentence expires;
  (c) within the time periods described in Section 77-38b-205, to enter or modify an order for a criminal accounts receivable in accordance with Section 77-32b-103;
  (d) within the time periods described in Section 77-38b-205, to enter or modify an order for restitution in accordance with Section 77-38b-205;
  (e) until a defendant's sentence is terminated, to correct an error for a criminal accounts receivable in accordance with Subsection 77-32b-105(1)(a);
  (f) until a defendant's sentence is terminated, to modify a payment schedule for a criminal accounts receivable in accordance with Subsection 77-32b-105(1)(b);
  (g) if a defendant files a petition for remittance under Subsection 77-32b-106(1) within 90 days from the day on which the defendant's sentence is terminated, to determine whether to remit, in whole or in part, the defendant's criminal accounts receivable; and
  (h) to enter an order for a civil accounts receivable and a civil judgment of restitution in accordance with Section 77-18-114.
(2) This section does not prevent a court from exercising jurisdiction over:
  (a) a contempt proceeding for a defendant under Title 78B, Chapter 6, Part 3, Contempt; or
  (b) enforcement of a civil accounts receivable or a civil judgment of restitution.

Amended by Chapter 330, 2024 General Session

Chapter 18a
The Appeal

77-18a-1 Appeals -- When proper.

(1) A defendant may, as a matter of right, appeal from:
  (a) a final judgment of conviction, whether by verdict or plea;
  (b) an order made after judgment that affects the substantial rights of the defendant;
  (c) an order adjudicating the defendant's competency to proceed further in a pending prosecution; or
  (d) an order denying bail under Chapter 20, Bail.
(2) In addition to any appeal permitted by Subsection (1), a defendant may seek discretionary appellate review of any interlocutory order.
(3) The prosecution may, as a matter of right, appeal from:
  (a) a final judgment of dismissal, including a dismissal of a felony information following a refusal to bind the defendant over for trial;
  (b) a pretrial order dismissing a charge on the ground that the court's suppression of evidence has substantially impaired the prosecution's case;
  (c) an order granting a motion to withdraw a plea of guilty or no contest;
  (d) an order arresting judgment or granting a motion for merger;
  (e) an order terminating the prosecution because of a finding of double jeopardy or denial of a speedy trial;
  (f) an order granting a new trial;
  (g) an order holding a statute or any part of it invalid;
  (h) an order adjudicating the defendant's competency to proceed further in a pending prosecution;
  (i) an order finding, pursuant to Title 77, Chapter 19, Part 2, Competency for Execution, that an inmate sentenced to death is incompetent to be executed;
  (j) an order reducing the degree of offense pursuant to Section 76-3-402;
  (k) an illegal sentence; or
  (l) an order dismissing a charge pursuant to Subsection 76-2-309(3).
(4) In addition to any appeal permitted by Subsection (3), the prosecution may seek discretionary appellate review of any interlocutory order entered before jeopardy attaches.

Amended by Chapter 4, 2021 Special Session 2

77-18a-2 Capital cases.

After the resolution of an initial appeal of a capital case when the sentence of death has been imposed, a subsequent appeal may not be entertained by any court and a stay of execution of the sentence may not be granted when the appeal does not raise any new matter not previously resolved or when the new matter could have been raised at the previous appeal.

Enacted by Chapter 7, 1990 General Session

Chapter 19
The Execution

Part 1
Judgment Provisions

77-19-1 Judgment for fine or costs -- Enforcement.

If the judgment is for a fine or costs when allowed by statute and the fine is not paid as ordered by the court, execution or garnishment may be issued as on a judgment in a civil action. The prosecuting attorney, upon written request of the court clerk, shall effectuate collection through execution or garnishment when the fine or costs have not been paid as ordered by the court.

Enacted by Chapter 15, 1980 General Session

77-19-2 Judgment of imprisonment -- Commitment.

If the judgment is for imprisonment, the sheriff of the county or other appropriate custodial officer designated by the court shall, upon receipt of a certified copy of the judgment, deliver the defendant to the warden of the state prison or keeper of the jail. Such custodial officer shall also deliver a certified copy of the judgment and take a receipt from the warden or keeper of the jail for the defendant and return it to the court.

Enacted by Chapter 15, 1980 General Session

77-19-3 Special release from city or county jail -- Purposes.

(1) Any person incarcerated in any city or county jail may, in accordance with the release policy of the facility, be released from jail during those hours which are reasonable and necessary to accomplish any of the purposes under Subsection (2) if:
  (a) the offense is not one for which release is prohibited under state law; and
  (b) the judge has not entered an order prohibiting a special release.
(2) The custodial authority at the jail may release an inmate who qualifies under Subsection (1) for:
  (a) working at his employment;
  (b) seeking employment;
  (c) attending an educational institution;
  (d) obtaining necessary medical treatment; or
  (e) any other reasonable purpose as determined by the custodial authority of the jail.

Amended by Chapter 148, 2007 General Session

77-19-4 Special release from city or county jail -- Conditions and limitations.

(1) All released prisoners under Section 77-19-3 are in the custody of the custodial authority and are subject at any time to being returned to jail, for good cause.
(2) The judge may order that the prisoner:
  (a) pay money earned from employment during the jail term to those persons he is legally responsible to support; or
  (b) retain sufficient money to pay his costs of transportation, meals, and other incidental and necessary expenses related to his special release.
(3) The custodial authority of the jail shall establish all other conditions of special release.
(4) During all hours when the prisoner is not serving the function for which he is awarded release time, he shall be confined to jail.
(5) The prisoner shall obtain his own transportation to and from the place where he performs the function for which he is released.

Amended by Chapter 148, 2007 General Session

Amended by Chapter 306, 2007 General Session

77-19-5 Special release from city or county jail -- Revocation.

The judge may, for good cause, revoke any release time previously awarded, and shall notify the prisoner that, if the prisoner makes written request, a hearing shall be afforded to the prisoner to challenge the revocation.

Amended by Chapter 302, 2025 General Session

77-19-6 Judgment of death -- Warrant -- Delivery of warrant -- Determination of execution time.

(1)

(a) When judgment of death is rendered, a warrant, signed by the judge and attested by the clerk under the seal of the court, shall be drawn and delivered to the sheriff of the county where the conviction is had.

(b) The sheriff shall deliver the warrant and a certified copy of the judgment to the executive director of the Department of Corrections or the executive director's designee at the time of delivering the defendant to the custody of the Department of Corrections.

(2) The warrant shall state the conviction, the judgment, the method of execution, and the appointed day the judgment is to be executed, which may not be fewer than 30 days nor more than 60 days from the date of issuance of the warrant, and may not be a Sunday, Monday, or a legal holiday, as defined in Section 63G-1-301.

(3) The Department of Corrections shall determine the hour, within the appointed day, at which the judgment is to be executed.

Amended by Chapter 382, 2008 General Session

77-19-7 Judgment of death -- Statement to Board of Pardons and Parole.

The judge of a court where a judgment of death was had shall, immediately after the conviction, transmit to the chair of the Board of Pardons and Parole a statement of the conviction and judgment and a summary of the evidence given at trial.

Amended by Chapter 13, 1994 General Session

77-19-8 Judgment of death, when suspended, and by whom.

(1) Except as stated in Subsection (2), a judge, tribunal, or officer, other than the governor or the Board of Pardons and Parole, may not stay or suspend the execution of a judgment of death.

(2)

(a) A court of competent jurisdiction shall issue a temporary stay of judgment of death when:

(i) the judgment is appealed;

(ii) the judgment is automatically reviewed;

(iii) the person sentenced to death files a first petition for postconviction relief after the direct appeal under Title 78B, Chapter 9, Postconviction Remedies Act;

(iv) the person sentenced to death requests counsel under Subsection 78B-9-202(2)(a) to represent the person in a first action for postconviction relief under Title 78B, Chapter 9, Postconviction Remedies Act; or

(v) counsel enters an appearance to represent the person sentenced to death in a first action for postconviction relief under Title 78B, Chapter 9, Postconviction Remedies Act.

(b) A court may not issue a temporary stay of judgment of death when the person sentenced to death files a petition for postconviction relief under Title 78B, Chapter 9, Postconviction Remedies Act, after a first petition has been denied or dismissed, unless the court first finds all of the following:
(i) the claims would not be barred under Section 78B-9-106;
(ii) the claims are potentially meritorious; and
(iii) the petition may not be reasonably disposed of before the execution date.
(c)
(i) The executive director of the Department of Corrections or a designee under Section 77-19-202 may temporarily suspend the execution if the person sentenced to death appears to be incompetent or pregnant.
(ii) A temporary suspension under Subsection (2)(c)(i) shall end if the person is determined to be:
(A) competent;
(B) not pregnant; or
(C) no longer incompetent or pregnant.
(3)
(a) The court must vacate a stay issued pursuant to Subsection (2)(a) when the appeal, automatic review, or action under Title 78B, Chapter 9, Postconviction Remedies Act is concluded.
(b) A request for counsel under Section 78B-9-202 does not constitute an application for postconviction or other collateral review and does not toll the statute of limitations under Section 78B-9-107.

Amended by Chapter 165, 2011 General Session

77-19-9 Judgment of death not executed -- Order for execution.
(1) If for any reason a judgment of death has not been executed and remains in force, the court where the conviction was had, on application of the prosecuting attorney, shall order the defendant to be brought before it or, if the defendant is at large, issue a warrant for the defendant's apprehension.
(2) When the defendant is brought before the court, it shall inquire into the facts and, if no legal reason exists against the execution of judgment, the court shall make an order requiring the executive director of the Department of Corrections or the executive director's designee to ensure that the judgment is executed on a specified day, which may not be fewer than 30 nor more than 60 days after the court's order, and may not be a Sunday, Monday, or a legal holiday, as defined in Section 63G-1-301. The court shall also draw and have delivered another warrant under Section 77-19-6.
(3) The Department of Corrections shall determine the hour, within the appointed day, at which the judgment is to be executed.

Amended by Chapter 382, 2008 General Session

77-19-10 Judgment of death -- Location and procedures for execution.
(1) The executive director of the Department of Corrections or a designee shall ensure that the method of judgment of death specified in the warrant or as required under Section 77-18-113 is carried out at a secure correctional facility operated by the department and at an hour determined by the department on the date specified in the warrant.

(2) When the judgment of death is to be carried out by lethal intravenous injection, the executive director of the department or a designee shall select two or more persons trained in accordance with accepted medical practices to administer intravenous injections, who shall each administer a continuous intravenous injection, consisting of one or more substances of a type and amount that is sufficiently effective to cause death without a substantial risk of severe pain.
(3) If the judgment of death is to be carried out by firing squad under Subsection 77-18-113(2), (3), or (4) the executive director of the department or a designee shall select a five-person firing squad of peace officers.
(4) Compensation for persons administering intravenous injections and for members of a firing squad under Subsection 77-18-113(2), (3), or (4) shall be in an amount determined by the director of the Division of Finance.
(5) Death under this section shall be certified by a physician.
(6) The department shall adopt and enforce rules governing procedures for the execution of judgments of death.

Amended by Chapter 299, 2025 General Session

77-19-11 Who may be present -- Photographic and recording equipment.

(1) As used in this section:
(a) "Close relative of the deceased victim" means:
(i) the spouse of the victim;
(ii) a parent or stepparent of the victim;
(iii) a brother, sister, stepbrother, stepsister, child, or stepchild of the victim; and
(iv) any person who had a close relationship with the deceased victim, or with a close relative of the victim, upon the recommendation of the victim assistance coordinator for the Department of Corrections or for the Office of the Attorney General.
(b) "Director" means the executive director of the Department of Corrections, or the director's designee.
(2) At the discretion of the director, the following persons may attend the execution:
(a) the prosecuting attorney, or a designated deputy, of the county in which the defendant committed the offense for which the defendant is being executed;
(b) no more than two law enforcement officials from the county in which the defendant committed the offense for which the defendant is being executed;
(c) the attorney general or a designee;
(d) religious representatives, friends, or relatives designated by the defendant, not exceeding a total of five persons; and
(e) unless approved by the director, no more than five close relatives of the deceased victim, as selected by the director, but giving priority in the order listed in Subsection (1)(a).
(3) The persons listed in Subsection (2) may not be required to attend, nor may any of them attend as a matter of right.
(4) The director shall permit the attendance at the execution of members of the press and broadcast news media:
(a) as named by the director in accordance with rules of the department; and
(b) with the agreement of the selected news media members that they serve as a pool for other members of the news media.
(5)
(a) Except as provided in Subsection (5)(b), photographic or recording equipment is not permitted at the execution site until the execution is completed, the body is removed, and the site has

been restored to an orderly condition. However, the physical arrangements for the execution may not be disturbed.

(b) Audio recording equipment may be used by the department for the purpose of recording the defendant's last words.

(c) The department shall permanently destroy the recording made under Subsection (5)(b) not later than 24 hours after the completion of the execution.

(d) A violation of this subsection is a class B misdemeanor.

(6) All persons in attendance are subject to reasonable search as a condition of attendance.

(7)

(a) The following persons may also attend the execution:

(i) staff as determined by the director; and

(ii) no more than three correctional officials from other states that are preparing for executions, but no more than two correctional officials may be from any one state, as designated by the director.

(b) A person younger than 18 years old may not attend.

(8) The department shall adopt rules governing the attendance of persons, including the number of media representatives, at the execution. These rules shall be in accordance with this section.

Amended by Chapter 302, 2025 General Session

77-19-12 Return upon death warrant.

After the execution, the executive director of the Department of Corrections or the executive director's designee shall make a return upon the death warrant, showing the time, place, and manner in which it was executed.

Amended by Chapter 302, 2025 General Session

Part 2
Competency for Execution

77-19-201 Definition.

As used in this part, "incompetent to be executed" means that, due to mental condition, an inmate is unaware of either the punishment he is about to suffer or why he is to suffer it.

Amended by Chapter 71, 2005 General Session

77-19-202 Incompetency or pregnancy of person sentenced to death -- Procedures.

(1) If, after judgment of death, the executive director of the Department of Corrections has good reason to believe that an inmate sentenced to death is pregnant, or has good reason to believe that an inmate's competency to be executed under this chapter should be addressed by a court, the executive director of the Department of Corrections or the executive director's designee shall immediately give written notice to the court in which the judgment of death was rendered, to the prosecuting attorney, and counsel for the inmate. The judgment shall be stayed pending further order of the court.

(2)

(a) On receipt of the notice under Subsection (1) of good reason for the court to address an inmate's competency to be executed, the court shall order that the mental condition of the inmate shall be examined under the provisions of Section 77-19-204.
(b) If the inmate is found incompetent, the court shall immediately transmit a certificate of the findings to the Board of Pardons and Parole and continue the stay of execution pending further order of the court.
(c) If the inmate is subsequently found competent at any time, the judge shall immediately transmit a certificate of the findings to the Board of Pardons and Parole, and shall draw and have delivered another warrant under Section 77-19-6, together with a copy of the certificate of the findings. The warrant shall state an appointed day on which the judgment is to be executed, which may not be fewer than 30 nor more than 60 days from the date of the drawing of the warrant, and which may not be a Sunday, Monday, or a legal holiday, as defined in Section 63G-1-301.

(3)
(a) If the court finds the inmate is pregnant, it shall immediately transmit a certificate of the finding to the Board of Pardons and Parole and to the executive director of the Department of Corrections or the executive director's designee, and the court shall issue an order staying the execution of the judgment of death during the pregnancy.
(b) When the court determines the inmate is no longer pregnant, it shall immediately transmit a certificate of the finding to the Board of Pardons and Parole and draw and have delivered another warrant under Section 77-19-6, with a copy of the certificate of the finding. The warrant shall state an appointed day on which the judgment is to be executed, which may not be fewer than 30 nor more than 60 days from the date of the drawing of the warrant, and which may not be a Sunday, Monday, or a legal holiday, as defined in Section 63G-1-301.

(4) The Department of Corrections shall determine the hour, within the appointed day, at which the judgment is to be executed.

Amended by Chapter 382, 2008 General Session

77-19-203 Petition for inquiry as to competency to be executed -- Filing -- Contents -- Successive petitions.

(1) If an inmate who has been sentenced to death is or becomes incompetent to be executed, a petition under Subsection (2) may be filed in the district court of the county where the inmate is confined.
(2) The petition shall:
(a) contain a certificate stating that it is filed in good faith and on reasonable grounds to believe the inmate is incompetent to be executed; and
(b) contain a specific recital of the facts, observations, and conversations with the inmate that form the basis for the petition.
(3) The petition may be based upon knowledge or information and belief and may be filed by the inmate alleged to be incompetent, legal counsel for the inmate, or by an attorney representing the state.
(4) Before ruling on a petition filed by an inmate or his counsel alleging that the inmate is incompetent to be executed, the court shall give the state and the Department of Corrections an opportunity to respond to the allegations of incompetency.
(5) If a petition is filed after an inmate has previously been found competent under either this chapter or under Chapter 15, Defendant's Competency to Proceed, no further hearing on competency may be granted unless the successive petition:

(a) alleges with specificity a substantial change of circumstances subsequent to the previous determination of competency; and
(b) is sufficient to raise a significant question about the inmate's competency to be executed.

Amended by Chapter 46, 2025 General Session

77-19-204 Order for hearing -- Examinations of inmate -- Scope of examination and report.

(1) When a court has good reason to believe an inmate sentenced to death is incompetent to be executed, it shall stay the execution and shall order the Department of Health and Human Services to examine the inmate and report to the court concerning the inmate's mental condition.

(2)
(a) The inmate subject to examination under Subsection (1) shall be examined by at least two mental health experts who are not involved in the inmate's current treatment.
(b) The Department of Corrections shall provide information and materials to the examiners relevant to a determination of the inmate's competency to be executed.

(3) The inmate shall make himself available and fully cooperate in the examination by the Department of Health and Human Services and any other independent examiners for the defense or the state.

(4) The examiners shall in the conduct of their examinations and in their reports to the court consider and address, in addition to any other factors determined to be relevant by the examiners:
(a) the inmate's awareness of the fact of the inmate's impending execution;
(b) the inmate's understanding that the inmate is to be executed for the crime of murder;
(c) the nature of the inmate's mental disorder, if any, and its relationship to the factors relevant to the inmate's competency; and
(d) whether psychoactive medication is necessary to maintain or restore the inmate's competency.

(5) The examiners who are examining the inmate shall each provide an initial report to the court and the attorneys for the state and the inmate within 60 days of the receipt of the court's order. The report shall inform the court of the examiner's opinion concerning the competency of the inmate to be executed, or, in the alternative, the examiner may inform the court in writing that additional time is needed to complete the report. If the examiner informs the court that additional time is needed, the examiner shall have up to an additional 30 days to provide the report to the court and counsel. The examiner shall provide the report within 90 days from the receipt of the court's order unless, for good cause shown, the court authorizes an additional period of time to complete the examination and provide the report.

(6)
(a) All interviews with the inmate conducted by the examiners shall be videotaped, unless otherwise ordered by the court for good cause shown. The Department of Corrections shall provide the videotaping equipment and facilitate the videotaping of the interviews.
(b) Immediately following the videotaping, the videotape shall be provided to the attorney for the state, who shall deliver it as soon as practicable to the judge in whose court the competency determination is pending.
(c) The court shall grant counsel for the state and for the inmate, and examiners who are examining the inmate under this part access to view the videotape at the court building where the court is located that is conducting the competency determination under this part.

(7) Any written report submitted by an examiner shall:

(a) identify the specific matters referred for evaluation;
(b) describe the procedures, techniques, and tests used in the examination and the purpose or purposes for each;
(c) state the examiner's clinical observations, findings, and opinions on each issue referred for examination by the court, and indicate specifically those issues, if any, on which the examiner could not give an opinion; and
(d) identify the sources of information used by the examiner and present the basis for the examiner's clinical findings and opinions.

(8)
(a) When the reports are received, the court shall set a date for a competency hearing, which shall be held within not less than five and not more than 15 days, unless the court extends the time for good cause.
(b) Any examiner directed by the Department of Health and Human Services to conduct the examination may be subpoenaed to provide testimony at the hearing. If the examiners are in conflict as to the competency of the inmate, all of them should be called to testify at the hearing if they are reasonably available.
(c) The court may call any examiner to testify at the hearing who is not called by the parties. An examiner called by the court may be cross-examined by counsel for the parties.

(9)
(a) An inmate shall be presumed competent to be executed unless the court, by a preponderance of the evidence, finds the inmate incompetent to be executed. The burden of proof is upon the proponent of incompetency at the hearing.
(b) An adjudication of incompetency to be executed does not operate as an adjudication of the inmate's incompetency to give informed consent for medical treatment or for any other purpose, unless specifically set forth in the court order.

(10)
(a) If the court finds the inmate incompetent to be executed, its order shall contain findings addressing each of the factors in Subsections (4)(a) through (d).
(b) The order finding the inmate incompetent to be executed shall be delivered to the Department of Health and Human Services, and shall be accompanied by:
(i) copies of the reports of the examiners filed with the court pursuant to the order of examination, if not provided previously;
(ii) copies of any of the psychiatric, psychological, or social work reports submitted to the court relative to the mental condition of the inmate; and
(iii) any other documents made available to the court by either the defense or the state, pertaining to the inmate's current or past mental condition.
(c) A copy of the order finding the inmate incompetent to be executed shall be delivered to the Department of Corrections.

Amended by Chapter 330, 2023 General Session

77-19-205 Procedures on finding of incompetency to be executed -- Subsequent hearings -- Notice to attorneys.

(1)
(a)
(i) If after the hearing under Section 77-19-204 the inmate is found to be incompetent to be executed, the court shall continue the stay of execution and the inmate shall receive appropriate mental health treatment.

(ii) Appropriate mental health treatment under Subsection (1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

(b) The court shall order the executive director of the Department of Health and Human Services to provide periodic assessments to the court regarding the inmate's competency to be executed.

(c) The inmate shall be held in secure confinement, either at the prison or the State Hospital, as agreed upon by the executive director of the Department of Corrections and the executive director of the Department of Health and Human Services. If the inmate remains at the prison, the Department of Health and Human Services shall consult with the Department of Corrections regarding the inmate's mental health treatment.

(2)

(a) The examiner or examiners designated by the executive director of the Department of Health and Human Services to assess the inmate's progress toward competency may not be involved in the routine treatment of the inmate.

(b) The examiner or examiners shall each provide a full report to the court and counsel for the state and the inmate within 90 days of receipt of the court's order. If any examiner is unable to complete the assessment within 90 days, that examiner shall provide to the court and counsel for the state and the inmate a summary progress report which informs the court that additional time is necessary to complete the assessment, in which case the examiner has up to an additional 90 days to provide the full report, unless the court enlarges the time for good cause. The full report shall assess:

(i) the facility's or program's capacity to provide appropriate treatment for the inmate;

(ii) the nature of treatments provided to the inmate;

(iii) what progress toward restoration of competency has been made;

(iv) the inmate's current level of mental disorder and need for treatment, if any; and

(v) the likelihood of restoration of competency and the amount of time estimated to achieve it.

(3) The court on its own motion or upon motion by either party may order the Department of Health and Human Services to appoint additional mental health examiners to examine the inmate and advise the court on the inmate's current mental status and progress toward competency restoration.

(4)

(a) Upon receipt of the full report, the court shall hold a hearing to determine the inmate's current status. At the hearing, the burden of proving that the inmate is competent is on the proponent of competency.

(b) Following the hearing, the court shall determine by a preponderance of evidence whether the inmate is competent to be executed.

(5)

(a) If the court determines that the inmate is competent to be executed, it shall enter findings and shall proceed under Subsection 77-19-202(2)(c).

(b)

(i) If the court determines the inmate is still incompetent to be executed, the inmate shall continue to receive appropriate mental health treatment, and the court shall hold hearings no less frequently than at 18-month intervals for the purpose of determining the defendant's competency to be executed.

(ii) Continued appropriate mental health treatment under Subsection (1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

(6)
(a) If at any time the clinical director of the Utah State Hospital or the primary treating mental health professional determines that the inmate has been restored to competency, he shall notify the court.
(b) The court shall conduct a hearing regarding the inmate's competency to be executed within 30 working days of the receipt of the notification under Subsection (6)(a), unless the court extends the time for good cause. The court may order a hearing or rehearing at any time on its own motion.
(7) Notice of a hearing on competency to be executed shall be given to counsel for the state and for the inmate, as well as to the office of the prosecutor who prosecuted the inmate on the original capital charge.

Amended by Chapter 330, 2023 General Session

77-19-206 Expenses -- Allocation.

The Department of Health and Human Services and the Department of Corrections shall each pay 1/2 of the costs of any examination of the inmate conducted pursuant to Sections 77-19-204 and 77-19-205 to determine if an inmate is competent to be executed.

Amended by Chapter 330, 2023 General Session

Chapter 20
Bail

Part 1
General Provisions

77-20-101 Title.

This chapter is known as "Bail."

Enacted by Chapter 4, 2021 Special Session 2

77-20-102 Definitions.

As used in this chapter:
(1) "Bail" means pretrial release.
(2) "Bail bond" means the same as that term is defined in Section 31A-35-102.
(3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.
(4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.
(5) "County jail official" means a county sheriff or the county sheriff's designee.
(6) "Exonerate" means to release and discharge a surety, or a surety's bail bond producer, from liability for a bail bond.
(7) "Financial condition" means any monetary condition that is imposed to secure an individual's pretrial release.
(8) "Forfeiture" means:
(a) to divest an individual or surety from a right to the repayment of monetary bail; or

(b) to enforce a pledge of assets or real or personal property from an individual or surety used to secure an individual's pretrial release.

(9) "Magistrate" means the same as that term is defined in Section 77-1-3.

(10)

(a) "Material change in circumstances" includes:

(i) a preliminary examination in which relevant evidence is presented that:

(A) is material to the factors or considerations provided in Section 77-20-201; and

(B) was not known to the court at the time the pretrial status order was issued;

(ii) an unreasonable delay in prosecution that is not attributable to the defendant;

(iii) a material change in the risk that an individual poses to a victim, a witness, or the public if released due to the passage of time or any other relevant factor;

(iv) a material change in the conditions of release or the services that are reasonably available to the defendant if released;

(v) a willful or repeated failure by the defendant to appear at required court appearances; or

(vi) any other material change related to the defendant's risk of flight or danger to any other individual or to the community if released.

(b) "Material change in circumstances" does not include any fact or consideration that is known at the time that the pretrial status order is issued.

(11) "Monetary bail" means a financial condition.

(12) "No bail hold" means an order with the restrictions described in Subsection (18)(c).

(13) "Own recognizance" means the release of an individual without any condition of release other than the individual's promise to:

(a) appear for all required court proceedings; and

(b) not commit any criminal offense.

(14) "Pretrial detention hearing" means a hearing described in Section 77-20-206.

(15) "Pretrial release" means the release of an individual from law enforcement custody during the time the individual awaits trial or other resolution of criminal charges.

(16) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures an individual's risk of flight and risk of anticipated criminal conduct while on pretrial release.

(17) "Pretrial services program" means a program that is established to:

(a) gather information on individuals booked into a jail facility;

(b) conduct pretrial risk assessments; and

(c) supervise individuals granted pretrial release.

(18) "Pretrial status order" means an order issued by a magistrate or judge that:

(a) releases the individual on the individual's own recognizance while the individual awaits trial or other resolution of criminal charges;

(b) sets the terms and conditions of the individual's pretrial release while the individual awaits trial or other resolution of criminal charges; or

(c) denies pretrial release and orders that the individual be detained while the individual awaits trial or other resolution of criminal charges.

(19) "Principal" means the same as that term is defined in Section 31A-35-102.

(20) "Surety" means a surety insurer or a bail bond agency.

(21) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

(22) "Temporary pretrial status order" means an order issued by a magistrate that:

(a) releases the individual on the individual's own recognizance until a pretrial status order is issued;

(b) sets the terms and conditions of the individual's pretrial release until a pretrial status order is issued; or
(c) denies pretrial release and orders that the individual be detained until a pretrial status order is issued.
(23) "Unsecured bond" means an individual's promise to pay a financial condition if the individual fails to appear for any required court appearance.

Amended by Chapter 526, 2025 General Session

77-20-103 Release data requirements.
(1) The Administrative Office of the Courts shall submit the following data on cases involving individuals for whom the Administrative Office of the Courts has a state identification number broken down by judicial district to the Commission on Criminal and Juvenile Justice before July 1 of each year:
(a) for the preceding calendar year:
(i) the number of individuals charged with a criminal offense who failed to appear at a required court preceding while on pretrial release under each of the following categories of release, separated by each type of release:
(A) the individual's own recognizance;
(B) a financial condition; and
(C) a release condition other than a financial condition;
(ii) the number of offenses that carry a potential penalty of incarceration an individual committed while on pretrial release under each of the following categories of release, separated by each type of release:
(A) the individual's own recognizance;
(B) a financial condition; and
(C) a release condition other than a financial condition; and
(iii) the total amount of fees and fines, including bond forfeiture, collected by the court from an individual for the individual's failure to comply with a condition of release under each of the following categories of release, separated by each type of release:
(A) an individual's own recognizance;
(B) a financial condition; and
(C) a release condition other than a financial condition; and
(b) at the end of the preceding calendar year:
(i) the total number of outstanding warrants of arrest for individuals who were released from law enforcement custody on pretrial release under each of the following categories of release, separated by each type of release:
(A) the individual's own recognizance;
(B) a financial condition; and
(C) a release condition other than a financial condition;
(ii) for each of the categories described in Subsection (1)(b)(i), the average length of time that the outstanding warrants had been outstanding; and
(iii) for each of the categories described in Subsection (1)(b)(i), the number of outstanding warrants for arrest for crimes of each of the following categories:
(A) a first degree felony;
(B) a second degree felony;
(C) a third degree felony;
(D) a class A misdemeanor;

(E) a class B misdemeanor; and
(F) a class C misdemeanor.
(2) The data described in Subsection (1) shall include cases involving pretrial release by a temporary pretrial status order and a pretrial release order.
(3) Each county jail shall submit the following data, based on the preceding calendar year, to the Commission of Criminal and Juvenile Justice before July 1 of each year:
(a) the number of individuals released upon payment of monetary bail before appearing before a court;
(b) the number of individuals released on the individual's own recognizance before appearing before a court;
(c) the amount of monetary bail, any fees, and any other money paid by or on behalf of individuals collected by the county jail;
(d) the number of individuals released as a result of overcrowding; and
(e) the number of individuals released on pretrial release.
(4) The Commission on Criminal and Juvenile Justice shall compile the data collected under this section and shall submit the compiled data in an electronic report to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

Amended by Chapter 243, 2025 General Session

Part 2
Preconviction Bail

77-20-201 Right to bail -- Capital felony.
(1) An individual charged with, or arrested for, a criminal offense shall be admitted to bail as a matter of right, except if the individual is charged with:
(a) a capital felony when there is substantial evidence to support the charge;
(b) a felony committed while on parole or on probation for a felony conviction, or while free on bail awaiting trial on a previous felony charge, when there is substantial evidence to support the current felony charge;
(c) a felony when there is substantial evidence to support the charge and the court finds, by clear and convincing evidence, that:
(i) the individual would constitute a substantial danger to any other individual or to the community after considering available conditions of release that the court may impose if the individual is released on bail; or
(ii) the individual is likely to flee the jurisdiction of the court if the individual is released on bail;
(d) a felony when there is substantial evidence to support the charge and the court finds, by clear and convincing evidence, that the individual violated a material condition of release while previously on bail;
(e) a domestic violence offense if:
(i) there is substantial evidence to support the charge; and
(ii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to an alleged victim of domestic violence after considering available conditions of release that the court may impose if the individual is released on bail;
(f) the offense of driving under the influence or driving with a measurable controlled substance in the body if:

(i) the offense results in death or serious bodily injury to an individual;
(ii) there is substantial evidence to support the charge; and
(iii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to the community after considering available conditions of release that the court may impose if the individual is released on bail;
(g) a felony violation of Section 76-9-101 if:
(i) there is substantial evidence to support the charge; and
(ii) the court finds, by clear and convincing evidence, that the individual is not likely to appear for a subsequent court appearance; or
(h) except as provided in Subsection (4), the offense of driving under the influence or driving with a measurable controlled substance in the body:
(i) if committed while on parole or on probation for a driving under the influence or driving with a measurable controlled substance in the body conviction; or
(ii) while the individual is out of custody awaiting trial on a previous driving under the influence or driving with a measurable controlled substance in the body charge, when the court finds there is substantial evidence to support the current charge.
(2) Notwithstanding any other provision of this section, there is a rebuttable presumption that an individual is a substantial danger to the community under Subsection (1)(f)(iii):
(a) as long as the individual has a blood or breath alcohol concentration of .05 grams or greater if the individual is arrested for, or charged with, the offense of driving under the influence and the offense resulted in death or serious bodily injury to an individual; or
(b) if the individual has a measurable amount of controlled substance in the individual's body, the individual is arrested for, or charged with, the offense of driving with a measurable controlled substance in the body and the offense resulted in death or serious bodily injury to an individual.
(3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section 76-5-202, aggravated murder, is a capital felony unless:
(a) the prosecuting attorney files a notice of intent to not seek the death penalty; or
(b) the time for filing a notice to seek the death penalty has expired and the prosecuting attorney has not filed a notice to seek the death penalty.
(4) For purposes of Subsection (1)(h), there is a rebuttable presumption that an individual would not constitute a substantial danger to any other person or the community if:
(a) the court orders the person to participate in an inpatient drug and alcohol treatment program; or
(b) the court orders the person to participate in home confinement through the use of electronic monitoring as described in Section 41-6a-506.
(5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable presumption that an individual is at risk of fleeing the jurisdiction if the individual is not lawfully present in the United States.

Amended by Chapter 227, 2025 General Session

77-20-202 Collection of pretrial information.

(1) When an individual is arrested without a warrant for an offense and booked at a jail facility, an employee at the jail facility, or an employee of a pretrial services program, shall submit the following information to the court with the probable cause statement:
(a) identification information for the individual, including:
(i) the individual's legal name and any known aliases;

(ii) the individual's date of birth;
(iii) the individual's state identification number;
(iv) the individual's mobile phone number;
(v) the individual's email address; and
(vi) the individual's immigration status, if the individual is not a United States citizen or national;
(b) the individual's residential address;
(c) any pending criminal charge or warrant for the individual, including the offense tracking number of the current offense for which the individual is booked;
(d) the individual's probation or parole supervision status;
(e) whether the individual was on pretrial release for another criminal offense prior to the booking of the individual for the current criminal offense if the employee knows that the individual was on pretrial release for a prior criminal offense;
(f) the individual's financial circumstances to the best of the individual's knowledge at the time of booking, including:
(i) the individual's current employer;
(ii) the individual's monthly income, including any alimony or child support that contributes to the individual's monthly income;
(iii) the individual's monthly expenses, including any alimony or child support obligation that the individual is responsible for paying;
(iv) the individual's ownership of, or any interest in, personal or real property, including any savings or checking accounts or cash;
(v) the number, ages, and relationships of any dependents;
(vi) any financial support or benefit that the individual receives from a state or federal government; and
(vii) any other information about the individual's financial circumstances that may be relevant;
(g) any ties the individual has to the community, including:
(i) the length of time that the individual has been at the individual's residential address;
(ii) any enrollment in a local college, university, or trade school; and
(iii) the name and contact information for any family member or friend that the individual believes would be willing to provide supervision of the individual;
(h) the results of a lethality assessment completed in accordance with Section 77-36-2.1, if any; and
(i) whether the individual is under the influence of alcohol or a controlled substance to a degree that would endanger the individual or another individual if the individual is released.
(2) Upon request, the jail facility, or the pretrial services program, shall provide the information described in Subsection (1) to the individual, the individual's attorney, or the prosecuting attorney.
(3) Any information collected from an individual under Subsection (1) is inadmissible in any court proceeding other than:
(a) a criminal proceeding addressing the individual's pretrial release or indigency for the offense, or offenses, for which the individual was arrested or charged with; or
(b) another criminal proceeding regarding prosecution for providing a false statement under Subsection (1).
(4) Nothing in this section prohibits a court and a county from entering into an agreement regarding information to be submitted to the court with a probable cause statement.

Amended by Chapter 227, 2025 General Session

77-20-203 County sheriff authority to release an individual from jail on own recognizance.

(1) As used in this section:

(a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.

(b)

(i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).

(ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.

(c) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.

(d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

(2) Except as provided in Subsection (3), a county jail official may release an individual from a jail facility on the individual's own recognizance if:

(a) the individual was arrested without a warrant;

(b) the individual was not:

(i) arrested for a violent offense as defined in Section 76-3-201.10;

(ii) arrested for a qualifying offense;

(iii) arrested for the offense of driving under the influence or driving with a measurable controlled substance in the body if the offense results in death or serious bodily injury to an individual;

(iv) arrested for an offense described in Subsection 76-9-101(3)(b);

(v) arrested for possession of any composition or mixture, including pills, that contains 100 grams or more of fentanyl or a fentanyl-related substance; or

(vi) previously booked into the same jail within the immediately preceding 12-month period;

(c) law enforcement has not submitted a probable cause statement to a court or magistrate;

(d) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and

(e) the individual qualifies for release under the written policy described in Subsection (4) for the county.

(3) A county jail official may not release an individual from a jail facility if the individual is subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.

(4)

(a) A county sheriff shall create and approve a written policy for the county that governs the release of an individual on the individual's own recognizance.

(b) The written policy shall describe the criteria an individual shall meet to be released on the individual's own recognizance.

(c) A county sheriff may include in the written policy the criteria for release relating to:

(i) criminal history;

(ii) prior instances of failing to appear for a mandatory court appearance;

(iii) current employment;

(iv) residency, including immigration status;

(v) ties to the community;

(vi) an offense for which the individual was arrested;

(vii) any potential criminal charges that have not yet been filed;

(viii) the individual's health condition;

(ix) any potential risks to a victim, a witness, or the public; and

(x) any other similar factor a sheriff determines is relevant.

(5)

(a)
(i) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual for no fewer than eight hours and up to 24 hours from booking if the individual is on supervised probation or parole and that information is reasonably available.
(ii) Notwithstanding Subsection (5)(a)(i), an individual may be released earlier than eight hours if:
(A) the entity supervising the individual on probation or parole informs the jail that the supervising entity does not intend to place a hold on the individual; and
(B) a court or magistrate has ordered a release.
(b) Before any release, a jail facility shall:
(i) notify the entity supervising the individual's probation or parole that the individual is being detained and provide that entity an opportunity to place a hold on the individual; and
(ii) only release the individual:
(A) to the division if the division supervises the individual and requests the individual's release; or
(B) if a court or magistrate orders release.
(c) This Subsection (5) does not prohibit a jail facility from holding the individual in accordance with this chapter for a new criminal offense.
(6) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

Amended by Chapter 243, 2025 General Session

77-20-204 County jail authority to release an individual from jail on monetary bail.
(1) As used in this section, "eligible felony offense" means a third degree felony violation under:
(a) Section 23A-4-501 or 23A-4-502;
(b) Section 23A-5-311;
(c) Section 23A-5-313;
(d) Title 76, Chapter 6, Part 4, Theft;
(e) Title 76, Chapter 6, Part 5, Fraud;
(f) Title 76, Chapter 6, Part 6, Retail Theft;
(g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
(h) Title 76, Chapter 6, Part 8, Library Theft;
(i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
(j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
(k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
(l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
(m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
(n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
(o) Title 76, Chapter 7, Offenses Against the Family;
(p) Title 76, Chapter 7a, Abortion Prohibition;
(q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
(r) Title 76, Chapter 12, Part 3, Privacy Offenses;
(s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
(t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
(2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:

(a)
(i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
(ii) the individual is arrested for, or charged with:
(A) a misdemeanor offense under state law, excluding a misdemeanor offense:
(I) for domestic violence as defined in Section 77-36-1; or
(II) for driving under the influence under Title 41, Chapter 6, Part 5, Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
(B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
(iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
(iv) law enforcement has not submitted a probable cause statement to a magistrate; or
(b)
(i) the individual is arrested for, or charged with, an eligible felony offense;
(ii) the individual is not on pretrial release for a separate criminal offense;
(iii) the individual is not on probation or parole;
(iv) the primary risk posed by the individual is the risk of failure to appear;
(v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
(vi) law enforcement has not submitted a probable cause statement to a magistrate.

(3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
(a) $5,000 for an eligible felony offense;
(b) $1,950 for a class A misdemeanor offense;
(c) $680 for a class B misdemeanor offense;
(d) $340 for a class C misdemeanor offense;
(e) $150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or
(f) $80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.

(4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
(a) the county jail official shall fix the financial condition at a single monetary amount; and
(b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.

(5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.

(6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.

(7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
(a) a county jail official may not fix or modify a financial condition for an individual; and
(b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.

(8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.

(9) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

Amended by Chapter 243, 2025 General Session

77-20-205 Pretrial release by a magistrate or judge.

(1)

(a) At the time that a magistrate issues a warrant of arrest, or finds there is probable cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal Procedure, the magistrate shall issue a temporary pretrial status order that:

(i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;

(ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or

(iii) orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).

(b) At the time that a magistrate issues a summons, the magistrate may issue a temporary pretrial status order that:

(i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges; or

(ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).

(c)

(i) Notwithstanding Subsection (1)(a) or (b), a magistrate shall issue a temporary pretrial status order of detention under Subsection (1)(a)(iii) if the individual is arrested for a felony offense and the magistrate finds:

(A) there is substantial evidence to support the individual's arrest for the felony offense;

(B) the individual committed the felony offense while:

(I) the individual was on parole or probation for a conviction of a felony offense; or

(II) the individual was released and awaiting trial on a previous charge for a felony offense; and

(C) based on information reasonably available to the magistrate, the individual:

(I) is a habitual offender as defined in Section 77-18-102; or

(II) will be a habitual offender as defined in Section 77-18-102 if the individual is convicted of the felony offense.

(ii) This Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain an individual who does not meet the requirements described in this Subsection (1)(c).

(2)

(a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a pretrial status order at an individual's first appearance before the court.

(b) The magistrate or judge may delay the issuance of a pretrial status order at an individual's first appearance before the court:

(i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for pretrial detention as described in Section 77-20-206;

(ii) if a party requests a delay; or

(iii) if there is good cause to delay the issuance.

(c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection (2)(b), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.

(d) A request for a pretrial release that has not been fully presented to and ruled upon by the magistrate or judge at an initial appearance does not constitute a pretrial detention hearing under Section 77-20-206.

(3)

(a) When a magistrate or judge issues a pretrial status order, the pretrial status order shall:

(i) release the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;

(ii) designate a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or

(iii) subject to the requirements of Subsection (10), order the individual to be detained during the time that individual awaits trial or other resolution of criminal charges.

(b) In making a determination about pretrial release in a pretrial status order, the magistrate or judge may not give any deference to a magistrate's decision in a temporary pretrial status order.

(4) In making a determination about pretrial release, a magistrate or judge shall impose:

(a) only conditions of release that are reasonably available; and

(b) conditions of release that reasonably ensure:

(i) the individual's appearance in court when required;

(ii) the safety of any witnesses or victims of the offense allegedly committed by the individual;

(iii) the safety and welfare of the public; and

(iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.

(5) Except as provided in Subsection (1)(c) or (6), a magistrate or judge may impose a condition, or combination of conditions, for pretrial release that requires an individual to:

(a) not commit a federal, state, or local offense during the period of pretrial release;

(b) avoid contact with a victim of the alleged offense;

(c) avoid contact with a witness who:

(i) may testify concerning the alleged offense; and

(ii) is named in the pretrial status order;

(d) not consume alcohol or any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;

(e) submit to drug or alcohol testing;

(f) complete a substance abuse evaluation and comply with any recommended treatment or release program;

(g) submit to electronic monitoring or location device tracking;

(h) participate in inpatient or outpatient medical, behavioral, psychological, or psychiatric treatment;

(i) maintain employment or actively seek employment if unemployed;

(j) maintain or commence an education program;

(k) comply with limitations on where the individual is allowed to be located or the times that the individual shall be, or may not be, at a specified location;

(l) comply with specified restrictions on personal associations, place of residence, or travel;

(m) report to a law enforcement agency, pretrial services program, or other designated agency at a specified frequency or on specified dates;

(n) comply with a specified curfew;

(o) forfeit or refrain from possession of a firearm or other dangerous weapon;

(p) if the individual is charged with an offense against a child, limit or prohibit access to any location or occupation where children are located, including any residence where children are on the premises, activities where children are involved, locations where children congregate, or where a reasonable person would know that children congregate;
(q) comply with requirements for house arrest;
(r) return to custody for a specified period of time following release for employment, schooling, or other limited purposes;
(s) remain in custody of one or more designated individuals who agree to:
(i) supervise and report on the behavior and activities of the individual; and
(ii) encourage compliance with all court orders and attendance at all required court proceedings;
(t) comply with a financial condition; or
(u) comply with any other condition that is reasonably available and necessary to ensure compliance with Subsection (4).

(6)
(a) If a county or municipality has established a pretrial services program, the magistrate or judge shall consider the services that the county or municipality has identified as available in determining what conditions of release to impose.
(b) The magistrate or judge may not order conditions of release that would require the county or municipality to provide services that are not currently available from the county or municipality.
(c) Notwithstanding Subsection (6)(a), the magistrate or judge may impose conditions of release not identified by the county or municipality so long as the condition does not require assistance or resources from the county or municipality.

(7)
(a) If the magistrate or judge determines that a financial condition, other than an unsecured bond, is necessary to impose as a condition of release, the magistrate or judge shall, when determining the amount of the financial condition, refer to the financial condition schedule in Section 77-20-205.5 and consider the individual's risk of failing to appear and ability to pay.
(b) If the magistrate or judge determines that a financial condition is necessary to impose as a condition of release, and a county jail official fixed a financial condition for the individual under Section 77-20-204, the magistrate or judge may not give any deference to:
(i) the county jail official's action to fix a financial condition; or
(ii) the amount of the financial condition that the individual was required to pay for pretrial release.
(c) If a magistrate or judge orders a financial condition as a condition of release, the judge or magistrate shall set the financial condition at a single amount per case.

(8) In making a determination about pretrial release, the magistrate or judge may:
(a) rely upon information contained in:
(i) the indictment or information;
(ii) any sworn or probable cause statement or other information provided by law enforcement;
(iii) a pretrial risk assessment;
(iv) an affidavit of indigency described in Section 78B-22-201.5;
(v) witness statements or testimony;
(vi) the results of a lethality assessment completed in accordance with Section 77-36-2.1; or
(vii) any other reliable record or source, including proffered evidence; and
(b) consider:

(i) the nature and circumstances of the offense, or offenses, that the individual was arrested for, or charged with, including:
(A) whether the offense is a violent offense; and
(B) the vulnerability of a witness or alleged victim;
(ii) the nature and circumstances of the individual, including the individual's:
(A) character;
(B) physical and mental health;
(C) family and community ties;
(D) employment status or history;
(E) financial resources;
(F) past criminal conduct;
(G) history of drug or alcohol abuse; and
(H) history of timely appearances at required court proceedings;
(iii) the potential danger to another individual, or individuals, posed by the release of the individual;
(iv) whether the individual was on probation, parole, or release pending an upcoming court proceeding at the time the individual allegedly committed the offense or offenses;
(v) the availability of:
(A) other individuals who agree to assist the individual in attending court when required; or
(B) supervision of the individual in the individual's community;
(vi) the eligibility and willingness of the individual to participate in various treatment programs, including drug treatment; or
(vii) other evidence relevant to the individual's likelihood of fleeing or violating the law if released.
(9) The magistrate or judge may not base a determination about pretrial release solely:
(a) on the seriousness or type of offense that the individual is arrested for or charged with, unless the individual is arrested for or charged with a capital felony; or
(b) on an algorithm or a risk assessment tool score.
(10) If the magistrate or judge issues an order pursuant to Subsection 77-20-205(3)(a)(iii), the magistrate or judge shall make sufficiently detailed findings of fact on the risk of substantial danger or flight from the court's jurisdiction to enable a reviewing court to ensure that the magistrate's or judge's determination reasonably considered all of the evidence presented to the court.
(11) An individual arrested for violation of a jail release agreement, or a jail release court order, issued in accordance with Section 78B-7-802:
(a) may not be released before the individual's first appearance before a magistrate or judge; and
(b) may be denied pretrial release by the magistrate or judge.

Amended by Chapter 243, 2025 General Session

77-20-205.5 Financial condition schedule.
(1) For a felony, the default amount for a financial condition is:
(a) $25,000 for a first degree felony with a minimum mandatory sentence;
(b) $20,000 for a first degree felony without a minimum mandatory sentence;
(c) $10,000 for a second degree felony; and
(d) $5,000 for a third degree felony.
(2) For a misdemeanor or infraction other than a local ordinance, the default amount for a financial condition is:

(a) $2,000 for a class A misdemeanor;
(b) $700 for a class B misdemeanor;
(c) $350 for a class C misdemeanor; and
(d) $130 for an infraction.
(3) For a violation of a local ordinance, the default amount for a financial condition is:
(a) $150 for a class B violation;
(b) $80 for a class C violation; and
(c) $25 for an infraction.

Enacted by Chapter 526, 2025 General Session

77-20-206 Motion for pretrial detention -- Pretrial detention hearing -- Requirements for no bail holds.

(1)
(a) If the criminal charges filed against an individual include one or more offenses eligible for detention under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8, the prosecuting attorney may make a motion for pretrial detention.
(b) A prosecuting attorney shall not omit from the prosecuting attorney's motion for pretrial detention any material information that is known to the prosecuting attorney to be favorable to the individual.
(c) The motion for pretrial detention may include proposed factual findings for the court to adopt.
(d) Upon receiving a motion for pretrial detention under Subsection (1)(a), the judge shall set a pretrial detention hearing in accordance with Subsection (2).
(2)
(a) If a pretrial status order is not issued at an individual's first appearance and the individual remains detained, a pretrial detention hearing shall be held at the next available court hearing that is:
(i) no sooner than seven days from the day on which the defendant was arrested; and
(ii) no later than fourteen days from the day on which the defendant was arrested.
(b) A judge who is unable to hold a detention hearing within 14 days of the date of an individual's first appearance shall make a good faith effort to identify another judge who has the ability to conduct the detention hearing within 14 days of the date of the individual's first appearance.
(3)
(a) An individual, who is the subject of a pretrial detention hearing, has the right to be represented by counsel at the pretrial detention hearing.
(b) If a judge finds the individual is indigent under Section 78B-22-202, the judge shall appoint counsel to represent the individual in accordance with Section 78B-22-203.
(4) At the pretrial detention hearing:
(a) the judge shall give both parties the opportunity to make arguments and to present relevant evidence or information;
(b) the prosecuting attorney and the defendant have a right to subpoena witnesses to testify; and
(c) the judge shall issue a pretrial status order in accordance with Subsection (5) and Section 77-20-205.
(5) After hearing evidence on a motion for pretrial detention, and based on the totality of the circumstances, a judge may order detention if:
(a) the individual is accused of committing an offense that qualifies for detention of the individual under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8; and

(b) the prosecuting attorney demonstrates substantial evidence to support the charge, and meets all additional evidentiary burdens required under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8.

(6) An alleged victim has the right to be heard at a pretrial detention hearing on a motion for pretrial detention.

(7) If a defendant seeks to subpoena an alleged victim who did not willingly testify at the pretrial detention hearing, a defendant may issue a subpoena, at the conclusion of the pretrial detention hearing, compelling the alleged victim to testify at a subsequent hearing only if the judge finds that the testimony sought by the subpoena:

(a) is material to the substantial evidence or clear and convincing evidence determinations described in Section 77-20-201 in light of all information presented to the court; and

(b) would not unnecessarily intrude on the rights of the victim or place an undue burden on the victim.

Amended by Chapter 526, 2025 General Session

77-20-207 Modification of pretrial status order -- Failure to appear.

(1) A party may move to modify a pretrial status order:

(a) at any time after a pretrial status order is issued; and

(b) only upon a showing that there has been a material change in circumstances.

(2)

(a) Notwithstanding Subsection (1), a defendant may move to modify a pretrial status order if:

(i) the magistrate or judge imposed a financial condition as a condition of release in the pretrial status order; and

(ii) the defendant is unable to pay the financial condition within seven days after the day on which the pretrial status order is issued.

(b) For a motion under Subsection (2)(a), there is a rebuttable presumption that the defendant does not have the ability to pay the financial condition.

(3)

(a) If a party makes a motion to modify the pretrial status order, the party shall provide notice to the opposing party sufficient to permit the opposing party to prepare for a hearing and to permit each alleged victim to be notified and be present.

(b) A hearing on a motion to modify a pretrial status order may be held in conjunction with a preliminary hearing or any other pretrial hearing.

(4) In ruling upon a motion to modify a pretrial status order, the judge may:

(a) rely on information as provided in Subsection 77-20-205(8);

(b) base the judge's ruling on evidence provided at the hearing so long as each party is provided an opportunity to present additional evidence or information relevant to pretrial release; and

(c)

(i) for a motion to modify a pretrial status order under Subsection (1), modify the pretrial status order, including the conditions of release, upon a finding that there has been a material change in circumstances; or

(ii) for a motion to modify a pretrial status order under Subsection (2), modify the pretrial status order by reducing the amount of the financial condition or imposing nonfinancial conditions of release upon a finding that the defendant is unable to pay the amount of the financial condition in the pretrial status order.

(5) In modifying a pretrial status order upon a motion by a party or on the court's own motion, the court shall consider whether imposing a bail bond as a condition of release in a modified pretrial status order will increase the likelihood of the defendant's appearance when:
  (a) the defendant was previously released on the defendant's own recognizance or on nonfinancial conditions;
  (b) the defendant willfully failed to appear at a required court appearance or has failed to appear at a required court appearance more than once; and
  (c) a bench warrant was issued.
(6) A court may not modify a pretrial status order to a no bail hold solely on the basis of a failure to appear.
(7) Subsections 77-20-205(3) through (11) apply to a determination about pretrial release in a modified pretrial status order.

Amended by Chapter 526, 2025 General Session

77-20-208 Release from conditions when charges not filed in specified time period.
(1) If a prosecuting attorney does not file an information, indictment, or a request to extend time under Subsection (2), within 120 days after the day on which a county jail official released the individual on a financial condition under Section 77-20-203 or within 120 days after the day on which a temporary pretrial status order was issued for the individual:
  (a) the individual shall be relieved from any condition of pretrial release;
  (b) the court shall refund any monetary bail in accordance with Subsection 77-20-402(5); and
  (c) if a bail bond was used to post monetary bail, the bail bond shall be exonerated without further order of the court.
(2) A request to extend time shall:
  (a) be served on:
    (i) the individual and the individual's attorney; and
    (ii) if a bail bond was used to post monetary bail, the surety; and
  (b) except as provided in Subsection (3), be granted for a period of up to 60 days.
(3) The magistrate may grant a request to extend time for a period of up to 120 days upon a showing of good cause.
(4) Nothing in this section prohibits the filing of charges against an individual at any time.

Amended by Chapter 408, 2023 General Session

77-20-209 Right to expedited appeal of pretrial detention.
If a magistrate or judge issues a pretrial status order that orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges, the individual has the right to an expedited appeal of the pretrial status order.

Enacted by Chapter 408, 2023 General Session

Part 3
Postconviction Bail

77-20-301 Grounds for detaining or releasing defendant on conviction and prior to sentence.

(1) Upon conviction, by plea or trial, the court shall order that the convicted defendant who is waiting imposition or execution of sentence be detained, unless the court finds, by clear and convincing evidence, presented by the defendant that the defendant:
  (a) is not likely to flee the jurisdiction of the court if released; and
  (b) will not pose a danger to the physical, psychological, or financial and economic safety or well-being of any other person or the community if released.
(2) If the court finds the defendant does not need to be detained, the court shall order the release of the defendant on suitable conditions, including conditions of release described in Subsection 77-20-205(5).

Amended by Chapter 408, 2023 General Session

77-20-302 Grounds for detaining defendant while appealing the defendant's conviction -- Conditions for release while on appeal.

(1) The court shall order that a defendant who has been found guilty of an offense in a court of record and sentenced to a term of imprisonment in jail or prison, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the court finds:
  (a) the appeal raises a substantial question of law or fact likely to result in:
    (i) reversal;
    (ii) an order for a new trial; or
    (iii) a sentence that does not include a term of imprisonment in jail or prison;
  (b) the appeal is not for the purpose of delay; and
  (c) by clear and convincing evidence presented by the defendant, that the defendant:
    (i) is not likely to flee the jurisdiction of the court if released; and
    (ii) will not pose a danger to the physical, psychological, or financial and economic safety or well-being of any other person or the community if released.
(2)
  (a) If the court makes a finding under Subsection (1) that justifies not detaining the defendant, the court shall order the release of the defendant, subject to only conditions of release that are reasonably available and necessary to reasonably ensure the appearance of the defendant as required and the safety of any other individual, property, and the community.
  (b) The conditions under Subsection (2)(a) may include conditions described in Subsection 77-20-205(5).
  (c) The court may, in the court's discretion, amend an order granting release to impose additional or different conditions of release.
(3) If the defendant is found guilty of an offense in a court not of record and files a timely notice of appeal in accordance with Subsection 78A-7-118(2) for a trial de novo, the court shall stay all terms of a sentence, unless at the time of sentencing the judge finds by a preponderance of the evidence that the defendant poses a danger to another person or the community.
(4) If a stay is ordered, the court may order postconviction restrictions on the defendant's conduct as appropriate, including:
  (a) continuation of any pretrial restrictions or orders;
  (b) sentencing protective orders under Section 78B-7-804;
  (c) drug and alcohol use;
  (d) use of an ignition interlock; and
  (e) posting appropriate monetary bail.

(5) The provisions of Subsections (3) and (4) do not apply to convictions for an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
(6) Any stay authorized by Subsection (3) is lifted upon the dismissal of the appeal by the district court.

Amended by Chapter 113, 2023 General Session
Amended by Chapter 408, 2023 General Session

Part 4
Monetary Bail

77-20-401 Payment of monetary bail to sheriff -- Specific payment methods.
(1) Subject to Subsection 77-20-402(2), if an individual has been required by a county jail official, or ordered by a magistrate or judge, to post monetary bail as a condition of pretrial release, the individual may post the amount of monetary bail with the county jail official:
  (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the county jail official has chosen to establish any of those options; or
  (b) by a bail bond issued by a surety.
(2) A county jail official shall deliver any monetary bail received under Subsection (1) to the appropriate court within three days after the day on which the monetary bail is received by the county jail official.

Amended by Chapter 408, 2023 General Session

77-20-402 Payment of monetary bail to court -- Specific payment methods -- Refund of monetary bail.
(1) Subject to Subsection (2), a defendant may choose to post the amount of monetary bail imposed by a judge or magistrate by any of the following methods:
  (a) in cash;
  (b) by a bail bond with a surety;
  (c) by an unsecured bond, at the discretion of the judge or magistrate; or
  (d) by credit or debit card, at the discretion of the judge or magistrate.
(2) A judge or magistrate may limit a defendant to a specific method of posting monetary bail described in Subsection (1):
  (a) if, after charges are filed, the defendant fails to appear in the case on a bail bond and the case involves a violent offense;
  (b) in order to allow the defendant to voluntarily remit the fine in accordance with Section 77-7-21 and the offense with which the defendant is charged is listed in the shared master offense table as one for which an appearance is not mandatory;
  (c) if the defendant has failed to respond to a citation or summons and the offense with which the defendant is charged is listed in the shared master offense table as one for which an appearance is not mandatory;
  (d) if a warrant is issued for the defendant solely for failure to pay a criminal accounts receivable, as defined in Section 77-32b-102, and the defendant's monetary bail is limited to the amount owed; or

(e) if a court has entered a judgment of bail bond forfeiture under Section 77-20-505 in any case involving the defendant.
(3) Monetary bail may not be accepted without receiving in writing at the time the bail is posted the current mailing address, telephone number, and email address of the surety.
(4) Monetary bail posted by debit or credit card, less the fee charged by the financial institution, shall be tendered to the courts.
(5)
(a) Monetary bail refunded by the court may be refunded by credit to the debit or credit card or in cash.
(b) The amount refunded shall be the full amount received by the court under Subsection (4), which may be less than the full amount of the monetary bail set by the judge or magistrate.
(c) Before refunding monetary bail that is posted by the defendant in cash, by credit card, or by debit card, the court may apply the amount posted toward a criminal accounts receivable, as defined in Section 77-32b-102, that is owed by the defendant in the priority set forth in Section 77-38b-304.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-403 Disposition of forfeited monetary bail.

If money deposited as a financial condition or money paid by a surety on a bail bond is forfeited and the forfeiture is not discharged or remitted, the clerk with whom the money is deposited or paid shall, immediately after final adjournment of the court, pay over the money forfeited as follows:
(1) the forfeited amount in cases in precinct justice courts or in municipal justice courts shall be distributed as provided in Sections 78A-7-120 and 78A-7-121; and
(2) in all other cases:
(a) where the financial condition was paid by a surety:
(i) 60% of the forfeited amount shall be paid to the Pretrial Release Programs Special Revenue Fund established in Section 63M-7-215;
(ii) 20% of the forfeited amount shall be paid to the General Fund; and
(iii) 20% of the forfeited amount shall be paid to the prosecuting agency that brings an action to collect under Section 77-20-505; and
(b) where the financial condition was paid without the assistance of a surety:
(i) 75% of the forfeited amount shall be paid to the Pretrial Release Programs Special Revenue Fund established in Section 63M-7-215; and
(ii) 25% of the forfeited amount shall be paid to the General Fund.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

Part 5
Bail Surety

77-20-501 Liability on a bail bond -- Failure to appear -- Notice to surety.
(1)
(a) Unless exonerated under Subsection 77-20-504(5), the principal and the surety on a bail bond are liable on the bail bond during all proceedings and for all court appearances required

of the defendant up to and including the surrender of the defendant for sentencing, regardless of any contrary provision in the bail bond agreement.

(b) Any failure of the defendant to appear when required is a breach of the conditions of the bail bond and subjects the bail bond to forfeiture regardless of whether notice of the required appearance was given to the surety.

(2)

(a) If a defendant, who has posted monetary bail by a bail bond, fails to appear before the appropriate court as required, the court shall:

(i) within 28 days after the day on which the defendant fails to appear, issue a bench warrant that includes the original case number; and

(ii) direct the clerk of the court to notify the surety of the defendant's failure to appear.

(b) The clerk of the court shall:

(i) email notice of the defendant's failure to appear to the surety at the email address provided on the bond;

(ii) notify the surety as listed on the bail bond of the name, address, and telephone number of the prosecuting attorney;

(iii) email a copy of the notice sent under Subsection (2)(b)(i) to the prosecuting attorney's office at the same time notice is sent under Subsection (2)(b)(i); and

(iv) ensure that the name, address, business email address, and telephone number of the surety or the surety's agent as listed on the bail bond is stated on the bench warrant.

(3) The prosecuting attorney may email notice of the defendant's failure to appear to the address of the surety as listed on the bail bond within 35 days after the day on which the defendant fails to appear.

(4)

(a)

(i) If a defendant appears in court within seven days after a missed, scheduled court appearance, the court may reinstate the bail bond without further notice to the surety.

(ii) If the defendant, while in custody, appears on the case for which the bail bond was posted, the court may not reinstate the bail bond without the consent of the bail bond company.

(b) If a defendant fails to appear within seven days after a scheduled court appearance, the court may not reinstate the bail bond without the consent of the surety.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-502 Time for bringing defendant to court -- Defendant in custody in another jurisdiction -- Notice to prosecuting attorney.

(1)

(a) If notice of a defendant's failure to appear is emailed to a surety under Section 77-20-501, the surety may bring the defendant before the court, or surrender the defendant into the custody of a county sheriff within the state, within 180 days after the day on which the defendant failed to appear in court as required.

(b) A forfeiture action may not be brought during the 180-day time period described in Subsection (1)(a).

(2) A surety may request an extension of the 180-day time period in Subsection (1) if the surety within that time:

(a) files a motion for extension with the court; and

(b) mails the motion for extension and a notice of hearing on the motion to the prosecuting attorney.

(3) The court may extend the 180-day time period in Subsection (1) for no more than 30 days if:
(a) the surety has complied with Subsection (2); and
(b) the court finds good cause.
(4) If a surety is unable to bring a defendant to the court because the defendant is and will be in the custody of authorities of another jurisdiction, the surety shall:
(a) notify the court and the prosecuting attorney; and
(b) provide the name, address, and telephone number of the custodial authority.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-503 Surrender of defendant by surety -- Arrest of defendant.
(1)
(a)
(i) A surety may at any time prior to a defendant's failure to appear, surrender the defendant and obtain an exoneration of the bail bond by notifying the clerk of the court in which the bail bond was posted of the defendant's surrender and requesting exoneration.
(ii) Notification shall be made immediately following the surrender by mail, email, or fax.
(b) To effect surrender of the defendant, a certified copy of the surety's bail bond from the court in which the bail bond was posted or a copy of the bail bond agreement with the defendant shall be delivered to the on-duty jailer, who shall:
(i) detain the defendant in the on-duty jailer's custody as upon a commitment; and
(ii) in writing acknowledge the surrender upon the copy of the bail bond or bail bond agreement.
(c) The certified copy of the bail bond or copy of the bail bond agreement upon which the acknowledgment of surrender is endorsed shall be filed with the court.
(d) Upon a filing described in Subsection (1)(c), the court, upon proper application, may:
(i) exonerate the bail bond; and
(ii) order a refund of any paid premium, or part of a premium, as the court finds just.
(2) For the purpose of surrendering the defendant, the surety may:
(a) arrest the defendant:
(i) at any time before the defendant is finally exonerated; and
(ii) at any place within the state; and
(b) surrender the defendant to any county jail booking facility in Utah.
(3) An arrest under this section is not a basis for exoneration of the bail bond under Section 77-20-504.
(4) A surety acting under this section is subject to Title 53, Chapter 11, Bail Bond Recovery Act.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-504 Exoneration of a bail bond.
(1) The court shall exonerate a bail bond if:
(a)
(i) a defendant, who has posted monetary bail by a bail bond, fails to appear before the appropriate court as required;
(ii) notice of the defendant's failure to appear is not emailed to the surety as listed on the bail bond as described in Subsection 77-20-501(2) or (3); and
(iii) the surety's current name and email address, or the bail bond agency's current name and email address, are listed on the bail bond in the court's file;

(b) the defendant is arrested and booked into a county jail booking facility pursuant to a warrant for failure to appear on the original charges for which the bail bond was issued and the surety provides written proof of the arrest and booking to the court and the prosecuting attorney;
(c) the court recalls a warrant for failure to appear due to the defendant's having paid the fine and before entry of a judgment of forfeiture of the bail bond;
(d) the surety provides written proof to the court and the prosecuting attorney that the defendant is in custody and the surety has served the defendant's bail bond revocation on the custodial authority; or
(e) unless the court makes a finding of good cause why the bail bond should not be exonerated:
(i) the surety has delivered the defendant to the county jail booking facility in the county where the original charge or charges are pending;
(ii) the defendant has been released on a bail bond secured from a subsequent surety for the original charge and the failure to appear;
(iii) after an arrest, the defendant has escaped from jail or has been released on the defendant's own recognizance under a court order regulating jail capacity or by a sheriff's release under Section 17-72-402;
(iv) the surety has transported or agreed to pay for the transportation of the defendant from a location outside of the county back to the county where the original charge is pending and the payment is in an amount equal to the cost of government transportation under Section 76-3-201; or
(v) the surety demonstrates, by a preponderance of the evidence, that:
(A) at the time the surety issued the bail bond, the surety made reasonable efforts to determine that the defendant was legally present in the United States;
(B) a reasonable person would have concluded, based on the surety's determination, that the defendant was legally present in the United States; and
(C) the surety has failed to bring the defendant before the court because the defendant is in federal custody or has been deported.

(2) Under circumstances not otherwise provided for in Subsection (1), the court may exonerate the bail bond if the court finds:
(a) that the prosecuting attorney has been given reasonable notice of a surety's motion to exonerate the bail bond; and
(b) there is good cause for the bail bond to be exonerated.

(3) If a surety's bail bond has been exonerated under Subsection (1) or (2) and the surety remains liable for the cost of transportation of the defendant, the surety may take custody of the defendant for the purpose of transporting the defendant to the jurisdiction where the charge is pending.

(4) If the defendant is subject to extradition or other means by which the state can return the defendant to law enforcement custody within the court's jurisdiction, and the surety gives notice under Subsection 77-20-502(4)(a), the surety's bail bond shall be exonerated:
(a) if the prosecuting attorney elects in writing not to extradite the defendant immediately; and
(b) if the prosecuting attorney elects in writing to extradite the defendant, to the extent the bail bond exceeds the reasonable, actual, or estimated costs to extradite and return the defendant to law enforcement custody within the court's jurisdiction, upon the occurrence of the earlier of:
(i) the prosecuting attorney's lodging a detainer on the defendant; or
(ii) 60 days after the day on which the surety gives notice to the prosecuting attorney under Subsection 77-20-502(4)(a) if the defendant remains in custody of the same authority during that 60-day time period.

(5)
(a) Except as provided in Subsection (6), the court shall exonerate the bail bond, without motion, upon sentencing the defendant.
(b) If the defendant's sentence includes commitment to a jail or prison, the court shall exonerate the bail bond when the defendant appears at the appropriate jail or prison, unless the judge does not require the defendant to begin the commitment within seven days, in which case the bail bond is exonerated upon sentencing.
(c) For purposes of this Subsection (5), an order of the court accepting a plea in abeyance agreement and holding that plea in abeyance in accordance with Title 77, Chapter 2a, Pleas in Abeyance, is considered to be the same as a sentencing upon a guilty plea.
(d) Any suspended or deferred sentencing is not the responsibility of the surety and the bail bond is exonerated without any motion, upon acceptance of the court and the defendant of a plea in abeyance, probation, fine payments, post sentencing reviews, or any other deferred sentencing reviews or any other deferred sentencing agreement.
(6) If a surety issues a bail bond after sentencing, the surety is liable on the bail bond during all proceedings and for all court appearances required of the defendant up to and including the defendant's appearance to commence serving the sentence imposed under Subsection (5).

Amended by Chapter 17, 2025 Special Session 1

77-20-505 Forfeiture of a bail bond.
(1) If a surety fails to bring the defendant before the court within the time period described in Section 77-20-502, the prosecuting attorney may request the forfeiture of the bail bond by:
(a) filing a motion for bail bond forfeiture with the court, supported by proof of notice to the surety of the defendant's failure to appear; and
(b) emailing a copy of the motion to the surety.
(2) A court shall enter judgment of bail bond forfeiture without further notice if the court finds, by a preponderance of the evidence:
(a) the defendant failed to appear as required;
(b) the surety was given notice of the defendant's failure to appear in accordance with Section 77-20-501;
(c) the surety failed to bring the defendant to the court within the 180-day time period under Section 77-20-502; and
(d) the prosecuting attorney has complied with the notice requirements under Subsection (1).
(3) If the surety shows, by a preponderance of the evidence, that the surety has failed to bring the defendant before the court because the defendant is deceased through no act of the surety, the court may not enter judgment of bail bond forfeiture and the bail bond is exonerated.
(4)
(a) The amount of bail forfeited is the face amount of the bail bond, but if the defendant is in the custody of another jurisdiction and the state extradites or intends to extradite the defendant, the court may reduce the amount forfeited to the actual or estimated costs of returning the defendant to the court's jurisdiction.
(b) A judgment under Subsection (5) shall:
(i) identify the surety against whom judgment is granted;
(ii) specify the amount of monetary bail forfeited;
(iii) grant the forfeiture of the bail bond; and
(iv) be docketed by the clerk of the court in the civil judgment docket.

(5) A prosecuting attorney may immediately commence collection proceedings to execute a judgment of bail bond forfeiture against the assets of the surety.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

Chapter 21
Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings

77-21-1 Short title -- Construction.

This chapter may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings." It shall be interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Enacted by Chapter 15, 1980 General Session

77-21-2 Procedure to secure attendance in another state.

If a judge of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in this state, certifies under the seal of the court that there is a criminal prosecution pending in the court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in the prosecution or grand jury investigation and that his presence will be required for a specified number of days, upon presentation of the certificate to any judge of a court of record within this state in the county in which the person is found, the judge shall fix a time and place for a hearing and make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, and of any other state through which the witness may be required to pass by ordinary course of travel, will give him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, the judge may, in lieu of notification of the hearing, direct the witness to be immediately brought before him for the hearing, and the judge at the hearing being satisfied of the desirability of custody and delivery, for which determination the certificate shall be prima facie proof of desirability, may, in lieu of issuing subpoena or summons, order the witness to be immediately taken into custody and delivered to an officer of the requesting state.

If the witness who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of 20 cents a mile for each mile by the ordinary traveled route

to and from the court where the prosecution is pending and $30 for each day he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Enacted by Chapter 15, 1980 General Session

77-21-3 Procedure to secure attendance of witness from without state.

If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of the court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered such sum as may be required by the laws of the state in which the witness is found, not exceeding the sum of 20 cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and $30 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court. If the witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Enacted by Chapter 15, 1980 General Session

77-21-4 Fees.

Whenever a judge of a court of record of this state issues a certificate under the provisions of this chapter to obtain the attendance of a witness for the prosecution from without the state in a criminal prosecution or grand jury investigation commenced or about to commence he shall designate therein a suitable peace officer of this state to present the certificate to the proper officer or tribunal of the state wherein the witness is found and to tender to the witness his per diem and mileage fees.

The officer shall exhibit the certificate to the county auditor of the county in which the criminal proceeding is pending and the auditor shall draw his warrant upon the county treasurer in favor of the officer in the amount to be tendered the witness. The officer shall be liable upon his official bond for the proper disposition of the money received.

In all cases in which the officer is required to travel in order to present the certificate and tender fees, his actual and necessary traveling expenses shall be paid out of the fund from which witnesses for the prosecution in the criminal proceeding are paid.

Enacted by Chapter 15, 1980 General Session

77-21-5 Witnesses not subject to arrest or service of process.

If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not, while in this state pursuant to such summons, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Enacted by Chapter 15, 1980 General Session

Chapter 22
Subpoena Powers for Aid of Criminal Investigation and Grants of Immunity

77-22-1 Declaration of necessity.

It is declared, as a matter of legislative determination, that it is necessary to grant subpoena powers in aid of criminal investigations and to provide a method of keeping information gained from investigations secret both to protect the innocent and to prevent criminal suspects from having access to information prior to prosecution.

Amended by Chapter 296, 1997 General Session

77-22-2 Investigations -- Right to subpoena witnesses and require production of evidence -- Contents of subpoena -- Rights of witnesses -- Interrogation before closed court -- Disclosure of information.

(1) As used in this section, "prosecutor" means the same as that term is defined in Section 77-22-4.5.

(2)

(a) In any matter involving the investigation of a crime or malfeasance in office, or any criminal conspiracy or activity, the prosecutor may, upon application and approval of the district court and for good cause shown, conduct a criminal investigation.

(b) The application and statement of good cause shall state whether another investigative order related to the investigation at issue has been filed in another court.

(3)

(a) Subject to the conditions established in Subsection (3)(b), the prosecutor may:

(i) subpoena witnesses;

(ii) compel their attendance and testimony under oath to be recorded by a suitable electronic recording device or to be given before any certified court reporter; and

(iii) require the production of books, papers, documents, recordings, and any other items that are evidence or may be relevant to the investigation.

(b) The prosecutor shall:

(i) apply to the district court for each subpoena; and

(ii) show that the requested information is reasonably related to the criminal investigation authorized by the court.

(4)

(a) The prosecutor shall state in each subpoena:

(i) the time and place of the examination;
(ii) that the subpoena is issued in aid of a criminal investigation; and
(iii) the right of the person subpoenaed to have counsel present.
(b) The examination may be conducted anywhere within the jurisdiction of the prosecutor issuing the subpoena.
(c) The subpoena need not disclose the names of possible defendants.
(d) Witness fees and expenses shall be paid as in a civil action.
(5)
(a) At the beginning of each compelled interrogation, the prosecutor shall personally inform each witness:
(i) of the general subject matter of the investigation;
(ii) of the privilege to, at any time during the proceeding, refuse to answer any question or produce any evidence of a communicative nature that may result in self-incrimination;
(iii) that any information provided may be used against the witness in a subsequent criminal proceeding; and
(iv) of the right to have counsel present.
(b) If the prosecutor has substantial evidence that the subpoenaed witness has committed a crime that is under investigation, the prosecutor shall:
(i) inform the witness in person before interrogation of that witness's target status; and
(ii) inform the witness of the nature of the charges under consideration against the witness.
(6)
(a)
(i) The prosecutor may make written application to any district court showing a reasonable likelihood that publicly releasing information about the identity of a witness or the substance of the evidence resulting from a subpoena or interrogation would pose a threat of harm to a person or otherwise impede the investigation.
(ii) Upon a finding of reasonable likelihood, the court may order the:
(A) interrogation of a witness be held in secret;
(B) occurrence of the interrogation and other subpoenaing of evidence, the identity of the person subpoenaed, and the substance of the evidence obtained be kept secret; and
(C) record of testimony and other subpoenaed evidence be kept secret unless the court for good cause otherwise orders.
(b) After application, the court may by order exclude from any investigative hearing or proceeding any persons except:
(i) the attorneys representing the state and members of their staffs;
(ii) persons who, in the judgment of the attorneys representing the state, are reasonably necessary to assist in the investigative process;
(iii) the court reporter or operator of the electronic recording device; and
(iv) the attorney for the witness.
(c) This chapter does not prevent attorneys representing the state or members of their staff from disclosing information obtained pursuant to this chapter for the purpose of furthering any official governmental investigation.
(d)
(i) If a secrecy order has been granted by the court regarding the interrogation or disclosure of evidence by a witness under this subsection, and if the court finds a further restriction on the witness is appropriate, the court may order the witness not to disclose the substance of the witness's testimony or evidence given by the witness to others.
(ii) Any order to not disclose made under this subsection shall be served with the subpoena.

(iii) In an appropriate circumstance the court may order that the witness not disclose the existence of the investigation to others.
(iv) Any order under this Subsection (6)(d) must be based upon a finding by the court that one or more of the following risks exist:
(A) disclosure by the witness would cause destruction of evidence;
(B) disclosure by the witness would taint the evidence provided by other witnesses;
(C) disclosure by the witness to a target of the investigation would result in flight or other conduct to avoid prosecution;
(D) disclosure by the witness would damage a person's reputation; or
(E) disclosure by the witness would cause a threat of harm to any person.
(e)
(i) If the court imposes an order under Subsection (6)(d) authorizing an instruction to a witness not to disclose the substance of testimony or evidence provided and the prosecuting agency proves by a preponderance of the evidence that a witness has violated that order, the court may hold the witness in contempt.
(ii) An order of secrecy imposed on a witness under this Subsection (6)(e) may not infringe on the attorney-client relationship between the witness and the witness's attorney or on another legally recognized privileged relationship.
(7)
(a)
(i) The prosecutor may submit to any district court a separate written request that the application, statement of good cause, and the court's order authorizing the investigation be kept secret.
(ii) The request for secrecy is a public record under Title 63G, Chapter 2, Government Records Access and Management Act, but need not contain any information that would compromise any of the interest listed in Subsection (7)(c).
(b) With the court's permission, the prosecutor may submit to the court, in camera, any additional information to support the request for secrecy if necessary to avoid compromising the interests listed in Subsection (7)(c).
(c) The court shall consider all information in the application and order authorizing the investigation and any information received in camera and shall order that all information be placed in the public file except information that, if disclosed, would pose:
(i) a substantial risk of harm to a person's safety;
(ii) a clearly unwarranted invasion of or harm to a person's reputation or privacy; or
(iii) a serious impediment to the investigation.
(d) Before granting an order keeping secret documents and other information received under this section, the court shall narrow the secrecy order as much as reasonably possible in order to preserve the openness of court records while protecting the interests listed in Subsection (7)(c).

Amended by Chapter 420, 2019 General Session

77-22-2.5 Court orders for criminal investigations for records concerning an electronic communications system or service or remote computing service -- Content -- Fee for providing information.

(1) As used in this section:
(a)

(i) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) "Electronic communication" does not include:

(A) a wire or oral communication;

(B) a communication made through a tone-only paging device;

(C) a communication from a tracking device; or

(D) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(b) "Electronic communications service" means a service which provides for users the ability to send or receive wire or electronic communications.

(c) "Electronic communications system" means a wire, radio, electromagnetic, photooptical, or photoelectronic facilities for the transmission of wire or electronic communications, and a computer facilities or related electronic equipment for the electronic storage of the communication.

(d) "Internet service provider" means the same as that term is defined in Section 76-5c-401.

(e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.

(f) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

(g)

(i) "Sexual offense against a minor" means:

(A) sexual exploitation of a minor or attempted sexual exploitation of a minor in violation of Section 76-5b-201;

(B) aggravated sexual exploitation of a minor or attempted aggravated sexual exploitation of a minor in violation of Section 76-5b-201.1;

(C) a sexual offense or attempted sexual offense committed against a minor in violation of Title 76, Chapter 5, Part 4, Sexual Offenses;

(D) dealing in or attempting to deal in material harmful to a minor in violation of Section 76-5c-205 or 76-5c-206;

(E) human trafficking of a child in violation of Section 76-5-308.5; or

(F) aggravated sexual extortion of a child in violation of Section 76-5b-204.

(ii) "Sexual offense against a minor" does not include an offense described in Section 76-5-418, 76-5-419, or 76-5-420.

(2) When a law enforcement agency is investigating a sexual offense against a minor, an offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under Section 76-5-301.1, and has reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense, a law enforcement agent shall:

(a) articulate specific facts showing reasonable grounds to believe that the records or other information sought, as designated in Subsections (2)(c)(i) through (v), are relevant and material to an ongoing investigation;

(b) present the request to a prosecutor for review and authorization to proceed; and

(c) submit the request to a magistrate for a court order, consistent with 18 U.S.C. Sec. 2703 and 18 U.S.C. Sec. 2702, to the electronic communications system or service or remote computing service provider that owns or controls the Internet protocol address, websites, email address, or service to a specific telephone number, requiring the production of the following information, if available, upon providing in the court order the Internet protocol address, email address, telephone number, or other identifier, and the dates and times the

address, telephone number, or other identifier is suspected of being used in the commission of the offense:

(i) names of subscribers, service customers, and users;

(ii) addresses of subscribers, service customers, and users;

(iii) records of session times and durations;

(iv) length of service, including the start date and types of service utilized; and

(v) telephone or other instrument subscriber numbers or other subscriber identifiers, including a temporarily assigned network address.

(3) A court order issued under this section shall state that the electronic communications system or service or remote computing service provider shall produce a record under Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the suspected criminal activity or offense as described in the court order.

(4)

(a) An electronic communications system or service or remote computing service provider that provides information in response to a court order issued under this section may charge a fee, not to exceed the actual cost, for providing the information.

(b) The law enforcement agency conducting the investigation shall pay the fee.

(5) The electronic communications system or service or remote computing service provider served with or responding to the court order may not disclose the court order to the account holder identified pursuant to the court order for a period of 90 days.

(6) If the electronic communications system or service or remote computing service provider served with the court order does not own or control the Internet protocol address, websites, or email address, or provide service for the telephone number that is the subject of the court order, the provider shall notify the investigating law enforcement agency that the provider does not have the information.

(7) There is no cause of action against a provider or wire or electronic communication service, or the provider or service's officers, employees, agents, or other specified persons, for providing information, facilities, or assistance in accordance with the terms of the court order issued under this section or statutory authorization.

(8)

(a) A court order issued under this section is subject to the provisions of Title 77, Chapter 23b, Access to Electronic Communications.

(b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b, Access to Electronic Communications, apply to providers and subscribers subject to a court order issued under this section.

(9) A prosecutorial agency shall annually on or before February 15 report to the Commission on Criminal and Juvenile Justice:

(a) the number of requests for court orders authorized by the prosecutorial agency;

(b) the number of orders issued by the court and the criminal offense, pursuant to Subsection (2), each order was used to investigate; and

(c) if the court order led to criminal charges being filed, the type and number of offenses charged.

Amended by Chapter 173, 2025 General Session

77-22-4 Investigation records to be filed with court.

In all investigations under Section 77-22-2, the attorney general, county attorney, or district attorney shall maintain and file with the district court the following records of the criminal investigation, unless otherwise ordered by the court:

(1) a copy of the good cause statement and application for the authorization of the criminal investigation;
(2) a copy of all motions made to the court by the attorney general, the county attorney, or the district attorney;
(3) a copy of all court orders;
(4) a copy of all subpoenas issued;
(5) detailed descriptions of all documents and other evidence produced in response to subpoenas;
(6) a copy of all transcripts of testimony taken pursuant to the subpoena; and
(7) a copy of all written communications between the court and the attorney general, county attorney, or district attorney, and staff.

Amended by Chapter 38, 1993 General Session

77-22-4.5 Prosecutorial authority to compromise an offense regarding a witness.
(1) As used in this section, "prosecutor" includes the state attorney general and any assistant, a district attorney and any deputy, a county attorney and any deputy, and a municipal prosecutor and any deputy.
(2) This chapter does not prohibit or limit the authority of a prosecutor to divert, reduce, or compromise any criminal charge against a witness or other party when the witness voluntarily enters into an agreement to provide testimony or other evidence against himself or herself or another accused in consideration for the diversion, reduction, or compromise if:
  (a) the prosecutor holds authority to prosecute the offense against the witness or other party; and
  (b) the complete agreement with the witness is in writing and a copy of the agreement is given to the witness.
(3) Any agreement under Subsection (2) is subject to discovery by counsel for the accused in any prosecution in which the witness with whom the agreement is made has agreed to testify.

Amended by Chapter 302, 2025 General Session

77-22-5 Prosecutorial powers.
The powers of this chapter are in addition to any other powers granted to the attorney general or county attorneys.

Enacted by Chapter 123, 1989 General Session

Chapter 22a
Administrative Subpoenas in Controlled Substances Investigations

77-22a-1 Administrative subpoenas -- Controlled substances investigations -- Procedures -- Witness fees.
(1)
  (a) The administrative subpoena process of this chapter may be used only to obtain third party information under circumstances where it is clear that the subpoenaed information is not subject to a claim of protection under the Fourth, Fifth, or Sixth Amendment to the United States Constitution, or a similar claim under Utah Constitution, Article I, Sec. 12 and Sec. 14.

(b) A party subpoenaed under this chapter shall be advised by the subpoena that the party has a right to challenge the subpoena by motion to quash filed in the appropriate district court named in the subpoena before compliance is required.

(2)

(a) In any investigation relating to an attorney's functions under this chapter regarding controlled substances, the attorney general or a deputy or assistant attorney general, the county attorney or a deputy county attorney, or the district attorney or deputy district attorney may subpoena witnesses, compel the attendance and testimony of witnesses, or require the production of any records including books, papers, documents, and other tangible things that constitute or contain evidence found by the attorney general or a deputy or assistant attorney general or the county attorney or district attorney, as provided under Sections 17-68-302 and 17-68-303, or the county attorney's or district attorney's deputy under Section 17-68-305, to be relevant or material to the investigation.

(b) The attendance of witnesses or the production of records may be required from any place within the state.

(3) Witnesses subpoenaed under this section shall be paid the same fees and mileage costs as witnesses in the state district courts.

(4) If the attorney general, a deputy or assistant attorney general, or the county attorney or district attorney, or a deputy attorney determines that disclosure of the existence of an administrative subpoena or of the information sought or of the existence of the investigation under which it is issued would pose a threat of harm to a person or otherwise impede the investigation, the subpoena shall contain language on its face directing that the witness not disclose to any person the existence or service of the subpoena, the information being sought, or the existence of an investigation.

Amended by Chapter 17, 2025 Special Session 1

77-22a-2 Service of administrative subpoena.

(1) A subpoena issued under this section may be served by any person designated in the subpoena for that purpose. Service upon a natural person may be made by personal delivery of the subpoena to the natural person. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association subject to suit under a common name by delivering the subpoena to an officer, managing or general agent, or other agent authorized by appointment or law to receive service of process.

(2) The affidavit of the person serving the subpoena, when entered on a copy of the subpoena by the person serving it, is proof of service.

Amended by Chapter 302, 2025 General Session

77-22a-3 Compliance with administrative subpoena.

(1) In the case of contumacy by or refusal to obey a subpoena issued to any person, the attorney general or a deputy or assistant attorney general or the county attorney or district attorney or the district attorney's deputy may compel compliance with the subpoena through the district court:

(a) in the jurisdiction where the investigation is carried on;

(b) where the subpoenaed person is an inhabitant;

(c) where the subpoenaed person carries on business; or

(d) where the subpoenaed person may be found.

(2) The court may issue an order requiring the person subpoenaed to produce records or to appear before the attorney general or deputy or assistant attorney general, or the county attorney or district attorney or the district attorney's deputy who issued the subpoena testimony touching the matter under investigation.
(3) Any failure to obey the court order may be punished by the court as contempt. All process in the case may be served in any judicial district in which the person may be found within the state.
(4) A witness may not be held liable in any civil or criminal proceeding for producing records or disclosing information to the person issuing the administrative subpoena as commanded by the subpoena.

Amended by Chapter 302, 2025 General Session

Chapter 22b
Grants of Immunity

77-22b-1 Immunity granted to witness.

(1)
(a) A witness who refuses, or is likely to refuse, on the basis of the witness's privilege against self-incrimination to testify or provide evidence or information in a criminal investigation, including a grand jury investigation or prosecution of a criminal case, or in aid of an investigation or inquiry being conducted by a government agency or commission, or by either house of the Legislature, a joint committee of the two houses, or a committee or subcommittee of either house, may be compelled to testify or provide evidence or information by any of the following, after being granted use immunity with regards to the compelled testimony or production of evidence or information:
(i) the attorney general or any assistant attorney general authorized by the attorney general;
(ii) a district attorney or any deputy district attorney authorized by a district attorney;
(iii) in a county not within a prosecution district, a county attorney or any deputy county attorney authorized by a county attorney;
(iv) a special counsel for the grand jury;
(v) a prosecutor pro tempore appointed under the Utah Constitution, Article VIII, Sec. 16; or
(vi) legislative general counsel in the case of testimony pursuant to subpoena before:
(A) the Legislature;
(B) either house of the Legislature; or
(C) a committee of the Legislature, including a joint committee, a committee of either house, a subcommittee, or a special investigative committee.
(b)
(i) If any prosecutor authorized under Subsection (1)(a) intends to compel a witness to testify or provide evidence or information under a grant of use immunity, the prosecutor shall notify the witness by written notice.
(ii) The notice described in Subsection (1)(b)(i):
(A) shall include the information contained in Subsection (2);
(B) shall advise the witness that the witness may not refuse to testify or provide evidence or information on the basis of the witness's privilege against self-incrimination; and

(C) need not be in writing when the grant of use immunity occurs on the record in the course of a preliminary hearing, grand jury proceeding, or trial.

(2) Testimony, evidence, or information compelled under Subsection (1) may not be used against the witness in any criminal or quasi-criminal case, nor any information directly or indirectly derived from this testimony, evidence, or information, unless the testimony, evidence, or information is volunteered by the witness or is otherwise not responsive to a question. Immunity does not extend to prosecution or punishment for perjury or to giving a false statement in connection with any testimony.

(3)

(a) If a witness is granted immunity under Subsection (1) and is later prosecuted for an offense that was part of the transaction or events about which the witness was compelled to testify or produce evidence or information under a grant of immunity, the burden is on the prosecution to show by a preponderance of the evidence that no use or derivative use was made of the compelled testimony, evidence, or information in the subsequent case against the witness, and to show that any proffered evidence was derived from sources totally independent of the compelled testimony, evidence, or information.

(b) The remedy for not establishing that any proffered evidence was derived from sources totally independent of the compelled testimony, evidence, or information is suppression of that evidence only.

(4) Nothing in this section prohibits or limits prosecutorial authority granted in Section 77-22-4.5.

(5) A county attorney within a prosecution district shall have the authority to grant immunity only as provided in Subsection 17-68-503(3).

(6) For purposes of this section, "quasi-criminal" means only those proceedings that are determined by a court to be so far criminal in their nature that a defendant has a constitutional right against self-incrimination.

Amended by Chapter 17, 2025 Special Session 1

77-22b-2 Refusal of witness to testify or produce evidence or information.

(1) A witness who has been served with notice under Section 77-22b-1 and refuses to comply with the notice may be required to show cause before the district court why the witness should not be compelled to testify or otherwise produce evidence or information.

(2) If, after notice and hearing, the court finds that the witness should be compelled to testify or otherwise produce evidence or information, it shall order the witness to comply. If the witness then refuses to comply, the witness may be held in contempt of court.

Enacted by Chapter 296, 1997 General Session

Chapter 23
Search and Administrative Warrants

Part 1
Administrative Traffic Checkpoint Act

77-23-101 Title of act.

Sections 77-23-101 through 77-23-105 may be cited as the "Administrative Traffic Checkpoint Act."

Enacted by Chapter 72, 1992 General Session

77-23-102 Definitions.

As used in this part:

(1) "Administrative traffic checkpoint" means a roadblock procedure where enforcement officers stop all, or a designated sequence of, motor vehicles traveling on highways and roads and subject those vehicles to inspection or testing and the drivers or occupants to questioning or the production of documents.

(2) "Command level officer" includes all sheriffs, heads of law enforcement agencies, and all supervisory enforcement officers of sergeant rank or higher.

(3) "Emergency circumstances" means circumstances where enforcement officers reasonably believe road conditions, weather conditions, or persons present a significant hazard to persons or the property of other persons.

(4) "Enforcement officer" includes:

(a) peace officers as defined in Title 53, Chapter 13, Peace Officer Classifications;

(b) correctional officers as defined in Title 53, Chapter 13, Peace Officer Classifications;

(c) special function officers as defined and under the restrictions of Title 53, Chapter 13, Peace Officer Classifications; and

(d) federal officers as defined in Title 53, Chapter 13, Peace Officer Classifications.

(5) "Magistrate" includes all judicial officers enumerated in Subsection 77-1-3(4).

(6) "Motor vehicle" includes all vehicles as defined in Title 41, Chapter 1a, Motor Vehicle Act.

Amended by Chapter 282, 1998 General Session

77-23-103 Circumstances permitting an administrative traffic checkpoint.

A motor vehicle may be stopped and the occupants detained by an enforcement officer when the enforcement officer:

(1) is acting pursuant to a duly authorized search warrant or arrest warrant;

(2) has probable cause to arrest or search;

(3) has reasonable suspicion that criminal activity has occurred or is occurring;

(4) is acting under emergency circumstances; or

(5) is acting pursuant to duly authorized administrative traffic checkpoint authority granted by a magistrate in accordance with Section 77-23-104.

Enacted by Chapter 72, 1992 General Session

77-23-104 Written plan -- Approval of magistrate.

(1) An administrative traffic checkpoint may be established and operated upon written authority of a magistrate.

(2) A magistrate may issue written authority to establish and operate an administrative traffic checkpoint if:

(a) a command level officer submits to the magistrate a written plan signed by the command level officer describing:

(i) the location of the checkpoint including geographical and topographical information;

(ii) the date, time, and duration of the checkpoint;

(iii) the sequence of traffic to be stopped;
(iv) the purpose of the checkpoint, including the inspection or inquiry to be conducted;
(v) the minimum number of personnel to be employed in operating the checkpoint, including the rank of the officer or officers in charge at the scene;
(vi) the configuration and location of signs, barriers, and other means of informing approaching motorists that they must stop and directing them to the place to stop;
(vii) any advance notice to the public at large of the establishment of the checkpoint; and
(viii) the instructions to be given to the enforcement officers operating the checkpoint;
(b) the magistrate makes an independent judicial determination that the plan appropriately:
(i) minimizes the length of time the motorist will be delayed;
(ii) minimizes the intrusion of the inspection or inquiry;
(iii) minimizes the fear and anxiety the motorist will experience;
(iv) minimizes the degree of discretion to be exercised by the individual enforcement officers operating the checkpoint; and
(v) maximizes the safety of the motorist and the enforcement officers; and
(c) the administrative traffic checkpoint has the primary purpose of inspecting, verifying, or detecting:
(i) drivers that may be under the influence of alcohol or drugs;
(ii) license plates, registration certificates, insurance certificates, or driver licenses;
(iii) violations of Title 23A, Wildlife Resources Act; or
(iv) other circumstances that are specifically distinguishable by the magistrate from a general interest in crime control.
(3) Upon determination by the magistrate that the plan meets the requirements of Subsection (2), the magistrate shall sign the authorization and issue it to the command level officer, retaining a copy for the court's file.
(4) A copy of the plan and signed authorization shall be issued to the checkpoint command level officer participating in the operation of the checkpoint.
(5) Any enforcement officer participating in the operation of the checkpoint shall conform the enforcement officer's activities as nearly as practicable to the procedures outlined in the plan.
(6) The checkpoint command level officer shall be available to exhibit a copy of the plan and signed authorization to any motorist who has been stopped at the checkpoint upon request of the motorist.

Amended by Chapter 34, 2023 General Session

77-23-104.5 Signs -- Prohibitions.

An enforcement officer may not display a sign that notifies motorists of an administrative traffic checkpoint unless the checkpoint is being operated under the authority of a magistrate as provided in Section 77-23-104.

Enacted by Chapter 168, 2001 General Session

77-23-105 Failure to stop -- Criminal liability.

Any person who intentionally and knowingly passes, without stopping as required, any administrative traffic checkpoint operated under the authority of a magistrate as provided in Section 77-23-104 is guilty of a class B misdemeanor.

Enacted by Chapter 72, 1992 General Session

Part 2
Search Warrants

77-23-205 Officer may request assistance.

An officer who is serving a search warrant may request other persons to assist in conducting the search.

Amended by Chapter 153, 2007 General Session

77-23-210 Force used in executing a search warrant -- When notice of authority is required as a prerequisite.

(1)
(a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under this section shall comply with guidelines and procedures which are, at a minimum, in accordance with state law and model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council created in Section 53-6-106.
(b) Written policies adopted pursuant to this section shall be subject to public disclosure and inspection, in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(2) When a search warrant has been issued authorizing entry into any building, room, conveyance, compartment, or other enclosure, the officer executing the warrant may enter:
(a) if, after giving notice of the officer's authority and purpose, there is no response or the officer is not admitted with reasonable promptness; or
(b) without notice of the officer's authority and purpose as provided in Subsection (3).

(3)
(a) The officer may enter without notice only if:
(i) there is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person;
(ii) there is probable cause to believe that evidence may be easily or quickly destroyed; or
(iii) the magistrate, having found probable cause based upon proof provided under oath that the object of the search may be easily or quickly destroyed, or having found reason to believe that physical harm may result to any person if notice were given, has directed that the officer need not give notice of authority and purpose before entering the premises to be searched under the Rules of Criminal Procedure; or
(iv) the officer physically observes and documents a previously unknown event or circumstance at the time the warrant is being executed which creates probable cause to believe the object of the search is being destroyed, or creates reasonable suspicion to believe that physical harm may result to any person if notice were given.
(b) The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering.

(4) An officer executing a warrant under this section may use only that force which is reasonable and necessary to execute the warrant.

(5) An officer executing a warrant under this section shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which indicates that he or she is a law enforcement officer.

(6)
(a) An officer executing a warrant under this section shall comply with the officer's employing agency's body worn camera policy when the officer is equipped with a body-worn camera.
(b) The employing agency's policy regarding the use of body-worn cameras shall include a provision that an officer executing a warrant under this section shall wear a body-worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.
(7)
(a) The officer shall take reasonable precautions in execution of any search warrant to minimize the risks of unnecessarily confrontational or invasive methods which may result in harm to any person.
(b) The officer shall minimize the risk of searching the wrong premises by verifying that the premises being searched is consistent with a particularized description in the search warrant, including such factors as the type of structure, the color, the address, and orientation of the target property in relation to nearby structures as is reasonably necessary.
(8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry without prior announcement may not be issued under this section, solely for:
(a) the alleged possession or use of a controlled substance; or
(b) the alleged possession of drug paraphernalia as provided in Section 58-37a-3.

Amended by Chapter 281, 2018 General Session

77-23-213 Blood testing.
(1) As used in this section:
(a) "Law enforcement purpose" means duties that consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of this state's political subdivisions.
(b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer Classifications.
(2) A peace officer may require an individual to submit to a blood test for a law enforcement purpose only if:
(a) the individual or legal representative of the individual with authority to give consent gives oral or written consent to the blood test;
(b) the peace officer obtains a warrant to administer the blood test; or
(c) a judicially recognized exception to obtaining a warrant exists as established by the Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit, or the Supreme Court of the United States.
(3)
(a) Only the following, acting at the request of a peace officer, may draw blood to determine the blood's alcohol or drug content:
(i) a physician;
(ii) a physician assistant;
(iii) a registered nurse;
(iv) a licensed practical nurse;
(v) a paramedic;
(vi) as provided in Subsection (3)(b), emergency medical service personnel other than a paramedic; or

(vii) a person with a valid permit issued by the Department of Public Safety under Section 53-2d-103.

(b) The Department of Public Safety may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 53-2d-101, are authorized to draw blood under Subsection (3)(a)(vi), based on the type of license under Section 53-2d-402.

(c) The following are immune from civil or criminal liability arising from drawing a blood sample from a person who a peace officer requests, for law enforcement purposes, if the sample is drawn in accordance with standard medical practice:

(i) a person authorized to draw blood under Subsection (3)(a); and

(ii) if the blood is drawn at a hospital or other medical facility, the medical facility.

Amended by Chapter 340, 2025 General Session

Part 3
Warrantless Searches

77-23-301 Warrantless searches regarding persons on parole.

(1) An inmate who is eligible for release on parole shall, as a condition of parole, sign an agreement as described in Subsection (2) that the inmate, while on parole, is subject to search or seizure of the inmate's person, property, place of temporary or permanent residence, vehicle, or personal effects while on parole:

(a) by a parole officer at any time, with or without a search warrant, and with or without cause; and

(b) by a law enforcement officer at any time, with or without a search warrant, and with or without cause, but subject to Subsection (3).

(2)

(a) The terms of the agreement under Subsection (1) shall be stated in clear and unambiguous language.

(b) The agreement shall be signed by the parolee, indicating the parolee's understanding of the terms of searches as allowed by Subsection (1).

(3)

(a) In order for a law enforcement officer to conduct a search of a parolee's residence under Subsection (1) or a seizure pursuant to the search, the law enforcement officer shall have obtained prior approval from a parole officer or shall have a warrant for the search.

(b) If a law enforcement officer conducts a search of a parolee's person, personal effects, or vehicle pursuant to a stop, the law enforcement officer shall notify a parole officer as soon as reasonably possible after conducting the search.

(4) A search conducted under this section may not be for the purpose of harassment.

(5) Any inmate who does not agree in writing to be subject to search or seizure under Subsection (1) may not be paroled until the inmate enters into the agreement under Subsection (1).

(6) This section applies only to an inmate who is eligible for release on parole on or after May 5, 2008.

Enacted by Chapter 357, 2008 General Session

Chapter 23a
Interception of Communications Act

77-23a-1 Short title.

This act shall be known and may be cited as the "Interception of Communications Act."

Enacted by Chapter 15, 1980 General Session

77-23a-2 Legislative findings.

The Legislature finds and determines that:

(1) Wire communications are normally conducted through facilities which form part of an interstate network. The same facilities are used for interstate and intrastate communications.

(2) In order to protect effectively the privacy of wire and oral communications, to protect the integrity of court and administrative proceedings, and to prevent the obstruction of intrastate commerce, it is necessary for the legislature to define the circumstances and conditions under which the interception of wire and oral communications may be authorized and to prohibit any unauthorized interception of these communications and the use of the contents thereof in evidence in courts and administrative proceedings.

(3) Organized criminals make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent their commission is an indispensable aid to law enforcement and the administration of justice.

(4) To safeguard the privacy of innocent persons, the interception of wire or oral communications when none of the parties to the communication has consented to the interception should be allowed only when authorized by a court of competent jurisdiction and should remain under the control and supervision of the authorizing court. Interception of wire and oral communications should further be limited to certain major types of offenses and specific categories of crime with assurance that the interception is justified and that the information obtained thereby will not be misused.

Enacted by Chapter 15, 1980 General Session

77-23a-3 Definitions.

As used in this chapter:

(1) "Aggrieved person" means a person who was a party to any intercepted wire, electronic, or oral communication, or a person against whom the interception was directed.

(2) "Aural transfer" means any transfer containing the human voice at any point between and including the point of origin and the point of reception.

(3) "Communications common carrier" means any person engaged as a common carrier for hire in intrastate, interstate, or foreign communication by wire or radio, including a provider of electronic communication service. However, a person engaged in radio broadcasting is not, when that person is so engaged, a communications common carrier.

(4) "Contents" when used with respect to any wire, electronic, or oral communication includes any information concerning the substance, purport, or meaning of that communication.

(5) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:
(a) the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;
(b) any wire or oral communications;
(c) any communication made through a tone-only paging device; or
(d) any communication from an electronic or mechanical device that permits the tracking of the movement of a person or object.
(6) "Electronic communications service" means any service that provides for users the ability to send or receive wire or electronic communications.
(7) "Electronic communications system" means any wire, radio, electromagnetic, photoelectronic, or photo-optical facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.
(8) "Electronic, mechanical, or other device" means any device or apparatus that may be used to intercept a wire, electronic, or oral communication other than:
(a) any telephone or telegraph instrument, equipment or facility, or a component of any of them:
(i) furnished by the provider of wire or electronic communications service or by the subscriber or user, and being used by the subscriber or user in the ordinary course of its business; or
(ii) being used by a provider of wire or electronic communications service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of the officer's duties; or
(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal.
(9) "Electronic storage" means:
(a) any temporary intermediate storage of a wire or electronic communication incident to the electronic transmission of it; and
(b) any storage of the communication by an electronic communications service for the purposes of backup protection of the communication.
(10) "Intercept" means the acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.
(11) "Investigative or law enforcement officer" means any officer of the state or of a political subdivision, who by law may conduct investigations of or make arrests for offenses enumerated in this chapter, or any federal officer as defined in Section 53-13-106, and any attorney authorized by law to prosecute or participate in the prosecution of these offenses.
(12) "Judge of competent jurisdiction" means a judge of a district court of the state.
(13) "Oral communication" means any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception, under circumstances justifying that expectation, but does not include any electronic communication.
(14) "Pen register" means a device that records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which the device is attached. "Pen register" does not include any device used by a provider or customer of a wire or electronic communication service for billing or recording as an incident to billing, for communications services provided by the provider, or any device used by a provider or customer of a wire communications service for cost accounting or other like purposes in the ordinary course of its business.
(15) "Person" means any employee or agent of the state or a political subdivision, and any individual, partnership, association, joint stock company, trust, or corporation.

(16) "Readily accessible to the general public" means, regarding a radio communication, that the communication is not:
(a) scrambled or encrypted;
(b) transmitted using modulation techniques with essential parameters that have been withheld from the public with the intention of preserving the privacy of the communication;
(c) carried on a subcarrier or signal subsidiary to a radio transmission;
(d) transmitted over a communications system provided by a common carrier, unless the communication is a tone-only paging system communication; or
(e) transmitted on frequencies allocated under Part 25, Subpart D, E, or F of Part 74, or Part 94, Rules of the Federal Communications Commission unless, in the case of a communication transmitted on a frequency allocated under Part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.
(17) "Trap and trace device" means a device, process, or procedure that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication is transmitted.
(18) "User" means any person or entity who:
(a) uses an electronic communications service; and
(b) is authorized by the provider of the service to engage in the use.
(19)
(a) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of the connection in a switching station, furnished or operated by any person engaged as a common carrier in providing or operating these facilities for the transmission of intrastate, interstate, or foreign communications.
(b) "Wire communication" includes the electronic storage of the communication, but does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

Amended by Chapter 302, 2025 General Session

77-23a-4 Offenses -- Criminal and civil -- Lawful interception.
(1)
(a) Except as otherwise specifically provided in this chapter, any person who violates Subsection (1)(b) is guilty of an offense and is subject to punishment under Subsection (10), or when applicable, the person is subject to civil action under Subsection (11).
(b) A person commits a violation of this subsection who:
(i) intentionally or knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic, or oral communication;
(ii) intentionally or knowingly uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication, when the device is affixed to, or otherwise transmits a signal through a wire, cable, or other like connection used in wire communication or when the device transmits communications by radio, or interferes with the transmission of the communication;
(iii) intentionally or knowingly discloses or endeavors to disclose to any other person the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this section; or

(iv) intentionally or knowingly uses or endeavors to use the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this section.

(2) The operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service whose facilities are used in the transmission of a wire communication may intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service. However, a provider of wire communications service to the public may not utilize service observing or random monitoring except for mechanical or service quality control checks.

(3)

(a) Providers of wire or electronic communications service, their officers, employees, or agents, and any landlords, custodians, or other persons may provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance if the provider and its officers, employees, or agents, and any landlords, custodians, or other specified persons have been provided with:

(i) a court order directing the assistance signed by the authorizing judge; or

(ii) a certification in writing by a person specified in Subsection 77-23a-10(7), or by the attorney general or an assistant attorney general, or by a county attorney or district attorney or his deputy that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required.

(b) The order or certification under this subsection shall set the period of time during which the provision of the information, facilities, or technical assistance is authorized and shall specify the information, facilities, or technical assistance required.

(4)

(a) The providers of wire or electronic communications service, their officers, employees, or agents, and any landlords, custodians, or other specified persons may not disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance regarding which the person has been furnished an order or certification under this section except as is otherwise required by legal process, and then only after prior notification to the attorney general or to the county attorney or district attorney of the county in which the interception was conducted, as is appropriate.

(b) Any disclosure in violation of this subsection renders the person liable for civil damages under Section 77-23a-11.

(5) A cause of action does not lie in any court against any provider of wire or electronic communications service, its officers, employees, or agents, or any landlords, custodians, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or certification under this chapter.

(6) Subsections (3), (4), and (5) supersede any law to the contrary.

(7)

(a) A person acting under color of law may intercept a wire, electronic, or oral communication if that person is a party to the communication or one of the parties to the communication has given prior consent to the interception.

(b) A person not acting under color of law may intercept a wire, electronic, or oral communication if that person is a party to the communication or one of the parties to the communication

has given prior consent to the interception, unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of state or federal laws.

(c) An employee of a telephone company may intercept a wire communication for the sole purpose of tracing the origin of the communication when the interception is requested by the recipient of the communication and the recipient alleges that the communication is obscene, harassing, or threatening in nature. The telephone company and its officers, employees, and agents shall release the results of the interception, made under this subsection, upon request of the local law enforcement authorities.

(8) A person may:

(a) intercept or access an electronic communication made through an electronic communications system that is configured so that the electronic communication is readily accessible to the general public;

(b) intercept any radio communication transmitted by:

(i) any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(ii) any government, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

(iii) a station operating on an authorized frequency within the bands allocated to the amateur, citizens' band, or general mobile radio services; or

(iv) by a marine or aeronautics communications system;

(c) intercept any wire or electronic communication, the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of the interference; or

(d) as one of a group of users of the same frequency, intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of the system, if the communication is not scrambled or encrypted.

(9)

(a) Except under Subsection (9)(b), a person or entity providing an electronic communications service to the public may not intentionally divulge the contents of any communication, while in transmission of that service, to any person or entity other than an addressee or intended recipient of the communication or his agent.

(b) A person or entity providing electronic communications service to the public may divulge the contents of any communication:

(i) as otherwise authorized under this section or Section 77-23a-9;

(ii) with lawful consent of the originator or any addressee or intended recipient of the communication;

(iii) to a person employed or authorized or whose facilities are used to forward the communication to its destination; or

(iv) that is inadvertently obtained by the service provider and appears to pertain to the commission of a crime, if the divulgence is made to a law enforcement agency.

(10)

(a) Except under Subsection (10)(b) or (11), a violation of Subsection (1) is a third degree felony.

(b) If the offense is a first offense under this section and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication regarding which the offense was committed is a radio communication that is not scrambled or encrypted:

(i) if the communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or paging service communication, and the conduct is not under Subsection (11), the offense is a class A misdemeanor; and

(ii) if the communication is the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offense is a class B misdemeanor.

(c) Conduct otherwise an offense under this section is not an offense if the conduct was not done for the purpose of direct or indirect commercial advantage or private financial gain, and consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled, and is either transmitted:

(i) to a broadcasting station for purposes of retransmission to the general public; or

(ii) as an audio subcarrier intended for redistribution to facilities open to the public, but in any event not including data transmissions or telephone calls.

(11)

(a) A person is subject to civil suit initiated by the state in a court of competent jurisdiction when his conduct is prohibited under Subsection (1) and the conduct involves a:

(i) private satellite video communication that is not scrambled or encrypted, and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(ii) radio communication that is transmitted on frequencies allocated under Subpart D, Part 74, Rules of the Federal Communication Commission, that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain.

(b) In an action under Subsection (11)(a):

(i) if the violation of this chapter is a first offense under this section and the person is not found liable in a civil action under Section 77-23a-11, the state may seek appropriate injunctive relief; or

(ii) if the violation of this chapter is a second or subsequent offense under this section, or the person has been found liable in any prior civil action under Section 77-23a-11, the person is subject to a mandatory $500 civil penalty.

(c) The court may use any means within its authority to enforce an injunction issued under Subsection (11)(b)(i), and shall impose a civil fine of not less than $500 for each violation of the injunction.

Amended by Chapter 340, 2011 General Session

77-23a-4.5 Implanting an electronic identification device -- Penalties.

(1) A person may not require, coerce, or compel any other individual to undergo or submit to the subcutaneous implanting of a radio frequency identification tag.

(2) Any person who violates Subsection (1) is guilty of a class A misdemeanor.

(3)

(a) A person who is implanted with a subcutaneous identification device in violation of Subsection (1) may bring a civil action in any court of competent jurisdiction for actual damages, compensatory damages, punitive damages, injunctive relief, or any combination of these.

(b) The initial civil penalty may not be more than $10,000, and no more than $1,000 for each day the violation continues until the electronic identification device is removed or disabled.

Enacted by Chapter 168, 2011 General Session

77-23a-5 Traffic in intercepting devices -- Offenses -- Lawful activities.

(1) Except as otherwise specifically provided in this chapter, any person is guilty of a third degree felony who intentionally:

(a) sends through the mail, or sends or carries in intrastate, interstate, or foreign commerce any electronic, mechanical, or other device, knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications;

(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications; or

(c) places in any newspaper, magazine, handbill, or other publication any advertisement of:

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications; or

(ii) any other electronic, mechanical, or other device, where the advertisement promotes the use of the device for the purpose of the surreptitious interception of wire, electronic, or oral communications.

(2) The following persons may send through the mail, send or carry in intrastate, interstate, or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of the device renders it primarily useful for the purpose of surreptitious interception of wire, electronic, or oral communication:

(a) a provider in the normal course of the business of providing that wire or electronic communications service; or

(b) an officer, agent, or employee of, or a person under contract with, the United States, a state, or a political subdivision, in the normal course of the activities of the United States, a state, or a political subdivision.

Amended by Chapter 122, 1989 General Session

77-23a-6 Seizure and forfeiture of intercepting devices.

Any electronic, mechanical or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of Sections 77-23a-4 and 77-23a-5, may be seized and forfeited to the State of Utah.

Enacted by Chapter 15, 1980 General Session

77-23a-7 Evidence -- Exclusionary rule.

When any wire, electronic, or oral communication has been intercepted, no part of the contents of the communication and no evidence derived from it may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision of the state, if the disclosure of that information would be in violation of this chapter.

Amended by Chapter 251, 1988 General Session

77-23a-8 Court order to authorize or approve interception -- Procedure.

(1) The attorney general of the state, any assistant attorney general specially designated by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy district attorney specially designated by the county attorney or by the district attorney, may authorize an application to a judge of competent jurisdiction for an order for an interception of wire, electronic, or oral communications by any law enforcement agency of the state, the federal government or of any political subdivision of the state that is responsible for investigating the type of offense for which the application is made.

(2) The judge may grant the order in conformity with the required procedures when the interception sought may provide or has provided evidence of the commission of:

(a) an act:

(i) prohibited by the criminal provisions of:

(A) Title 58, Chapter 37, Utah Controlled Substances Act;

(B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

(C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

(ii) punishable by a term of imprisonment of more than one year;

(b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act, and punishable by a term of imprisonment of more than one year;

(c) an offense:

(i) of:

(A) attempt under Section 76-4-101;

(B) conspiracy under Section 76-4-201;

(C) criminal solicitation of an adult, Section 76-4-203; or

(D) criminal solicitation of a minor, Section 76-4-205; and

(ii) punishable by a term of imprisonment of more than one year;

(d) a threat of terrorism offense punishable by a maximum term of imprisonment of more than one year under Section 76-5-107.3;

(e)

(i) aggravated murder under Section 76-5-202;

(ii) murder under Section 76-5-203; or

(iii) manslaughter under Section 76-5-205;

(f)

(i) kidnapping under Section 76-5-301;

(ii) child kidnapping under Section 76-5-301.1;

(iii) aggravated kidnapping under Section 76-5-302;

(iv) human trafficking for labor under Section 76-5-308;

(v) human trafficking for sexual exploitation under Section 76-5-308.1;

(vi) human trafficking of a child under Section 76-5-308.5;

(vii) human smuggling under Section 76-5-308.3;

(viii) aggravated human trafficking under Section 76-5-310; or

(ix) aggravated human smuggling under Section 76-5-310.1;

(g)

(i) arson under Section 76-6-102; or

(ii) aggravated arson under Section 76-6-103;

(h)

(i) burglary under Section 76-6-202; or

(ii) aggravated burglary under Section 76-6-203;

(i)

(i) robbery under Section 76-6-301; or

(ii) aggravated robbery under Section 76-6-302;
(j) an offense:
(i) of:
(A) theft under Section 76-6-404;
(B) theft by deception under Section 76-6-405; or
(C) theft by extortion under Section 76-6-406; and
(ii) punishable by a maximum term of imprisonment of more than one year;
(k) an offense of receiving stolen property that is punishable by a maximum term of imprisonment of more than one year under Section 76-6-408;
(l) a financial card transaction offense punishable by a maximum term of imprisonment of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
(m) bribery of a labor official under Section 76-6-509;
(n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
(o) a criminal simulation offense punishable by a maximum term of imprisonment of more than one year under Section 76-6-518;
(p) criminal usury under Section 76-6-520;
(q) insurance fraud punishable by a maximum term of imprisonment of more than one year under Section 76-6-521;
(r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by a maximum term of imprisonment of more than one year under Section 76-6-703;
(s) bribery to influence official or political actions under Section 76-8-103;
(t) misusing public money or public property under Section 76-8-402;
(u) tampering with a witness under Section 76-8-508;
(v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(w) tampering or retaliating against a juror under Section 76-8-508.5;
(x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
(y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
(z) obstruction of justice in a criminal investigation or proceeding under Section 76-8-306;
(aa) harboring or concealing offender who has escaped from official custody under Section 76-8-309.2;
(bb) destruction of property to interfere with preparations for defense or war under Section 76-8-802;
(cc) an attempt to commit crimes of sabotage under Section 76-8-804;
(dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
(ee) advocating criminal syndicalism or sabotage under Section 76-8-902;
(ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
(gg) riot punishable by a maximum term of imprisonment of more than one year under Section 76-9-101;
(hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a maximum term of imprisonment of more than one year under Section 76-13-205;
(ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary device under Section 76-15-209;
(jj) unlawful conduct involving an explosive, chemical, or incendiary device under Section 76-15-210;
(kk) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211;
(ll) exploiting prostitution under Section 76-5d-207;
(mm) aggravated exploitation of prostitution under Section 76-5d-208;

(nn) bus hijacking under Section 76-9-1502;
(oo) assault with intent to commit bus hijacking under Section 76-9-1503;
(pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under Section 76-9-1504;
(qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning a Pattern of Unlawful Activity, and the offenses listed under the definition of unlawful activity in the act, including the offenses not punishable by a maximum term of imprisonment of more than one year when those offenses are investigated as predicates for the offenses prohibited by the act under Section 76-17-401;
(rr) communications fraud under Section 76-6-525;
(ss) money laundering under Sections 76-9-1602 and 76-9-1603; or
(tt) reporting by a person engaged in a trade or business when the offense is punishable by a maximum term of imprisonment of more than one year under Section 76-9-1604.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session

77-23a-9 Disclosure or use of intercepted information.

(1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire, electronic, or oral communication, or evidence derived from any of these, may disclose those contents to another investigative or law enforcement officer to the extent that the disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.
(2) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire, electronic, or oral communication or evidence derived from any of them may use those contents to the extent the use is appropriate to the proper performance of the officer's official duties.
(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire, electronic, or oral communication or evidence derived from any of them intercepted in accordance with this chapter may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of the United States or of any state or political subdivision.
(4) An otherwise privileged wire, electronic, or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter does not lose its privileged character.
(5) When an investigative or law enforcement officer, while engaged in intercepting wire, electronic, or oral communications in the manner authorized, intercepts wire, electronic, or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents, and evidence derived from the contents, may be disclosed or used as provided in Subsections (1) and (2). The contents and any evidence derived from them may be used under Subsection (3) when authorized or approved by a judge of competent jurisdiction, if the judge finds on subsequent application that the contents were otherwise intercepted in accordance with this chapter. The application shall be made as soon as practicable.

Amended by Chapter 302, 2025 General Session

77-23a-10 Application for order -- Authority of order -- Emergency action -- Application -- Entry -- Conditions -- Extensions -- Recordings -- Admissibility or suppression -- Appeal by state.

(1) Each application for an order authorizing or approving the interception of a wire, electronic, or oral communication shall be made in writing, upon oath or affirmation to a judge of competent jurisdiction, and shall state the applicant's authority to make the application. Each application shall include:
(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;
(b) a full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued, including:
(i) details regarding the particular offense that has been, is being, or is about to be committed;
(ii) except as provided in Subsection (12), a particular description of the nature and location of the facilities from which, or the place where, the communication is to be intercepted;
(iii) a particular description of the type of communication sought to be intercepted; and
(iv) the identity of the person, if known, committing the offense and whose communication is to be intercepted;
(c) a full and complete statement as to whether other investigative procedures have been tried and failed or why they reasonably appear to be either unlikely to succeed if tried or too dangerous;
(d) a statement of the period of time for which the interception is required to be maintained, and if the investigation is of a nature that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and the individual making the application, made to any judge for authorization to intercept, or for approval of interceptions of wire, electronic, or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each application;
(f) when the application is for the extension of an order, a statement setting forth the results so far obtained from the interception, or a reasonable explanation of the failure to obtain results; and
(g) additional testimony or documentary evidence in support of the application as the judge may require.
(2) Upon application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire, electronic, or oral communications within the territorial jurisdiction of the state if the judge determines on the basis of the facts submitted by the applicant that:
(a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense under Section 77-23a-8;
(b) there is probable cause for belief that particular communications concerning that offense will be obtained through the interception;
(c) normal investigative procedures have been tried and have failed or reasonably appear to be either unlikely to succeed if tried or too dangerous; and
(d) except as provided in Subsection (12), there is probable cause for belief that the facilities from which or the place where the wire, electronic, or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by that person.
(3) Each order authorizing or approving the interception of any wire, electronic, or oral communications shall specify:

(a) the identity of the person, if known, whose communications are to be intercepted;
(b) except as provided in Subsection (12), the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;
(c) a particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates;
(d) the identity of the agency authorized to intercept the communications and of the persons authorizing the application; and
(e) the period of time during which the interception is authorized, including a statement as to whether the interception shall automatically terminate when the described communications has been first obtained.

(4)
(a) An order authorizing the interception of a wire, electronic, or oral communications shall, upon request of the applicant, direct that a provider of wire or electronic communications service, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the provider, landlord, custodian, or person is according the person whose communications are to be intercepted.
(b) Any provider of wire or electronic communications service, landlord, custodian, or other person furnishing the facilities or technical assistance shall be compensated by the applicant for reasonable expenses involved in providing the facilities or systems.

(5)
(a)
(i) An order entered under this chapter may not authorize or approve the interception of any wire, electronic, or oral communications for any period longer than is necessary to achieve the objective of the authorization, but in any event for no longer than 30 days.
(ii) The 30-day period described in Subsection (5)(a)(i) begins on the day the investigative or law enforcement officer first begins to conduct an interception under the order, or 10 days after the order is entered, whichever is earlier.
(b) Extensions of an order may be granted, but only upon application for an extension made under Subsection (1) and if the court makes the findings required by Subsection (2). The period of extension may be no longer than the authorizing judge considers necessary to achieve the purposes for which it was granted, but in no event for longer than 30 days.
(c) Every order and extension shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted so as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event within 30 days.
(d) If the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, the minimizing of the interception may be accomplished as soon as practicable after the interception.
(e) An interception under this chapter may be conducted in whole or in part by government personnel or by an individual under contract with the government and acting under supervision of an investigative or law enforcement officer authorized to conduct the interception.

(6)
(a) When an order authorizing interception is entered under this chapter, the order may require reports to be made to the judge who issued the order, showing what progress has been made toward achievement of the authorized objective and the need for continued interception.

(b) The reports described in Subsection (6)(a) shall be made at intervals the judge may require.

(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer who is specially designated by either the attorney general or a county attorney or district attorney, as provided under Sections 17-68-302 and 17-68-303, may intercept wire, electronic, or oral communications if an application for an order approving the interception is made in accordance with this section and within 48 hours after the interception has occurred or begins to occur, when the investigative or law enforcement officer reasonably determines that:

(a) an emergency situation exists that involves:

(i) immediate danger of death or serious physical injury to any person;

(ii) conspiratorial activities threatening the national security interest; or

(iii) conspiratorial activities characteristic of organized crime, that require a wire, electronic, or oral communications to be intercepted before an order authorizing interception can, with diligence, be obtained; and

(b) there are grounds upon which an order could be entered under this chapter to authorize the interception.

(8)

(a) In the absence of an order under Subsection (7), the interception immediately terminates when the communication sought is obtained or when the application for the order is denied, whichever is earlier.

(b) If the application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire, electronic, or oral communications intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in Subsection (9)(d) on the person named in the application.

(9)

(a)

(i) The contents of any wire, electronic, or oral communications intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device.

(ii) The recording of the contents of any wire, electronic, or oral communications under this Subsection (9)(a) shall be done so as to protect the recording from editing or other alterations.

(iii) Immediately upon the expiration of the period of an order or extension, the recordings shall be made available to the judge issuing the order and sealed under his directions.

(iv) Custody of the recordings shall be where the judge orders.

(v) The recordings:

(A) may not be destroyed, except upon an order of the issuing or denying judge; and

(B) shall be kept for 10 years.

(vi) Duplicate recordings may be made for use or disclosure under Subsections 77-23a-9(1) and (2) for investigations.

(vii) The presence of the seal provided by this Subsection (9)(a), or a satisfactory explanation for the absence of one, is a prerequisite for the use or disclosure of the contents of any wire, electronic, or oral communications or evidence derived from it under Subsection 77-23a-9(3).

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be where the judge directs. The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent

jurisdiction and may not be destroyed, except on order of the issuing or denying judge. But in any event they shall be kept for 10 years.

(c) Any violation of any provision of this Subsection (9) may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time, but not later than 90 days after the filing of an application for an order of approval under Subsection 77-23a-10(7) that is denied or the termination of the period of an order or extensions, the issuing or denying judge shall cause to be served on the persons named in the order or the application, and other parties to the intercepted communications as the judge determines in his discretion is in the interest of justice, an inventory, which shall include notice:

(i) of the entry of the order or application;

(ii) of the date of the entry and the period of authorization, approved or disapproved interception, or the denial of the application; and

(iii) that during the period, wire, electronic, or oral communications were or were not intercepted.

(e)

(i) The judge, upon filing of a motion, may in the judge's discretion, make available to the person or the person's counsel for inspection the portions of the intercepted communications, applications, and orders the judge determines to be in the interest of justice.

(ii) On an ex parte showing of good cause to a judge of competent jurisdiction, the serving of the inventory required by this Subsection (9)(e) may be postponed.

(10)

(a) The contents of any intercepted wire, electronic, or oral communications, or evidence derived from any of these, may not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than 10 days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved.

(b) The ten-day period described in Subsection (10)(a) may be waived by the judge if the judge finds that:

(i) it was not possible to furnish the party with the information 10 days before the trial, hearing, or proceeding; and

(ii) the party will not be prejudiced by the delay in receiving the information.

(11)

(a) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, the state, or a political subdivision may move to suppress the contents of any intercepted wire, electronic, or oral communications, or evidence derived from any of them, on the grounds that:

(i) the communication was unlawfully intercepted;

(ii) the order of authorization or approval under which it was intercepted is insufficient on its face; or

(iii) the interception was not made in conformity with the order of authorization or approval.

(b)

(i) The motion described in Subsection (11)(a) shall be made before the trial, hearing, or proceeding, unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion.

(ii) If the motion is granted, the contents of the intercepted wire, electronic, or oral communications, or evidence derived from any of these, shall be treated as having been obtained in violation of this chapter.

(iii) The judge, upon the filing of the motion by the aggrieved person, may in the judge's discretion make available to the aggrieved person or the aggrieved person's counsel for inspection portions of the intercepted communication or evidence derived from the intercepted communication as the judge determines to be in the interests of justice.

(c)

(i) In addition to any other right to appeal, the state or its political subdivision may appeal from an order granting a motion to suppress made under Subsection (11)(a), or the denial of an application for an order of approval, if the attorney bringing the appeal certifies to the judge or other official granting the motion or denying the application that the appeal is not taken for the purposes of delay.

(ii) The appeal described in Subsection (11)(c)(i) shall be taken within 30 days after the date the order was entered and shall be diligently prosecuted.

(12) The requirements of Subsections (1)(b)(ii), (2)(d), and (3)(b) relating to the specification of the facilities from which, or the place where, the wire, electronic, or oral communications are to be intercepted do not apply if:

(a) in the case of an applicant regarding the interception of oral communications:

(i) the application is by a law enforcement officer and is approved by the state attorney general, a deputy attorney general, a county attorney or district attorney, or a deputy county attorney or deputy district attorney;

(ii) the application contains a full and complete statement of why the specification is not practical, and identifies the person committing the offense and whose communications are to be intercepted; or

(iii) the judge finds that the specification is not practical; and

(b) in the case of an application regarding wire or electronic communications:

(i) the application is by a law enforcement officer and is approved by the state attorney general, a deputy attorney general, a county attorney or district attorney, or a deputy county attorney or deputy district attorney;

(ii) the application identifies the person believed to be committing the offense and whose communications are to be intercepted, and the applicant makes a showing of a purpose, on the part of that person, to thwart interception by changing facilities; and

(iii) the judge finds that the purpose has been adequately shown.

(13)

(a) An interception of a communication under an order regarding which the requirements of Subsections (1)(b)(ii), (2)(d), and (3)(b) do not apply by reason of Subsection (12) does not begin until the facilities from which, or the place where, the communications are to be intercepted is ascertained by the person implementing the interception order.

(b)

(i) A provider of wire or electronic communications service that has received an order under Subsection (12)(b) may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion.

(ii) The court, upon notice to the government, shall decide a motion filed under Subsection (13)(b)(i) expeditiously.

Amended by Chapter 17, 2025 Special Session 1

77-23a-11 Civil remedy for unlawful interception -- Action for relief.

(1) Except under Subsections 77-23a-4(3), (4), and (5), a person whose wire, electronic, or oral communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover relief as appropriate from the person or entity that engaged in the violation.

(2) In an action under this section appropriate relief includes:

(a) preliminary and other equitable or declaratory relief as is appropriate;

(b) damages under Subsection (3) and punitive damages in appropriate cases; and

(c) a reasonable attorney's fee and reasonably incurred litigation costs.

(3)

(a) In an action under this section, if the conduct in violation of this chapter is the private viewing of a private satellite video communication that is not scrambled or encrypted, or if the communication is a radio communication that is transmitted on frequencies allocated under Subpart (D), Part 74, Rules of the Federal Communications Commission, that is not scrambled or encrypted, and the conduct is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, the court shall assess damages as follows:

(i) if the person who engaged in the conduct has not previously been enjoined under Subsection 77-23a-4(11) and has not been found liable in a prior civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or the statutory damages of not less than $50 nor more than $500;

(ii) if on one prior occasion the person who engaged in the conduct has been enjoined under Subsection 77-23a-4(11) or has been liable in a civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or statutory damages of not less than $100 and not more than $1,000;

(b) in any other action under this section, the court may assess as damages whichever is the greater of:

(i) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violations; or

(ii) statutory damages of $100 a day for each day of violation, or $10,000, whichever is greater.

(4) A good faith reliance on any of the following is a complete defense against any civil or criminal action brought under this chapter or any other law:

(a) a court order, a warrant, a grand jury subpoena, a legislative authorization, or a statutory authorization;

(b) a request of an investigative or law enforcement officer under Subsection 77-23a-10(7); or

(c) a good faith determination that Section 77-23a-4 permitted the conduct complained of.

(5) A civil action under this section may not be commenced later than two years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

(6) The remedies and sanctions described in this chapter regarding the interception of electronic communications are the only judicial remedies and sanctions for nonconstitutional violations of this chapter involving these communications.

Amended by Chapter 122, 1989 General Session

77-23a-12 Enjoining a violation -- Civil action by attorney general.

(1) When it appears that a person is engaged or is about to engage in any act that constitutes or will constitute a felony violation of this chapter or is otherwise prohibited by this chapter, the attorney general may initiate a civil action in a district court of the state to enjoin the violation.
(2) The court shall proceed as soon as practicable to the hearing and determination of the action and may at any time before final determination enter a restraining order or prohibition, or take other action as warranted to prevent a continuing and substantial injury to the state or to any person or class of persons for whose protection the action is brought.
(3) A proceeding under this section is governed by the Utah Rules of Civil Procedure, except if an information has been filed or an indictment has been returned against the respondent, discovery is governed by the Utah Rules of Criminal Procedure.

Amended by Chapter 122, 1989 General Session

77-23a-13 Installation of device when court order required -- Penalty.

(1) Except as provided in this section, a person may not install or use a pen register or trap or trace device without previously obtaining a court order under Section 77-23a-15, or under federal law.
(2) Subsection (1) does not apply to the use of a pen register or trap and trace device by a provider of electronic or wire communications services:
  (a) relating to the operation, maintenance, and testing of a wire or electronic communications service or to the protection of the rights or property of the provider, or to the protection of users of that service from abuse of service or unlawful use of service; or
  (b) to record that a wire or electronic communication was initiated or completed to protect the provider, another provider furnishing service toward the completion of the wire communication, or a user of that service from fraudulent, unlawful, or abusive use of that service; or
  (c) when the consent of the user of that service has been obtained.
(3) A knowing or intentional violation of Subsection (1) is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session

77-23a-14 Court order for installation -- Application.

(1) The attorney general, a deputy attorney general, a county attorney or district attorney, a deputy county attorney or deputy district attorney, or a prosecuting attorney for a political subdivision of the state, or a law enforcement officer, may make application for an order or extension of an order under Section 77-23a-15 authorizing or approving the installation and use of a pen register or trap and trace device, in writing and under oath or equivalent affirmation, to a court of competent jurisdiction.
(2) An application under Subsection (1) shall include:
  (a) the identity of the attorney for the government or the law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation; and
  (b) a certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

Amended by Chapter 38, 1993 General Session

77-23a-15 Order for installation -- Contents -- Duration -- Extension -- Disclosure.

(1) In general, upon an application made under Section 77-23a-14, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the attorney for the government or the law enforcement or investigative officer has certified to the court that the information likely to be obtained by the installation and use is relevant to an ongoing criminal investigation.
(2)
(a) An order issued under this section shall specify:
(i) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;
(ii) the identity, if known, of the person who is the subject of the criminal investigation;
(iii) the number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographical limits of the trap and trace order; and
(iv) a statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.
(b) The order shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device under Section 77-23a-16.
(3)
(a) An order issued under this section may authorize the installation and use of a pen register or trap and trace device for a period not to exceed 60 days.
(b) Extensions of an order may be granted, but only upon an application for an order under Section 77-23a-14 and upon the judicial finding required by Subsection (1). The period of extension shall be for a period not to exceed 60 days.
(4) An order authorizing or approving the installation and use of a pen register or trap and trace device shall direct that:
(a) the order be sealed until otherwise ordered by the court; and
(b) the person owning or leasing the line to which the pen register or trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless otherwise ordered by the court.

Enacted by Chapter 251, 1988 General Session

77-23a-16 Communications provider -- Cooperation and support services -- Compensation -- Liability defense.

(1) Upon the request of an attorney for the government or an officer of a law enforcement agency authorized to install and use pen registers under this chapter, a provider of wire or electronic communications service, landlord, custodian, or other person shall furnish investigative or law enforcement officers forthwith all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services the person ordered by the court accords the party regarding whom the installation and use is to take place, if such assistance is directed by a court order as provided in Subsection 77-23a-15(2)(b) of this chapter.
(2)

(a) Upon request of an attorney for the government or an officer of a law enforcement agency authorized to receive the results of a trap and trace device under this chapter, a provider of wire or electronic communications service, landlord, custodian, or other person shall:
(i) install the device forthwith on the appropriate line; and
(ii) furnish the investigative or law enforcement officer all additional information, facilities, and technical assistance, including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if the installation and assistance is directed by a court order under Subsection 77-23a-15(2)(b).
(b) Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of the law enforcement agency designated by the court, at reasonable intervals and during regular business hours, for the duration of the order.
(3) A provider of wire or electronic communications service, landlord, custodian, or other person who furnishes facilities or technical assistance under this section shall be reasonably compensated for reasonable expenses incurred in providing the facilities and assistance.
(4) A cause of action does not lie in any court against the provider of wire or electronic communications service, its officers, employees, agents, or other specified persons, for providing information, facilities, or assistance in accordance with the terms of a court order under this chapter.
(5) A good faith reliance on a court order, a legislative authorization, or a statutory authorization, is a complete defense against any civil or criminal action brought under this chapter or any other law.

Amended by Chapter 302, 2025 General Session

Chapter 23b
Access to Electronic Communications

77-23b-1 Definitions.
(1) As used in this chapter, "remote computing service" means provision to the public of computer storage or processing services by means of an electronic communications system.
(2) The definitions of terms in Section 77-23a-3 apply to this chapter.

Amended by Chapter 122, 1989 General Session

77-23b-2 Interference with access to stored communication -- Offenses -- Penalties.
(1) Except under Subsection (3), a person who obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in the system shall be punished under Subsection (2) if the person:
(a) intentionally accesses without authorization a facility through which an electronic communications service is provided; or
(b) intentionally exceeds an authorization to access that facility.
(2) A person who commits a violation of Subsection (1) is:
(a) if the offense is committed for purposes of commercial advantage, malicious destruction, or damage, or private commercial gain, guilty of a:
(i) third degree felony for the first offense under this subsection; and

(ii) second degree felony for any subsequent offense; and
(b) class B misdemeanor in any other case.
(3) Subsection (1) does not apply to conduct authorized:
(a) by the person or entity providing a wire or electronic communications service;
(b) by a user of that service with respect to a communication of or intended for that user; or
(c) under Sections 77-23a-10, 77-23b-4, and 77-23b-5.

Amended by Chapter 302, 2025 General Session

77-23b-3 Revealing stored electronic communication -- Prohibitions -- Penalties.
(1) Except under Subsection (2):
(a) the person or entity providing an electronic communications service to the public may not knowingly divulge to any person or entity the contents of a communication while in electronic storage by that service; and
(b) a person or entity providing a remote computing service to the public may not knowingly divulge to any person or entity the contents of any communication that is carried or maintained on that service:
(i) on behalf of and received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from a subscriber or customer of the service; and
(ii) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communications for the purpose of providing any services other than storage or computer processing.
(2) A person or entity may divulge the contents of a communication:
(a) to an addressee or intended recipient of the communication or an agent of the addressee or intended recipient;
(b) as otherwise authorized under Section 77-23a-4, 77-23a-8, or 77-23b-4;
(c) with the lawful consent of the originator or addressee or intended recipient of the communication, or the subscriber in the case of remote computing service;
(d) to a person employed or authorized, or whose facilities are used to forward the communication to its destination;
(e) as may be necessarily incident to the rendition of the service or the protection of the rights or property of the provider of that service; or
(f) to a law enforcement agency, if the contents:
(i) were inadvertently obtained by the service provider; and
(ii) appear to pertain to the commission of a criminal offense.

Amended by Chapter 122, 1989 General Session

77-23b-4 Disclosure by a provider -- Grounds for requiring disclosure -- Court order.
(1) A government entity may only require the disclosure by a provider of electronic communication services of the contents of an electronic communication that is in electronic storage in an electronic communication system pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
(2) Subsection (1) applies to any electronic communication that is held or maintained on that service:

(a) on behalf of and received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from a subscriber or customer of the remote computing service; and
(b) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communication for purposes of providing any services other than storage or computer processing.
(3)
(a)
(i) Except under Subsection (3)(a)(ii), a provider of electronic communication services or remote computing services may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communication covered by Subsection (1), to any person other than a governmental agency.
(ii) A provider of electronic communication services or remote computing services shall disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communication covered by Subsection (1), to a governmental entity only when the entity:
(A) uses an administrative subpoena authorized by a state or federal statute or a state or federal grand jury subpoena;
(B) obtains a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant;
(C) obtains a court order for the disclosure under Subsection (4); or
(D) has the consent of the subscriber or customer to the disclosure.
(b) A governmental entity receiving records or information under this subsection is not required to provide notice to a subscriber or customer.
(4)
(a) A court order for disclosure under this section may be issued only if the governmental entity shows there is reason to believe the contents of a wire or electronic communication, or the records or other information sought, are relevant to a legitimate law enforcement inquiry.
(b) A court issuing an order under this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.
(5) A cause of action may not be brought in any court against any provider of wire or electronic communications services, its officers, employees, agents, or other specified persons, for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, subpoena, or certification under this chapter.

Amended by Chapter 115, 2012 General Session

77-23b-5 Backup copy of communications -- When required of provider -- Court order -- Procedures.
(1)
(a) A governmental entity acting under Subsection 77-23b-4(2)(b) may include in its subpoena or court order a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communications sought in order to preserve those communications. Without notifying the subscriber or customer of the subpoena or court order, the service provider shall create the backup as soon as practicable, consistent with its regular business practices. The provider shall also confirm to the governmental entity that the

backup copy has been made. The backup copy shall be created within two business days after receipt by the service provider of the subpoena or court order.

(b) Notice to the subscriber or customer shall be made by the governmental entity within three days after receipt of confirmation, unless the notice is delayed under Subsection 77-23b-6(1).

(c) The service provider may not destroy the backup copy until the later of:

(i) the delivery of the information; or

(ii) the resolution of any proceedings, including appeals of any proceeding, concerning the government's subpoena or court order.

(d) The service provider shall release the backup copy to the requesting governmental entity no sooner than 14 days after the governmental entity's notice to the subscriber or customer, if the service provider:

(i) has not received notice from the subscriber or customer that the subscriber or customer has challenged the governmental entity's request; and

(ii) has not initiated proceedings to challenge the request of the governmental entity.

(e) A governmental entity may seek to require the creation of a backup copy under Subsection (1)(a) if in its sole discretion the entity determines that there is reason to believe that notification under Section 77-23b-4 of the existence of the subpoena or court order may result in destruction of or tampering with evidence. This determination is not subject to challenge by the subscriber, customer, or service provider.

(2)

(a) Within 14 days after notice by the governmental entity to the subscriber or customer under Subsection (1)(b), the subscriber or customer may file a motion to quash the subpoena or vacate the court order, with copies served upon the governmental entity, and with written notice of the challenge to the service provider. A motion to vacate a court order shall be filed in the court that issues the order. A motion to quash a subpoena shall be filed in the appropriate district court. The motion or application shall contain an affidavit or sworn statement:

(i) that the applicant is a customer or subscriber to the service from which the contents of electronic communications maintained for the applicant have been sought; and

(ii) that the applicant's reason for believing the records sought are not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this chapter in some other respect.

(b) Service shall be made under this section upon a governmental entity by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice the customer received under this chapter. For purposes of this subsection, "deliver" has the same meaning as under the Utah Rules of Criminal Procedure.

(c) If the court finds that the customer has complied with Subsections (2)(a) and (b), the court shall order the governmental entity to file a sworn response, that may be filed in camera if the governmental entity includes in its response the reasons making in camera review appropriate. If the court is unable to determine the motion or application on the basis of the parties' initial allegations and response, the court may conduct additional proceedings as it considers appropriate. All proceedings shall be completed, and the motion or application decided, as soon as practicable after the filing of the governmental entity's response.

(d) If the court finds that the applicant is not the subscriber or customer for whom the communications sought by the governmental entity are maintained, or that there is a reason to believe that the law enforcement inquiry is legitimate and that the communications sought are relevant to that inquiry, it shall deny the motion or application and order the process enforced. If the court finds that the applicant is the subscriber or customer for

whom the communications sought by the governmental entity are maintained, and that there is no reason to believe that the communications sought are relevant to a legitimate law enforcement inquiry, or that there has not been substantial compliance with this chapter, it shall order the process quashed.

(e) A court order denying a motion or application under this section is not considered a final order, and no interlocutory appeal may be taken from it by the customer or subscriber.

Amended by Chapter 302, 2025 General Session

77-23b-6 Notifying subscriber or customer of court order -- Requested delay -- Grounds -- Limits.

(1)

(a) The governmental entity acting under Section 77-23b-4 may:

(i) if a court order is sought, include in the application a request for an order delaying notification to the subscriber for not to exceed 90 days and, if the court determines there is reason to believe that notification of existence of the court order may have an adverse result, the court shall grant the order; or

(ii) if an administrative subpoena authorized by a state or federal statute or a state or federal grand jury subpoena is obtained, delay notification to the subscriber for not to exceed 90 days, upon the execution of a written certification of a supervisory official that there is reason to believe that the notification of the existence of the subpoena may have an adverse result.

(b) An adverse result is:

(i) endangering the life or physical safety of an individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

(c) The governmental entity shall maintain a true copy of certification under Subsection (1)(a)(ii).

(d) Extensions of the delay of notification under Section 77-23b-4 of up to 90 days each, may be granted by the court upon application, or by certification by a governmental entity, but only in accordance with Subsection (2).

(e) On expiration of the period of delay of notification under Subsection (1)(a) or (d), the governmental entity shall serve upon, or deliver by registered or first class mail, to the customer or subscriber a copy of the process or request together with a notice:

(i) stating with reasonable specificity the nature of the law enforcement inquiry; and

(ii) informing the customer or subscriber:

(A) that information maintained for the customer or subscriber by the service provider named in the process or request was supplied to or requested by that governmental authority and the date the supplying or request took place;

(B) that notification of the customer or subscriber was delayed;

(C) which governmental entity or court made the certification or determination pursuant to which that delay was made; and

(D) which provision of this chapter allows the delay.

(f) As used in this subsection, "supervisory official" means the investigative agent in charge or assistant investigative agent in charge or an equivalent of an investigative agency's headquarters or regional office; a county sheriff or chief deputy sheriff, or police chief or assistant police chief; the officer in charge of an investigative task force or the assistant

officer in charge; or the attorney general, an assistant attorney general, a county attorney or district attorney, a deputy county attorney or deputy district attorney, or the chief prosecuting attorney of any political subdivision of the state.

(2) A governmental entity acting under Section 77-23b-4, when not required to notify the subscriber or customer, or to the extent that it may delay notice under Subsection (1), may apply to a court for an order commanding the provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for a period of time the court considers appropriate, to not notify any other person of the existence of the warrant, subpoena, or court order. The court shall enter the order if it determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will result in:
  (a) endangering the life or physical safety of an individual;
  (b) flight from prosecution;
  (c) destruction of or tampering with evidence;
  (d) intimidation of potential witnesses; or
  (e) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

Amended by Chapter 115, 2012 General Session

77-23b-7 Fee for services of provider of information.

(1)
  (a) Except as otherwise provided in Subsection (3), a governmental entity obtaining the contents of communications, records, or other information under Section 77-23b-4 or 77-23b-5 shall pay to the person or entity assembling or providing the information a reimbursement fee for the costs reasonably necessary and directly incurred in searching for, assembling, reproducing, or otherwise providing the information.
  (b) The reimbursement costs shall include any costs due to the necessary disruption of normal operations of any electronic communications service or remote computing service in which the information may be stored.

(2) The fee amount under Subsection (1) shall be mutually agreed upon by the governmental entity and the person or entity providing the information, or in the absence of agreement, shall be as determined by the court:
  (a) that issued the order for production of the information; or
  (b) before which a criminal prosecution relating to the information would be brought, if no court order was issued for production of the information.

(3) The requirement of Subsection (1) does not apply to records or other information maintained by a communications common carrier that relate to telephone toll records and telephone listings obtained under Section 77-23b-4. However, the court may order a payment as described under Subsection (1) if the court determines the information required is unusually voluminous in nature or otherwise causes an undue burden on the provider.

Amended by Chapter 122, 1989 General Session

77-23b-8 Violation of chapter -- Civil action by provider or subscriber -- Good faith defense -- Limitation of action.

(1) Except under Subsection 77-23b-4(5), any provider of electronic communications service, subscriber, or customer aggrieved by any violation of this chapter in which the conduct constituting the violation is engaged in with a knowing or intentional state of mind may in a civil action recover from the person or entity that engaged in that violation relief as is appropriate.

(2) In a civil action under this section, appropriate relief includes:
(a) preliminary and other equitable or declaratory relief as is appropriate;
(b) damages under Subsection (3); and
(c) a reasonable attorney's fee and other litigation costs reasonably incurred.
(3) The court may assess as damages in a civil action under this section the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, but in no case is a person entitled to recover less than $1,000.
(4) A good faith reliance on any of the following is a complete defense to any civil or criminal action brought under this chapter or any other law:
(a) a court warrant or order, a grand jury subpoena, legislative authorization, or a statutory authorization;
(b) a request of an investigative or law enforcement officer under Subsection 77-23a-10(7); or
(c) a good faith determination that Subsection 77-23a-4(9) permitted the conduct complained of.
(5) A civil action under this section may not be commenced later than two years after the date the claimant first discovered or had a reasonable opportunity to discover the violation.

Amended by Chapter 22, 1989 General Session
Amended by Chapter 122, 1989 General Session

77-23b-9 Judicial scope of chapter remedies and sanctions.

The remedies and sanctions under this chapter are the only judicial remedies and sanctions for nonconstitutional violations of this chapter.

Enacted by Chapter 251, 1988 General Session

Chapter 23c
Electronic Information Privacy Act

77-23c-101.2 Definitions.

As used in this chapter:
(1) "Electronic communication service" means a service that provides to users of the service the ability to send or receive wire or electronic communications.
(2) "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service.
(3)
(a) "Electronic information" means information or data including a sign, signal, writing, image, sound, or intelligence of any nature transmitted or stored in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.
(b) "Electronic information" includes the location information, stored data, or transmitted data of an electronic device.
(c) "Electronic information" does not include:
(i) a wire or oral communication;
(ii) a communication made through a tone-only paging device; or
(iii) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of money.
(4) "Law enforcement agency" means:

(a) an entity of the state or a political subdivision of the state that exists to primarily prevent, detect, or prosecute crime and enforce criminal statutes or ordinances; or
(b) an individual or entity acting for or on behalf of an entity described in Subsection (4)(a).
(5)
(a) "Location information" means information concerning the geographical location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device or the operation of a software application on an electronic device.
(b) "Location information" includes past, current, and future location information.
(6) "Location information service" means the provision of a global positioning service or other mapping, location, or directional information service.
(7) "Oral communication" means the same as that term is defined in Section 77-23a-3.
(8) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.
(9) "Transmitted data" means electronic information that is transmitted wirelessly:
(a) from an electronic device to another electronic device without the use of an intermediate connection or relay; or
(b) from an electronic device to a nearby antenna or from a nearby antenna to an electronic device.
(10) "Wire communication" means the same as that term is defined in Section 77-23a-3.

Amended by Chapter 382, 2023 General Session

77-23c-102 Electronic information privacy -- Warrant required for disclosure -- Exceptions.
(1)
(a) Except as provided in Subsection (2) or (4), for a criminal investigation or prosecution, a law enforcement agency may not obtain, without a search warrant issued by a court upon probable cause:
(i) the location information, stored data, or transmitted data of an electronic device; or
(ii) electronic information transmitted by the owner of the electronic information:
(A) to a provider of a remote computing service; or
(B) through a provider of an electronic communication service.
(b) Except as provided in Subsection (1)(c), a law enforcement agency may not use, copy, or disclose, for any purpose, the location information, stored data, or transmitted data of an electronic device, or electronic information provided by a provider of a remote computing service or an electronic communication service, that:
(i) is not the subject of the warrant; and
(ii) is collected as part of an effort to obtain the location information, stored data, or transmitted data of an electronic device, or electronic information provided by a provider of a remote computing service or an electronic communication service that is the subject of the warrant in Subsection (1)(a).
(c) A law enforcement agency may use, copy, or disclose the transmitted data of an electronic device used to communicate with the electronic device that is the subject of the warrant if the law enforcement agency reasonably believes that the transmitted data is necessary to achieve the objective of the warrant.
(d) The electronic information described in Subsection (1)(b) shall be destroyed in an unrecoverable manner by the law enforcement agency as soon as reasonably possible after the electronic information is collected.

(2)
(a) A law enforcement agency may obtain location information without a warrant for an electronic device:
(i) in accordance with Section 53-10-104.5;
(ii) if the device is reported stolen by the owner;
(iii) with the informed, affirmative consent of the owner or user of the electronic device;
(iv) except for the automobile exception to the warrant requirement, in accordance with a judicially recognized exception to warrant requirements;
(v) if the owner has voluntarily and publicly disclosed the location information; or
(vi) from a provider of a remote computing service or an electronic communications service if the provider voluntarily discloses the location information:
(A) under a belief that an emergency exists involving an imminent risk to an individual of death, serious physical injury, sexual abuse, live-streamed sexual exploitation, kidnapping, or human trafficking; or
(B) that is inadvertently discovered by the provider and appears to pertain to the commission of a felony, or of a misdemeanor involving physical violence, sexual abuse, or dishonesty.
(b) A law enforcement agency may obtain stored data or transmitted data from an electronic device or electronic information transmitted by the owner of the electronic information to a provider of a remote computing service or through a provider of an electronic communication service, without a warrant:
(i) with the informed consent of the owner of the electronic device or electronic information;
(ii) except for the automobile exception to the warrant requirement, in accordance with a judicially recognized exception to warrant requirements; or
(iii) subject to Subsection (2)(a)(vi)(B), from a provider of a remote computing service or an electronic communication service if the provider voluntarily discloses the stored or transmitted data as otherwise permitted under 18 U.S.C. Sec. 2702.
(c) A prosecutor may obtain a judicial order as described in Section 77-22-2.5 for the purposes described in Section 77-22-2.5.
(3) A provider of an electronic communication service or a remote computing service, the provider's officers, employees, or agents, or other specified persons may not be held liable for providing information, facilities, or assistance in good faith reliance on the terms of the warrant issued under this section or without a warrant in accordance with Subsection (2).
(4) Nothing in this chapter:
(a) limits or affects the disclosure of public records under Title 63G, Chapter 2, Government Records Access and Management Act;
(b) affects the rights of an employer under Subsection 34-48-202(1)(e) or an administrative rule adopted under Section 63A-16-205; or
(c) limits the ability of a law enforcement agency to receive or use information, without a warrant or subpoena, from the National Center for Missing and Exploited Children under 18 U.S.C. Sec. 2258A.

Amended by Chapter 382, 2023 General Session
Amended by Chapter 514, 2023 General Session

77-23c-103 Notification required -- Exceptions -- Delayed notification.
(1)
(a) Except as provided in Subsection (1)(b) or (2), a law enforcement agency that executes a warrant under Subsection 77-23c-102(1) or 77-23c-104(3) shall serve the owner of the

electronic device or electronic information specified in the warrant with a notice described in Subsection (3):

(i) within 90 days after the day on which the electronic device or the electronic information is obtained by the law enforcement agency but in no case more than three days after the day on which the investigation is concluded; or

(ii) if the owner of the electronic device or electronic information specified in the warrant is unknown to the law enforcement agency, within 90 days after the day on which the law enforcement agency identifies, or reasonably could identify, the owner.

(b) A law enforcement agency is not required to serve a notice described in Subsection (1)(a) to the owner of the electronic device or electronic information if the owner is located outside of the United States.

(2)

(a)

(i) A law enforcement agency seeking a warrant in accordance with Subsection 77-23c-102(1)(a) or 77-23c-104(3) may submit a request, and the court may grant permission, to delay service of the notice required under Subsection (1) for a period not to exceed 30 days, if the court determines that there is reasonable cause to believe that the notification may:

(A) endanger the life or physical safety of an individual;

(B) cause a person to flee from prosecution;

(C) lead to the destruction of or tampering with evidence;

(D) intimidate a potential witness; or

(E) otherwise seriously jeopardize an investigation or unduly delay a trial.

(ii) When a delay of notification is granted under Subsection (2)(a)(i) and upon application by the law enforcement agency, the court may grant additional extensions of up to 30 days each.

(b)

(i) A law enforcement agency that seeks a warrant for an electronic device or electronic information in accordance with Subsection 77-23c-102(1)(a) or 77-23c-104(3) may submit a request to the court, and the court may grant permission, to delay service of the notice required under Subsection (1), if the purpose of delaying the notification is to apprehend an individual:

(A) who is a fugitive from justice under Section 77-30-13; and

(B) for whom an arrest warrant has been issued for a violent felony offense as defined in Section 76-3-203.5.

(ii)

(A) The court may grant the request under Subsection (2)(b)(i) to delay notification until the individual who is a fugitive from justice under Section 77-30-13 is apprehended by the law enforcement agency.

(B) A law enforcement agency shall serve the notice required under Subsection (1) to the owner of the electronic device or electronic information within 14 days after the day on which the law enforcement agency apprehends the individual described in Subsection (2)(b)(i).

(3) A notice required under Subsection (1) shall include:

(a) a copy of the warrant; and

(b) a written statement identifying:

(i) the offense specified in the warrant application;

(ii) the identity of the law enforcement agency that filed the application;

(iii) the date on which the electronic information was obtained; and

(iv) the number and length of any authorized delays in serving the notice required under Subsection (1), including, if applicable, the name of the court that authorized the delay and a reference to the provision of this chapter that permitted the delay.

(4) A law enforcement agency shall serve the notice required under Subsection (1) to the owner of the electronic device or electronic information by:

(a) personal service on the owner;

(b) first-class mail to the owner's last-known address; or

(c) other reasonable means if the owner's last-known address is unknown.

Amended by Chapter 382, 2023 General Session

77-23c-104 Third-party electronic information.

(1) As used in this section, "subscriber record" means a record or information of a provider of an electronic communication service or remote computing service that reveals the subscriber's or customer's:

(a) name;

(b) address;

(c) local and long distance telephone connection record, or record of session time and duration;

(d) length of service, including the start date;

(e) type of service used;

(f) telephone number, instrument number, or other subscriber or customer number or identification, including a temporarily assigned network address; and

(g) means and source of payment for the service, including a credit card or bank account number.

(2) Except as provided in Chapter 22, Subpoena Powers for Aid of Criminal Investigation and Grants of Immunity or Section 77-23f-105, a law enforcement agency may not obtain, use, copy, or disclose a subscriber record.

(3) A law enforcement agency may not obtain, use, copy, or disclose, for a criminal investigation or prosecution, any record or information, other than a subscriber record, of a provider of an electronic communication service or remote computing service related to a subscriber or customer without a warrant.

(4) Notwithstanding Subsections (2) and (3), a law enforcement agency may obtain, use, copy, or disclose a subscriber record, or other record or information related to a subscriber or customer, without an investigative subpoena or a warrant:

(a) with the informed, affirmed consent of the subscriber or customer;

(b) in accordance with a judicially recognized exception to warrant requirements;

(c) if the subscriber or customer voluntarily discloses the record in a manner that is publicly accessible; or

(d) if the provider of an electronic communication service or remote computing service voluntarily discloses the record:

(i) under a belief that an emergency exists involving the imminent risk to an individual of:

(A) death;

(B) serious physical injury;

(C) sexual abuse;

(D) live-streamed sexual exploitation;

(E) kidnapping; or

(F) human trafficking;

(ii) that is inadvertently discovered by the provider, if the record appears to pertain to the commission of:
(A) a felony; or
(B) a misdemeanor involving physical violence, sexual abuse, or dishonesty; or
(iii) subject to Subsection 77-23c-104(4)(d)(ii), as otherwise permitted under 18 U.S.C. Sec. 2702.
(5) A provider of an electronic communication service or remote computing service, or the provider's officers, employees, agents, or other specified persons may not be held liable for providing information, facilities, or assistance in good faith reliance on the terms of a warrant issued under this section, or without a warrant in accordance with Subsection (3).

Amended by Chapter 382, 2023 General Session

77-23c-105 Exclusion of records.

All electronic information or data and records of a provider of an electronic communications service or remote computing service pertaining to a subscriber or customer that are obtained in violation of the provisions of this chapter shall be subject to the rules governing exclusion as if the records were obtained in violation of the Fourth Amendment to the United States Constitution and Utah Constitution, Article I, Section 14.

Enacted by Chapter 362, 2019 General Session

Chapter 23d
Surveillance Privacy

77-23d-101 Title.

This chapter is known as "Imaging Surveillance Privacy."

Enacted by Chapter 447, 2015 General Session

77-23d-102 Definitions.

As used in this chapter:
(1) "Airport" means the same as that term is defined in Section 72-10-102.
(2) "Authorized property" means:
(a) a building or part of a building owned or leased by a law enforcement agency or a correctional facility;
(b) critical infrastructure if owned or operated by a government entity;
(c) an elementary or secondary public or charter school;
(d) a courthouse; or
(e) an airport.
(3) "Biometric surveillance information" means the analysis of surveillance information using biometric software to identify an individual's identity or location using the individual's physical attributes or manner.
(4) "Critical infrastructure" means the same as that term is defined in Section 76-6-106.3.
(5)

(a) "Government entity" means the state, a county, a municipality, a higher education institution, a special district, a special service district, charter school, or any other political subdivision of the state or an administrative subunit of a political subdivision.
(b) "Government entity" includes a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission, or an individual acting or purporting to act for or on behalf of a state or local agency.
(6) "Imaging surveillance device" means a device that uses radar, sonar, infrared, or other remote sensing or detection technology used by the individual operating the device to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure.
(7) "Public safety threat" means a documented reasonable articulable suspicion of:
(a) a threat to commit a violent felony by a specific individual towards a person, a group of people, or a place; or
(b) a threat by a specific individual to commit an offense under Section 76-5-107, Threat of violence.
(8) "Surveillance information" means future, current, or historical information produced by the digital monitoring of an area that can be used to create biometric surveillance information.
(9) "Target" means a person or a structure upon which a government entity intentionally collects or attempts to collect information using an imaging surveillance device.
(10) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

Amended by Chapter 216, 2024 General Session

77-23d-103 Use of imaging surveillance device -- Warrant required -- Exceptions.
(1) Except as provided in Subsection (2), a government entity may not operate an imaging surveillance device without a search warrant issued upon probable cause.
(2) A government entity may operate an imaging surveillance device without a search warrant:
(a) for testing equipment or training if the testing or training:
(i) is not conducted as part of an investigation or law enforcement activity; and
(ii) is conducted with the knowledge and consent of:
(A) each individual who is imaged; and
(B) an owner of each property that is imaged;
(b) in exigent circumstances; or
(c) in fresh pursuit of a person suspected of committing a felony.

Enacted by Chapter 447, 2015 General Session

77-23d-104 Notification required -- Delayed notification.
(1) Except as provided in Subsection (2), a government entity that executes a search warrant that authorizes the use of an imaging surveillance device shall, within 14 days after the day on which the warrant is executed, provide notice to the individual who owns, resides in, or rents the structure specified in the warrant that states:
(a) that a warrant was applied for and granted;
(b) the type of warrant issued;
(c) the period of time during which the collection of data from the structure was authorized;
(d) the offense specified in the application for the warrant;
(e) the identity of the government entity that filed the application; and
(f) the name of the court that issued the warrant.

(2) A government entity seeking a warrant described in Subsection 77-23d-103(1) may submit a request, and the court may grant permission, to delay the notification described in Subsection (1) for a period not to exceed 30 days, if the court determines that there is probable cause to believe that the notification may:
  (a) endanger the life or physical safety of an individual;
  (b) cause an individual to flee from prosecution;
  (c) lead to the destruction of or tampering with evidence;
  (d) result in the intimidation of a potential witness; or
  (e) otherwise seriously jeopardize an investigation or unduly delay a trial.
(3) When a delay of notification is granted under Subsection (2), and upon application by the government entity, the court may grant additional extensions of up to 30 days each.
(4) Upon expiration of the period of delayed notification granted under Subsection (2) or (3), the government entity shall serve upon or deliver by first-class mail to the individual who owns, resides in, or rents the structure specified in the warrant a copy of the warrant together with a notice that:
  (a) states with reasonable specificity the nature of the law enforcement inquiry; and
  (b) contains:
    (i) the information described in Subsections (1)(a) through (f);
    (ii) a statement that notification of the search was delayed;
    (iii) the name of the court that authorized the delay of notification; and
    (iv) a reference to the provision of this chapter that allowed the delay of notification.
(5) A government entity is not required to notify the owner of a structure if the owner is located outside of the United States.

Enacted by Chapter 447, 2015 General Session

77-23d-105 Data use and retention.
(1) Except as provided in Subsection (2), a government entity:
  (a) may not use, copy, or disclose data collected using an imaging surveillance device on an individual or structure that is not a target; and
  (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the government entity collects or receives the data.
(2) A government entity is not required to comply with Subsection (1) if:
  (a) deleting the data would also require the deletion of data that:
    (i) relates to the target of the operation; and
    (ii) is requisite for the success of the operation;
  (b) the government entity receives the data:
    (i) through a court order that:
      (A) requires a person to release the data to the government entity; or
      (B) prohibits the destruction of the data; or
    (ii) from a person who is a nongovernment actor;
  (c)
    (i) the data was collected inadvertently; and
    (ii) the data appears to pertain to the commission of a crime; or
  (d)
    (i) the government entity reasonably determines that the data pertains to an emergency situation; and
    (ii) using or disclosing the data would assist in remedying the emergency.

Enacted by Chapter 447, 2015 General Session

77-23d-106 Biometric surveillance information.

(1) Except as provided in Subsection (2), a government entity may not obtain biometric surveillance information without:
  (a) a search warrant; and
  (b) an existing written policy that:
    (i) concerns the government entity's use, management, and auditing of biometric surveillance information; and
    (ii) is posted and publicly available on:
      (A) the government entity's website; or
      (B) the Utah Public Notice Website created in Section 63A-16-601, if the government entity does not have a website.

(2) A government entity may obtain biometric surveillance information without a search warrant:
  (a) on authorized property;
  (b) in accordance with a judicially recognized exception to warrant requirements; or
  (c) a public safety threat.

Enacted by Chapter 216, 2024 General Session

Chapter 23e
Government Use of Facial Recognition Technology

77-23e-101 Title.

This chapter is known as "Government Use of Facial Recognition Technology."

Enacted by Chapter 200, 2021 General Session

77-23e-102 Definitions.

As used in this chapter:

(1) "Department" means the Department of Public Safety, created in Section 53-1-103.

(2) "Facial biometric data" means data derived from a measurement, pattern, contour, or other characteristic of an individual's face, either directly or from an image.

(3)
  (a) "Facial recognition comparison" means the process of comparing an image or facial biometric data to an image database.
  (b) "Facial recognition comparison" does not include biometric surveillance information as that term is defined in Section 77-23d-102.

(4)
  (a) "Facial recognition system" means a computer system that, for the purpose of attempting to determine the identity of an unknown individual, uses an algorithm to compare biometric data of the face of the unknown individual to facial biometric data of known individuals.
  (b) "Facial recognition system" does not include:
    (i) a system described in Subsection (4)(a) that is available for use, free of charge, by the general public; or

(ii) a system a consumer uses for the consumer's private purposes.

(5)

(a) "Government entity" means:

(i) an executive department agency of the state;

(ii) the office of:

(A) the governor;

(B) the lieutenant governor;

(C) the state auditor;

(D) the attorney general; or

(E) the state treasurer;

(iii) the Board of Pardons and Parole;

(iv) the Board of Examiners;

(v) the National Guard;

(vi) the Career Service Review Office;

(vii) the State Board of Education;

(viii) the Utah Board of Higher Education;

(ix) the State Archives;

(x) the Office of the Legislative Auditor General;

(xi) the Office of Legislative Fiscal Analyst;

(xii) the Office of Legislative Research and General Counsel;

(xiii) the Legislature;

(xiv) a legislative committee of the Legislature;

(xv) a court, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;

(xvi) an institution of higher education as that term is defined in Section 53H-1-101;

(xvii) an entity within the system of public education that receives funding from the state; or

(xviii) a political subdivision of the state as that term is defined in Section 63G-7-102.

(b) "Government entity" includes:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity described in Subsection (5)(a) that is funded or established by the government to carry out the public's business; or

(ii) an individual acting as an agent of a government entity or acting on behalf of an entity described in this Subsection (5).

(6)

(a) "Image database" means a database maintained by a government entity that contains images the government entity captures of an individual while the individual interacts with the government entity.

(b) "Image database" does not include publicly available information.

(7) "Law enforcement agency" means a public entity that exists primarily to prevent, detect, or prosecute crime or enforce criminal statutes or ordinances.

(8) "Trained employee" means an individual who is trained to make a facial recognition comparison and identification and who has completed implicit bias training.

Amended by Chapter 9, 2025 Special Session 1

77-23e-103 Government use of facial recognition system with image database -- Restrictions -- Process -- Disclosure.

(1) Except as provided in this section, in Section 77-23e-104, and in Section 77-23e-105, a government entity may not use a facial recognition system on an image database.

(2)

(a)

(i) Only a law enforcement agency may make a request for a government entity to conduct a facial recognition comparison using a facial recognition system.

(ii) Except as provided in Subsection (2)(a)(iii), a law enforcement agency shall submit a request for a facial recognition comparison on an image database in writing to the government entity that manages the image database.

(iii) A law enforcement agency shall submit a request for a facial recognition comparison on an image database shared with or maintained by the department in accordance with Section 77-23e-104.

(b) A trained employee who is employed by the government entity that maintains or has access to the image database shall complete the request if the request:

(i) is for a purpose described in Subsection (2)(c);

(ii) includes a case identification number; and

(iii) is, if it is a request made for the purpose of investigating a crime, supported by a statement of the specific crime and factual narrative to support that there is a fair probability that the individual who is the subject of the request is connected to the crime.

(c) An individual described in Subsection (2)(b) shall only comply with requests made for a purpose of:

(i) investigating a felony, a violent crime, or a threat to human life; or

(ii) identifying an individual who is:

(A) deceased;

(B) incapacitated; or

(C) at risk and otherwise unable to provide the law enforcement agency with his or her identity.

(d) The law enforcement agency shall only use the facial recognition comparison:

(i) in accordance with the requirements of law; and

(ii) in relation to a purpose described in Subsection (2)(c).

(3) A government entity may not use a facial recognition system for a civil immigration violation.

(4) To make a facial recognition comparison, a trained employee described in Subsection (2)(b) shall:

(a) use a facial recognition system that, in accordance with industry standards:

(i) makes the comparison using an algorithm that compares only facial biometric data;

(ii) is secure; and

(iii) is produced by a company that is currently in business;

(b) if the facial recognition system indicates a possible match, make an independent visual comparison to determine whether the facial recognition system's possible match is a probable match;

(c) if the trained employee determines that there is a possible match that is a probable match, seek a second opinion from another trained employee or the trained employee's supervisor; and

(d)

(i) if the other trained employee or the trained employee's supervisor agrees that the match is a probable match:

(A) report the result to the requesting law enforcement agency through an encrypted method; and

(B) return to the requesting law enforcement agency only a result that all trained employees agree is a probable match; or

(ii) if the other trained employee or the trained employee's supervisor disagrees that there is a probable match, report the fact that the search returned no results to the requesting law enforcement agency.

(5) When submitting a case to a prosecutor, a law enforcement agency of the state or of a political subdivision shall disclose to the prosecutor, in writing:

(a) whether a facial recognition system was used in investigating the case; and

(b) if a facial recognition system was used:

(i) the information the law enforcement agency received in accordance with Subsection (4)(d)(ii); and

(ii) a description of how the facial recognition comparison was used in the investigation.

Enacted by Chapter 200, 2021 General Session

77-23e-104 Department use of facial recognition system with specific images -- Restrictions.

(1) The department is the only government entity in the state authorized to use a facial recognition system to conduct a facial recognition comparison on an image database that is maintained by or shared with the department.

(2) The department may only use a facial recognition system:

(a) for a purpose authorized in Subsection 77-23e-103(2)(c); or

(b) notwithstanding Subsection 77-23e-103(2)(b), to:

(i) compare an image taken of an applicant for a license certificate or an identification card to determine whether the applicant has submitted a fraudulent or an inaccurate application; or

(ii) provide images for a photo lineup for a purpose authorized in Subsection 77-23e-103(2)(c).

(3) Notwithstanding Subsection 77-23e-103(2)(a)(ii), a law enforcement agency shall submit a request to the department to use a facial recognition system on an image database maintained by the department through the Utah Criminal Justice Information System.

Enacted by Chapter 200, 2021 General Session

77-23e-105 Notice requirement.

(1) When capturing an image of an individual when the individual interacts with the government entity, the government entity shall notify the individual that the individual's image may be used in conjunction with facial recognition technology.

(2) At least 30 days before the day on which a government entity other than the department begins using a facial recognition system to conduct a facial recognition comparison on the government entity's image database, the government entity shall:

(a) publish on the government entity's website:

(i) notice of the proposed use of facial recognition system;

(ii) a description of the image database on which the government entity plans to use the facial recognition system; and

(iii) information about how to provide public comment;

(b) allow the public to submit written comments to the government entity within 15 days after the date of publication;

(c) consider timely submitted public comments and the criteria established in this chapter in determining whether to proceed with the intended use of the facial recognition system; and

(d) post notice of the final decision on the government entity's website.

(3) The process described in Subsection (2) does not create a right of appeal.

Enacted by Chapter 200, 2021 General Session

77-23e-106 Data protection and disclosure.

(1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, data relating to a facial recognition comparison may not be used or shared for any purpose other than a purpose described in this chapter.

(2)

(a) Upon request, a government entity shall release statistical information regarding facial recognition comparisons, including:

(i) the different types of crime for which the government entity received a request;

(ii) how many requests the government entity received for each type of crime; and

(iii) the number of probable matches the government entity provided in response to each request.

(b) In responding to a request for a release of statistical information under Subsection (2)(a), a government entity may not disclose details regarding a pending investigation.

(3)

(a) On or after August 1 but before October 15 of each year, a government entity that uses a facial recognition system to conduct a facial recognition comparison shall provide to the Government Operations Interim Committee a report that discloses:

(i) the different types of crime for which the department received a request;

(ii) how many requests the department received for each type of crime;

(iii) the number of probable matches the department provided in response to each request; and

(iv) the image source from which the department made each match.

(b) In responding to a request for a release of statistical information under Subsection (2)(a), a government entity may not disclose details regarding a pending investigation.

Enacted by Chapter 200, 2021 General Session

Chapter 23f
Access to Reverse-Location and Reverse-Keyword Information

77-23f-101 Definitions.

As used in this chapter:

(1) "Anonymized" means that the identifying information connected to an electronic device has been rendered anonymous in a manner such that the subject, including an individual, household, device, or Internet protocol address, is not identifiable to a law enforcement agency.

(2) "Cell site" means transmission or reception equipment, including a base-station antenna, that connects an electronic device to a network.

(3) "Cell site record" means the cell site location information of an electronic device that corresponds to a specific cell site and time frame.

(4) "Electronic device" means the same as that term is defined in Section 77-23c-101.2.

(5) "Geofence" means a specified geographic area defined by a virtual perimeter or geographic coordinates.

(6) "Identifying information" means information tied to an electronic device that identifies the user's or owner's:
(a) name;
(b) address;
(c) phone number;
(d) email; or
(e) other identifying information that would identify the owner or user of the electronic device.
(7) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.
(8) "Location information" means the same as that term is defined in Section 77-23c-101.2.
(9)
(a) "Reverse-keyword information" means information that:
(i) identifies an unnamed individual, by name or other unique identifier, who:
(A) electronically searched for a particular word, phrase, character string, or website; or
(B) visited a particular website through a link generated by an electronic search for a particular word, phrase, character string, or website; and
(ii) is or is not limited to a specific geographic area or time frame.
(b) "Reverse-keyword information" does not include keyword information concerning a known individual or a specified electronic device that may be obtained pursuant to Chapter 23c, Electronic Information Privacy Act.
(10) "Reverse-location information" means historical location information for:
(a) a defined time period;
(b) a defined or undefined area; and
(c) a defined or undefined number of electronic devices, for which the identities of the owners or users of the electronic devices are unknown to law enforcement.

Amended by Chapter 235, 2025 General Session

77-23f-102 Obtaining reverse-location information within a geofence -- Warrant required for disclosure -- Procedure.
(1) Except as provided in Section 77-23f-106, for a criminal investigation or prosecution, a law enforcement agency may not obtain reverse-location information for electronic devices within a geofence unless:
(a) the law enforcement agency obtains a search warrant as provided under this section; and
(b)
(i) the investigation or prosecution involves:
(A) a felony;
(B) a class A misdemeanor that involves harm or a risk of harm to a person, a violation of Title 23A, Wildlife Resources Act, or is part of a pattern of criminal activity; or
(C) a class B misdemeanor that involves harm or a risk of harm to a person, the unlawful taking of protected wildlife, or is part of a pattern of criminal activity; or
(ii) the law enforcement agency can demonstrate an imminent, ongoing threat to public safety.
(2) To obtain reverse-location information inside of a geofence, a law enforcement agency shall:
(a) include with the sworn warrant application:
(i) a map or other visual depiction that represents the geofence for which the warrant is seeking information; and
(ii) the following language at the beginning of the application in a legible font no smaller than other text appearing in the application:

"NOTICE: This warrant application seeks judicial authorization for the disclosure of reverse-location information of electronic devices near a crime at or near the time of the crime. If authorized, the warrant allows law enforcement to obtain historical location information of all devices within the area described in the warrant during the specified time from entities in possession of the relevant data. The electronic devices captured in the warrant may be owned or used by both alleged criminal perpetrators and individuals not involved in the commission of a crime. For this reason, any warrant issued must require the anonymization of all devices associated with the reverse-location information."; and

(b) establish probable cause to believe that evidence of a crime will be found within the geofence and within a specified period of time.

(3) If a court grants a warrant under Subsection (2), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-location information is released to the law enforcement agency.

Enacted by Chapter 382, 2023 General Session

77-23f-102.2 Obtaining reverse-keyword information -- Warrant required for disclosure -- Procedure.

(1) Except as provided in Section 77-23f-106, for a criminal investigation or prosecution, a law enforcement agency may not obtain reverse-keyword information for electronic devices unless:

(a) the law enforcement agency obtains a search warrant as provided under this section; and

(b)

(i) the investigation or prosecution involves an offense listed in Subsection (4); or

(ii) the law enforcement agency can demonstrate an imminent, ongoing threat to public safety.

(2) To obtain reverse-keyword information, a law enforcement agency shall:

(a) include with the sworn warrant application the following language at the beginning of the application in a legible font no smaller than other text appearing in the application: "NOTICE: This warrant application seeks judicial authorization for the disclosure of reverse-keyword information of electronic devices. If authorized, the warrant allows law enforcement to obtain historical information of all devices that searched for specific terms or visited a particular website through a link generated by an electronic search during the specified time described in the warrant from entities in possession of the relevant data. The electronic devices captured in the warrant may be owned or used by both alleged criminal perpetrators and individuals not involved in the commission of a crime. For this reason, any warrant issued must require the anonymization of all devices associated with the reverse-keyword information."; and

(b) establish probable cause to believe that evidence of a crime will be found based on the reverse-keyword information sought to be searched and within the specified period of time.

(3) If a court grants a warrant under Subsection (2), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-keyword information or reverse-location information is released to the law enforcement agency.

(4) The offenses referred to in Subsection (1)(b)(i) are:

(a) a felony offense under Title 76, Chapter 5, Offenses Against the Individual;

(b) a first or second degree felony offense under Title 76, Chapter 6, Part 1, Property Destruction;

(c) a first or second degree felony offense under Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;

(d) a first or second degree felony offense under Title 76, Chapter 6, Part 3, Robbery;

(e) a first or second degree felony offense under Title 76, Chapter 8, Part 3, Obstructing Governmental Operations;
(f) a first or second degree felony offense under Title 76, Chapter 10, Part 3, Explosives;
(g) a first or second degree felony offense under Title 76, Chapter 10, Part 4, Weapons of Mass Destruction;
(h) a first or second degree felony offense under Title 76, Chapter 10, Part 13, Prostitution; and
(i) a first or second degree felony offense under Title 76, Chapter 10, Part 15, Bus Passenger Safety Act.

Enacted by Chapter 235, 2025 General Session

77-23f-103 Obtaining reverse-location information based on cell site records -- Warrant required for disclosure -- Procedure.

(1) Except as provided in Section 77-23f-106, for a criminal investigation or prosecution, a law enforcement agency may not obtain reverse-location information based on cell site records unless:
(a) the law enforcement agency obtains a search warrant as provided under this section; and
(b)
(i) the investigation or prosecution involves:
(A) a felony;
(B) a class A misdemeanor that involves harm or risk of harm to a person, a violation of Title 23A, Wildlife Resources Act, or is part of a pattern of criminal activity; or
(C) a class B misdemeanor that involves harm or risk of harm to a person, the unlawful taking of protected wildlife, or is part of a pattern of criminal activity; or
(ii) the law enforcement agency can demonstrate an imminent, ongoing threat to public safety.
(2) To obtain cell-site based reverse-location information, a law enforcement agency shall:
(a) include with the sworn warrant application:
(i) a visual depiction or written description that identifies:
(A) the crime scene location and any other areas of interest related to the crime;
(B) the location of cell sites from which the reverse-location information is sought; and
(C) the distance between the locations described in Subsections (2)(a)(i)(A) and (B); and
(ii) the following language at the beginning of the application in a legible font no smaller than other text appearing in the application:

"NOTICE: This warrant application seeks judicial authorization for the disclosure of reverse-location information of electronic devices near a crime at or near the time of the crime. If authorized, the warrant allows law enforcement to obtain historical location information of all devices within the area described in the warrant during the specified time from entities in possession of the relevant data. The electronic devices captured in the warrant may be owned or used by both alleged criminal perpetrators and individuals not involved in the commission of a crime. For this reason, any warrant issued must require the anonymization of all devices associated with the reverse-location information."; and
(b) establish probable cause to believe that evidence of a crime will be found within the cell site records described in Subsection (2)(a)(i) and within a specified period of time.
(3) If a court grants a warrant under Subsection (2), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-location information is released to the law enforcement agency.

Enacted by Chapter 382, 2023 General Session

77-23f-104 Obtaining additional reverse-location or reverse-keyword information -- Warrant required for disclosure -- Procedure.

(1) If, after executing a warrant described in Section 77-23f-102, 77-23f-102.2, or 77-23f-103, a law enforcement agency seeks to obtain reverse-keyword information or reverse-location information beyond the parameters of the warrant obtained under Section 77-23f-102, 77-23f-102.2, or 77-23f-103, the law enforcement agency shall:
  (a) include in the sworn warrant application the specific electronic devices identified in the anonymized data for which the law enforcement agency seeks additional reverse-location information or reverse-keyword information;
  (b) establish probable cause to believe that evidence of a crime will be found within a specified period of time; and
  (c) affirm that the crime described in Subsection (1)(b) is:
    (i) the same crime or directly related to the crime that was the subject of the warrant obtained under Section 77-23f-102, 77-23f-102.2, or 77-23f-103; or
    (ii) a crime subject to the judicially recognized plain view exception to the warrant requirement.
(2) If a court grants a warrant under Subsection (1), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-location information or reverse-keyword information is released to the law enforcement agency.

Amended by Chapter 235, 2025 General Session

77-23f-105 Obtaining identifying information connected to reverse-location information or reverse-keyword information -- Warrant required for disclosure -- Procedure.

To obtain identifying information for an electronic device identified pursuant to a warrant concerning reverse-location information or reverse-keyword information obtained under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104, a law enforcement agency shall establish in the sworn warrant application probable cause to believe that the electronic device was used or otherwise implicated in a crime.

Amended by Chapter 235, 2025 General Session

77-23f-106 Exceptions to reverse-location and reverse-keyword warrant requirements.

(1) Notwithstanding any other provision in this chapter, a law enforcement agency may obtain reverse-location information or reverse-keyword information without a warrant:
  (a) in accordance with Section 53-10-104.5; or
  (b) in accordance with a judicially recognized exception to warrant requirements.
(2) Nothing in this chapter:
  (a) limits or affects the disclosure of public records under Title 63G, Chapter 2, Government Records Access and Management Act;
  (b) affects the rights of an employer under Subsection 34-48-202(1)(e) or an administrative rule adopted under Section 63A-16-205; or
  (c) limits the ability of a law enforcement agency to receive or use information, without a warrant or subpoena, from the National Center for Missing and Exploited Children under 18 U.S.C. Sec. 2258A.

Amended by Chapter 235, 2025 General Session

77-23f-107 Use, disclosure, and destruction of reverse-location information or reverse-keyword information -- Anonymization.

(1)

(a) A law enforcement agency may not use, copy, or disclose, for any purpose, reverse-location information or reverse-keyword information obtained under a warrant under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104 that:

(i) is not related to the crime that is the subject of the warrant; and

(ii) is collected as part of an effort to obtain the reverse-location information or reverse-keyword information of an electronic device that is related to the crime that is the subject of the warrant obtained under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104.

(b) The law enforcement agency shall destroy in an unrecoverable manner the reverse-location information or reverse-keyword information described in Subsection (1)(a) as soon as reasonably possible after the criminal case is declined for prosecution or, if criminal charges are filed, the final disposition of the criminal case.

(2)

(a) Reverse-location information obtained under Section 77-23f-102, 77-23f-103, or 77-23f-104 may not be:

(i) compared with, merged with, linked to, or in any way electronically or otherwise connected to a source of electronic data, including a database or file, containing one or more points of data that includes the location information provided by an electronic device; or

(ii) used in any other criminal investigation or prosecution.

(b) Subsection (2)(a)(i) does not apply if all the electronic data, including the reverse-location information, is obtained for the purpose of investigating the same criminal incident.

(3) A person or entity that provides reverse-location information or reverse-keyword information under this chapter shall ensure that the reverse-location information or reverse-keyword information is anonymized before the reverse-location information or reverse-keyword information is provided to a law enforcement agency.

Amended by Chapter 235, 2025 General Session

77-23f-108 Notifications required -- Exceptions --Delayed notification.

(1)

(a) Except as provided in Subsection (1)(b) or (2), a law enforcement agency that executes a warrant under Section 77-23f-105 shall serve a notice described in Subsection (3) on the owner of the electronic device for which identifying information was obtained:

(i) within 90 days after the day on which the identifying information is obtained by the law enforcement agency, but in no case more than three days after the day on which the investigation is concluded; or

(ii) if the owner of the electronic device for which the identifying information specified in the warrant is unknown to the law enforcement agency, within 90 days after the day on which the law enforcement agency identifies, or reasonably could identify, the owner.

(b) A law enforcement agency is not required to serve a notice described in Subsection (1)(a) to the owner of the electronic device for which identifying information was obtained if the owner is located outside of the United States.

(2)

(a)

(i) A law enforcement agency seeking a warrant in accordance with Section 77-23f-105 may submit a request, and the court may grant permission, to delay service of the notice required

under Subsection (1) for a period not to exceed 30 days, if the court determines that there is reasonable cause to believe that the notification may:

(A) endanger the life or physical safety of an individual;

(B) cause a person to flee from prosecution;

(C) lead to the destruction of or tampering with evidence;

(D) intimidate a potential witness; or

(E) otherwise seriously jeopardize an investigation or unduly delay a trial.

(ii) When a delay of notification is granted under Subsection (2)(a)(i) and upon application by the law enforcement agency, the court may grant additional extensions of up to 30 days each.

(b)

(i) A law enforcement agency that seeks a warrant in accordance with Section 77-23f-105 may submit a request to the court, and the court may grant permission, to delay service of the notice required under Subsection (1), if the purpose of delaying the notification is to apprehend an individual:

(A) who is a fugitive from justice under Section 77-30-13; and

(B) for whom an arrest warrant has been issued for a violent felony offense as defined in Section 76-3-203.5.

(ii)

(A) The court may grant the request under Subsection (2)(b)(i) to delay notification until the individual who is a fugitive from justice under Section 77-30-13 is apprehended by the law enforcement agency.

(B) A law enforcement agency shall serve the notice required under Subsection (1) to the owner of the electronic device within 14 days after the day on which the law enforcement agency apprehends the individual described in Subsection (2)(b)(i).

(3) A notice required under Subsection (1) shall include:

(a) a copy of the warrant; and

(b) a written statement identifying:

(i) the offense specified in the warrant application;

(ii) the identity of the law enforcement agency that filed the application;

(iii) the date on which the location information or identifying information was obtained; and

(iv) the number and length of any authorized delays in serving the notice required under Subsection (1), including, if applicable, the name of the court that authorized the delay and a reference to the provision of this chapter that permitted the delay.

(4) A law enforcement agency shall serve the notice required under Subsection (1) to the owner of the electronic device by:

(a) personal service on the owner;

(b) first-class mail to the owner's last-known address; or

(c) other reasonable means if the owner's last-known address is unknown.

Enacted by Chapter 382, 2023 General Session

77-23f-109 Exclusion of records.

Reverse-location information, reverse-keyword information, or identifying information obtained in violation of the provisions of this chapter shall be subject to the rules governing exclusion as if the information was obtained in violation of the Fourth Amendment to the United States Constitution or Utah Constitution, Article I, Section 14.

Amended by Chapter 235, 2025 General Session

Chapter 25
Justice Courts

77-25-2 Venue of prosecution by information.

Any prosecution by information, except in the case of a felony or class A misdemeanor, shall be commenced before a magistrate in the precinct of the county or municipality where the offense was alleged to have been committed, except as otherwise provided by law.

Enacted by Chapter 15, 1980 General Session

Chapter 27
Pardons and Parole

77-27-1 Definitions.

As used in this chapter:

(1) "Appearance" means any opportunity to address the board, a board member, a panel, or hearing officer, including an interview.

(2) "Board" means the Board of Pardons and Parole.

(3)

(a) "Case action plan" means a document developed by the Department of Corrections that identifies the program priorities for the treatment of the offender.

(b) "Case action plan" includes the criminal risk factors as determined by a risk and needs assessment conducted by the department.

(4) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(5) "Commutation" is the change from a greater to a lesser punishment after conviction.

(6) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.

(7) "Criminal risk factors" means a person's characteristics and behaviors that:

(a) affect that person's risk of engaging in criminal behavior; and

(b) are diminished when addressed by effective treatment, supervision, and other support resources resulting in reduced risk of criminal behavior.

(8)

(a) "Deliberative process" means the board or any number of the board's individual members together engaging in discussions, whether written or verbal, regarding a parole, a pardon, a commutation, termination of sentence, or fines, fees, or restitution in an individual case.

(b) "Deliberative process" includes the votes, mental processes, written notes, and recommendations of individual board members and staff.

(c) "Deliberative process" does not include:

(i) a hearing where the offender is present;

(ii) any factual record the board is considering, including records of the offender's criminal convictions, records regarding the offender's current or previous incarceration and supervision, and records regarding the offender's physical or mental health;

(iii) recommendations regarding the offender's incarceration or supervision from any other individual, governmental entity, or agency;
(iv) testimony received by the board regarding the offender, whether written or verbal; or
(v) the board's decision or rationale for the decision.
(9) "Department" means the Department of Corrections.
(10) "Expiration" means when the maximum sentence has run.
(11) "Family" means any individual related to the victim as a spouse, child, sibling, parent, or grandparent, or the victim's legal guardian.
(12) "Hearing" or "full hearing" means an appearance before the board, a panel, a board member or hearing examiner, at which an offender or inmate is afforded an opportunity to be present and address the board.
(13) "Location," in reference to a hearing, means the physical location at which the board, a panel, a board member, or a hearing examiner is conducting the hearing, regardless of the location of any person participating by electronic means.
(14) "Open session" means any hearing, before the board, a panel, a board member, or a hearing examiner, that is open to the public, regardless of the location of any person participating by electronic means.
(15) "Panel" means members of the board assigned by the chairperson to a particular case.
(16) "Pardon" means:
(a) an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction;
(b) the release of an offender from the entire punishment prescribed for a criminal offense and from disabilities that are a consequence of the criminal conviction; and
(c) the reinstatement of any civil rights lost as a consequence of conviction or punishment for a criminal offense.
(17) "Parole" means a release from imprisonment on prescribed conditions which, if satisfactorily performed by the parolee, enables the parolee to obtain a termination of the parolee's sentence.
(18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
(19) "Pecuniary damages" means the same as that term is defined in Section 77-38b-102.
(20) "Probation" means an act of grace by the court suspending the imposition or execution of a convicted offender's sentence upon prescribed conditions.
(21) "Remit" or "remission" means the same as that term is defined in Section 77-32b-102.
(22) "Reprieve" or "respite" means the temporary suspension of the execution of the sentence.
(23) "Restitution" means the same as that term is defined in Section 77-38b-102.
(24) "Termination" means the act of discharging from parole or concluding the sentence of imprisonment before the expiration of the sentence.
(25) "Victim" means:
(a) a person against whom the defendant committed a felony or class A misdemeanor offense for which a hearing is held under this chapter; or
(b) the victim's family if the victim is deceased as a result of the offense for which a hearing is held under this chapter.

Amended by Chapter 21, 2021 General Session
Amended by Chapter 260, 2021 General Session

77-27-1.5 Appearance by inmate, offender, or witness.

(1) An appearance by an inmate, offender, or witness before the board, a panel, board member, or hearing officer may be in person, through videoconferencing or other electronic means. Any appearance by videoconference or other electronic means shall be recorded as provided in Section 77-27-8.
(2) An inmate's or offender's electronic appearance by telephone is permissible with the consent of the inmate or offender, when the inmate or offender is incarcerated in a facility outside of this state.

Enacted by Chapter 110, 2010 General Session

77-27-2 Board of Pardons and Parole -- Creation -- Compensation -- Functions.

(1)
(a) There is created the Board of Pardons and Parole.
(b) The board shall consist of five full-time members and not more than five pro tempore members to be appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and as provided in this section.
(c) The members of the board shall be resident citizens of the state.
(d) The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2)
(a)
(i)
(A) The full-time board members shall serve terms of five years.
(B) The terms of the full-time members shall be staggered so one board member is appointed for a term of five years on March 1 of each year.
(ii)
(A) The pro tempore members shall serve terms of five years, beginning on March 1 of the year of appointment, with no more than one pro tempore member term beginning or expiring in the same calendar year.
(B) If a pro tempore member vacancy occurs, the board may submit the names of not fewer than three or more than five persons to the governor for appointment to fill the vacancy.
(b) All vacancies occurring on the board for any cause shall be filled by the governor with the advice and consent of the Senate in accordance with this section for the unexpired term of the vacating member.
(c) The governor may at any time remove any member of the board for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.
(d)
(i) A member of the board may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state.
(ii) A member may not engage in any occupation or business inconsistent with the member's duties.
(e)
(i) A majority of the board constitutes a quorum for the transaction of business, including the holding of hearings at any time or any location within or without the state, or for the purpose of exercising any duty or authority of the board.
(ii) An action is deemed the action of the board if the action is taken by a majority of the board regarding whether:

(A) parole, pardon, commutation, or termination of a sentence is granted in an offender's case;
(B) remission of a criminal accounts receivable, or a fines or forfeiture, is granted in an offender's case; or
(C) an offender's payment schedule for a criminal accounts receivable is modified.
(iii) A majority vote of the five full-time members of the board is required for adoption of rules or policies of general applicability as provided by statute.
(iv) Notwithstanding Subsection (2)(e)(iii), a vacancy on the board does not impair the right of the remaining board members to exercise any duty or authority of the board as long as a majority of the board remains.
(v) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
(f)
(i) Any investigation, inquiry, or hearing that the board has authority to undertake or hold may be conducted by any board member or an examiner appointed by the board.
(ii) When an action under Subsection (2)(f)(i) is approved and confirmed by the board and filed in the board's office, the action is considered to be the action of the board and has the same effect as if originally made by the board.
(g)
(i) When a full-time board member is absent or in other extraordinary circumstances, the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member.
(ii) Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.
(h) The chair may request staff and administrative support as necessary from the department.
(3)
(a) Except as provided in Subsection (3)(b), the commission shall:
(i) recommend five applicants to the governor for a full-time member appointment to the board; and
(ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.
(b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.
(4)
(a)
(i) The board shall appoint an individual to serve as the board's mental health adviser and may appoint other staff necessary to aid the board in fulfilling the board's responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition.
(ii) The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty with a mental condition, in accordance with Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition.
(b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the department or the Utah State Hospital.
(i) The board may review outside employment by the mental health advisor.
(ii) The board shall develop rules governing employment with entities other than the board by the mental health advisor for the purpose of prohibiting a conflict of interest.

(c) The mental health adviser shall:
(i) act as liaison for the board with the Department of Health and Human Services and local mental health authorities;
(ii) educate the members of the board regarding the needs and special circumstances of persons with a mental condition in the criminal justice system;
(iii) in cooperation with the department, monitor the status of persons in the prison who have been found guilty with a mental condition;
(iv) monitor the progress of other persons under the board's jurisdiction who have a mental condition;
(v) conduct hearings as necessary in the preparation of reports and recommendations; and
(vi) perform other duties as assigned by the board.

Amended by Chapter 184, 2023 General Session

77-27-4 Chairperson and vice chairperson.
(1) The governor shall select one of the members of the board to serve as chairperson and board administrator at the governor's pleasure. The chairperson may exercise the duties and powers, in addition to those established by this chapter, necessary for the administration of daily operations of the board, including personnel, budgetary matters, panel appointments, and scheduling of hearings.
(2) The chairperson shall appoint a vice chairperson to act in the absence of the chairperson.

Amended by Chapter 195, 1990 General Session

77-27-5 Board of Pardons and Parole authority.
(1)
(a) Subject to this chapter and other laws of the state, and except for a conviction for treason or impeachment, the board shall determine by majority decision when and under what conditions an offender's conviction may be pardoned or commuted.
(b) The board shall determine by majority decision when and under what conditions an offender committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of the department, may:
(i) be released upon parole;
(ii) have a fine or forfeiture remitted;
(iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or 77-32b-106;
(iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or
(v) have the offender's sentence terminated.
(c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)(b).
(d)
(i) The board may sit together or in panels to conduct hearings.
(ii) The chair shall appoint members to the panels in any combination and in accordance with rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(iii) The chair may participate on any panel and when doing so is chair of the panel.
(iv) The chair of the board may designate the chair for any other panel.
(e)

(i) Except after a hearing before the board, or the board's appointed examiner, in an open session, the board may not:
(A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;
(B) release the offender on parole; or
(C) commute, pardon, or terminate an offender's sentence.
(ii) An action taken under this Subsection (1) other than by a majority of the board shall be affirmed by a majority of the board.
(f) A commutation or pardon may be granted only after a full hearing before the board.
(2)
(a) In the case of a hearing, timely prior notice of the time and location of the hearing shall be given to the offender.
(b) The county or district attorney's office responsible for prosecution of the case, the sentencing court, and law enforcement officials responsible for the defendant's arrest and conviction shall be notified of any board hearings through the board's website.
(c) Whenever possible, the victim or the victim's representative, if designated, shall be notified of original hearings and any hearing after that if notification is requested and current contact information has been provided to the board.
(d)
(i) Notice to the victim or the victim's representative shall include information provided in Section 77-27-9.5, and any related rules made by the board under that section.
(ii) The information under Subsection (2)(d)(i) shall be provided in terms that are reasonable for the lay person to understand.
(3)
(a) A decision by the board is final and not subject for judicial review if the decision is regarding:
(i) a pardon, parole, commutation, or termination of an offender's sentence;
(ii) restitution, the modification of an offender's payment schedule for restitution, or an order for costs; or
(iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
(b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's deliberative process.
(c) Pursuant to Subsection 63G-2-103(25)(b)(xii), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
(d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.
(e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
(4)
(a) This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.
(b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.
(c) At the next session of the board, the board:
(i) shall continue or terminate the respite or reprieve; or
(ii) may commute the punishment or pardon the offense as provided.
(d) In the case of conviction for treason, the governor may suspend execution of the sentence until the case is reported to the Legislature at the Legislature's next session.
(e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.
(5)

(a) In determining when, where, and under what conditions an offender serving a sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts receivable remitted, or have the offender's sentence commuted or terminated, the board shall:
(i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;
(ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
(iii) consider information provided by the department regarding an offender's individual case action plan; and
(iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned.
(b) The board shall determine whether to remit an offender's criminal accounts receivable under this Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
(6) In determining whether parole may be terminated, the board shall consider:
(a) the offense committed by the parolee; and
(b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
(7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
(8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.
(9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:
(a) correction of an order that has or will impact the board's jurisdiction; or
(b) clarification regarding an order that may impact the board's jurisdiction.
(10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

Amended by Chapter 476, 2025 General Session
Amended by Chapter 526, 2025 General Session

77-27-5.1 Board authority to order expungement.

(1) Upon granting a pardon, the board shall issue an expungement order, directing any criminal justice agency to remove the recipient's identifying information relating to the expunged convictions from its records.
(a) When a pardon has been granted, employees of the Board of Pardons and Parole may not divulge any identifying information regarding the pardoned person to any person or agency, except for the pardoned person.
(b) The Bureau of Criminal Identification may not count pardoned convictions against any future expungement eligibility.
(2) An expungement order, issued by the board, has at least the same legal effect and authority as an order of expungement issued by a court, pursuant to Title 77, Chapter 40a, Expungement of Criminal Records.

(3) The board shall provide clear written directions to the recipient along with a list of agencies known to be affected by the expungement order.

Amended by Chapter 194, 2024 General Session

77-27-5.2 Board authority to order removal from Sex, Kidnap, and Child Abuse Offender Registry.

(1) If the board grants a pardon for a conviction described in Section 53-29-202 that is the basis for an individual's registration on the Sex, Kidnap, and Child Abuse Offender Registry, the board shall issue an order directing the Department of Public Safety to remove the individual's name and personal information relating to the pardoned conviction from the Sex, Kidnap, and Child Abuse Offender Registry.
(2) An order described in Subsection (1), issued by the board, satisfies the notification requirement described in Subsection 53-29-405(1)(b).

Amended by Chapter 291, 2025 General Session

77-27-5.3 Meritless and bad faith litigation.

(1) For purposes of this section:
  (a) "Convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest, and conviction of any crime or offense.
  (b) "Prisoner" means a person who has been convicted of a crime and is incarcerated for that crime or is being held in custody for trial or sentencing.
(2) In any case filed in state or federal court in which a prisoner submits a claim that the court finds to be without merit and brought or asserted in bad faith, the Board of Pardons and Parole and any county jail administrator may consider that finding in any early release decisions concerning the prisoner.

Amended by Chapter 184, 2023 General Session

77-27-5.4 Earned time program.

(1) The board shall establish an earned time program that reduces the period of incarceration for offenders who successfully complete specified programs, the purpose of which is to reduce the risk of recidivism.
(2) The earned time program shall:
  (a) provide not less than four months of earned time credit each for the completion of up to two programs that:
    (i) are approved by the board in collaboration with the department; and
    (ii) are recommended programs that are part of the offender's case action plan; and
  (b) allow the board to grant in the board's discretion earned time credit in addition to the earned time credit provided under Subsection (2)(a).
(3) The earned time program may not provide earned time credit for an offender:
  (a) whose previously ordered release date does not provide enough time, including time for transition services, for the board to grant the earned time credit;
  (b) who has been sentenced by the court to a term of life without the possibility of parole;
  (c) who has been ordered by the board to serve until the expiration of the offender's sentence, including a life sentence;
  (d) who does not have a current release date;

(e) who has not met a contingency requirement for release that has been ordered by the board; or
(f) who has been given a termination date by the board.
(4) The board may order the forfeiture of earned time credits under this section if the board determines a rescission hearing is necessary.
(5) The department shall notify the board not more than 30 days after an offender completes a program as defined in Subsection (2)(a).
(6) The board shall collect data for the fiscal year regarding the operation of the earned time credit program, including:
(a) the number of offenders who have earned time credit under this section in the prior year;
(b) the amount of time credit earned in the prior year;
(c) the number of offenders who forfeited earned time credit; and
(d) additional related information as requested by the Commission on Criminal and Juvenile Justice.
(7) The board shall collaborate with the department in the establishment of the earned time credit program.
(8) To the extent possible, programming and hearings shall be provided early enough in an offender's incarceration to allow the offender to earn time credit.

Amended by Chapter 145, 2024 General Session

77-27-5.5 Review procedure -- Commutation.
(1) The Board of Pardons and Parole may consider the commutation of a death sentence only to life without parole.
(2) Only the person who has been sentenced to death or the sentenced person's counsel may petition the Board of Pardons and Parole for commutation.
(3) The petition shall be in writing, signed personally by the person sentenced to death, and shall include a statement of the grounds upon which the petitioner seeks review.
(4) The state shall be permitted to respond in writing to the petition as may be established by board rules.
(5) The board shall review the petition and determine whether the petition presents a substantial issue which has not been reviewed in the judicial process.
(6) The board shall not consider legal issues, including constitutional issues, which:
(a) have been reviewed previously by the courts;
(b) should have been raised during the judicial process; or
(c) if based on new information, are subject to judicial review.
(7)
(a) If the board does not find a substantial issue, the board shall deny the hearing to the petitioner.
(b) If the board finds a substantial issue, the board shall conduct a hearing in which the petitioner and the state may present evidence and argument as may be provided by board rules.

Amended by Chapter 302, 2025 General Session

77-27-6.1 Payment of a criminal accounts receivable -- Failure to enter an order for restitution or create a criminal accounts receivable -- Modification of a criminal accounts receivable -- Order for recovery of costs or pecuniary damages.
(1) For an offender sentenced on or after July 1, 2021:

(a) when an offender is committed to prison, the board may require the offender to pay the offender's criminal accounts receivable ordered by the court during the period of incarceration or parole supervision;

(b) if the board orders the release of an offender on parole and there is an unpaid balance on the offender's criminal accounts receivable, the board may modify the payment schedule entered by the court for the offender's criminal accounts receivable in accordance with Section 77-32b-105;

(c)

(i) if the sentencing court has not entered an order of restitution for an offender who is under the jurisdiction of the board, the board shall refer the offender's case to the sentencing court, within the time periods described in Section 77-38b-205, to enter an order for restitution for the offender in accordance with Section 77-38b-205; and

(ii) if the sentencing court has not entered an order to establish a criminal accounts receivable for an offender who is under the jurisdiction of the board, the board shall refer the offender's case to the sentencing court, within the time periods described in Section 77-38b-205, to enter an order to establish a criminal accounts receivable for the offender in accordance with Section 77-32b-103; and

(d)

(i) if there is a challenge to an offender's criminal accounts receivable, the board shall refer the offender's case to the sentencing court, within the time periods described in Section 77-38b-205, to resolve the challenge to the criminal accounts receivable; and

(ii) if a sentencing court modifies a criminal accounts receivable after the offender is committed to prison, the sentencing court shall provide notice to the board of the modification.

(2) For an offender sentenced before July 1, 2021:

(a) the board may impose any court order for restitution;

(b) the board may order that a defendant make restitution for pecuniary damages that were not determined by the court, unless the board determines that restitution is inappropriate based upon application of the following criteria:

(i) if the offense resulted in damage to or loss or destruction of property of a victim of the offense, the cost of the damage or loss;

(ii) the cost of necessary medical and related professional services and devices relating to physical or mental health care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

(iii) the cost of necessary physical and occupational therapy and rehabilitation;

(iv) the income lost by the victim as a result of the offense;

(v) the individual victim's reasonable determinable wages lost due to theft of or damage to tools or equipment items of a trade that were owned by the victim and were essential to the victim's current employment at the time of the offense;

(vi) the cost of necessary funeral and related services if the offense resulted in the death of a victim; and

(vii) expenses incurred by a victim in implementing reasonable security measures in response to the offense;

(c) except as provided in Subsection (2)(d), the board shall make all orders of restitution within 60 days after the termination or expiration of the defendant's sentence;

(d) if, upon termination or expiration of a defendant's sentence, the board has continuing jurisdiction over the defendant for a separate criminal offense, the board may defer making an order of restitution until 60 days after termination or expiration of all sentences for that defendant;

(e) if, upon termination or expiration of a defendant's sentence, the defendant owes outstanding fines, restitution, or other assessed costs, or if the board makes an order of restitution within 60 days after the termination or expiration of the defendant's sentence:
(i) the matter shall be referred to the district court for civil collection remedies;
(ii) the Board of Pardons and Parole shall forward a restitution order to the sentencing court to be entered on the judgment docket as a civil judgment of restitution; and
(iii) the judgment docket entry shall constitute a lien and is subject to the same rules as a judgment for money in a civil judgment; and
(f) if the board makes an order of restitution within 60 days after termination or expiration of the defendant's sentence, a defendant shall have 90 days after the board makes the order to file a petition for remittance in accordance with Section 77-32b-106;
(i) if a defendant timely files a petition for remittance, the board shall forward any unpaid amount of the restitution to the trial court to be entered on the judgment docket as a civil judgment of restitution within 30 days of resolving the defendant's petition; and
(ii) if the defendant does not timely file a petition for remittance, the board shall forward the unpaid amount of restitution to the trial court to be entered on the judgment docket as a civil judgment of restitution within 30 days of the expiration of the time for the defendant to file the petition.
(3) The board may enter an order to recover any cost or fee incurred by the department, or the state or any other agency, arising out of the offender's needs or conduct.

Amended by Chapter 526, 2025 General Session

77-27-7 Parole or hearing dates -- Interview -- Hearings -- Report of alienists -- Mental competency.licensed mental health professional -- Mental competency -- Rulemaking authority.
(1)
(a) For an offender serving a sentence upon conviction of a felony or class A misdemeanor offense, the board shall:
(i) within six months after the day on which the offender is committed to the custody of the department, set a hearing date to establish the offender's release date or date for rehearing; and
(ii) promptly notify the offender of the date described in Subsection (1)(a)(i).
(b)
(i) The board may delay setting the hearing date described in Subsection (1)(a)(i) if the offender has an additional pending criminal case at the time of the offender's commitment to the custody of the department.
(ii) For purposes of Subsection (1)(b)(i), a pending criminal case includes:
(A) uncharged conduct that is being screened for prosecution, unless one year has passed since the day on which the board was notified of the screening and no charge has been filed within that time period; and
(B) charged conduct that has not reached resolution.
(c) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall set a hearing date no later than six months after the day on which the final criminal case described in Subsection (1)(b) has been resolved.
(d)

(i) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall establish and use a process to monitor the progress of the pending criminal action by seeking or obtaining updates no less frequently than every six months.

(ii) The board shall establish the process described in Subsection (1)(d)(i) by creating rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(e) When determining the hearing date under Subsection (1)(a), the board shall consider:

(i) the type and severity of offenses;

(ii) prior criminal history;

(iii) criminogenic risk factors; and

(iv) evidence-based assessments.

(2)

(a) Before reaching a final decision to release an offender under this chapter, the chair shall cause the offender to appear before the board, the board's panel, or an appointed hearing officer, who shall personally interview the offender to consider the offender's fitness for release and verify as far as possible information furnished from other sources.

(b) An offender may waive a personal appearance before the board.

(c)

(i) An offender outside of the state shall, if ordered by the board, submit to a courtesy hearing to be held by the appropriate authority in the jurisdiction in which the offender is housed in lieu of an appearance before the board.

(ii) The offender shall be promptly notified in writing of the board's decision.

(3)

(a) In the case of an offender convicted of violating or attempting to violate any of the provisions of Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, the chair may appoint one or more licensed mental health professionals who shall examine the offender within six months prior to a hearing at which an original parole date is granted on any offense listed in this Subsection (3).

(b)

(i) The licensed mental health professional shall report in writing the results of the examination to the board prior to the hearing.

(ii) The report of the appointed licensed mental health professional shall specifically address the question of the offender's current mental condition and attitudes as they relate to any danger the offender may pose to children or others if the offender is released on parole.

(4) A parolee may petition the board for termination of lifetime parole as provided in Section 76-3-202 in the case of a parolee convicted of a first degree felony violation, or convicted of attempting to violate Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, 76-5-404.3, or 76-5-405, and released on parole before January 1, 2019.

(5) In a case in which an offender's mental competency is questioned by the board, the chair may appoint one or more licensed mental health professionals to examine the offender and report in writing to the board, specifically addressing the issue of competency.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules governing:

(a) the hearing process;

(b) licensed mental health professional examinations; and

(c) parolee petitions for termination of parole.

Amended by Chapter 144, 2024 General Session
Amended by Chapter 145, 2024 General Session

77-27-7.1 Appointment of counsel or lay representative -- Procedures.

(1) If the board in the board's discretion determines that an offender within the board's jurisdiction is unable, due to physical, mental, or other circumstances, to meaningfully participate in a board hearing or other board proceeding, the board may appoint, at the board's own expense, legal counsel or a lay representative to assist the offender.
(2) The board shall determine the scope of the representation described in Subsection (1) based on a review of the totality of the circumstances.
(3) This section does not prevent the board from:
  (a) appointing a licensed mental health professional in accordance with Section 77-27-7; or
  (b) otherwise seeking information concerning the offender from the department or another entity.

Enacted by Chapter 145, 2024 General Session

77-27-8 Record of hearing.

(1) A verbatim record of proceedings before the Board of Pardons and Parole shall be maintained by a suitable electronic recording device, except when the board dispenses with a record in a particular hearing or a portion of the proceedings.
(2) When the hearing involves the commutation of a death sentence, a certified shorthand reporter, in addition to electronic means, shall record all proceedings except when the board dispenses with a record for the purpose of deliberations in executive session. The compensation of the reporter shall be determined by the board. The reporter shall immediately file with the board the original record and when requested shall with reasonable diligence furnish a transcription or copy of the record upon payment of reasonable fees as determined by the board.
(3) When an inmate or offender affirms by affidavit that he is unable to pay for a copy of the record, the board may furnish a copy of the record, at the expense of the state, to the inmate or offender.

Amended by Chapter 110, 2010 General Session

77-27-9 Parole proceedings.

(1)
  (a) The Board of Pardons and Parole may parole any offender or terminate the sentence of any offender committed to a penal or correctional facility under the jurisdiction of the Department of Corrections except as provided in Subsection (2).
  (b) The board may not release any offender before the minimum term has been served unless the board finds mitigating circumstances which justify the release and unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
  (c) The board may not parole any offender or terminate the sentence of any offender unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
  (d) The release of an offender shall be at the initiative of the board, which shall consider each case as the offender becomes eligible. However, a prisoner may submit the prisoner's own application, subject to the rules of the board promulgated in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)
(a) An individual sentenced to prison prior to April 29, 1996, for a first degree felony involving child kidnapping, a violation of Section 76-5-301.1; aggravated kidnapping, a violation of Section 76-5-302; rape of a child, a violation of Section 76-5-402.1; object rape of a child, a violation of Section 76-5-402.3; sodomy upon a child, a violation of Section 76-5-403.1; aggravated sexual abuse of a child, a violation of Section 76-5-404.3; aggravated sexual assault, a violation of Section 76-5-405; or a prior offense as described in Section 76-3-407, may not be eligible for release on parole by the Board of Pardons and Parole until the offender has fully completed serving the minimum mandatory sentence imposed by the court. This Subsection (2)(a) supersedes any other provision of law.
(b) The board may not parole any offender or commute or terminate the sentence of any offender before the offender has served the minimum term for the offense, if the offender was sentenced prior to April 29, 1996, and if:
(i) the offender was convicted of forcible sexual abuse, forcible sodomy, rape, aggravated assault, kidnapping, aggravated kidnapping, or aggravated sexual assault as defined in Title 76, Chapter 5, Offenses Against the Individual; and
(ii) the victim of the offense was under 18 years old at the time the offense was committed.
(c) For a crime committed on or after April 29, 1996, but before January 1, 2019, the board may parole any offender under Subsections (2)(b)(i) and (ii) for lifetime parole as provided in this section.
(d) The board may not pardon or parole any offender or commute or terminate the sentence of any offender who is sentenced to life in prison without parole except as provided in Subsection (7).
(e) On or after April 27, 1992, the board may commute a sentence of death only to a sentence of life in prison without parole.
(f) The restrictions imposed in Subsections (2)(d) and (e) apply to all cases that come before the Board of Pardons and Parole on or after April 27, 1992.
(g) The board may not parole any offender convicted of a homicide unless:
(i) the remains of the victim have been recovered; or
(ii) the offender can demonstrate by a preponderance of the evidence that the offender has cooperated in good faith in efforts to locate the remains.
(h) Subsection (2)(g) applies to any offender convicted of a homicide after February 25, 2021, or any offender who was incarcerated in a correctional facility on or after February 25, 2021, for a homicide offense.
(3) The board may rescind:
(a) an inmate's prison release date prior to the inmate being released from custody; or
(b) an offender's termination date from parole prior to the offender being terminated from parole.
(4)
(a) The board may issue subpoenas to compel the attendance of witnesses and the production of evidence, to administer oaths, and to take testimony for the purpose of any investigation by the board or any of the board's members or by a designated hearing examiner in the performance of the board's duties.
(b) A person who willfully disobeys a properly served subpoena issued by the board is guilty of a class B misdemeanor.
(5)
(a) The board may adopt rules consistent with law for the board's government, meetings and hearings, the conduct of proceedings before the board, the parole and pardon of offenders,

the commutation and termination of sentences, and the general conditions under which parole may be granted and revoked.

(b) The rules shall ensure an adequate opportunity for victims to participate at hearings held under this chapter, as provided in Section 77-27-9.5.

(c) The rules may allow the board to establish reasonable and equitable time limits on the presentations by all participants in hearings held under this chapter.

(6) The board does not provide counseling or therapy for victims as a part of their participation in any hearing under this chapter.

(7) The board may parole a person sentenced to life in prison without parole if the board finds by clear and convincing evidence that the person is permanently incapable of being a threat to the safety of society.

Amended by Chapter 430, 2022 General Session

77-27-9.5 Victim may attend hearings.

(1) As used in this section, "hearing" means a hearing for a parole grant or revocation, or a rehearing of either of these if the offender is present.

(2)

(a) Except as provided in Subsection (2)(b), when a hearing is held regarding any offense committed by the defendant that involved the victim, the victim may attend the hearing to present the victim's views concerning the decisions to be made regarding the defendant.

(b)

(i) The victim may not attend a redetermination or special attention hearing if the offender is not present.

(ii) At that redetermination or special attention hearing, the board shall give consideration to any presentation previously given by the victim regarding that offender.

(3)

(a) The board shall send timely notice of the hearing to the victim as provided in Subsection (3)(c).

(b) The notice shall include:

(i) the date, time, and location of the hearing;

(ii) a clear statement of the reason for the hearing, including all offenses involved;

(iii) the statutes and rules applicable to the victim's participation in the hearing;

(iv) the address and telephone number of an office or person the victim may contact for further explanation of the procedure regarding victim participation in the hearing; and

(v) specific information about how, when, and where the victim may obtain the results of the hearing.

(c) The board may notify a victim through the board's website or through the mail or other electronic means available to the board.

(d) If the victim requests that a notification occur using a specific method offered by the board, the board shall make reasonable efforts to accommodate that request.

(e) If the victim is deceased, or the board is otherwise unable to contact the victim, the board shall make reasonable efforts to notify the victim's immediate family of the hearing.

(f) The victim may communicate with the board for consideration of continuance of the hearing if travel or other significant conflict prohibits the victim's attendance at the hearing.

(4) The victim, or family members if the victim is deceased or unable to attend due to physical incapacity, may:

(a) attend the hearing to observe;

(b) make a statement to the board, or the board's appointed examiner, in person or through a representative appointed by the victim or the victim's family; and
(c) remain present for the hearing if the victim appoints another to make a statement on the victim's behalf.
(5) The statement may be presented:
(a) as a written statement, which may also be read aloud, if the presenter desires; or
(b) as an oral statement presented by the person selected under Subsection (4).
(6) The victim may be accompanied by a member of his family or another individual, present to provide emotional support to the victim.
(7) The victim may, upon request, testify outside the presence of the defendant but a separate hearing may not be held for this purpose.
(8)
(a) If a victim does not attend a hearing, the victim may provide a written statement that complies with board rules.
(b) If the victim does not offer a verbal or written statement at the time of the hearing, the board shall consider any statement from the victim that was previously provided to the board.
(c) The board may not afford a written statement provided by a victim less weight than a verbal statement solely because the statement is written.

Amended by Chapter 434, 2024 General Session

77-27-9.7 Victim right to notification of release -- Notice by board.

(1)
(a) In accordance with Subsection 77-38-104(1)(p), the board shall notify a victim of the victim's right to be informed, upon request, of other releases of the offender under Section 64-13-14.7.
(b) The board may provide the notification to the victim as described in Subsection 77-27-9.5(3)(c).
(2) The board may include the notification under Subsection (1) with the notification sent under Subsection 77-27-9.5(3).
(3) The board shall coordinate with the Department of Corrections to ensure notice under this section is provided to a victim.

Amended by Chapter 434, 2024 General Session

77-27-10 Conditions of parole -- Inmate agreement to warrant -- Rulemaking -- Intensive early release parole program.
(1)
(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in accordance with Section 64-14-204, issue to the parolee a certificate setting forth the conditions of parole, including the graduated and evidence-based responses to a violation of a condition of parole established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.
(b) The parole agreement shall require that the inmate agree in writing that the board may issue a warrant and conduct a parole revocation hearing if:

(i) the board determines after the grant of parole that the inmate willfully provided to the board false or inaccurate information that the board finds was significant in the board's determination to grant parole; or

(ii)

(A) the inmate has engaged in criminal conduct prior to the granting of parole; and

(B) the board did not have information regarding the conduct at the time parole was granted.

(c)

(i) A copy of the agreement shall be delivered to the Department of Corrections and a copy shall be given to the parolee.

(ii) The original agreement shall remain with the board's file.

(2)

(a) If an offender convicted of violating or attempting to violate Section 76-5-301.1, 76-5-302, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall order outpatient mental health counseling and treatment as a condition of parole.

(b) The board shall develop standards and conditions of parole under this Subsection (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) This Subsection (2) does not apply to intensive early release parole.

(3)

(a)

(i) In addition to the conditions set out in Subsection (1), the board may place offenders in an intensive early release parole program.

(ii) The board shall determine the conditions of parole which are reasonably necessary to protect the community as well as to protect the interests of the offender and to assist the offender to lead a law-abiding life.

(b) The offender is eligible for this program only if the offender:

(i) has not been convicted of a sexual offense; or

(ii) has not been sentenced pursuant to Section 76-3-406.

(c) The department shall:

(i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for operation of the program;

(ii) adopt and implement internal management policies for operation of the program;

(iii) determine whether or not to refer an offender into this program within 120 days from the date the offender is committed to prison by the sentencing court; and

(iv) make the final recommendation to the board regarding the placement of an offender into the program.

(d) The department may not consider credit for time served in a county jail awaiting trial or sentencing when calculating the 120-day period.

(e) The prosecuting attorney or sentencing court may refer an offender for consideration by the department for participation in the program.

(f) The board shall determine whether or not to place an offender into this program within 30 days of receiving the department's recommendation.

(4) This program shall be implemented by the department within the existing budget.

(5) In addition to the conditions of parole described in this section, and if a condition of the offender's parole is routine or random drug testing, the board shall order the offender to sign a waiver consistent with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq., allowing the treatment provider conducting the drug testing to notify the offender's supervising parole officer regarding the results of the offender's drug testing.

(6) During the time the offender is on parole, the department shall collect from the offender the monthly supervision fee authorized by Section 64-14-204.
(7) When a parolee commits a violation of the parole agreement, the department may:
(a) respond in accordance with the graduated and evidence-based responses established in accordance with Section 64-14-204; or
(b) when the graduated and evidence-based responses established in accordance with Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for revocation of parole.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 299, 2025 General Session

77-27-10.5 Special condition of parole -- Penalty.
(1) In accordance with Section 77-27-5, the Board of Pardons and Parole may release the defendant on parole and as a condition of parole, the board may order the defendant to be prohibited from directly or indirectly engaging in any profit or benefit generating activity relating to the publication of facts or circumstances pertaining to the defendant's involvement in the criminal act for which the defendant is convicted.
(2) The order may prohibit the defendant from contracting with any person, firm, corporation, partnership, association, or other legal entity with respect to the commission and reenactment of the defendant's criminal conduct, by way of a movie, book, magazine article, tape recording, phonograph record, radio, or television presentations, live entertainment of any kind, or from the expression of the defendant's thoughts, feelings, opinions, or emotions regarding the criminal conduct.
(3) The board may order that the prohibition includes any event undertaken and experienced by the defendant while avoiding apprehension from the authorities or while facing criminal charges.
(4) The board may order that any action taken by the defendant by way of execution of power of attorney, creation of corporate entities, or other action to avoid compliance with the board's order shall be grounds for revocation of parole as provided in Section 77-27-11.
(5) The Division of Adult Probation and Parole created in Section 64-14-202 shall notify the board of any alleged violation of the board's order under this section.
(6) The violation of the board's order shall be considered a violation of parole.
(7) For purposes of this section:
(a) "convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest, and conviction of any crime or offense; and
(b) "defendant" means the convicted defendant, the defendant's assignees, and representatives acting on the defendant's authority.

Amended by Chapter 214, 2025 General Session

77-27-11 Revocation of parole.
(1) The board may revoke the parole of any individual who is found to have violated any condition of the individual's parole.
(2)
(a) If a parolee is confined by the department or any law enforcement official for a suspected violation of parole, the department:

(i) shall immediately report the alleged violation to the board, by means of an incident report; and
(ii) make any recommendation regarding the incident.
(b) A parolee may not be held for a period longer than 72 hours, excluding weekends and holidays, without first obtaining a warrant.
(c) The board shall expeditiously consider warrant requests from the department under Section 64-14-205.
(3) Any member of the board may:
(a) issue a warrant based upon a certified warrant request to a peace officer or other persons authorized to arrest, detain, and return to actual custody a parolee; and
(b) upon arrest of the parolee, determine, or direct the department to determine, if there is probable cause to believe that the parolee has violated the conditions of the parolee's parole.
(4) Upon a finding of probable cause, a parolee may be further detained or imprisoned again pending a hearing by the board or the board's appointed examiner.
(5)
(a) The board or the board's appointed examiner shall conduct a hearing on the alleged violation, and the parolee shall have written notice of the time and location of the hearing, the alleged violation of parole, and a statement of the evidence against the parolee.
(b) The board or the board's appointed examiner shall provide the parolee the opportunity:
(i) to be present;
(ii) to be heard;
(iii) to present witnesses and documentary evidence;
(iv) to confront and cross-examine adverse witnesses, absent a showing of good cause for not allowing the confrontation; and
(v) to be represented by counsel when the parolee is mentally incompetent or pleading not guilty.
(c)
(i) If heard by an appointed examiner, the examiner shall make a written decision which shall include a statement of the facts relied upon by the examiner in determining the guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the alleged violation occurred.
(ii) The appointed examiner shall then refer the case to the board for disposition.
(d)
(i) A final decision shall be reached by a majority vote of the sitting members of the board.
(ii) A parolee shall be promptly notified in writing of the board's findings and decision.
(6)
(a) If a parolee is found to have violated the terms of parole, the board, at the board's discretion, may:
(i) return the parolee to parole;
(ii) modify the payment schedule for the parolee's criminal accounts receivable in accordance with Section 77-32b-105;
(iii) order the parolee to pay pecuniary damages that are proximately caused by a defendant's violation of the terms of the defendant's parole;
(iv) order the parolee to be imprisoned, but not to exceed the maximum term of imprisonment for the parolee's sentence; or
(v) order any other conditions for the parolee.
(b) If the board returns the parolee to parole, the length of parole may not be for a period of time that exceeds the length of the parolee's maximum sentence.

(c) If the board revokes parole for a violation and orders incarceration, the board may impose a period of incarceration:
(i) consistent with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; or
(ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from the guidelines.
(d) The following periods of time constitute service of time toward the period of incarceration imposed under Subsection (6)(c):
(i) time served in jail by a parolee awaiting a hearing or decision concerning revocation of parole; and
(ii) time served in jail by a parolee due to a violation of parole under Subsection 64-13-6(2).

Amended by Chapter 214, 2025 General Session

77-27-12 Parole discharge--Sentence termination.

Any person released on parole shall be discharged from parole or have the person's sentence terminated subject to the conditions and limitations contained in Section 76-3-202.

Amended by Chapter 302, 2025 General Session

77-27-13 Board of Pardons and Parole -- Duties of the judiciary, the Department of Corrections, and law enforcement -- Removal of material from files.

(1) The chief executive officer and employees of each penal or correctional institution shall cooperate fully with the board, permit board members free access to offenders, and furnish the board with pertinent information regarding an offender's physical, mental, and social history and his institutional record of behavior, discipline, work, efforts of self-improvement, and attitude toward society.
(2)
(a) The department shall:
(i) furnish any pertinent information , within the department's possession, to the board; and
(ii) provide a copy of the presentence report, any available information within the department's possession concerning the impact a crime may have had upon the victim or the victim's family, and any other investigative reports to the board.
(b) In all cases where a presentence report has not been completed, the department shall:
(i) make a postsentence report ; and
(ii) provide a copy of the postsentence report to the board as soon as possible.
(c) The department shall provide the board, upon request, any additional investigations or information needed by the board to reach a decision or conduct a hearing.
(3) The department shall make the department's facilities available to the board to carry out the board's functions.
(4) Law enforcement officials responsible for the offender's arrest, conviction, and sentence shall furnish all pertinent data requested by the board.
(5)
(a) If an indeterminate sentence is imposed in a case, the court shall forward, within 30 days after the day on which the sentence was imposed, to the board:
(i) a record of the judgment and commitment;
(ii) if available and in the court's possession, a victim impact statement referring to any loss suffered by a victim; and

(iii) any other record that the court believes will be relevant to the board, including a statement:
(A) proposing the term for which, in the court's opinion, the offender should be imprisoned;
(B) any information the court may have regarding the character of the offender; and
(C) any mitigating or aggravating circumstances connected with the offense for which the offender has been convicted.
(b) If the court amends an order for a judgment and commitment, the court shall forward the amended order to the board within 30 days after the day on which the amended order is entered.
(6) If an indeterminate sentence is imposed in a case and the offender is committed to prison, the prosecuting attorney shall forward, in writing and within 30 days after the day on which the sentence was imposed, to the board:
(a) a victim impact statement referring to any loss suffered by a victim; and
(b) any other information the prosecuting attorney believes will be relevant to the board, including a summary and recommendations related to the case.
(7) Notwithstanding Subsection (5) or (6), the board may remove from the board's files any:
(a) statement that the board is not going to rely on in the board's decision-making process;
(b) information found to be incorrect by a court, the board, or an administrative agency; or
(c) duplicative materials.
(8) The chief executive officer of any penal or correctional institution shall permit offenders to send mail to the board without censorship.

Amended by Chapter 434, 2024 General Session

77-27-24 Out-of-state supervision of probationers and parolees -- Compacts.

The governor of this state is authorized to execute a compact on behalf of the State of Utah with any other state legally joining therein. "State," as used in this section, includes any state, territory or possession of the United States, and the District of Columbia. The compact shall be in substantially the following form:
(1) A compact entered into by and among the contracting states, signatories thereto, with the consent of the Congress of the United States of America, granted by an act entitled An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.
(2) The contracting states solemnly agree:
(a) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called sending state) to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called receiving state) while on probation or parole, if:
(i) such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; or
(ii) though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.
(A) Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.
(B) A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous

months immediately preceding the commission of the offense for which he has been convicted.

(b) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(c) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole from such sending state. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived on the part of states party hereto as to such persons. The decision of the sending state to retake a person on probation (or parole) shall be conclusive upon and not reviewable within the receiving state; provided if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(d) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact without interference.

(e) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(f) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(g) That this compact shall continue in force and remain binding upon each executing state until renounced by it. That duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, on sending six months' notice in writing of intention to withdraw from the compact to the other states party thereto.

Amended by Chapter 306, 2007 General Session

77-27-25 Amendments to interstate compact -- Transfer of prisoners -- Costs -- Supplementary agreements.

The governor is authorized, on behalf of the state, to execute amendments to the compacts provided for in Section 77-27-24, with any other state legally joined therein. "State," as used in this section, includes any state, territory or possession of the United States and the District of Columbia. The amendments to the compact shall be in form substantially as follows:

(a) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(c) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in (a) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(d) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(e) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in an appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled, (prior to incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(f) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(g) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

Enacted by Chapter 15, 1980 General Session

77-27-26 Deputization of agents to effect return of parole and probation violators.

(1)

(a) The official administrator of the interstate compact for the supervision of parolees and probationers is authorized and empowered to deputize any person to act as an officer and agent of this state in carrying out the return of any person who has violated the terms and conditions of parole or probation as granted by this state.

(b) In any matter relating to the return of a violator described in Subsection (1)(a), any deputized agent shall have all the powers of a peace officer of this state.

(2) Any deputization of any person pursuant to this section shall be in writing and the deputized agent shall:

(a) carry formal evidence of deputization; and
(b) produce the evidence of deputization upon demand.
(3) The official administrator of the interstate compact is authorized, subject to the approval of the governor, to enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state.

Amended by Chapter 302, 2025 General Session

77-27-27 Retaking or reincarceration for parole or probation violations -- Hearing and notice to sending state -- Detention of parolee or probationer.

Where supervision of a parolee or probationer is being administered pursuant to the interstate compact for the supervision of parolees and probationers, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this act within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of any hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Enacted by Chapter 15, 1980 General Session

77-27-28 Hearing officer.

Any hearing pursuant to this act shall be heard by the administrator of the interstate compact for the supervision of parolees and probationers, a deputy of the administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violation, except that no hearing officer shall be the person making the allegation of violation.

Enacted by Chapter 15, 1980 General Session

77-27-29 Rights of parolee or probationer -- Record of proceedings.

(1) With respect to any hearing pursuant to the Uniform Act for Out-of-State Supervision, the parolee or probationer shall have the following rights:
(a) reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;
(b) be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing;
(c) to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons; and

(d) may admit, deny, or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions.
(2) A record of the proceedings shall be made and preserved.

Amended by Chapter 306, 2007 General Session

77-27-30 Violation by parolee or probationer supervised in another state -- Hearing in other state -- Procedure upon receipt of record from other state.

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this act, the record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

Enacted by Chapter 15, 1980 General Session

77-27-31 Short title.

Sections 77-27-24 through 77-27-30 of this chapter may be cited as the "Uniform Act for Out-of-State Supervision."

Enacted by Chapter 15, 1980 General Session

77-27-32 Reporting requirements.

(1) The board shall publicly display metrics on the board's website, including:
(a) a measure of recidivism;
(b) a measure of time under board jurisdiction;
(c) a measure of prison releases by category;
(d) a measure of parole revocations;
(e) a measure of alignment of board decisions with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
(f) a measure of the aggregate reasons for departing from the guidelines described in Subsection (1)(e).
(2) On or before September 30 of each year, the board shall submit to the commission and the Law Enforcement and Criminal Justice Interim Committee a report for the previous fiscal year that summarizes the metrics in Subsection (1).

Amended by Chapter 208, 2024 General Session

Chapter 28
Western Interstate Corrections Compact

77-28-1 Compact enacted into law -- Text of compact.

The Western Interstate Corrections Compact as contained herein is enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

ARTICLE I
PURPOSE AND POLICY

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

ARTICLE II
DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States or, subject to the limitation contained in Article VII, Guam.

(b) "Sending state" means a state party to this compact in which conviction was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had.

(d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.

(e) "Institution" means any prison, reformatory or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined.

ARTICLE III
CONTRACTS

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) Its duration.

(2) Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

(3) Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

(4) Delivery and retaking of inmates.

(5) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that money is legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision

of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

PROCEDURE AND RIGHTS

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institutions in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the

appropriate officials of the sending state. Costs of records made pursuant to this subdivision shall be borne by the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any powers in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

ACTS NOT REVIEWABLE IN RECEIVING STATE -- EXTRADITION

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at any time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

FEDERAL AID

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

ENTRY INTO FORCE

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective

and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of congress to such joinder. For the purpose of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

ARTICLE VIII

WITHDRAWAL AND TERMINATION

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

OTHER ARRANGEMENTS UNAFFECTED

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Amended by Chapter 342, 2011 General Session

77-28-2 Department of Corrections -- Authority to transfer inmates.

The Department of Corrections may transfer an inmate (as defined in Article II (d) of the Western Interstate Corrections Compact) to any institution within or without this state if this state has entered into a contract or contracts for the confinement of inmates in said institutions pursuant to Article III of the Western Interstate Corrections Compact.

Amended by Chapter 212, 1985 General Session

77-28-3 Duties and powers of courts, departments, agencies and officers in enforcing and effecting compact.

The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and submission of such reports as are required by the compact.

Enacted by Chapter 15, 1980 General Session

77-28-4 Board of Pardons and Parole -- Authority to hold hearings.

The Board of Pardons and Parole is hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV (f) of the Western Interstate Corrections Compact. The board is further authorized to travel to any state who is a party to the compact to which an inmate is sent for confinement, for the purpose of holding any hearing to which an inmate is entitled by the laws of Utah.

Amended by Chapter 13, 1994 General Session

77-28-5 Governor -- Power to enter into contracts.

The governor is empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof.

Enacted by Chapter 15, 1980 General Session

Chapter 28a
Interstate Corrections Compact

77-28a-1 Compact entered into law -- Text of compact.

The interstate compact on corrections as contained herein is enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

PURPOSE AND POLICY

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of co-operation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this Compact is to provide for the mutual development and execution of such programs of co-operation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II

DEFINITIONS

As used in this Compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States, the United States of America, a Territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico;

(b) "Sending state" means a state party to this Compact in which conviction or court commitment was had;

(c) "Receiving state" means a state party to this Compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had;

(d) "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution;

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in (d) above may lawfully be confined.

ARTICLE III

CONTRACTS

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) Its duration;

(2) Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;

(3) Participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof, and the crediting of proceeds from or disposal of any products resulting therefrom;

(4) Delivery and retaking of inmates;

(5) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this Compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

PROCEDURES AND RIGHTS

(a) Whenever the duly constituted authorities in a state party to this Compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care of an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution with the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this Compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this Compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided, that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this Compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of

said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this Compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this Compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state, if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this Compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this Compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any powers in respect of any inmate confined pursuant to the terms of this Compact.

ARTICLE V

ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this Compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this Compact through any and all states party to this Compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this Compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities

of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

FEDERAL AID

Any state party to this Compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this Compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this Compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision; provided, that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

ENTRY INTO FORCE

This Compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this Compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII

WITHDRAWAL AND TERMINATION

This Compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the Compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this Compact.

ARTICLE IX

OTHER ARRANGEMENTS UNAFFECTED

Nothing contained in this Compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of co-operative institutional arrangements.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

The provisions of this Compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state participating therein, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XI

An inmate must request a transfer in writing before such a transfer can be made pursuant to Article IV.

Enacted by Chapter 38, 1982 General Session

77-28a-2 Department of Corrections -- Authority to transfer inmates.

The Department of Corrections may transfer an inmate, as defined in Subparagraph (d) of Article II of the Interstate Corrections Compact, to any institution within or without this state if this state has entered into any contracts for the confinement of inmates in said institutions pursuant to Article III of that Compact.

Amended by Chapter 212, 1985 General Session

77-28a-3 Duties and powers of courts, departments, agencies and officers in enforcing and effecting compact.

The courts, departments, agencies and officers of this state and its political subdivisions shall enforce this Compact and shall do all things necessary and appropriate to the effectuation of the purposes and intent of this Compact which may be within their respective jurisdictions including, but not limited to, the making and submission of any reports required by that Compact.

Enacted by Chapter 38, 1982 General Session

77-28a-4 Board of Pardons and Parole -- Authority to hold hearings.

The Board of Pardons and Parole is hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV (a) of the Interstate Corrections Compact. The board is further authorized to travel to any state which is a party to that Compact and to which an inmate is sent for confinement, for the purpose of holding any hearing to which that inmate is entitled by the laws of Utah.

Amended by Chapter 13, 1994 General Session

77-28a-5 Governor -- Power to enter into contracts.

The governor is empowered to enter into such contracts on behalf of this state as may be appropriate to implement its participation in the Interstate Corrections Compact pursuant to Article III thereof.

Amended by Chapter 320, 1983 General Session

Chapter 28b
Interjurisdictional Transfer of Prisoners

77-28b-1 Definitions.

(1) "Assurance" means a special condition concerning the confinement or release of an offender which must be met prior to the release of the offender.
(2) "Offender" means a juvenile certified to be tried as an adult or an adult convicted of any criminal offense under Utah law.
(3) "Receiving country" means the jurisdiction to which the offender is to be transferred.
(4) "Sending state" means the jurisdiction from which the offender is to be transferred.

Enacted by Chapter 324, 1990 General Session

77-28b-2 Director's authority.

The director of the Department of Corrections may transfer offenders having foreign citizenship status to countries of citizenship under this chapter if a treaty exists between the United States and the foreign country.

Enacted by Chapter 324, 1990 General Session

77-28b-3 Eligibility criteria for international transfer.

An offender must meet the following criteria before being considered for an international transfer:

(1) the offender is a citizen of the receiving country;
(2) the offender consents to transfer to the offender's country of citizenship;
(3) the offense committed by the offender constitutes a criminal offense under the laws of the receiving state;
(4) the offender does not have fewer than 12 months remaining on the offender's sentence at the time of the application for transfer;
(5) the offender is not under a sentence of death;
(6) the offender does not have collateral attacks or appeals on either the sentence or conviction pending;
(7) all other provisions of the imposed sentence such as fines, restitution, and penalties are paid in full;
(8) there are no detainers, wanted notices based on criminal convictions, indictments, informations, complaints, or parole or probation violation allegations pending against the offender; and
(9) the offender meets all of the eligibility requirements of the treaty with the offender's country.

Amended by Chapter 302, 2025 General Session

77-28b-4 Role of the classification officer.

(1) The classification officer of each correctional institution shall be provided with the eligibility requirements of each prisoner transfer treaty.
(2) The classification officer shall forward Form I, Transfer Inquiry, to all offenders identified as having national or citizenship status in a party nation.
(3) Upon receipt of Form I, Transfer Inquiry, the offender may indicate that the offender is:
  (a) interested in pursuing a transfer by signing Form I and returning it to the classification officer along with proof of citizenship; or
  (b) not interested in pursuing a transfer by returning Form I to the classification officer without proof of citizenship.
(4) If the offender indicates on Form I, Transfer Inquiry, that the offender is interested in pursuing a transfer, the institution classification officer shall complete Form II, Inmate Information Provided to Treaty Nation, and Form III, Notice Regarding International Prisoner Transfer.
(5) The following forms, provided by the federal government, shall be completed and forwarded in triplicate by the classification officer to the superintendent of the institution:
  (a) Form I, Transfer Inquiry;
  (b) Form II, Inmate Information Provided to Treaty Nation;
  (c) Form III, Notice Regarding International Prisoner Transfer;
  (d) proof of citizenship;
  (e) statement of offender's eligibility;

(f) presentence report;
(g) classification assessment;
(h) current psychological and medical reports;
(i) signed release of confidential information forms;
(j) criminal history sheet; and
(k) judgments of conviction or certification to be tried as an adult.

Amended by Chapter 302, 2025 General Session

77-28b-5 Role of institution warden.

The warden shall sign Form III, Notice Regarding International Prisoner Transfer, and forward the application and the material required in Section 77-28b-4 in triplicate to the Department of Corrections Inmate Placement Program Bureau.

Enacted by Chapter 324, 1990 General Session

77-28b-6 Role of Inmate Placement Program Bureau.

(1) The Department of Corrections Inmate Placement Program Bureau shall:
(a) investigate the request to ensure that all eligibility requirements are met;
(b) request a records check to verify records listed in Section 77-28b-3;
(c) review application and materials for completeness and compliance with treaty terms;
(d) develop and recommend assurances, where indicated; and
(e) provide written notification of the transfer request to the following entities and receive objections or other comments for 15 business days after sending the notification:
(i) attorney general;
(ii) prosecuting law enforcement agency;
(iii) prosecutor; and
(iv) sentencing court.
(2) If the Inmate Placement Program Bureau investigation determines that the application and materials are incomplete or do not comply with the terms of the treaty, the application shall be rejected and returned to the institution in which the inmate is incarcerated.
(3) If the investigation of the bureau determines the application and materials are complete and in compliance with the terms of the treaty, the application and materials shall be forwarded to the director of the Department of Corrections.

Enacted by Chapter 324, 1990 General Session

77-28b-7 Role of director.

(1) The director of the Department of Corrections shall review the application and materials. Upon the director's approval the application and materials shall be forwarded to the governor for authorization to transfer.
(2) Applications that are not approved by the director shall be returned to the sending institution and the inmate shall be notified.

Amended by Chapter 302, 2025 General Session

77-28b-8 Referral to the United States Department of Justice, Office of International Affairs.

(1) Upon receipt of the governor's authorization for international transfer, the application and materials shall be forwarded to the United States Department of Justice, Office of International Affairs, by the Inmate Placement Program Bureau.
(2) The bureau shall notify the inmate and the warden of the sending institution of the decision of the application for international transfer.
(3) All arrangements regarding the treaty process and proposed assurances shall be negotiated between the bureau and the United States Department of Justice, Office of International Affairs.

Enacted by Chapter 324, 1990 General Session

77-28b-9 Transfer of offender.
(1) If the inmate is accepted for international transfer by the United States Department of Justice, Office of International Affairs, the offender shall be transported by the Department of Corrections to the federal district court for a verification hearing to ensure the offender consents to the international transfer.
(2) The Department of Corrections shall then relinquish jurisdiction over the offender to the United States Department of Justice.

Enacted by Chapter 324, 1990 General Session

Chapter 28c
Interstate Compact for Adult Offender Supervision

Part 1
Purpose and Functions

77-28c-101 Title.
This chapter is known as the "Interstate Compact for Adult Offender Supervision."

Enacted by Chapter 45, 2001 General Session

77-28c-102 Preamble.

PREAMBLE

Whereas: The Interstate Compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;

Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;

Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements, and sex offender registration;

Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the

document to bring about an effective management capacity that addresses public safety concerns and offender accountability;

Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

Enacted by Chapter 45, 2001 General Session

77-28c-103 Compact.

ARTICLE I
PURPOSE

(a) The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the by-laws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary, return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

(b) It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: To provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits, and obligations of the compact among the compacting states.

(c) In addition, this compact will: Create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of compact activities to heads of state councils, state executive, judicial, and legislative branches, and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

(d) The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and by-laws and rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II
DEFINITIONS

(a) As used in this compact, unless the context clearly requires a different construction:

(1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

(2) "By-laws" mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

(3) "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the state council under this compact.

(4) "Compacting state" means any state which has enacted the enabling legislation for this compact.

(5) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

(6) "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact.

(7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

(8) "Noncompacting state" means any state which has not enacted the enabling legislation for this compact.

(9) "Offender" means an adult placed under or subject to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.

(10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.

(11) "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.

(12) "State" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States.

(13) "State council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article IV of this compact.

ARTICLE III
THE COMPACT COMMISSION

(a) The compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers, and duties set forth herein; including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(b) The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, nonvoting members as it deems necessary.

(c) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

(d) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(e) The Interstate Commission shall establish an executive committee which shall include commission officers, members, and others as shall be determined by the by-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws, and as directed by the Interstate Commission; and performs other duties as directed by the Commission or set forth in the by-laws.

ARTICLE IV

THE STATE COUNCIL

(a) Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators.

(b) Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the Governor in consultation with the legislature and the judiciary.

(c) In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall have the following powers:

(1) To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission.

(2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

(3) To oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.

(4) To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means including, but not limited to, the use of judicial process.

(5) To establish and maintain offices.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, or contract for services of personnel including, but not limited to, members and their staffs.

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(13) To establish a budget and make expenditures and levy dues as provided in Article X of this compact.

(14) To sue and be sued.

(15) To provide for dispute resolution among compacting states.

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

(18) To coordinate education, training, and public awareness regarding the Interstate movement of offenders for officials involved in such activity.

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) By-laws. The Interstate Commission shall, by a majority of the members, within 12 months of the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact including, but not limited to:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an executive committee and such other committees as may be necessary, providing reasonable standards and procedures:

(i) For the establishment of committees, and

(ii) Governing any general or specific delegation of any authority or function of the Interstate Commission;

(3) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(4) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any compacting state, the by-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and

(6) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;

(7) Providing transition rules for "start up" administration of the compact;

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

(b) Officers and Staff.

(1) The Interstate Commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

(c) Corporate Records of the Interstate Commission. The Interstate Commission shall maintain its corporate books and records in accordance with the by-laws.

(d) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The Interstate Commission shall defend the commissioner of a compacting state, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of such person.

(3) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, the appointed designee, or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII
ACTIVITIES OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall meet and take such actions as are consistent with the provisions of this compact.

(b) Except as otherwise provided in this compact and unless a greater percentage is required by the by-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

(c) Each member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication, shall be subject to the same quorum requirements of meetings where members are present in person.

(d) The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(e) The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

(f) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) Relate solely to the Interstate Commission's internal personnel practices and procedures;

(2) Disclose matters specifically exempted from disclosure by statute;

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential;

(4) Involve accusing any person of a crime, or formally censuring any person;

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Disclose investigatory records compiled for law enforcement purposes;

(7) Disclose information contained in or related to examination, operating, or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

(8) Disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;

(9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

(g) For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant provision authorizing closure of the meeting. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(h) The Interstate Commission shall collect standardized data concerning the Interstate movement of offenders as directed through its by-laws and rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

ARTICLE VIII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

(b) Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. App. 2, Section 1 et seq., as may be amended (hereinafter "APA"). All rules and amendments shall become binding as of the date specified in each rule or amendment.

(c) If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

(d) When promulgating a rule, the Interstate Commission shall:

(1) Publish the proposed rule, stating with particularity the text of the rule which is proposed and the reason for the proposed rule;

(2) Allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;

(3) Provide an opportunity for an informal hearing; and

(4) Promulgate a final rule and its effective date, if appropriate, based on the rulemaking record. Not later than 60 days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(e) Subjects to be addressed within 12 months after the first meeting must at a minimum include:

(i) notice to victims and opportunity to be heard;

(ii) offender registration and compliance;

(iii) violations/returns;

(iv) transfer procedures and forms;

(v) eligibility for transfer;

(vi) collection of restitution and fees from offenders;

(vii) data collection and reporting;

(viii) the level of supervision to be provided by the receiving state;

(ix) transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and

(x) mediation, arbitration, and dispute resolution.

(f) The existing rules governing the operation of the previous compact superceded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

(g) Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

ARTICLE IX

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

(a) Oversight.

(1) The Interstate Commission shall oversee the Interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

(b) Dispute Resolution.

(1) The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

(2) The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and noncompacting states.

(3) The Interstate Commission shall enact a by-law or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(c) Enforcement. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII (b) of this compact.

ARTICLE X

FINANCE

(a) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders

in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

(c) The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XI

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

(a) Any state, as defined in Article II of this compact, is eligible to become a compacting state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

(c) Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

(a) Withdrawal.

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

(b) Default.

(1) If the Interstate Commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under

this compact, the by-laws, or any duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(i) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

(ii) Remedial training and technical assistance as directed by the Interstate Commission;

(iii) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(2) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of suspension. Within 60 days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, and the majority and minority leaders of the defaulting state's legislature and the state council of such termination.

(3) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(4) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

(c) Judicial Enforcement. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact and its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

(d) Dissolution of Compact.

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Other Laws.

(1) Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(2) All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.

(b) Binding Effect of the Compact.

(1) All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Enacted by Chapter 45, 2001 General Session

77-28c-104 Definitions -- Compact transfer application fee.

(1) As used in this section:

(a) "Department" means the Department of Corrections.

(b) "Offender" has the same meaning as provided in Section 77-28c-103, Article II(a)(9).

(2)

(a) Offenders desiring a transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision shall apply to the department for transfer.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the transfer of supervision of an offender.

(3) The department shall collect a fee of $50 from each offender applying for transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision.

Amended by Chapter 382, 2008 General Session

77-28c-105 Compact for Adult Offender Supervision Restricted Account.

(1) There is created within the General Fund, a restricted account known as the Interstate Compact for Adult Offender Supervision Restricted Account.

(2) Money in the account shall consist of the compact application fee collected by the department for a transfer of supervision under the provisions of Subsection 77-28c-104(3).

(3) Upon appropriation by the Legislature, money in the account shall be used:

(a) to cover costs incurred in the collection of the fee; and
(b) for the administration of the Interstate Compact for Adult Offender Supervision, including the payment of the annual assessment levied under Subsection 77-28c-103, Article X(b).

Enacted by Chapter 239, 2004 General Session

Part 2
Authority of the Governor to Enter Into Compact

77-28c-201 Authority of governor to join compact.

The governor of Utah is authorized and directed to execute a compact on behalf of this state with any other state or states joining the Interstate Compact for Adult Offender Supervision as provided in Section 77-28c-103.

Enacted by Chapter 45, 2001 General Session

Chapter 29
Disposition of Detainers Against Prisoners

77-29-3 Chapter inapplicable to incompetent persons.

The provisions of this chapter shall not apply to any person while adjudged to be incompetent to proceed under Chapter 15, Defendant's Competency to Proceed.

Amended by Chapter 46, 2025 General Session

77-29-5 Interstate agreement on detainers -- Enactment into law -- Text of agreement.

The interstate agreement on detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of co-operative procedures. It is the further purpose of this agreement to provide such co-operative procedures.

ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final dispositions pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to a paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of

this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request; and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in the article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Enacted by Chapter 15, 1980 General Session

77-29-6 Interstate agreement -- "Appropriate court" defined.

The phrase "appropriate court" as used in the agreement on detainers shall, with reference to the courts of this state, mean any court with criminal jurisdiction in the matter involved.

Enacted by Chapter 15, 1980 General Session

77-29-7 Interstate agreement -- Duty of state agencies and political subdivisions to cooperate.

All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the agreement on detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

Enacted by Chapter 15, 1980 General Session

77-29-8 Interstate agreement -- Application of habitual criminal law.

Nothing in the agreement on detainers shall be construed to require the application of the habitual criminal law of this state to any person as a result of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement.

Enacted by Chapter 15, 1980 General Session

77-29-9 Interstate agreement -- Escape of prisoner while in temporary custody.

Escape or attempt to escape from custody, whether within or without this state, while in the temporary custody of an authority of another state acting pursuant to the agreement on detainers shall constitute an offense against this state. Such escape or attempt to escape shall constitute an offense to the same extent and degree as an escape from the institution in which the prisoner was

confined immediately prior to having been released to temporary custody, and shall be punishable in the same manner as an escape or attempt to escape from said institution.

Enacted by Chapter 15, 1980 General Session

77-29-10 Interstate agreement -- Duty of warden.

It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to deliver any inmate thereof whenever so required by the operation of the agreement on detainers.

Enacted by Chapter 15, 1980 General Session

77-29-11 Interstate agreement -- Attorney general as administrator and information agent.

The attorney general is hereby designated as the officer who shall be the central administrator of and information agent for the agreement on detainers as provided in Article VII of the agreement.

Enacted by Chapter 15, 1980 General Session

Chapter 30
Extradition

77-30-1 Definitions.

Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

Enacted by Chapter 15, 1980 General Session

77-30-2 Duty of governor to deliver person charged with crime upon demand by other state.

Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all Acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime who has fled from justice and is found in this state.

Enacted by Chapter 15, 1980 General Session

77-30-3 Form of demand -- What documents presented must show.

No demand for the extradition of a person charged with a crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under Section 77-30-6, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter the accused fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction

of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon or by a copy of a judgment of conviction or of a sentence composed in execution, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of the person's bail, probation or parole. The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state and the copy of the indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

Amended by Chapter 302, 2025 General Session

77-30-4 Governor may investigate demand.

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with a crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to the governor the situation and circumstances of the person so demanded, and whether the person ought to be surrendered.

Amended by Chapter 302, 2025 General Session

77-30-5 Extradition for prosecution before conclusion of trial or term in other state -- Return of person involuntarily leaving demanding state.

(1) When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against the person in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or the person's term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated

(2) The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in Section 77-30-23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

Amended by Chapter 302, 2025 General Session

77-30-6 Extradition for crime committed in another state by person while in this state.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state, in the manner provided in section 77-30-3, with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent shall apply to such cases even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Enacted by Chapter 15, 1980 General Session

77-30-7 Governor's warrant of arrest -- Recitals.

If the governor decides that the demand should be complied with, the governor shall sign a warrant of arrest, which shall be sealed with the state seal, directed to any peace officer or other person whom the governor may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Amended by Chapter 302, 2025 General Session

77-30-8 Execution of warrant of arrest.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where the accused may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act, to the duly authorized agent of the demanding state.

Amended by Chapter 281, 2018 General Session

77-30-9 Authority of officers under warrant of arrest.

Every such peace officer or other person empowered to make the arrest shall have the same authority in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

Enacted by Chapter 15, 1980 General Session

77-30-10 Time to apply for habeas corpus allowed.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding the arrested person shall have appointed to receive the arrested person unless the arrested person shall first be taken forthwith before a judge of a court of record in this state who shall inform the arrested person of the demand made for the arrested person's surrender and of the crime with which the arrested person is charged and that the arrested person has the right to demand and procure legal counsel and if the prisoner or the prisoner's counsel shall state that the prisoner or the prisoner's counsel desires to test the legality of the prisoner's arrest, the judge of such court of record shall fix a reasonable time to be allowed the prisoner within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof and the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Amended by Chapter 302, 2025 General Session

77-30-11 Penalty for disobedience of habeas corpus.

Any officer who shall deliver to the agent for extradition of the demanding state a person in the officer's custody under the governor's warrant, in willful disobedience to Section 77-30-10, shall be guilty of a misdemeanor and on conviction shall be fined not more than $1,000 or be imprisoned in the county jail not more than six months, or both.

Amended by Chapter 302, 2025 General Session

77-30-12 Officers entitled to use local jails.

(1) The officer or persons executing the governor's warrant of arrest or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which the officer or person having charge of the prisoner may pass and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of the prisoner is ready to proceed, such officer or person being chargeable with the expense of keeping.
(2) The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which the officer or person having charge of the prisoner may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of the prisoner is ready to proceed, such officer or agent being chargeable with the expense of keeping; provided, such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that the officer or agent is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

Amended by Chapter 302, 2025 General Session

77-30-13 Fugitives from justice -- Warrant of arrest.

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state, and, except in cases arising under Section 77-30-6, that the person charged has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of the person's bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the person has been charged in such state with the commission of the crime, and except in cases arising under Section 77-30-6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of the person's bail, probation or parole, and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding the officer to apprehend the person named therein, wherever the named person may be found in this state, and to bring the named person before the same or any judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Amended by Chapter 302, 2025 General Session

77-30-14 Arrest without warrant.

The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused person must be taken before a judge or magistrate with all practicable speed and complaint must be made against the accused person under oath setting forth the

ground for the arrest as in Section 77-30-13, and thereafter the accused person's answer shall be heard as if the accused person had been arrested on a warrant.

Amended by Chapter 302, 2025 General Session

77-30-15 Commitment pending arrest under warrant of governor.

If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged, and, except in cases arising under Section 77-30-6, that the accused person has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit the accused person to the county jail for such a time not exceeding 30 days and specified in the warrant as will enable the arrest of the accused person to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused person gives bail as provided in the next section or until the accused person shall be legally discharged.

Amended by Chapter 302, 2025 General Session

77-30-16 Amount of bail.

(1) Except as provided in Subsection (2), a judge or magistrate in this state may admit the person arrested to bail by bond with sufficient sureties and in an amount the judge or magistrate considers proper, conditioned for the arrested person's appearance before the judge or magistrate at a time specified in the bond and for the arrested person's surrender, to be arrested upon the warrant of the governor of this state.
(2) A person arrested under Section 77-30-13 shall be admitted to bail as a matter of right, except the court has discretion to deny bail as provided in Utah Constitution Article I, Section 8, and when a judge or magistrate in the demanding state has ordered that the person charged be held without bail or the person has waived extradition.
(3) There is a rebuttable presumption that the bail set by the court or magistrate in the demanding state is the proper amount of bail in this state.

Amended by Chapter 302, 2025 General Session

77-30-17 Procedure when no arrest made under warrant of governor.

If the accused person is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge the accused person or may recommit the accused person for a further period not to exceed 60 days, or a judge or magistrate may again take bail for the accused person's appearance and surrender, as provided in Section 77-30-16, but within a period not to exceed 60 days after the date of such new bond.

Amended by Chapter 302, 2025 General Session

77-30-18 Forfeiture of bail.

If the prisoner is admitted to bail and fails to appear and surrender according to the conditions of the prisoner's bond, the judge or magistrate by proper order shall declare the bond forfeited and order the prisoner's immediate arrest without warrant if the prisoner is within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Amended by Chapter 281, 2018 General Session

77-30-19 Procedure if prosecution pending in this state.

(1) If a criminal prosecution has been instituted against a defendant under the laws of this state and is still pending, the governor may either surrender the defendant on demand of the executive authority of another state or hold the defendant until the defendant has been tried and either convicted and sentenced, acquitted, or otherwise discharged in this state.
(2) Unless tolling is contrary to state or federal law, the period of time for extradition shall be tolled when local charges are pending in this state.

Amended by Chapter 192, 2023 General Session

77-30-20 Governor not to inquire into guilt or innocence.

The guilt or innocence of the accused person as to the crime of which the accused person is charged in another state may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the accused person held as the person charged with the crime.

Amended by Chapter 302, 2025 General Session

77-30-21 Governor's warrant of arrest recalled or another issued.

The governor may recall the governor's warrant of arrest or may issue another warrant whenever the governor deems proper.

Amended by Chapter 302, 2025 General Session

77-30-22 Fugitives from this state -- Issuance of governor's warrant.

Whenever the governor of this state shall demand a person charged with a crime or with escaping from confinement or breaking the terms of bail, probation, or parole in this state from the executive authority of any other state or from the chief justice or an associate justice of the superior court of the District of Columbia authorized to receive such demand under the laws of the United States, the governor shall issue a warrant under the seal of this state to some agent, commanding the agent to receive the person so charged if delivered to the agent and convey the charged person to the proper officer of the county in this state in which the offense was committed.

Amended by Chapter 302, 2025 General Session

77-30-23 Fugitives from this state -- Applications for requisition for return.

(1) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place, and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county from which escape was made shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation, or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.
(3) The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate stating the offense with which the accused is charged, or of the judgment or conviction, or of the sentence.
(4) The prosecuting officer, parole board, warden, or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the governor indicated by endorsement thereon and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Amended by Chapter 306, 2007 General Session

77-30-24 Payment of expenses -- Extradition costs.

(1)
(a) When the punishment of an offense is the confinement of the defendant in prison, the expenses shall be paid out of the state treasury on the certificate of the governor and warrant of the auditor.
(b) In all other cases, the expenses for confinement shall be paid out of the treasury of the county where the offense is alleged to have been committed.
(c) The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made.
(2) If a defendant is returned to the state under this chapter and the defendant is convicted of, or pleads guilty or no contest to, the offense or to a lesser offense, the defendant may be required to pay the costs of extradition to the appropriate governmental entity as described in Subsection 76-3-201(4)(b).

Amended by Chapter 497, 2023 General Session

77-30-25 Individual brought into state on extradition exempt from civil process -- Waiver of extradition proceedings -- Nonwaiver by this state.

(1) An individual brought into this state by or after waiver of extradition based on a criminal charge is not subject to service of personal process in a civil action arising out of the same facts as the criminal proceedings to answer which the individual is being or has been returned until the individual has been convicted in the criminal proceedings, or, if acquitted, until the individual has had reasonable opportunity to return to the state from which the individual was extradited.
(2)

(a) An individual arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of the individual's bail, probation, or parole may waive the issuance and service of the warrant provided for in Sections 77-30-7 and 77-30-8, and a procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing that states that the individual consents to return to the demanding state, except that before the waiver is executed or subscribed by the individual, it shall be the duty of the judge to inform the individual of the individual's rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 77-30-10.

(b) The judge shall direct the officer having an individual in custody to deliver forthwith the individual to the accredited agent or agents of the demanding state and shall deliver or cause to be delivered to the accredited agent or agents a copy of the consent except that nothing in this section may be considered to limit the rights of the accused individual to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be considered to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

(3) Nothing in this chapter may be considered to constitute a waiver by this state of its right, power, or privilege to try the demanded individual for a crime committed within this state, or of its right, power, or privilege to regain custody of the individual by extradition proceedings or otherwise for the purpose of trial, sentence, or punishment for any crime committed within this state, nor shall any proceedings had under this chapter, which result in or fail to result in extradition, be considered a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Amended by Chapter 429, 2019 General Session

77-30-26 Prosecution not limited to crime specified in requisition.

After a person has been brought back to this state by or after waiver of extradition proceedings, the person may be tried in this state for other crimes which the person may be charged with having committed here as well as that specified in the requisition for the person's extradition.

Amended by Chapter 302, 2025 General Session

77-30-26.5 Person who has violated parole or probation agreement with demanding state.

(1) A law enforcement agency that is holding a person subject to extradition based on having allegedly violated the terms of the person's probation, parole, bail, or other terms of release in the demanding state shall immediately release the person to the authorized agent of the demanding state. A governor's warrant is not required in order to return the person if:

(a) the person has previously signed a waiver of extradition as a term of the person's probation, parole, bail, or other terms of release in the demanding state;

(b) the law enforcement agency holding the person has received:

(i) an authenticated copy of the prior waiver of extradition signed by the person; and

(ii) a photograph and fingerprints identifying the person as the person who signed the waiver.

(2) Utah may, prior to releasing a person to the authorized agent of the demanding state, prosecute the person for any criminal offense committed in Utah.

(3) This section does not affect or limit:

(a) the right of the person sought by the demanding state to return to the demanding state voluntarily and without governmental action;

(b) the authority of the law enforcement or parole officers of Utah or the demanding state; or
(c) any procedures regarding waiver of extradition under Title 77, Chapter 30, Extradition.

Enacted by Chapter 156, 2007 General Session

77-30-27 Uniformity of interpretation.

The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Enacted by Chapter 15, 1980 General Session

77-30-28 Citation -- Uniform Criminal Extradition Act.

This act may be cited as the Uniform Criminal Extradition Act.

Enacted by Chapter 15, 1980 General Session

Chapter 32b
Criminal Accounts Receivable and Costs

77-32b-101 Title.

This chapter is known as "Criminal Accounts Receivable and Costs."

Enacted by Chapter 260, 2021 General Session

77-32b-102 Definitions.

As used in this chapter:
(1) "Board" means the Board of Pardons and Parole.
(2)
(a) "Civil accounts receivable" means any amount of the criminal accounts receivable that is owed by the defendant that has not been paid on or before the day on which:
(i) the defendant's sentence is terminated; or
(ii) the court enters an order for a civil accounts receivable under Subsection 77-18-114(1) or (2).
(b) "Civil accounts receivable" does not include any amount of the criminal accounts receivable that is owed by the defendant for restitution.
(3) "Civil judgment of restitution" means any amount of the criminal accounts receivable that is owed by the defendant for restitution that has not been paid on or before the day on which the defendant's sentence is terminated.
(4)
(a) "Criminal accounts receivable" means any amount owed by a defendant that arises from a criminal judgment until:
(i) the defendant's sentence terminates;
(ii) the court enters an order for a civil accounts receivable under Subsection 77-18-114(1) or (2); or

(iii) if the court requires the defendant, upon termination of the probation period for the defendant, to continue to make payments on the criminal accounts as described in Subsection 77-18-105(8), the defendant's sentence expires.

(b) "Criminal accounts receivable" includes any unpaid:

(i) fee, including the monthly supervision fee described in Subsection 64-14-204(6);

(ii) forfeiture;

(iii) surcharge;

(iv) cost;

(v) interest;

(vi) penalty;

(vii) restitution;

(viii) third party claim;

(ix) reimbursement of a reward; and

(x) damages.

(5) "Default" means a civil accounts receivable, a civil judgment of restitution, or a criminal accounts receivable that is overdue by at least 90 days.

(6) "Delinquent" means a civil accounts receivable, a civil judgment of restitution, or a criminal account receivable that is overdue by more than 28 days but less than 90 days.

(7) "Payment schedule" means the amount that is be paid by a defendant in installments, or by a certain date, to satisfy a criminal accounts receivable for the defendant.

(8) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid amount of a criminal accounts receivable.

(9) "Restitution" means the same as that term is defined in Section 77-38b-102.

Amended by Chapter 214, 2025 General Session

77-32b-103 Establishment of a criminal accounts receivable -- Responsibility -- Payment schedule -- Delinquency or default.

(1)

(a) Except as provided in Subsection (1)(b) and (c), at the time of sentencing or acceptance of a plea in abeyance, the court shall enter an order to establish a criminal accounts receivable for the defendant.

(b) The court is not required to create a criminal accounts receivable for the defendant under Subsection (1)(a) if the court finds that the defendant does not owe restitution and there are no other fines or fees to be assessed against the defendant.

(c) If the court does not create a criminal accounts receivable for a defendant under Subsection (1)(a), the court shall enter an order to establish a criminal accounts receivable for the defendant at the time the court enters an order for restitution under Section 77-38b-205.

(2) Except as provided in Subsection (7), after establishing a criminal accounts receivable for a defendant, the court shall:

(a) if a prison sentence is imposed and not suspended for the defendant:

(i) accept any payment for the criminal accounts receivable that is tendered on the date of sentencing; and

(ii) transfer the responsibility of receiving, distributing, and processing payments for the criminal accounts receivable to the Office of State Debt Collection; and

(b) for all other cases:

(i) retain the responsibility for receiving, processing, and distributing payments for the criminal accounts receivable until the court enters a civil accounts receivable or civil judgment of restitution on the civil judgment docket under Subsection 77-18-114(1) or (2); and

(ii) record each payment by the defendant on the case docket.

(c) For a criminal accounts receivable that a court retains responsibility for receiving, processing, and distributing payments under Subsection (2)(b)(i), the Judicial Council may establish rules to require a defendant to pay the cost, or a portion of the cost, for an electronic payment fee that is charged by a financial institution for the use of a credit or debit card to make payments towards the criminal accounts receivable.

(3)

(a) Upon entering an order for a criminal accounts receivable, the court shall establish a payment schedule for the defendant to make payments towards the criminal accounts receivable.

(b) In establishing the payment schedule for the defendant, the court shall consider:

(i) the needs of the victim if the criminal accounts receivable includes an order for restitution under Section 77-38b-205;

(ii) the financial resources of the defendant, as disclosed in the financial declaration under Section 77-38b-204 or in evidence obtained by subpoena under Subsection 77-38b-402(1)(b);

(iii) the burden that the payment schedule will impose on the defendant regarding the other reasonable obligations of the defendant;

(iv) the ability of the defendant to pay restitution on an installment basis or on other conditions fixed by the court;

(v) the rehabilitative effect on the defendant of the payment of restitution and method of payment; and

(vi) any other circumstance that the court determines is relevant.

(c) If the court is unable to determine the appropriate amount for the payment schedule or does not set an amount for the payment schedule, the defendant is required to pay $50 per month toward the criminal accounts receivable.

(4) A payment schedule for a criminal accounts receivable does not limit the ability of a judgment creditor to pursue collection by any means allowable by law.

(5) If the court orders restitution under Section 77-38b-205, or makes another financial decision, after sentencing that increases the total amount owed in a defendant's case, the defendant's criminal accounts receivable balance shall be adjusted to include any new amount ordered by the court.

(6)

(a) If a defendant is incarcerated in a county jail or a secure correctional facility, as defined in Section 64-13-1, or the defendant is involuntarily committed under Section 26B-5-332:

(i) all payments for a payment schedule shall be suspended for the period of time that the defendant is incarcerated or involuntarily committed, unless the court, or the board if the defendant is under the jurisdiction of the board, expressly orders the defendant to make payments according to the payment schedule; and

(ii) the defendant shall provide the court with notice of the incarceration or involuntary commitment.

(b) A suspension under Subsection (6)(a) shall remain in place for 60 days after the day in which the defendant is released from incarceration or commitment.

(7)

(a) If the defendant owes restitution to the Department of Workforce Services or Department of Health and Human Services, the court may order that all or a portion of criminal accounts receivable be paid directly to the governmental agency or entity.
(b) If the authority to collect all or a portion of the criminal accounts receivable is given to a governmental agency or entity under this Subsection (7), the governmental agency or entity shall maintain an accounting of all payments made or credits toward reduction of the balance of the criminal accounts receivable.
(c) The governmental entity or agency shall provide a copy of the accounting upon filing an order to show cause in the criminal case to the court or upon request to the court, Board of Pardons and Parole, Department of Corrections, private probation provider, prosecutor, defendant, or other victim.

Amended by Chapter 526, 2025 General Session

77-32b-104 Costs -- What constitute costs -- Ability to pay.

(1) Except for a cost described in Subsection 76-3-201(4), a court may order a defendant under Section 76-3-201 to pay costs for expenses incurred by the state or any political subdivision of the state for investigating, searching for, apprehending, and prosecuting the defendant, including:
(a) attorney fees of counsel assigned to represent the defendant;
(b) investigators' fees; or
(c) except for a monetary reward that is paid to a codefendant, an accomplice, or a bounty hunter, a monetary reward that is:
(i) offered to the public in exchange for information that would lead to the apprehension and conviction of the defendant; and
(ii) paid to a person who provided information that led to the apprehension and conviction of the defendant.
(2) A cost under Subsection (1) may not include:
(a) expenses inherent in providing a constitutionally guaranteed trial;
(b) expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law;
(c) attorney fees for prosecuting attorneys; or
(d) expenses for government transportation to and from court proceedings related to the prosecution of the offense for which the defendant is convicted.
(3) The court may not order a defendant to pay a cost, unless there is evidence that the defendant is, or will be, able to pay the cost.
(4) In determining the amount of a cost that a defendant is ordered to pay, the court shall take into account:
(a) the financial resources of the defendant;
(b) the nature of the burden that payment of the cost will impose; and
(c) that restitution is prioritized over any cost.

Amended by Chapter 497, 2023 General Session

77-32b-105 Petition for remittance or modification of a criminal accounts receivable before termination of a sentence.

(1) At any time before a defendant's sentence terminates, the defendant may petition the sentencing court to:

(a) correct an error in a criminal accounts receivable;
(b) modify the payment schedule for the defendant's criminal accounts receivable in accordance with this section if the defendant is not under the jurisdiction of the board; or
(c) remit, in whole or in part, an unpaid amount of the defendant's criminal accounts receivable that is not the principal or interest amount owed for restitution in accordance with this section.
(2) If a defendant files a petition under Subsection (1), and it appears to the satisfaction of the sentencing court that payment of an unpaid amount of a criminal accounts receivable will impose manifest hardship on the defendant, or the defendant's family, the court may:
(a) if the criminal accounts receivable is not delinquent or in default, remit, in whole or in part, the unpaid amount of the criminal accounts receivable that is not the principal or interest amount owed for restitution; or
(b) regardless of whether the criminal accounts receivable is delinquent or in default:
(i) require the defendant to pay the criminal accounts receivable, or a specified amount of the criminal accounts receivable, by a certain date;
(ii) modify the payment schedule for the criminal accounts receivable in accordance with the factors described in Subsection 77-32b-103(3)(b) if the defendant has demonstrated that the criminal accounts receivable will impose a manifest hardship due to changed circumstances or new evidence that justifies modifying the payment schedule; or
(iii)
(A) allow the defendant to satisfy an unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, with proof of compensatory service completed by the defendant at a rate of credit not less than $10 for each hour of compensatory service; and
(B) allow the defendant to reduce the unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, in the amount of the cost of any treatment or course if:
(I) the treatment or course was ordered by the court as part of the case;
(II) the defendant has completed the court's requirements related to the treatment or course; and
(III) the defendant provides proof that the defendant completed the court's requirements and paid the cost of the treatment or course.
(3)
(a) If a defendant is under the jurisdiction of the board, the defendant may petition the board, at any time before the defendant's sentence terminates, to modify the payment schedule for the defendant's criminal accounts receivable.
(b) If a defendant files a petition under Subsection (3)(a), the board may modify the payment schedule for the criminal accounts receivable in accordance with the factors described in Subsection 77-32b-103(3)(b) if the defendant has demonstrated that the criminal accounts receivable will impose a manifest hardship to the defendant, or the defendant's family, due to changed circumstances or new evidence that justifies modifying the payment schedule.

Amended by Chapter 259, 2025 General Session

77-32b-106 Petition for remittance of an unpaid balance of a criminal accounts receivable upon termination of a sentence.
(1)
(a) If a defendant is not under the jurisdiction of the board, and if any amount of a defendant's criminal accounts receivable is unpaid at the termination of the defendant's sentence, the

defendant may petition the sentencing court, within 90 days after the day on which the sentence is terminated, to remit, in whole or in part, the unpaid amount of the criminal accounts receivable.

(b)

(i) If a defendant is under the jurisdiction of the board, and if any amount of the defendant's criminal accounts receivable is unpaid at the termination of the defendant's sentence, the defendant may petition the board within 90 days after the day on which the sentence is terminated, to remit, in whole or in part, the unpaid amount of the criminal accounts receivable.

(ii) If a defendant files a petition for remittance under Subsection (1)(b)(i) within 90 days from the day on which the defendant's sentence is terminated, the board retains jurisdiction over the defendant's case beyond the termination of the defendant's sentence to determine whether to remit, in whole or in part, the defendant's criminal accounts receivable.

(2)

(a) If a petition is filed under Subsection (1), a hearing shall be held, unless the court or the board determines that the petition under Subsection (1) is frivolous or the petition is uncontested.

(b) If a hearing is held under Subsection (2)(a), and the court, or the board, finds by a preponderance of the evidence that the factors listed in Subsection (3) weigh in favor of remitting, in whole or in part, the unpaid amount of a criminal accounts receivable, the court or the board may remit:

(i) any of the unpaid amount of the criminal accounts receivable that is not the principal amount owed for restitution; or

(ii) if the victim consents to remittance of the unpaid amount of the criminal accounts receivable that is restitution that the defendant owes to the victim, any of the unpaid amount of restitution that defendant owes to the victim.

(c) The court, or the board, shall give the prosecuting attorney and the victim:

(i) notice of a hearing on the remittance of a criminal accounts receivable; and

(ii) an opportunity to be heard at the hearing.

(d) Nothing in this section shall be construed to prohibit a victim from pursuing a private action against a defendant, even if the victim consents to the remission of restitution.

(3) In making a determination to remit an unpaid amount of a criminal accounts receivable, the court, or the board, shall consider:

(a) whether the defendant has made substantial and good faith efforts to make payments on the criminal accounts receivable;

(b) the needs of the victim;

(c) whether the remission would further the rehabilitation of the defendant;

(d) the ability of the defendant to continue to make payments on a civil accounts receivable; and

(e) any other factor that the court or the board determines is relevant.

(4) If any unpaid amount of a criminal accounts receivable is not remitted by the court or the board upon termination of the defendant's sentence, the court shall proceed with an order for a civil judgment of restitution and a civil accounts receivable as described in Section 77-18-114.

Enacted by Chapter 260, 2021 General Session

77-32b-107 Verified statement of time and expenses of counsel for indigent defendants.

The court may require a verified statement of time and expenses from appointed counsel, or the nonprofit legal aid or other association providing counsel, for a convicted indigent defendant in order to establish any cost under Section 77-32b-104 that will be included in the judgment.

Renumbered and Amended by Chapter 260, 2021 General Session

Chapter 33
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act

77-33-1 Definitions.

As used in this act:

(1) "Witness" means a person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.

(2) "Penal institution" includes a jail, prison, penitentiary, house of correction, or other place of penal detention; and

(3) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory of the United States.

Enacted by Chapter 15, 1980 General Session

77-33-2 Summoning prisoner in this state to testify in another state -- Certificate of out-of-state judge.

A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in this state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the attorney general, the judge in this state shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before him at the hearing.

Enacted by Chapter 15, 1980 General Session

77-33-3 Summoning prisoner in this state to testify in another state -- Hearing -- Issuance of order to attend.

If at the hearing the judge determines:

(1) that the witness may be material and necessary;

(2) that his attending and testifying are not adverse to the interest of this state or to the health or legal rights of the witness;

(3) that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order; and

(4) that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass, the judge shall issue an order, with a copy of the certificate attached:

(a) directing the witness to attend and testify;

(b) directing the person having custody of the witness to produce him, in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order; and
(c) prescribing such conditions as the judge shall determine.

Enacted by Chapter 15, 1980 General Session

77-33-4 Summoning prisoner in this state to testify in another state -- Order to provide for return, safeguards on custody, and payment of expenses.

The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards on his custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the judge thinks proper or necessary. The order shall not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

Enacted by Chapter 15, 1980 General Session

77-33-5 Rendition procedure inapplicable to person confined as insane or having a mental illness or under sentence of death.

This act does not apply to any person in this state confined as insane or as having a mental illness or under sentence of death.

Amended by Chapter 366, 2011 General Session

77-33-6 Prisoner in another state summoned to testify in this state -- Certificate of judge.

If a person confined in a penal institution in any state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in another state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined.

Enacted by Chapter 15, 1980 General Session

77-33-7 Prisoner in another state summoned to testify in this state -- Order of compliance with terms and conditions prescribed by out-of-state judge.

The judge of the court in this state may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined.

Enacted by Chapter 15, 1980 General Session

77-33-8 Exemption of prisoner from another state from arrest or service of process.

If a witness from another state comes into or passes through this state under an order directing him to attend and testify in this or another state, he shall not while in this state pursuant to the

order be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this state under the order.

Enacted by Chapter 15, 1980 General Session

77-33-9 Uniformity of interpretation.

This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Enacted by Chapter 15, 1980 General Session

77-33-10 Citation -- Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act.

This act may be cited as the "Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act."

Enacted by Chapter 15, 1980 General Session

Chapter 34
Uniform Interstate Furlough Compact

77-34-1 Citation -- Utah Interstate Furlough Compact.

This chapter may be cited as the "Utah Interstate Furlough Compact."

Enacted by Chapter 15, 1980 General Session

77-34-2 Definitions.

As used in this compact:

(1) "State" means a state in the United States, the United States of America, a territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;
(2) "Sending state" means a state which is party to this compact in which conviction or commitment was had except if confinement be in another state, pursuant to the Interstate Corrections Compact, in which event the sending state shall be determined by contract between the parties of the Interstate Corrections Compact agreement;
(3) "Receiving state" means a state which is party to this compact to which an inmate is sent for furlough;
(4) "Institution" means a penal or correctional facility, including all those facilities normally used by adult correctional agencies for the care and custody of inmates whether or not such facilities are owned or operated by the agencies;
(5) "Relative" means spouse, child (including stepchild, adopted child, or foster child), parents (including stepparents, adoptive parents, or foster parents), brothers, sisters, and grandparents;
(6) "Interstate furlough" means any out-of-state leave of an inmate for a designated period in accordance with the requirements established by the appropriate officials of the sending state;
(7) "Appropriate official" means a person designated by the sending state to grant furloughs or by the receiving state to accept or reject furloughs pursuant to this compact;

(8) "Authorized person" means a person designated by law or appointment for purposes of escorting, transferring, or retaining a furloughed inmate;
(9) "Medical emergency" means any illness, injury, incapacity, or condition, physical or mental, of such a nature and gravity that timely and immediate treatment of and attention to the illness is required to prevent permanent injury, substantial harm, or death, and which cannot be adequately treated or attended to, in a timely manner, by the sending state;
(10) "Escorted interstate furlough" means the transference of an inmate in emergency situations, who does not meet the furlough requirements of the sending state to a state which is party to the compact under escort or guard of an authorized person of the sending state;
(11) "Escapee" means an inmate who is on interstate furlough, pursuant to this compact, and fails to return at the prescribed time to the sending state or becomes a known absconder during the period of his furlough; and
(12) "Violator" means an inmate who is on interstate furlough in the receiving state, pursuant to this compact, and fails to abide by the conditions of the furlough as established by the sending state.

Enacted by Chapter 15, 1980 General Session

77-34-3 Reasons for granting furlough pursuant to compact -- Period of furlough -- Escorted furloughs -- Waiver of extradition -- Termination of furlough -- Laws and regulations applicable to inmates.

(1) A furlough pursuant to this compact may be granted to an inmate for the following reasons:
  (a) To visit a critically ill relative;
  (b) To attend a funeral of a relative;
  (c) To obtain medical services of both a physiological and psychiatric nature;
  (d) To contact prospective employers;
  (e) To secure a suitable residence for use upon discharge or upon parole; if in the latter event, the inmate qualifies for the Interstate Parole and Probation Compact;
  (f) For any other reason which, in the opinion of the appropriate official of the sending state, is consistent with the rehabilitation of the inmate.
(2) A furlough among states which are party to the compact shall be granted for a period not to exceed 15 days, including travel time; however, for emergency or other exigent circumstances and at the written request of the furloughee, an extension may be granted by the appropriate official of the sending state upon the consent of the receiving state.
(3) For those inmates ineligible for an unescorted furlough, the sending state, in emergency situations, as defined below, may furlough those inmates under escort to a state which is party to this compact. All inmates on escorted furlough shall be under the guard and jurisdiction of an authorized person from the sending state and shall be under the continuous supervision of that person as consistent with Section 77-34-6.
  (a) An emergency situation shall apply only to visit a critically ill relative, to attend a funeral of a relative, or if a medical emergency exists. In all such instances, the sending state shall first verify the legitimacy of the request and if verified shall request the receiving state to approve or reject the proposed furlough.
  (b) Escorted furloughs granted for these reasons shall not exceed four days including travel time; however for emergency or other exigent circumstances and at the written request of the inmate, an extension may be granted by the appropriate official of the sending state upon the verification and consent of the appropriate official of the receiving state.

(4) Prior to the authorization for an inmate to go beyond the limits of the state, the appropriate official shall obtain a written waiver of extradition from the inmate waiving his right to be extradited from any state to which he is furloughed or from any state where he was apprehended.
(5) The grant of a stipulated period of furlough may be terminated by either the sending or receiving state upon written showing of cause. In some instances, the furloughed inmate shall be given reasonable opportunity to obtain the information, including written statements of witnesses and other documentation, which may be of assistance to him in subsequent disciplinary hearings by the sending state for those events or violations that caused termination of his furlough. Reasonable costs of gathering of the information shall be chargeable to the furloughee or to the sending state in the event of the furloughed inmate's inability to pay.
(6) Inmates from the sending state, who are on interstate furlough in the receiving state, shall be subject to all the provisions of laws and regulations applicable to those on interstate furlough status within the receiving state, not inconsistent with the sentence imposed.

Enacted by Chapter 15, 1980 General Session

77-34-4 Duties of officials in nonemergency and emergency cases.
(1) In nonemergency situations, the appropriate official of the sending state shall notify the appropriate official of the receiving state in writing 30 days prior to the granting of the furlough, requesting the receiving state to investigate the circumstances of the proposed furlough plan. In these circumstances, the receiving state shall respond in writing within 10 days prior to the proposed furlough either accepting the inmate or stating the reasons for the rejection.
(2) In emergency circumstances, as defined in Subsection 77-34-3(3)(a), the appropriate official of the sending state shall, prior to granting such furlough:
  (a) verify the legitimacy of the request; and
  (b) upon verification, immediately notify and secure the consent of the receiving state.

Enacted by Chapter 15, 1980 General Session

77-34-5 Contracts supplemental to compact authorized.
The appropriate official of a party state may supplement but in no way abrogate the provisions of this compact through one or more contracts with any other party state for the furlough of inmates. The contracts may provide for:
(1) Duration;
(2) Terms and conditions of the furlough;
(3) Report of violations and escapes by furloughees;
(4) Costs, if any, to be incurred;
(5) Delivery and retaining of furloughees; and
(6) Other matters as may be necessary and appropriate to fix the jurisdictions, obligations, responsibilities, liabilities, and rights of the sending and receiving states.

Enacted by Chapter 15, 1980 General Session

77-34-6 Jurisdiction and duties of authorized persons of sending and receiving states.
(1) As provided for by the laws, rules, and regulations of the sending state, the furloughee will at all times be subject to the jurisdiction of the appropriate officials and authorized persons of the

sending state who shall retain the powers over the furloughee that they would normally exercise over the inmate were he on intrastate furlough.

(2) The authorized person of a sending state may at all times enter a receiving state and there apprehend and retake any person on furlough. For that purpose no formalities will be required other than establishing the authority of that person and the identity of the furloughee to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of the states party hereto as to such persons. The decision of the sending state to retake a person on furlough shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a furloughee there should be pending against him within the receiving state any criminal charge or should he be suspected of having committed within that state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for the offense.

(3) The authorized person of the sending state or the receiving state acting as agent for the sending state will be permitted to transport inmates being retaken through any or all states party to this compact without interference.

(4) The governor of each state may designate an officer who, acting jointly with like officers of other party states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(5) Appropriate officials and authorized persons of the receiving state shall act solely as agents of the sending state with respect to jurisdiction over and liability for the furloughees. The jurisdiction and liability of the sending and receiving states may be subject to further contractual specifications by the sending and receiving states as may be deemed necessary.

(6) The receiving state shall, upon a furlough violation of which it has knowledge, promptly notify the sending state. The notification should specify the nature of the violation and, if a crime has been committed, shall, whenever possible, give the official and furloughee's version of the act. If the grant of furlough is terminated due to the violation, the right and responsibility to retake the furloughee shall be that of the sending state but nothing contained herein shall prevent the receiving state from assisting the sending state toward retaking and returning the furloughee except in instances where the receiving state shall subject the furloughee to confinement for a crime allegedly committed during the furlough within its boundaries. All costs in connection therewith shall be chargeable to the sending state unless costs arise from an escape from confinement in the receiving state.

(7) In the case of an escape to a jurisdiction other than the sending or receiving state, the right and responsibility to retake the escapee shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee, except in instances where the receiving state shall subject the furloughee to confinement for a crime allegedly committed during furlough within its boundaries.

(8) The receiving state shall make all necessary arrangements to secure overnight lodging in a state, county, or municipal facility for escorted furloughees or, in exceptional circumstances, for unescorted furloughees when they would not have the availability of overnight lodging.

Enacted by Chapter 15, 1980 General Session

77-34-7 Costs and expenses.

(1) Costs arising out of a grant of a furlough for transportation, lodgings, meals, and other related expenses shall be the sole responsibility of the furloughee; however, in the event that the

furloughee is financially unable to pay for these expenses, such costs may be assumed by the sending state.
(2) Extraordinary costs, other than those specified in Subsection (1) arising from the grant of furlough among party states shall be the sole responsibility of the sending state. Such costs will generally be confined to emergency medical and special confinement and transportation needs.

Enacted by Chapter 15, 1980 General Session

77-34-8 Effect of execution of compact between states -- Renunciation of compact.

The contracting states solemnly agree:
(1) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state; and
(2) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to furloughees residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending a six-month notice in writing of its intention to withdraw from the compact to the other states party hereto.

Enacted by Chapter 15, 1980 General Session

Chapter 36
Cohabitant Abuse Procedures Act

77-36-1 Definitions.

As used in this chapter:
(1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
(2) "Department" means the Department of Public Safety.
(3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4, Part 4, Divorce.
(4)
(a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.
(b) "Domestic violence" or "domestic violence offense" includes the commission of or attempt to commit, any of the following offenses by one cohabitant against another:
(i) aggravated assault under Section 76-5-103;
(ii) aggravated cruelty to an animal under Section 76-13-203, with the intent to harass or threaten the other cohabitant;
(iii) assault under Section 76-5-102;
(iv) criminal homicide under Section 76-5-201;
(v) harassment under Section 76-5-106;

(vi) electronic communication harassment under Sections 76-12-202, 76-12-203, and 76-12-204;
(vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301, 76-5-301.1, and 76-5-302;
(viii) mayhem under Section 76-5-105;
(ix) propelling a bodily substance or material, as described in Section 76-5-102.9;
(x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in Sections 76-5b-201 and 76-5b-201.1;
(xi) stalking under Section 76-5-106.5;
(xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;
(xiii) violation of a protective order or ex parte protective order under Section 76-5-108;
(xiv) an offense against property under Title 76, Chapter 6, Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery;
(xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator was originally charged with a domestic violence offense otherwise described in this Subsection (4), except that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)(b)(xv), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
(xvi) child abuse under Section 76-5-114;
(xvii) threatening violence under Section 76-5-107;
(xviii) tampering with a witness under Section 76-8-508;
(xix) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(xx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
(xxi) unlawful distribution of an intimate image under Section 76-5b-203;
(xxii) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
(xxiii) threatening with or using a dangerous weapon in a fight or quarrel under Section 76-11-207;
(xxiv) possession of a dangerous weapon with criminal intent under Section 76-11-208;
(xxv) improper discharging of a dangerous weapon under Section 76-11-209;
(xxvi) voyeurism under Section 76-12-306;
(xxvii) recorded or photographed voyeurism under Section 76-12-307;
(xxviii) distribution of images obtained through voyeurism under Section 76-12-308;
(xxix) damage to or interruption of a communication device under Section 76-6-108; or
(xxx) an offense under Subsection 78B-7-806(1).

(c) "Domestic violence" or "domestic violence offense" does not include:
(i) enticing a minor under Section 76-5-417;
(ii) lewdness under in Section 76-5-419; or
(iii) lewdness involving a child under Section 76-5-420.

(5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
(6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
(7) "Marital status" means married and living together, divorced, separated, or not married.
(8) "Married and living together" means a couple whose marriage was solemnized under Section 81-2-305 or 81-2-407 and who are living in the same residence.

(9) "Not married" means any living arrangement other than married and living together, divorced, or separated.
(10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
(11) "Pretrial protective order" means a written order:
(a) specifying and limiting the contact a person who has been charged with a domestic violence offense may have with an alleged victim or other specified individuals; and
(b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803, pending trial in the criminal case.
(12) "Sentencing protective order" means a written order of the court as part of sentencing in a domestic violence case that limits the contact an individual who is convicted or adjudicated of a domestic violence offense may have with a victim or other specified individuals under Section 78B-7-804.
(13) "Separated" means a couple who have had their marriage solemnized under Section 81-2-305 or 81-2-407 and who are not living in the same residence.
(14) "Victim" means a cohabitant who has been subjected to domestic violence.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 277, 2025 General Session

77-36-1.1 Enhancement of offense and penalty for subsequent domestic violence offenses.
(1) As used in this section:
(a)
(i) "Convicted" means a conviction by plea or verdict of a crime or offense.
(ii) "Convicted" includes:
(A) a plea of guilty or guilty with a mental condition;
(B) a plea of no contest; and
(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(iii) "Convicted" does not include an adjudication in juvenile court.
(b) "Offense against the person" means commission or attempt to commit an offense under Title 76, Chapter 5, Part 1, Assault and Related Offenses, Part 2, Criminal Homicide, Part 3, Kidnapping, Trafficking, and Smuggling, Part 4, Sexual Offenses, or Part 7, Genital Mutilation, by one cohabitant against another.
(c) "Property damage offense" means the commission or attempt to commit an offense under Section 76-6-106 or 76-6-106.1 by one cohabitant against another.
(d) "Qualifying domestic violence offense" means:
(i) a domestic violence offense in Utah; or
(ii) an offense in any other state, or in any district, possession, or territory of the United States, that would be a domestic violence offense under Utah law.
(2) An individual who is convicted of a domestic violence offense is guilty of a class B misdemeanor if:
(a) the domestic violence offense described in this Subsection (2) is designated by law as a class C misdemeanor; and
(b) the individual commits or is convicted of the domestic violence offense described in this Subsection (2):

(i) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a property damage offense; or
(ii) within five years after the day on which the individual is convicted of a property damage offense.
(3) An individual who is convicted of a domestic violence offense is guilty of a class A misdemeanor if:
(a) the domestic violence offense described in this Subsection (3) is designated by law as a class B misdemeanor; and
(b) the individual commits or is convicted of the domestic violence offense described in this Subsection (3):
(i) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a property damage offense; or
(ii) within five years after the day on which the individual is convicted of a property damage offense.
(4) An individual who is convicted of a domestic violence offense is guilty of a third degree felony if:
(a) the domestic violence offense described in this Subsection (4) is designated by law as a class B misdemeanor offense against the person and the individual:
(i)
(A) commits or is convicted of the domestic violence offense described in this Subsection (4) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a property damage offense; and
(B) is convicted of another qualifying domestic violence offense that is not a property damage offense after the day on which the individual is convicted of the qualifying domestic violence offense described in Subsection (4)(a)(i)(A) and before the day on which the individual is convicted of the domestic violence offense described in this Subsection (4);
(ii)
(A) commits or is convicted of the domestic violence offense described in this Subsection (4) within five years after the day on which the individual is convicted of a property damage offense; and
(B) is convicted of another property damage offense after the day on which the individual is convicted of the property damage offense described in Subsection (4)(a)(ii)(A) and before the day on which the individual is convicted of the domestic violence offense described in this Subsection (4); or
(iii) commits or is convicted of the domestic violence offense described in this Subsection (4) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a property damage offense and within five years after the day on which the individual is convicted of a property damage offense; and
(b)
(i) the domestic violence offense described in this Subsection (4) is designated by law as a class A misdemeanor; and
(ii) the individual commits or is convicted of the domestic violence offense described in this Subsection (4):
(A) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a property damage offense; or
(B) within five years after the day on which the individual is convicted of a property damage offense.

Amended by Chapter 96, 2024 General Session

77-36-1.2 Acceptance of a plea of guilty or no contest to domestic violence -- Restrictions.

(1) Before agreeing to a plea of guilty or no contest, the prosecutor shall examine the criminal history of the perpetrator.

(2) An entry of a plea of guilty or no contest to a domestic violence offense is invalid unless the prosecutor agrees to the plea:

(a) in open court;

(b) in writing; or

(c) by another means of communication that the court finds adequate to record the prosecutor's agreement.

Amended by Chapter 159, 2021 General Session
Amended by Chapter 213, 2021 General Session

77-36-2.1 Duties of law enforcement officers -- Notice to victims -- Lethality assessments.

(1) As used in this section:

(a) "Criminal justice system victim advocate" means the same as that term is defined in Section 77-38-403.

(b)

(i) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.

(ii) "Dating relationship" does not include casual fraternization in a business, educational, or social context.

(c) "Intimate partner" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:

(i) is or was a spouse of the other party;

(ii) is or was living as if a spouse of the other party;

(iii) has or had one or more children in common with the other party;

(iv) is the biological parent of the other party's unborn child;

(v) is or was in a consensual sexual relationship with the other party; or

(vi) is or was in a dating relationship with the other party.

(d) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.

(e) "Primary purpose domestic violence organization" means a contract provider of domestic violence services as described in Section 80-2-301.

(2) A law enforcement officer who responds to an allegation of domestic violence shall:

(a) use all reasonable means to protect the victim and prevent further violence, including:

(i) taking the action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;

(ii) confiscating the weapon or weapons involved in the alleged domestic violence;

(iii) making arrangements for the victim and any child to obtain emergency housing or shelter;

(iv) providing protection while the victim removes essential personal effects;

(v) arrange, facilitate, or provide for the victim and any child to obtain medical treatment;

(vi) arrange, facilitate, or provide the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic violence, in accordance with Subsection (3); and

(vii) providing the pamphlet created by the department under Section 53-5a-502 to the victim if the allegation of domestic violence:
(A) includes a threat of violence as described in Section 76-5-107;
(B) results, or would result, in the owner cohabitant becoming a restricted person under Section 76-11-302 or 76-11-303; or
(C) is accompanied by a completed lethality assessment that demonstrates the cohabitant is at high risk of being further victimized; and
(b) if the allegation of domestic violence is against an intimate partner, complete the lethality assessment protocols described in this section.
(3)
(a) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this chapter, Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part 2, Child Protective Orders.
(b) The written notice shall include:
(i) a statement that the forms needed in order to obtain an order for protection are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled;
(ii) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance; and
(iii) the information required to be provided to both parties in accordance with Subsections 78B-7-802(8) and (9) .
(4) If a weapon is confiscated under this section, the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a domestic violence protective order is not issued or once the domestic violence protective order is terminated.
(5) A law enforcement officer shall complete a lethality assessment form by asking the victim:
(a) if the aggressor has ever used a weapon against the victim or threatened the victim with a weapon;
(b) if the aggressor has ever threatened to kill the victim or the victim's children;
(c) if the victim believes the aggressor will try to kill the victim;
(d) if the aggressor has ever tried to choke the victim;
(e) if the aggressor has a gun or could easily get a gun;
(f) if the aggressor is violently or constantly jealous, or controls most of the daily activities of the victim;
(g) if the victim left or separated from the aggressor after they were living together or married;
(h) if the aggressor is unemployed;
(i) if the aggressor has ever attempted suicide, to the best of the victim's knowledge;
(j) if the victim has a child that the aggressor believes is not the aggressor's biological child;
(k) if the aggressor follows or spies on the victim, or leaves threatening messages for the victim; and
(l) if there is anything else that worries the victim about the victim's safety and, if so, what worries the victim.
(6) A law enforcement officer shall comply with Subsection (7) if:
(a) the victim answers affirmatively to any of the questions in Subsections (5)(a) through (d);
(b) the victim answers negatively to the questions in Subsections (5)(a) through (d), but affirmatively to at least four of the questions in Subsections (5)(e) through (k); or
(c) as a result of the victim's response to the question in Subsection (5)(l), the law enforcement officer believes the victim is in a potentially lethal situation.
(7) If the criteria in Subsections (6)(a), (b), or (c) are met, the law enforcement officer shall:

(a) advise the victim of the results of the assessment;
(b) refer the victim to a nongovernment organization victim advocate at a primary purpose domestic violence organization; and
(c) refer the victim to a criminal justice system victim advocate if the responding law enforcement agency has a criminal justice system victim advocate available.

(8) If a victim does not or is unable to provide information to a law enforcement officer sufficient to allow the law enforcement officer to complete a lethality assessment form, or does not speak or is unable to speak with a nongovernment organization victim advocate, the law enforcement officer shall document this information on the lethality assessment form and submit the information to the Department of Public Safety under Subsection (9).

(9)
(a) Except as provided in Subsection (9)(b), a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety while on scene.
(b) If a law enforcement officer is not reasonably able to submit the results of a lethality assessment while on scene, the law enforcement officer shall submit the results of the lethality assessment to the Department of Public Safety as soon as practicable.
(c)
(i) Before the reporting mechanism described in Subsection (10)(a) is developed, a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety using means prescribed by the Department of Public Safety.
(ii) After the reporting mechanism described in Subsection (10)(a) is developed, a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety using that reporting mechanism.

(10) The Department of Public Safety shall:
(a) as soon as practicable, develop and maintain a reporting mechanism by which a law enforcement officer will submit the results of a lethality assessment as required by Subsection (9);
(b) provide prompt analytical support to a law enforcement officer who submits the results of a lethality assessment using the reporting mechanism described in Subsection (10)(a); and
(c) create and maintain a database of lethality assessment data provided under this section.

(11)
(a) Subject to Subsection (11)(b), a law enforcement officer shall include the results of a lethality assessment and any related, relevant analysis provided by the Department of Public Safety under Subsection (10), with:
(i) a probable cause statement submitted in accordance with Rule 9 of the Utah Rules of Criminal Procedure; and
(ii) an incident report prepared in accordance with Section 77-36-2.2.
(b) In a probable cause statement or incident report, a law enforcement officer may not include information about how or where a victim was referred under Subsection (7)(b).

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

77-36-2.2 Powers and duties of law enforcement officers to arrest -- Reports of domestic violence cases -- Reports of parties' marital status.

(1) The primary duty of law enforcement officers responding to a domestic violence call is to protect the victim and enforce the law.

(2)

(a) In addition to the arrest powers described in Section 77-7-2, when a peace officer responds to a domestic violence call and has probable cause to believe that an act of domestic violence has been committed, the peace officer shall arrest without a warrant or shall issue a citation to any person that the peace officer has probable cause to believe has committed an act of domestic violence.

(b)

(i) If the peace officer has probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the officer shall arrest and take the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this section.

(ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous weapon" mean the same as those terms are defined in Section 76-1-101.5.

(c) If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, the officer shall notify the victim of the right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Section 77-36-2.1.

(3) If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the predominant aggressor was. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining who the predominant aggressor was, the officer shall consider:

(a) any prior complaints of domestic violence;

(b) the relative severity of injuries inflicted on each person;

(c) the likelihood of future injury to each of the parties; and

(d) whether one of the parties acted in self defense.

(4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement.

(5)

(a) A law enforcement officer who does not make an arrest after investigating a complaint of domestic violence, or who arrests two or more parties, shall submit a detailed, written report specifying the grounds for not arresting any party or for arresting both parties.

(b) A law enforcement officer who does not make an arrest shall notify the victim of the right to initiate a criminal proceeding and of the importance of preserving evidence.

(6)

(a) A law enforcement officer responding to a complaint of domestic violence shall prepare an incident report that includes:

(i) the officer's disposition of the case; and

(ii) the results of any lethality assessment completed in accordance with Section 77-36-2.1.

(b) From January 1, 2009, until December 31, 2013, any law enforcement officer employed by a city of the first or second class responding to a complaint of domestic violence shall also report, either as a part of an incident report or on a separate form, the following information:

(i) marital status of each of the parties involved;

(ii) social, familial, or legal relationship of the suspect to the victim; and

(iii) whether or not an arrest was made.

(c) The information obtained in Subsection (6)(b):

(i) shall be reported monthly to the department;

(ii) shall be reported as numerical data that contains no personal identifiers; and
(iii) is a public record as defined in Section 63G-2-103.
(d) The incident report shall be made available to the victim, upon request, at no cost.
(e) The law enforcement agency shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred.
(7) The department shall compile the information described in Subsections (6)(b) and (c) into a report and present that report to the Law Enforcement and Criminal Justice Interim Committee during the 2013 interim, no later than May 31, 2013.
(8) Each law enforcement agency shall, as soon as practicable, make a written record and maintain records of all incidents of domestic violence reported to it, and shall be identified by a law enforcement agency code for domestic violence.

Amended by Chapter 447, 2023 General Session

77-36-2.3 Law enforcement officer's training.

All training of law enforcement officers relating to domestic violence shall stress protection of the victim, enforcement of criminal laws in domestic situations, and the availability of community shelters, services, and resources. Law enforcement agencies and community organizations with expertise in domestic violence shall cooperate in all aspects of that training.

Enacted by Chapter 300, 1995 General Session

77-36-2.4 Violation of a protective order -- Mandatory arrest -- Penalties.

(1) A law enforcement officer shall arrest an alleged perpetrator for a violation of any of the provisions of an ex parte protective order or protective order in accordance with Section 78B-7-119.
(2) A violation of a protective order is punishable in accordance with Section 76-5-108.

Amended by Chapter 142, 2020 General Session

77-36-2.6 Appearance required -- Considerations by court.

(1) An alleged perpetrator who is arrested for an offense involving domestic violence shall appear in person or by video before the court or a magistrate within one judicial day after the day on which the arrest is made.
(2) An alleged perpetrator who is charged by citation, indictment, or information with an offense involving domestic violence but has not been arrested, shall appear before the court in person for arraignment or initial appearance as soon as practicable, but no later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the indictment or information.
(3) At the time of an appearance under Subsection (1) or (2), the court shall consider imposing a pretrial protective order in accordance with Section 78B-7-803.
(4) Appearances required by this section are mandatory and may not be waived.

Amended by Chapter 159, 2021 General Session

77-36-2.7 Dismissal -- Diversion prohibited -- Plea in abeyance -- Pretrial protective order.

(1) Because of the serious nature of domestic violence, the court, in domestic violence actions:

(a) may not dismiss any charge or delay disposition because of concurrent divorce or other civil proceedings;
(b) may not require proof that either party is seeking a dissolution of marriage before instigation of criminal proceedings;
(c) shall waive any requirement that the victim's location be disclosed other than to the alleged perpetrator's attorney and order the alleged perpetrator's attorney not to disclose the victim's location to the client;
(d) shall identify, on the docket sheets, the criminal actions arising from acts of domestic violence; and
(e) may hold a plea in abeyance, in accordance with the provisions of Chapter 2a, Pleas in Abeyance, making treatment or any other requirement for the alleged perpetrator a condition of that status.

(2) When the court holds a plea in abeyance in accordance with Subsection (1)(e), the case against a perpetrator of domestic violence may be dismissed only if the perpetrator successfully completes all conditions imposed by the court. If the perpetrator fails to complete any condition imposed by the court under Subsection (1)(e), the court may accept the perpetrator's plea.

(3) When an alleged perpetrator is charged with a crime involving a qualifying offense, as defined in Section 78B-7-801, the court may, during any court hearing where the alleged perpetrator is present, issue a pretrial protective order in accordance with Section 78B-7-803.

(4)
(a) When a court dismisses criminal charges or a prosecutor moves to dismiss charges against an alleged perpetrator of a domestic violence offense, the specific reasons for dismissal shall be recorded in the court file and made a part of any related order or agreement on the statewide domestic violence network described in Section 78B-7-113.
(b) The court shall transmit the dismissal to the statewide domestic violence network.
(c) Any pretrial protective orders, including jail release court orders and jail release agreements, related to the dismissed domestic violence criminal charge shall also be dismissed.

(5) The court may not approve diversion for a perpetrator of domestic violence.

Amended by Chapter 159, 2021 General Session

77-36-5 Sentencing -- Restricting contact with victim -- Electronic monitoring -- Counseling -- Cost assessed against perpetrator -- Sentencing protective order -- Continuous protective order.

(1) When a perpetrator is found guilty of a crime involving domestic violence and a condition of the sentence restricts the perpetrator's contact with the victim, a sentencing protective order may be issued under Section 78B-7-804 for the length of the perpetrator's probation or a continuous protective order may be issued under Section 78B-7-804.

(2) In determining the court's sentence, the court, in addition to penalties otherwise provided by law, may require the perpetrator to participate in an electronic or other type of monitoring program.

(3) The court may also require the perpetrator to pay all or part of the costs of counseling incurred by the victim and any children affected by or exposed to the domestic violence offense, as well as the costs for the perpetrator's own counseling.

(4) The court shall:
(a) assess against the perpetrator, as restitution, any costs for services or treatment provided to the victim and affected child of the victim or the perpetrator by the Division of Child and Family Services under Section 80-2-301; and

(b) order those costs to be paid directly to the division or its contracted provider.

(5) The court may order the perpetrator to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program, as defined in Section 26B-2-101, that is licensed by the Department of Human Services.

Amended by Chapter 335, 2022 General Session

77-36-5.1 Conditions of probation for domestic violence offense.

(1) Before a perpetrator who is convicted or adjudicated of a domestic violence offense may be placed on probation, the court shall consider the safety and protection of the victim and any member of the victim's family or household.

(2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court, which may include:

(a) a sentencing protective order issued under Section 78B-7-804;

(b) prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;

(c) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;

(d) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;

(e) directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;

(f) directing the perpetrator to pay restitution to the victim, enforcement of which shall be in accordance with Chapter 38b, Crime Victims Restitution Act; and

(g) imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.

(3) The perpetrator is responsible for the costs of any condition of probation, according to the perpetrator's ability to pay.

(4)

(a) The Division of Adult Probation and Parole created in Section 64-14-202, or other provider, shall immediately report to the court and notify the victim of any offense involving domestic violence committed by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and any violation of a sentencing protective order issued by the court under Section 78B-7-804.

(b) Notification of the victim under Subsection (4)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.

(5) In addition to a protective order issued under this section, the court may issue a separate order relating to the transfer of a wireless telephone number in accordance with Section 78B-7-117.

Amended by Chapter 214, 2025 General Session

77-36-6 Enforcement of orders.

(1) Each law enforcement agency in this state shall enforce all orders of the court issued under the requirements and procedures described in this chapter, and shall enforce:

(a) all protective orders and ex parte protective orders issued under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;

(b) pretrial protective orders issued under Section 78B-7-803 and sentencing protective orders and continuous protective orders issued under Section 78B-7-804; and

(c) all foreign protection orders enforceable under Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(2) The requirements of this section apply statewide, regardless of the jurisdiction in which the order was issued or the location of the victim or the perpetrator.

Amended by Chapter 142, 2020 General Session

77-36-7 Prosecutor to notify victim of decision as to prosecution.

(1) The prosecutor who is responsible for making the decision of whether to prosecute a case shall advise the victim, if the victim has requested notification, of the status of the victim's case and shall notify the victim of a decision within five days after the decision has been made.

(2) Notification to the victim that charges will not be filed against an alleged perpetrator shall include a description of the procedures available to the victim in that jurisdiction for initiation of criminal and other protective proceedings.

Amended by Chapter 244, 1996 General Session

77-36-8 Peace officers' immunity from liability.

A peace officer may not be held liable in any civil action brought by a party to an incident of domestic violence for making or failing to make an arrest or for issuing or failing to issue a citation in accordance with this chapter, for enforcing in good faith an order of the court, or for acting or omitting to act in any other way in good faith under this chapter, in situations arising from an alleged incident of domestic violence.

Amended by Chapter 300, 1995 General Session

77-36-9 Severability clause.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Enacted by Chapter 114, 1983 General Session

77-36-10 Authority to prosecute class A misdemeanor violations.

Alleged class A misdemeanor violations of this chapter may be prosecuted by city attorneys.

Enacted by Chapter 244, 1996 General Session

Chapter 37
Victims' Rights

77-37-1 Legislative findings.

(1)

(a) The Legislature recognizes the duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, the essential nature of citizen

cooperation to state and local law enforcement efforts, and the general effectiveness and well-being of the criminal justice system of this state.

(b) The state shall ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity, and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law in a manner no less vigorous than protections afforded criminal defendants.

(2)

(a) The Legislature finds it is necessary to provide child victims and child witnesses with additional consideration and different treatment than that usually afforded to adults.

(b) The treatment should ensure that children's participation in the criminal justice process be conducted in the most effective and least traumatic, intrusive, or intimidating manner.

Amended by Chapter 261, 2025 General Session

77-37-2 Definitions.

As used in this chapter:

(1) "Alleged sexual offender" means the same as that term is defined in Section 53-10-801.

(2) "Child" means a person who is younger than 18 years old, unless otherwise specified in statute. The rights to information as extended in this chapter also apply to the parents, custodian, or legal guardians of children.

(3) "Family member" means spouse, child, sibling, parent, grandparent, or legal guardian.

(4) "HIV infection" means the same as that term is defined in Section 53-10-801.

(5) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.

(6)

(a) "Sexual offense" means any conduct described in:

(i) Title 76, Chapter 5, Part 4, Sexual Offenses;

(ii) Title 76, Chapter 5b, Sexual Exploitation Act; or

(iii) Section 76-7-102, incest.

(b) "Sexual offense" does not include conduct described in:

(i) Section 76-5-417, enticing a minor;

(ii) Section 76-5-420, lewdness involving a child; or

(iii) Section 76-5b-206, failure to report child sexual abuse material by a computer technician.

(7) "Victim" means an individual, including a minor, against whom an offense has been allegedly committed.

(8) "Witness" means any person who has been subpoenaed or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether any action or proceeding has commenced.

Amended by Chapter 173, 2025 General Session

77-37-3 Bill of rights.

(1) The bill of rights for victims and witnesses is:

(a) Victims and witnesses have a right to be informed as to the level of protection from intimidation and harm available to them, and from what sources, as they participate in criminal justice proceedings as designated by Section 76-8-508, regarding tampering with a witness, and Section 76-8-509, regarding extortion or bribery to dismiss a criminal proceeding. Law

enforcement, prosecution, and corrections personnel have the duty to timely provide this information in a form which is useful to the victim.

(b) Victims and witnesses, including children and their guardians, have a right to be informed and assisted as to their role in the criminal justice process. All criminal justice agencies have the duty to provide this information and assistance.

(c) Victims and witnesses have a right to clear explanations regarding relevant legal proceedings; these explanations shall be appropriate to the age of child victims and witnesses. All criminal justice agencies have the duty to provide these explanations.

(d) Victims and witnesses should have a secure waiting area that does not require them to be in close proximity to defendants or the family and friends of defendants. Agencies controlling facilities shall, whenever possible, provide this area.

(e) Victims may seek restitution or reparations, including medical costs, as provided in Title 63M, Chapter 7, Criminal Justice and Substance Abuse, Title 77, Chapter 38b, Crime Victims Restitution Act, and Section 80-6-710. State and local government agencies that serve victims have the duty to have a functional knowledge of the procedures established by the Utah Office for Victims of Crime and to inform victims of these procedures.

(f) Victims and witnesses have a right to have any personal property returned as provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d, Lost or Mislaid Property. Criminal justice agencies shall expeditiously return the property when it is no longer needed for court law enforcement or prosecution purposes.

(g) Victims and witnesses have the right to reasonable employer intercession services, including pursuing employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process. Officers of the court shall provide these services and shall consider victims' and witnesses' schedules so that activities which conflict can be avoided. Where conflicts cannot be avoided, the victim may request that the responsible agency intercede with employers or other parties.

(h) Victims and witnesses, particularly children, should have a speedy disposition of the entire criminal justice process. All involved public agencies shall establish policies and procedures to encourage speedy disposition of criminal cases.

(i) Victims and witnesses have the right to timely notice of judicial proceedings they are to attend and timely notice of cancellation of any proceedings. Criminal justice agencies have the duty to provide these notifications. Defense counsel and others have the duty to provide timely notice to prosecution of any continuances or other changes that may be required.

(2) In addition to the rights of a victim described in Subsection (1), a victim of a sexual offense has the right to:

(a) request voluntary testing for themselves for HIV infection as described in Section 53-10-803;

(b) request mandatory testing of the alleged sexual offender for HIV infection as described in Section 53-10-802;

(c) not to be prevented from, or charged for, a medical forensic examination;

(d) have the evidence from a sexual assault kit, or the contents of the sexual assault kit, preserved for the time periods described in Chapter 11c, Retention of Evidence, without any charge to the victim;

(e) be informed whether a DNA profile was obtained from the testing of the evidence in a sexual assault kit or from other crime scene evidence;

(f) be informed whether a DNA profile developed from the evidence in a sexual assault kit, or from other crime scene evidence, has been entered into the Utah Combined DNA Index System;

(g) be informed of any result from a sexual assault kit or from other crime scene evidence if that disclosure would not impede or compromise an ongoing investigation, including:
(i) whether there is a match between a DNA profile developed from the evidence in a sexual assault kit, or from other crime scene evidence, and a DNA profile contained in the Utah Combined DNA Index System; and
(ii) a toxicology result or other information that is collected from a sexual assault kit as part of a medical forensic examination of the victim;
(h) be informed in writing of policies governing the collection and preservation of a sexual assault kit;
(i) be informed of the status and location of a sexual assault kit;
(j) upon written request by the victim, receive a notice of intent from an agency, as defined in Section 53-10-905, if the agency intends to destroy or dispose of evidence from a sexual assault kit;
(k) be granted further preservation of the sexual assault kit if the agency, as defined in Section 53-10-905, intends to destroy or dispose of evidence from a sexual assault kit and the victim submits a written request as described in Section 53-10-905;
(l) designate a person of the victim's choosing to act as a recipient of the information provided under this Subsection (2) or Subsections (3) and (4); and
(m) be informed of all the enumerated rights in this Subsection (2).
(3) Subsections (2)(e) through (g) do not require that the law enforcement agency communicate with the victim or the victim's designee regarding the status of DNA testing, absent a specific request received from the victim or the victim's designee.
(4) A law enforcement agency investigating a sexual offense may:
(a) release the information indicated in Subsections (2)(e) through (g) upon the request of the victim of the sexual offense, or the victim's designee and is the designated agency to provide that information to the victim or the victim's designee;
(b) require that the victim's request be in writing; and
(c) respond to the victim's request with verbal communication, written communication, or by email if an email address is available.
(5) A law enforcement agency investigating a sexual offense shall:
(a) notify the victim of the sexual offense, or the victim's designee, if the law enforcement agency determines that DNA evidence will not be analyzed in a case where the identity of the perpetrator has not be confirmed;
(b) provide the information described in this section in a timely manner; and
(c) upon request of the victim or the victim's designee, advise the victim or the victim's designee of any significant changes in the information of which the law enforcement agency is aware.
(6) The law enforcement agency investigating the sexual offense is responsible for informing the victim of the sexual offense, or the victim's designee, of the rights established under this section.
(7) Informational rights of the victim under this chapter are based upon the victim providing the current name, address, telephone number, and email address, if an email address is available, of the person to whom the information should be provided to the criminal justice agencies involved in the case.

Amended by Chapter 11, 2025 Special Session 1

77-37-4 Additional rights -- Children.

In addition to all rights afforded to victims and witnesses under this chapter, child victims and witnesses shall be afforded these rights:

(1) Children have the right to protection from physical and emotional abuse during their involvement with the criminal justice process.

(2) Children are not responsible for inappropriate behavior adults commit against them and have the right not to be questioned, in any manner, nor to have allegations made, implying this responsibility. Those who interview children have the responsibility to consider the interests of the child in this regard.

(3) Child victims and witnesses have the right to have interviews relating to a criminal prosecution kept to a minimum. All agencies shall coordinate interviews and ensure that they are conducted by persons sensitive to the needs of children.

(4) Child victims have the right to be informed of available community resources that might assist them and how to gain access to those resources. Law enforcement and prosecutors have the duty to ensure that child victims are informed of community resources, including counseling prior to the court proceeding, and have those services available throughout the criminal justice process.

(5)

(a) Child victims have the right, once an investigation has been initiated by law enforcement or the Division of Child and Family Services, to keep confidential their interviews that are conducted at a Children's Justice Center, including video and audio recordings, and transcripts of those recordings. Except as provided in Subsection (6), recordings and transcripts of interviews may not be distributed, released, or displayed to anyone without a court order.

(b) A court order described in Subsection (5)(a):

(i) shall describe with particularity to whom the recording or transcript of the interview may be released and prohibit further distribution or viewing by anyone not named in the order; and

(ii) may impose restrictions on access to the materials considered reasonable to protect the privacy of the child victim.

(c) A parent or guardian of the child victim may petition a juvenile or district court for an order allowing the parent or guardian to view a recording or transcript upon a finding of good cause. The order shall designate the agency that is required to display the recording or transcript to the parent or guardian and shall prohibit viewing by anyone not named in the order.

(d) Following the conclusion of any legal proceedings in which the recordings or transcripts are used, the court shall order the recordings and transcripts in the court's file sealed and preserved.

(6)

(a) The following offices and their designated employees may distribute and receive a recording or transcript to and from one another without a court order:

(i) the Division of Child and Family Services;

(ii) administrative law judges employed by the Department of Human Services;

(iii) Department of Human Services investigators investigating the Division of Child and Family Services or investigators authorized to investigate under Section 80-2-703;

(iv) an office of the city attorney, county attorney, district attorney, or attorney general;

(v) a law enforcement agency;

(vi) a Children's Justice Center established under Section 67-5b-102; or

(vii) the attorney for the child who is the subject of the interview.

(b) In a criminal case or in a juvenile court in which the state is a party:

(i) the parties may display and enter into evidence a recording or transcript in the course of a prosecution;
(ii) the state's attorney may distribute a recording or transcript to the attorney for the defendant, pro se defendant, respondent, or pro se respondent pursuant to a valid request for discovery;
(iii) the attorney for the defendant or respondent may do one or both of the following:
(A) release the recording or transcript to an expert retained by the attorney for the defendant or respondent if the expert agrees in writing that the expert will not distribute, release, or display the recording or transcript to anyone without prior authorization from the court; or
(B) permit the defendant or respondent to view the recording or transcript, but may not distribute or release the recording or transcript to the defendant or respondent; and
(iv) the court shall advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be distributed, released, or displayed without prior authorization from the court.
(c) A court's failure to advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be used as a defense to prosecution for a violation of the disclosure rule.
(d) In an administrative case, pursuant to a written request, the Division of Child and Family Services may display, but may not distribute or release, a recording or transcript to the respondent or to the respondent's designated representative.
(e)
(i) Within two business days of a request from a parent or guardian of a child victim, an investigative agency shall allow the parent or guardian to view a recording after the conclusion of an interview, unless:
(A) the suspect is a parent or guardian of the child victim;
(B) the suspect resides in the home with the child victim; or
(C) the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation.
(ii) If the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation, the parent or guardian may petition a juvenile or district court for an expedited hearing on whether there is good cause for the court to enter an order allowing the parent or guardian to view the recording in accordance with Subsection (5)(c).
(iii) A Children's Justice Center shall coordinate the viewing of the recording described in this Subsection (6)(e).
(f) A multidisciplinary team assembled by a Children's Justice Center or an interdisciplinary team assembled by the Division of Child and Family Services may view a recording or transcript, but may not receive a recording or transcript.
(g) A Children's Justice Center:
(i) may distribute or display a recording or transcript to an authorized trainer or evaluator for purposes of training or evaluation; and
(ii) may display, but may not distribute, a recording or transcript to an authorized trainee.
(h) An authorized trainer or instructor may display a recording or transcript according to the terms of the authorized trainer's or instructor's contract with the Children's Justice Center or according to the authorized trainer's or instructor's scope of employment.
(i)
(i) In an investigation under Section 53E-6-506, in which a child victim who is the subject of the recording or transcript has alleged criminal conduct against an educator, a law enforcement

agency may distribute or release the recording or transcript to an investigator operating under State Board of Education authorization, upon the investigator's written request.

(ii) If the respondent in a case investigated under Section 53E-6-506 requests a hearing authorized under that section, the investigator operating under State Board of Education authorization may display, release, or distribute the recording or transcript to the prosecutor operating under State Board of Education authorization or to an expert retained by an investigator.

(iii) Upon request for a hearing under Section 53E-6-506, a prosecutor operating under State Board of Education authorization may display the recording or transcript to a pro se respondent, to an attorney retained by the respondent, or to an expert retained by the respondent.

(iv) The parties to a hearing authorized under Section 53E-6-506 may display and enter into evidence a recording or transcript in the course of a prosecution.

(j) Notwithstanding any other provision in this section, a law enforcement agency shall provide an investigative report to the Utah Office for Victims of Crime as provided under Section 63M-7-529.

(7) Except as otherwise provided in this section, it is a class B misdemeanor for any individual to distribute, release, or display any recording or transcript of an interview of a child victim conducted at a Children's Justice Center.

Amended by Chapter 156, 2024 General Session

Chapter 38
Crime Victims

Part 1
General Provisions

77-38-2 Definitions.

For the purposes of this chapter and the Utah Constitution:

(1) "Abuse" means treating the crime victim in a manner so as to injure, damage, or disparage.

(2) "Dignity" means treating the crime victim with worthiness, honor, and esteem.

(3) "Fairness" means treating the crime victim reasonably, even-handedly, and impartially.

(4) "Harassment" means treating the crime victim in a persistently annoying manner.

(5) "Important criminal justice hearings" or "important juvenile justice hearings" means the following proceedings in felony criminal cases or cases involving a minor's conduct which would be a felony if committed by an adult:

(a) any preliminary hearing to determine probable cause;

(b) any court arraignment where practical;

(c) any court proceeding involving the disposition of charges against a defendant or minor or the delay of a previously scheduled trial date but not including any unanticipated proceeding to take an admission or a plea of guilty as charged to all charges previously filed or any plea taken at an initial appearance;

(d) any court proceeding to determine whether to release a defendant or minor and, if so, under what conditions release may occur, excluding any such release determination made at an initial appearance;

(e) any criminal or delinquency trial, excluding any actions at the trial that a court might take in camera, in chambers, or at a sidebar conference;
(f) any court proceeding to determine the disposition of a minor or sentence, fine, or restitution of a defendant or to modify any disposition of a minor or sentence, fine, or restitution of a defendant;
(g) a hearing regarding any criminal protective order described in Title 78B, Chapter 7, Part 8, Criminal Protective Orders; and
(h) any public hearing concerning whether to grant a defendant or minor parole or other form of discretionary release from confinement.
(6) "Reliable information" means information worthy of confidence, including any information whose use at sentencing is permitted by the United States Constitution.
(7) "Representative of a victim" means a person who is designated by the victim or designated by the court and who represents the victim in the best interests of the victim.
(8) "Respect" means treating the crime victim with regard and value.
(9)
(a) "Victim of a crime" means any natural person against whom the charged crime or conduct is alleged to have been perpetrated or attempted by the defendant or minor personally or as a party to the offense or conduct or, in the discretion of the court, against whom a related crime or act is alleged to have been perpetrated or attempted, unless the natural person is the accused or appears to be accountable or otherwise criminally responsible for or criminally involved in the crime or conduct or a crime or act arising from the same conduct, criminal episode, or plan as the crime is defined under the laws of this state.
(b) For purposes of the right to be present, "victim of a crime" does not mean any person who is in custody as a pretrial detainee, as a prisoner following conviction for an offense, or as a juvenile who has committed an act that would be an offense if committed by an adult, or who is in custody for mental or psychological treatment.
(c) For purposes of the right to be present and heard at a public hearing as provided in Subsection 77-38-2(5)(h) and the right to notice as provided in Subsection 77-38-3(7)(a), "victim of a crime" includes any victim originally named in the allegation of criminal conduct who is not a victim of the offense to which the defendant entered a negotiated plea of guilty.

Amended by Chapter 426, 2023 General Session

77-38-3 Notification to victims -- Initial notice, election to receive subsequent notices -- Form of notice -- Protected victim information -- Pretrial criminal no contact order.
(1) Within seven days after the day on which felony criminal charges are filed against a defendant, the prosecuting agency shall provide an initial notice to reasonably identifiable and locatable victims of the crime contained in the charges, except as otherwise provided in this chapter.
(2) The initial notice to the victim of a crime shall provide information about electing to receive notice of subsequent important criminal justice hearings listed in Subsections 77-38-2(5)(a) through (g) and rights under this chapter.
(3) The prosecuting agency shall provide notice to a victim of a crime:
(a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a) through (g), which the victim has requested; and
(b) for a restitution request to be submitted in accordance with Section 77-38b-202.
(4)

(a) The responsible prosecuting agency may provide initial and subsequent notices in any reasonable manner, including telephonically, electronically, orally, or by means of a letter or form prepared for this purpose.

(b) In the event of an unforeseen important criminal justice hearing, described in Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a good faith attempt to contact the victim by telephone shall be considered sufficient notice, provided that the prosecuting agency subsequently notifies the victim of the result of the proceeding.

(5)

(a) The court shall take reasonable measures to ensure that its scheduling practices for the proceedings provided in Subsections 77-38-2(5)(a) through (g) permit an opportunity for victims of crimes to be notified.

(b) The court shall consider whether any notification system that the court might use to provide notice of judicial proceedings to defendants could be used to provide notice of judicial proceedings to victims of crimes.

(6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole created in Section 64-14-202, shall give notice to the responsible prosecuting agency of any motion for modification of any determination made at any of the important criminal justice hearings provided in Subsections 77-38-2(5)(a) through (g) in advance of any requested court hearing or action so that the prosecuting agency may comply with the prosecuting agency's notification obligation.

(7)

(a) Notice to a victim of a crime shall be provided by the Board of Pardons and Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).

(b) The board may provide notice in any reasonable manner, including telephonically, electronically, orally, or by means of a letter or form prepared for this purpose.

(8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g) only where the victim has responded to the initial notice, requested notice of subsequent proceedings, and provided a current address and telephone number if applicable.

(9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a victim who seeks restitution and notice of restitution hearings shall provide the court with the victim's current address and telephone number.

(10)

(a) Law enforcement and criminal justice agencies shall refer any requests for notice or information about crime victim rights from victims to the responsible prosecuting agency.

(b) In a case in which the Board of Pardons and Parole is involved, the responsible prosecuting agency shall forward any request for notice the prosecuting agency has received from a victim to the Board of Pardons and Parole.

(11) In all cases where the number of victims exceeds 10, the responsible prosecuting agency may send any notices required under this chapter in the prosecuting agency's discretion to a representative sample of the victims.

(12)

(a) A victim's address, telephone number, and victim impact statement maintained by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile Justice and Youth Services, Department of Corrections, Utah State Courts, and Board of Pardons and Parole, for purposes of providing notice under this section, are classified as protected under Subsection 63G-2-305(10).

(b) The victim's address, telephone number, and victim impact statement is available only to the following persons or entities in the performance of their duties:
(i) a law enforcement agency, including the prosecuting agency;
(ii) a victims' right committee as provided in Section 77-37-5;
(iii) a governmentally sponsored victim or witness program;
(iv) the Department of Corrections;
(v) the Utah Office for Victims of Crime;
(vi) the Commission on Criminal and Juvenile Justice;
(vii) the Utah State Courts; and
(viii) the Board of Pardons and Parole.
(13) The notice provisions as provided in this section do not apply to misdemeanors as provided in Section 77-38-5 and to important juvenile justice hearings as provided in Section 77-38-2.
(14)
(a) When a defendant is charged with a felony crime under Sections 76-5-301 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling; Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section 76-5d-208 regarding aggravated exploitation of prostitution, the court may, during any court hearing where the defendant is present, issue a pretrial criminal no contact order:
(i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise communicating with the victim directly or through a third party;
(ii) ordering the defendant to stay away from the residence, school, place of employment of the victim, and the premises of any of these, or any specified place frequented by the victim or any designated family member of the victim directly or through a third party; and
(iii) ordering any other relief that the court considers necessary to protect and provide for the safety of the victim and any designated family or household member of the victim.
(b) Violation of a pretrial criminal no contact order issued pursuant to this section is a third degree felony.
(c)
(i) The court shall provide to the victim a certified copy of any pretrial criminal no contact order that has been issued if the victim can be located with reasonable effort.
(ii) The court shall also transmit the pretrial criminal no contact order to the statewide domestic violence network in accordance with Section 78B-7-113.
(15)
(a) When a case involving a victim may resolve before trial with a plea deal, the prosecutor shall notify the victim of that possibility as soon as practicable.
(b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall explain the available details of an anticipated plea deal.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session
Amended by Chapter 214, 2025 General Session

77-38-4 Right to be present, to be heard, and to file an amicus brief on appeal -- Control of disruptive acts or irrelevant statements -- Statements from persons in custody.
(1) The victim of a crime, the representative of the victim, or both shall have the right:
(a) to be present at the important criminal or juvenile justice hearings provided in Subsection 77-38-2(5);

(b) to be heard at the important criminal or juvenile justice hearings provided in Subsections 77-38-2(5)(b), (c), (d), (f), (g), and (h);
(c) to submit a written statement in any action on appeal related to that crime; and
(d) upon request to the judge hearing the matter, to be present and heard at the initial appearance of the person suspected of committing the conduct or criminal offense against the victim on issues relating to whether to release a defendant or minor and, if so, under what conditions release may occur.

(2) This chapter shall not confer any right to the victim of a crime to be heard:
(a) at any criminal trial, including the sentencing phase of a capital trial under Section 76-3-207 or at any preliminary hearing, unless called as a witness; and
(b) at any delinquency trial or at any preliminary hearing in a minor's case, unless called as a witness.

(3) The right of a victim or representative of a victim to be present at trial is subject to Rule 615 of the Utah Rules of Evidence.

(4) Nothing in this chapter shall deprive the court of the right to prevent or punish disruptive conduct nor give the victim of a crime the right to engage in disruptive conduct.

(5) The court shall have the right to limit any victim's statement to matters that are relevant to the proceeding.

(6) In all cases where the number of victims exceeds five, the court may limit the in-court oral statements it receives from victims in its discretion to a few representative statements.

(7) Except as otherwise provided in this section, a victim's right to be heard may be exercised at the victim's discretion in any appropriate fashion, including an oral, written, audiotaped, or videotaped statement or direct or indirect information that has been provided to be included in any presentence report.

(8) If the victim of a crime is a person who is in custody as a pretrial detainee, as a prisoner following conviction for an offense, or as a juvenile who has committed an act that would be an offense if committed by an adult, or who is in custody for mental or psychological treatment, the right to be heard under this chapter shall be exercised by submitting a written statement to the court.

(9) The court may exclude any oral statement from a victim on the grounds of the victim's incompetency as provided in Rule 601(a) of Utah Rules of Evidence.

(10) Except in juvenile court cases, the Constitution may not be construed as limiting the existing rights of the prosecution to introduce evidence in support of a capital sentence.

Amended by Chapter 426, 2023 General Session

77-38-5 Application to felonies and misdemeanors of the declaration of the rights of crime victims.

The provisions of this chapter shall apply to:

(1) any felony filed in the courts of the state;

(2) to any class A and class B misdemeanor filed in the courts of the state; and

(3) to cases in the juvenile court as provided in Section 80-6-604.

Amended by Chapter 262, 2021 General Session

77-38-6 Victim's right to privacy.

(1) The victim of a crime has the right, at any court proceeding, including any juvenile court proceeding, not to testify regarding the victim's address, telephone number, place of

employment, or other locating information unless the victim specifically consents or the court orders disclosure on finding that a compelling need exists to disclose the information. A court proceeding on whether to order disclosure shall be in camera.

(2) A defendant may not compel any witness to a crime, at any court proceeding, including any juvenile court proceeding, to testify regarding the witness's address, telephone number, place of employment, or other locating information unless the witness specifically consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on whether to order disclosure shall be in camera.

Amended by Chapter 16, 2023 General Session
Amended by Chapter 237, 2023 General Session
Amended by Chapter 352, 1995 General Session

77-38-7 Victim's right to a speedy trial.

(1) In determining a date for any criminal trial or other important criminal or juvenile justice hearing, the court shall consider the interests of the victim of a crime to a speedy resolution of the charges under the same standards that govern a defendant's or minor's right to a speedy trial.

(2) The victim of a crime has the right to a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor and to prompt and final conclusion of the case after the disposition or conviction and sentence, including prompt and final conclusion of all collateral attacks on dispositions or criminal judgments.

(3)

(a) In ruling on any motion by a defendant or minor to continue a previously established trial or other important criminal or juvenile justice hearing, the court shall inquire into the circumstances requiring the delay and consider the interests of the victim of a crime to a speedy disposition of the case.

(b) If a continuance is granted, the court shall enter in the record the specific reason for the continuance and the procedures that have been taken to avoid further delays.

Amended by Chapter 352, 1995 General Session

77-38-8 Age-appropriate language at judicial proceedings -- Advisor.

(1) In any criminal proceeding or juvenile court proceeding regarding or involving a child, examination and cross-examination of a victim or witness 13 years of age or younger shall be conducted in age-appropriate language.

(2)

(a) The court may appoint an advisor to assist a witness 13 years of age or younger in understanding questions asked by counsel.

(b) The advisor is not required to be an attorney.

Amended by Chapter 352, 1995 General Session

77-38-9 Representative of victim -- Court designation -- Representation in cases involving minors -- Photographs in homicide cases.

(1)

(a) A victim of a crime may designate, with the approval of the court, a representative who may exercise the same rights that the victim is entitled to exercise under this chapter, including pursuing restitution.

(b) Except as otherwise provided in this section, the victim may revoke the designation at any time.
(c) In cases where the designation is in question, the court may require that the designation of the representative be made in writing by the victim.
(2) In cases in which the victim is deceased or incapacitated, upon request from the victim's spouse, parent, child, or close friend, the court shall designate a representative or representatives of the victim to exercise the rights of a victim under this chapter on behalf of the victim. The responsible prosecuting agency may request a designation to the court.
(3)
(a) If the victim is a minor, the court in its discretion may allow the minor to exercise the rights of a victim under this chapter or may allow the victim's parent or other immediate family member to act as a representative of the victim.
(b) The court may also, in its discretion, designate a person who is not a member of the immediate family to represent the interests of the minor.
(4) The representative of a victim of a crime shall not be:
(a) the accused or a person who appears to be accountable or otherwise criminally responsible for or criminally involved in the crime or conduct, a related crime or conduct, or a crime or act arising from the same conduct, criminal episode, or plan as the crime or conduct is defined under the laws of this state;
(b) a person in the custody of or under detention of federal, state, or local authorities; or
(c) a person whom the court in its discretion considers to be otherwise inappropriate.
(5) Any notices that are to be provided to a victim pursuant to this chapter shall be sent to the victim or the victim's lawful representative.
(6) On behalf of the victim, the prosecutor may assert any right to which the victim is entitled under this chapter, unless the victim requests otherwise or exercises his own rights.
(7) In any homicide prosecution, the prosecution may introduce a photograph of the victim taken before the homicide to establish that the victim was a human being, the identity of the victim, and for other relevant purposes.

Amended by Chapter 244, 2014 General Session

77-38-10 Victim's discretion.
(1)
(a) The victim may exercise any rights under this chapter at the victim's discretion to be present and to be heard at a court proceeding, including a juvenile delinquency proceeding.
(b) The absence of the victim at the court proceeding does not preclude the court from conducting the proceeding.
(2) A victim shall not refuse to comply with an otherwise lawful subpoena under this chapter.
(3) A victim shall not prevent the prosecution from complying with requests for information within a prosecutor's possession and control under this chapter.

Amended by Chapter 302, 2025 General Session

77-38-11 Enforcement -- Appellate review -- No right to money damages.
(1) If a person acting under color of state law allegedly violates the rights of a victim described in this chapter, Chapter 37, Victims' Rights, or Utah Constitution, Article I, Section 28, the victim, or a representative of a victim, may file a complaint with a victim rights committee as described in Section 63M-7-1003.

(2) If a person acting under color of state law willfully or wantonly fails to perform duties so that the rights in this chapter are not provided, an action for injunctive relief, including prospective injunctive relief, may be brought against the individual and the governmental entity that employs the individual.

(3)

(a) The victim of a crime or representative of a victim of a crime may:

(i) bring an action for declaratory relief or for a writ of mandamus defining or enforcing the rights of victims and the obligations of government entities under this chapter;

(ii) petition to file an amicus brief in any court in any case affecting crime victims; and

(iii) after giving notice to the prosecution and the defense, seek an appropriate remedy for a violation of a victim's right from the court assigned to the case involving the issue.

(b) Adverse rulings on these actions or on a motion or request brought by a victim of a crime or a representative of a victim of a crime may be appealed under the rules governing appellate actions, provided that an appeal may not constitute grounds for delaying any criminal or juvenile proceeding.

(c) An appellate court shall review all properly presented issues, including issues that are capable of repetition but would otherwise evade review.

(4)

(a) Upon a showing that the victim has not unduly delayed in seeking to protect the victim's right, and after hearing from the prosecution and the defense, the court shall determine whether a right of the victim has been violated.

(b) If the court determines that a victim's right has been violated, the court shall:

(i) determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the partiesand considering all factors relevant to the issue; and

(ii) award an appropriate remedy to the victim.

(5)

(a) The court shall:

(i) reconsider any judicial decision or judgment affected by a violation of the victim's right; and

(ii) upon affording the victim the right and further hearing from the prosecution and the defense, determine whether the decision or judgment would have been different.

(b) If the court's decision or judgment would have been different, the court shall enter the new different decision or judgment as the appropriate remedy.

(c) If necessary to protect the victim's right, the court shall enter the new decision or judgment nunc pro tunc to the time the first decision or judgment was reached.

(d) In no event shall the appropriate remedy be a new trial, damages, attorney fees, or costs.

(6)

(a) The appropriate remedy under Subsection (4) or (5) shall include only actions necessary to provide the victim the right to which the victim was entitled.

(b) The appropriate remedy under Subsection (4) or (5) may include reopening previously held proceedings.

(7)

(a) Subject to Subsection (7)(c), the court may reopen a sentence or a previously entered guilty or no contest plea only if reopening the sentence or plea:

(i) would not preclude continued prosecution or sentencing the defendant; and

(ii) would not otherwise permit the defendant to escape justice.

(b) The court shall tailor a remedy to provide the victim with an appropriate remedy without violating any constitutional right of the defendant.

(c) If the court sets aside a previously entered plea of guilty or no contest, and the continued prosecution of the charge is held to be prevented by the defendant's having been previously put in jeopardy, the order setting aside the plea is void and the plea is reinstated as of the date of the plea's original entry.
(d) The court may not award as a remedy the dismissal of any criminal charge.
(e) The court may not award any remedy if the proceeding that the victim is challenging occurred more than 90 days before the day on which the victim filed an action alleging the violation of the right.
(8) The failure to provide the rights in this chapter or Chapter 37, Victims' Rights, shall not constitute cause for a judgment against the state or any government entity, or any individual employed by the state or any government entity, for monetary damages, attorney fees, or the costs of exercising any rights under this chapter.
(9) A defendant convicted of an offense may not bring an action or complaint concerning a violation of this chapter or Chapter 37, Victims' Rights.

Amended by Chapter 160, 2024 General Session

77-38-12 Construction of this chapter -- No right to set aside conviction, adjudication, admission, or plea -- Severability clause.
(1) All of the provisions contained in this chapter shall be construed to assist the victims of crime.
(2) This chapter may not be construed as creating a basis for dismissing any criminal charge or delinquency petition, vacating any adjudication or conviction, admission or plea of guilty or no contest, or for a defendant to obtain appellate, habeas corpus, or other relief from a judgment in any criminal or delinquency case.
(3) This chapter may not be construed as creating any right of a victim to appointed counsel at state expense.
(4) All of the rights contained in this chapter shall be construed to conform to the Constitution of the United States.
(5)
(a) In the event that any portion of this chapter is found to violate the Constitution of the United States, the remaining provisions of this chapter shall continue to operate in full force and effect.
(b) In the event that a particular application of any portion of this chapter is found to violate the Constitution of the United States, all other applications shall continue to operate in full force and effect.
(6) The enumeration of certain rights for crime victims in this chapter shall not be construed to deny or disparage other rights granted by the Utah Constitution or the Legislature or retained by victims of crimes.

Amended by Chapter 120, 2009 General Session

77-38-13 Declaration of legislative authority.
It is the view of the Legislature that the provisions of this chapter, and other provisions enacted simultaneously with it, are substantive provisions within inherent legislative authority. In the event that any of the provisions of this chapter, and other provisions enacted simultaneously with it, are interpreted to be procedural in nature, the Legislature also intends to invoke its powers to modify procedural rules under the Utah Constitution.

Enacted by Chapter 198, 1994 General Session

77-38-14 Notice of expungement petition -- Victim's right to object.

(1)
(a) The Department of Corrections or the Juvenile Probation Department shall prepare a document explaining the right of a victim or a victim's representative to object to a petition for expungement under Section 77-40a-305 or 80-6-1004.1 and the procedures for obtaining notice of the petition.
(b) The department or division shall provide each trial court a copy of the document that has jurisdiction over delinquencies or criminal offenses subject to expungement.

(2) The prosecuting attorney in any case leading to a conviction, a charge dismissed in accordance with a plea in abeyance agreement, or an adjudication subject to expungement, shall provide a copy of the document to each person who would be entitled to notice of a petition for expungement under Sections 77-40a-305 and 80-6-1004.1.

Amended by Chapter 115, 2023 General Session

Part 2
Confidential Communications for Sexual Assault Act

77-38-201 Title.

This part is known and cited as the "Confidential Communications for Sexual Assault Act."

Renumbered and Amended by Chapter 3, 2008 General Session

77-38-202 Purpose.

It is the purpose of this act to enhance and promote the mental, physical and emotional recovery of victims of sexual assault and to protect the information given by victims to sexual assault counselors from being disclosed.

Renumbered and Amended by Chapter 3, 2008 General Session

77-38-203 Definitions.

As used in this part:

(1) "Confidential communication" means information given to a sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship.

(2)
(a) "Rape crisis and services center" means a nonprofit entity that assists victims of sexual assault and victims' families by offering sexual assault crisis intervention and counseling through a sexual assault counselor.
(b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53H-14-401.

(3) "Sexual assault counselor" means an individual who:
(a) is employed by or volunteers at a rape crisis and services center;

(b) has a minimum of 40 hours of training in counseling and assisting victims of sexual assault; and
(c) is under the supervision of the director or designee of a rape crisis and services center.
(4) "Victim" means an individual who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.

Amended by Chapter 9, 2025 Special Session 1

77-38-204 Disclosure of confidential communications.

The confidential communication between a victim and a sexual assault counselor is available to a third person only when:
(1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim's parents;
(2) the victim is a minor and the minor's parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure;
(3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or
(4) the counselor has an obligation under Title 80, Chapter 2, Child Welfare Services, or Title 80, Chapter 2a, Removal and Protective Custody of a Child, to report information transmitted in the confidential communication.

Amended by Chapter 99, 2023 General Session

Part 3
Profits from Notorious Criminal Activity Act

77-38-301 Title.

This part is known as the "Profits from Notorious Criminal Activity Act."

Amended by Chapter 260, 2012 General Session

77-38-302 Definitions.

As used in this part:
(1) "Convicted person" means a person who has been convicted of a crime.
(2) "Conviction" means an adjudication by a federal or state court resulting from a trial or plea, including a plea of no contest, nolo contendere, a finding of not guilty due to insanity, or not guilty but having a mental condition regardless of whether the sentence was imposed or suspended.
(3) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
(4) "Memorabilia" means any tangible property of a convicted person or a representative or assignee of a convicted person, the value of which is enhanced by the notoriety gained from the criminal activity for which the person was convicted.
(5) "Notoriety of crimes contract" means a contract or other agreement with a convicted person, or a representative or assignee of a convicted person, with respect to:

(a) the reenactment of a crime in any manner including a movie, book, magazine article, Internet website, recording, phonograph record, radio or television presentation, or live entertainment of any kind;
(b) the expression of the convicted person's thoughts, feelings, opinions, or emotions regarding a crime involving or causing personal injury, death, or property loss as a direct result of the crime; or
(c) the payment or exchange of any money or other consideration or the proceeds or profits that directly or indirectly result from the notoriety of the crime.
(6) "Office" means the Utah Office for Victims of Crime.
(7) "Profit" means any income or benefit:
(a) over and above the fair market value of tangible property that is received upon the sale or transfer of memorabilia; or
(b) any money, negotiable instruments, securities, or other consideration received or contracted for gain which is traceable to a notoriety of crimes contract.

Amended by Chapter 184, 2023 General Session

77-38-303 Profit from sale of memorabilia or notoriety of crimes contract -- Deposit in Crime Victim Reparations Fund -- Penalty.

(1) Any convicted person or a representative or assignee of a convicted person who receives a profit from the sale or transfer of memorabilia shall remit to the fund:
(a) a complete, itemized accounting of the transaction, including:
(i) a description of each item sold;
(ii) the amount received for each item;
(iii) the estimated fair market value of each item; and
(iv) the name and address of the purchaser of each item; and
(b) a check or money order for the amount of the profit, which shall be the difference between the amount received for the item and the estimated fair market value of the item.
(2) Any person who willfully violates Subsection (1) may be assessed a civil penalty of up to $1,000 per item sold or transferred or three times the amount of the unremitted profit, whichever is greater.
(3)
(a) Any person or entity who enters into a notoriety of crime contract with a convicted person or with a representative or assignee of a convicted person shall pay to the fund any profit which by the terms of the contract would otherwise be owing to the convicted person or representative or assignee of the convicted person.
(b) A convicted person or a representative or assignee of a convicted person who has received any profit from a notoriety of crime contract shall remit the profit to the fund. Any future profit which, by the terms of the contract, would otherwise be owing to the convicted person or a representative or assignee of a convicted person shall be paid to the fund as required under Subsection (3)(a).
(4) Upon receipt of money under Subsection (3), the office shall distribute the amounts to the victim of the crime from which the profits are derived if any restitution remains outstanding. If no restitution is outstanding, the money shall be deposited into the fund.
(5)
(a) Any person or entity who willfully violates Subsection (3) may be assessed a civil penalty of up to $1,000,000.00, or up to three times the total value of the original notoriety of crime contract, whichever is greater.

(b) Any civil penalty ordered under this Subsection shall be paid to the fund.
(6) The prosecuting agency or the attorney general may bring an action to enforce the provisions of this chapter in the court of conviction.
(7) A court shall enter an order to remit funds as provided in this chapter if it finds by a preponderance of the evidence any violation of Subsection (1) or (3).

Amended by Chapter 278, 2013 General Session

Part 4
Privileged Communications with Victim Advocates Act

77-38-401 Title.
This part is known as the "Privileged Communications with Victim Advocates Act."

Enacted by Chapter 361, 2019 General Session

77-38-402 Purpose.
It is the purpose of this part to enhance and promote the mental, physical, and emotional recovery of victims by restricting the circumstances under which a confidential communication with the victim may be disclosed.

Enacted by Chapter 361, 2019 General Session

77-38-403 Definitions.
As used in this part:
(1) "Advocacy services" means assistance provided that supports, supplements, intervenes, or links a victim or a victim's family with appropriate resources and services to address the wide range of potential impacts of being victimized.
(2) "Advocacy services provider" means an entity that has the primary focus of providing advocacy services in general or with specialization to a specific crime type or specific type of victimization.
(3) "Confidential communication" means a communication that is intended to be confidential between a victim and a victim advocate for the purpose of obtaining advocacy services.
(4) "Criminal justice system victim advocate" means an individual who:
(a) is employed or authorized to volunteer by a government agency that possesses a role or responsibility within the criminal justice system;
(b) has as a primary responsibility addressing the mental, physical, or emotional recovery of victims;
(c) completes a minimum 40 hours of trauma-informed training:
(i) in crisis response, the effects of crime and trauma on victims, victim advocacy services and ethics, informed consent, and this part regarding privileged confidential communication; and
(ii) that have been approved or provided by the Utah Office for Victims of Crime; and
(d) is under the supervision of the director or director's designee of the government agency.
(5) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
(7) "Nongovernment organization victim advocate" means an individual who:

(a) is employed or authorized to volunteer by an nongovernment organization advocacy services provider;
(b) has as a primary responsibility addressing the mental, physical, or emotional recovery of victims;
(c) has a minimum 40 hours of trauma-informed training:
(i) in assisting victims specific to the specialization or focus of the nongovernment organization advocacy services provider and includes this part regarding privileged confidential communication; and
(ii)
(A) that have been approved or provided by the Utah Office for Victims of Crime; or
(B) that meets other minimally equivalent standards set forth by the nongovernment organization advocacy services provider; and
(d) is under the supervision of the director or the director's designee of the nongovernment organization advocacy services provider.
(8) "Record" means a book, letter, document, paper, map, plan, photograph, file, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics.
(9) "Victim" means:
(a) a victim of a crime as defined in Section 77-38-2;
(b) an individual who is a victim of domestic violence as defined in Section 77-36-1; or
(c) an individual who is a victim of dating violence as defined in Section 78B-7-102.
(10)
(a) "Victim advocate" means:
(i) a criminal justice system victim advocate;
(ii) a nongovernment organization victim advocate; or
(iii) an individual who is employed or authorized to volunteer by a public or private entity and is designated by the Utah Office for Victims of Crime as having the specific purpose of providing advocacy services to or for the clients of the public or private entity.
(b) "Victim advocate" does not include an employee of the Utah Office for Victims of Crime.

Amended by Chapter 142, 2020 General Session

77-38-404 Scope of part.

This part governs the disclosure of a confidential communication to a victim advocate, except that:
(1) if Title 53H, Chapter 14, Part 4, Confidential Communications for Institutional Advocacy Services, applies, that part governs; and
(2) if Part 2, Confidential Communications for Sexual Assault Act, applies, that part governs.

Amended by Chapter 9, 2025 Special Session 1

77-38-405 Disclosure of a communication given to a victim advocate.
(1)
(a) A victim advocate may not disclose a confidential communication with a victim, including a confidential communication in a group therapy session, except:
(i) that a criminal justice system victim advocate shall provide the confidential communication to a prosecutor who is responsible for determining whether the confidential communication is exculpatory or goes to the credibility of a witness;

(ii) that a criminal justice system victim advocate may provide the confidential communication to a parent or guardian of a victim if the victim is a minor and the parent or guardian is not the accused, or a law enforcement officer, health care provider, mental health therapist, domestic violence shelter employee, an employee of the Utah Office for Victims of Crime, or member of a multidisciplinary team assembled by a Children's Justice Center or a law enforcement agency for the purpose of providing advocacy services; or

(iii) to the extent allowed by the Utah Rules of Evidence.

(b) If a prosecutor determines that the confidential communication is exculpatory or goes to the credibility of a witness, after the court notifies the victim and the defense attorney of the opportunity to be heard at an in camera review, the prosecutor will present the confidential communication to the victim, defense attorney, and the court for in camera review in accordance with the Utah Rules of Evidence.

(2) A record that contains information from a confidential communication between a victim advocate and a victim may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act, to the extent that it includes the information about the confidential communication.

(3) A criminal justice system victim advocate, as soon as reasonably possible, shall notify a victim, or a parent or guardian of the victim if the victim is a minor and the parent or guardian is not the accused:

(a) whether a confidential communication with the criminal justice system victim advocate will be disclosed to a prosecutor and whether a statement relating to the incident that forms the basis for criminal charges or goes to the credibility of a witness will also be disclosed to the defense attorney; and

(b) of the name, location, and contact information of one or more nongovernment organization advocacy services providers specializing in the victim's service needs, when a nongovernment organization advocacy services provider exists and is known to the criminal justice system victim advocate.

Enacted by Chapter 361, 2019 General Session

Part 5
Victims Guidelines for Prosecutors Act

77-38-501 Title.

This part is known as the "Victims Guidelines for Prosecutors Act."

Enacted by Chapter 112, 2020 General Session

77-38-502 Definitions.

As used in this part:

(1) "Certifying entity" means any of the following:

(a) a law enforcement agency, as defined in Section 77-7a-103;

(b) a prosecutor, as defined in Section 77-22-4.5;

(c) a court described in Section 78A-1-101;

(d) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; and

(e) an agency that has criminal detection or investigative jurisdiction in the agency's respective areas of expertise, including:
(i) the Division of Child and Family Services; and
(ii) the Labor Commission.
(2) "Certifying official" means:
(a) the head of the certifying entity;
(b) a person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency;
(c) a judge; or
(d) any other certifying official defined under 8 C.F.R. Sec. 214.14.
(3) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(4)
(a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R. Sec. 214.14.
(b) "Qualifying criminal activity" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those offenses.

Amended by Chapter 394, 2023 General Session

77-38-503 Guidelines for prosecutors.
(1) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, if the certifying entity determines the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity.
(2) A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines.
(3) A certifying entity shall process a Form I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 14 days of request.
(4) A current investigation, the filing of charges, a prosecution, or a conviction are not required for the victim to request the Form I-918 Supplement B certification from a certifying official.
(5) A certifying official may withdraw a Form I-918 Supplement B certification if:
(a) the victim refuses to provide information and assistance when reasonably requested; or
(b) the certifying entity determines that the individual is not a victim of a qualifying criminal activity.
(6) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.
(7)
(a) Each certifying entity shall maintain records of the following information related to each request for a Form I-918 Supplement B certification:
(i) the number of victims that requested Form I-918 Supplement B certifications from the entity;
(ii) the number of those Form I-918 Supplement B certifications that were signed; and
(iii) the number of Form I-918 Supplement B certifications that were denied.
(b) Each certifying entity shall report the information described in Subsection (7)(a) to the commission before June 30, 2021, and each year thereafter.

(c) The commission shall report the information received pursuant to Subsection (7)(b) to the Judiciary Interim Committee of the Legislature on or before November 30 of each year.

(8)

(a) A certifying entity may not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless:

(i) required to do so by applicable state or federal law or court order; or

(ii) the certifying agency has written authorization from:

(A) the victim; or

(B) if the victim is a minor or is otherwise not legally competent, from the victim's parent or guardian.

(b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law enforcement to disclose information and evidence to a defendant.

Enacted by Chapter 112, 2020 General Session

Part 6
Safe at Home Program

77-38-601 Definitions.

As used in this part:

(1) "Abuse" means any of the following:

(a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or

(b) "child abuse" as that term is defined in Section 76-5-109.

(2) "Actual address" means the residential street address of the program participant that is stated in a program participant's application for enrollment or on a notice of a change of address under Section 77-38-610.

(3) "Assailant" means an individual who commits or threatens to commit abuse, human trafficking, domestic violence, stalking, or a sexual offense against an applicant for the program or a minor or incapacitated individual residing with an applicant for the program.

(4) "Assigned address" means an address designated by the commission and assigned to a program participant.

(5) "Authorization card" means a card issued by the commission that identifies a program participant as enrolled in the program with the program participant's assigned address and the date on which the program participant will no longer be enrolled in the program.

(6) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(7) "Domestic violence" means the same as that term is defined in Section 77-36-1.

(8) "Human trafficking" means a human trafficking offense under Section 76-5-308.

(9) "Incapacitated individual" means an individual who is incapacitated, as defined in Section 75-1-201.

(10)

(a) "Mail" means first class letters or flats delivered by the United States Postal Service, including priority, express, and certified mail.

(b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the package, parcel, periodical, or catalogue is clearly identifiable as:

(i) being sent by a federal, state, or local agency or another government entity; or
(ii) a pharmaceutical or medical item.
(11) "Minor" means an individual who is younger than 18 years old.
(12) "Notification form" means a form issued by the commission that a program participant may send to a person demonstrating that the program participant is enrolled in the program.
(13) "Program" means the Safe at Home Program created in Section 77-38-602.
(14) "Program assistant" means an individual designated by the commission under Section 77-38-604 to assist an applicant or program participant.
(15) "Program participant" means an individual who is enrolled under Section 77-38-606 by the commission to participate in the program.
(16) "Record" means the same as that term is defined in Section 63G-2-103.
(17)
(a) "Sexual offense" means:
(i) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or
(ii) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual Exploitation.
(b) "Sexual offense" does not include an offense under:
(i) Section 76-5-417, enticing a minor;
(ii) Section 76-5-418, sexual battery;
(iii) Section 76-5-419, lewdness;
(iv) Section 76-5-420, lewdness involving a child; or
(v) Section 76-5b-206, failure to report child sexual abuse material by a computer technician.
(18) "Stalking" means the same as that term is defined in Section 76-5-106.5.
(19) "State or local government entity" means a county, municipality, higher education institution, special district, special service district, or any other political subdivision of the state or an administrative subunit of the executive, legislative, or judicial branch of this state, including:
(a) a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission; or
(b) an individual acting or purporting to act for or on behalf of a state or local entity, including an elected or appointed public official.
(20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking, or sexual assault.

Amended by Chapter 173, 2025 General Session

77-38-602 Creation -- Commission responsibilities.
(1) There is created the Safe at Home Program within the commission.
(2) Under the program, the commission shall:
(a) designate, train, and manage program assistants;
(b) develop, distribute, and process application forms and related materials for the program;
(c) designate an assigned address for a program participant to be used by the program participant and a state or local government entity; and
(d) receive mail sent to a program participant's assigned address, forward the mail to the program participant's actual address at the commission's expense, and track and maintain records for all mail received.

Amended by Chapter 237, 2023 General Session

77-38-603 Eligibility.

(1) An applicant is eligible to participate in the program if the applicant attests that the applicant:
(a) is a resident of this state;
(b)
(i) is a victim;
(ii) is a parent or a guardian of an individual who:
(A) is a victim; and
(B) resides at the same address as the parent or guardian;
(iii) resides at the same address where a victim resides; or
(iv) fears for the applicant's physical safety, or for the physical safety of a minor or incapacitated individual residing at the same address as the applicant, from a threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;
(c)
(i) resided at a residential address that was known by an assailant and relocated within the past 90 days to a different residential address that is not known by the assailant;
(ii) resides at a residential address known by the assailant and intends to relocate within 90 days to a different residential address in the state that is not known by the assailant; or
(iii) resides at a residential address that is not known by the assailant;
(d) will not disclose the different residential address to the assailant; and
(e) will benefit from participation in the program.
(2) An applicant may participate in the program regardless of whether:
(a) a criminal charge is filed against an assailant;
(b) the applicant has a restraining order or injunction against an assailant; or
(c) the applicant reported an act or threat by an assailant to a law enforcement agency or officer.
(3) An applicant may participate in the program only upon the recommendation of a program assistant.
(4) To participate in the program:
(a) an applicant shall sign, date, and verify the information on an application; and
(b) the commission shall verify the applicant's current residential address as provided on the application.
(5) A parent or guardian may act on behalf of a minor or an incapacitated individual in determining whether the minor or the incapacitated individual is eligible for the program.

Enacted by Chapter 215, 2022 General Session

77-38-604 Designation of program assistants.
(1) The commission may designate as a program assistant, an individual that:
(a)
(i) is an employee of the commission or a state or local government entity; or
(ii) is a volunteer for an organization that provides counseling, assistance, or support services at no charge to victims; and
(b)
(i) provides counseling, referrals, or other services to victims; and
(ii) completes any training or registration process required by the commission.
(2) A program assistant shall:
(a) assist an applicant in preparing an application for the program; and
(b) sign, date, and verify an application for the program.
(3) A signature of a program assistant is a recommendation by the program assistant that the applicant is eligible to participate in the program under Section 77-38-603.

Enacted by Chapter 215, 2022 General Session

77-38-605 Administration -- Application.

(1) The commission shall provide an application form to an applicant who seeks to participate in the program under this part.

(2) The commission may not charge an applicant or program participant for an application or participation fee to apply for, or participate in, the program.

(3) The application shall include:

(a) the applicant's name;

(b) a mailing address, a phone number, and an email address where the applicant may be contacted by the commission;

(c) an indication regarding whether the assailant is employed by a state or local government entity, and if applicable, the name of the state or local government entity;

(d) a statement that the applicant understands and consents to:

(i) remain enrolled in the program for four years, unless the applicant's participation in the program is cancelled under Section 77-38-617;

(ii) while the applicant is enrolled in the program, notify the commission when the applicant changes the applicant's actual address or legal name;

(iii) develop a safety plan with a program assistant;

(iv) authorize the commission to notify a state or local government entity that the applicant is a program participant;

(v) submit written notice to the commission if the applicant chooses to cancel the applicant's participation in the program;

(vi) register to vote in person at the office of the clerk in the county where the applicant's actual address is located; and

(vii) certify that the commission is the applicant's designated agent for service of process for personal service;

(e) evidence that the applicant, or a minor or an incapacitated individual residing with the applicant, is a victim, including:

(i) a law enforcement, court, or other state, local, or federal government agency record; or

(ii) a document from:

(A) a domestic violence program, facility, or shelter;

(B) a sexual assault program; or

(C) a religious, medical, or other professional from whom the applicant, or the minor or the incapacitated individual residing with the applicant, sought assistance in dealing with alleged abuse, domestic violence, stalking, or a sexual offense;

(f) a statement from the applicant that a disclosure of the applicant's actual address would endanger the applicant, or a minor or an incapacitated individual residing with the applicant;

(g) a statement by the applicant that the applicant:

(i) resides at a residential address that is not known by the assailant;

(ii) has relocated to a different residential address in the past 90 days that is not known by the assailant; or

(iii) will relocate to a different residential address in the state within 90 days that is not known by the assailant;

(h) the actual address that:

(i) the applicant requests that the commission not disclose; and

(ii) is at risk of discovery by the assailant or potential assailant;

(i) a statement by the applicant disclosing:
(i) the existence of a court order or action involving the applicant, or a minor or an incapacitated individual residing with the applicant, related to a divorce proceeding, a child support order or judgment, or the allocation of custody or parent-time; and
(ii) the court that issued the order or has jurisdiction over the action;
(j) the name of any other individual who resides with the applicant who needs to be a program participant to ensure the safety of the applicant, or a minor or an incapacitated individual residing with the applicant;
(k) a statement by the applicant that:
(i) the applicant, or a minor or an incapacitated individual residing at the same address as the applicant, will benefit from participation in the program;
(ii) if the applicant intends to vote, the applicant will register to vote at the office of the clerk in the county in which the applicant actually resides; and
(iii) the applicant does not have a current obligation to register as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry;
(l) a statement by the applicant, under penalty of perjury, that the information contained in the application is true;
(m) a statement that:
(i) if the applicant intends to use the assigned address for any correspondence with the State Tax Commission, the applicant must provide the State Tax Commission with the applicant's social security number, federal employee identification number, and any other identification number related to a tax, fee, charge, or license administered by the State Tax Commission; and
(ii) if the applicant intends to use the assigned address for correspondence to a state or local government entity for the purpose of titling or registering a motor vehicle or a watercraft that is owned or leased by the applicant, the applicant shall provide to the state or local government entity for each motor vehicle or watercraft:
(A) the motor vehicle or hull identification number;
(B) the license plate or registration number for the motor vehicle or the watercraft; and
(C) the physical address where each motor vehicle or watercraft is stored; and
(n) a statement that any assistance or counseling provided by a program assistant as part of the program does not constitute legal advice or legal services to the applicant.

Amended by Chapter 291, 2025 General Session

77-38-606 Enrollment of a program participant.

(1)
(a) Within five business days after the day on which the commission grants enrollment to a program participant, the commission shall issue the program participant:
(i) an assigned address;
(ii) an authorization card; and
(iii) a notification form.
(b) An authorization card is valid while the program participant is enrolled in the program.
(2) A program participant is enrolled in the program for four years beginning on the day on which the enrollment is granted, unless the enrollment is withdrawn, or is cancelled under Section 77-38-617, before the end of the four-year period.

(3) A program participant may withdraw from the program by filing a request for withdrawal with the commission that is acknowledged before a notary public.
(4)
(a) A program participant may renew enrollment by filing a renewal application with the commission at least 30 days before the day on which enrollment in the program will expire.
(b) The applicant shall date, sign, and verify the renewal application.
(c) The renewal application shall contain:
(i) all statements or information required by Subsection 77-38-605(3) that have changed from the original application or a prior renewal application;
(ii) a statement by the applicant that the applicant, or a minor or an incapacitated individual residing at the same address as the applicant, will continue to benefit from participation in the program; and
(iii) a statement by the applicant, under penalty of perjury, that the information contained in the renewal application is true.

Enacted by Chapter 215, 2022 General Session

77-38-607 Use of assigned address -- Release of information.
(1) The commission shall forward all mail that the office receives at the assigned address for a program participant to the program participant's actual address.
(2) The commission shall provide, at the request of a program participant or a state or local government entity, confirmation of an individual's status as a program participant.
(3) Except as provided in Sections 77-38-611, 77-38-612, and 77-38-613, the commission may not disclose a program participant's actual address to any person.

Amended by Chapter 237, 2023 General Session

77-38-608 Use of assigned address -- Confidentiality.
(1) A program participant may use the assigned address provided to the program participant to receive mail as provided in Subsection 77-38-602(2).
(2)
(a) A state or local government entity may not refuse to use a program participant's assigned address for any official business, unless:
(i) the state or local government entity is statutorily required to use the program participant's actual address; or
(ii) the state or local government entity is permitted or required to use the program participant's actual address under this part.
(b) A state or local government entity may confirm an individual's status as a program participant with the commission.
(3) A state or local government entity, after receiving a copy of the notification form from a program participant or a notification of the program participant's enrollment from the commission, may not:
(a) except as provided in Subsection (2)(a), refuse to use the assigned address for the program participant, or a minor or an incapacitated individual residing with the program participant;
(b) except as provided in Subsection (4), require a program participant to disclose the program participant's actual address; or
(c) except as provided in Section 77-38-611, intentionally disclose to another person or state or local government entity the program participant's actual address.

(4) Notwithstanding Subsections (2) and (3), a county clerk may require a program participant to disclose the program participant's actual address:
  (a) for voter registration; and
  (b) to enroll a program participant in a program designed to protect the confidentiality of a voter's address.
(5) If a program participant is enrolled in a program designed to protect the confidentiality of a voter's address, a county clerk:
  (a) shall classify the program participant's actual address as concealed; and
  (b) may not disclose the program participant's actual address.

Amended by Chapter 237, 2023 General Session

77-38-609 Disclosure of actual address prohibited.
(1)
  (a) The commission may not disclose a program participant's actual address, unless:
    (i) required by a court order; or
    (ii) the commission grants a request from a state or local government entity under Section 77-38-612.
  (b) The commission shall provide a program participant immediate notification of a disclosure of the program participant's actual address if the disclosure is made under Subsection (1)(a)(i) or (ii).
(2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is subject to a court order relating to a divorce proceeding, a child support order or judgment, or an allocation of custody or parent-time, the commission shall provide notice of whether the applicant is enrolled under the program and the assigned address of the applicant to the court that issued the order or has jurisdiction over the action.
(3) A person may not knowingly or intentionally obtain a program participant's actual address from the commission or any state or local government entity if the person is not authorized to obtain the program participant's actual address.
(4) Unless the disclosure is permitted under this part or is otherwise permitted by law, an employee of the commission or a state or local government entity may not knowingly or intentionally disclose a program participant's actual address if:
  (a) the employee obtains a program participant's actual address during the course of the employee's official duties; and
  (b) at the time of disclosure, the employee has specific knowledge that the address is the actual address of the program participant.
(5) A person who intentionally or knowingly obtains or discloses information in violation of this part is guilty of a class B misdemeanor.

Amended by Chapter 237, 2023 General Session

77-38-610 Change of name, address, or telephone number.
(1) A program participant shall notify the commission no later than 30 days after the day on which the program participant obtains a legal name change, by providing the commission with a certified copy of a judgment or order establishing the name change, or any other documentation that is sufficient evidence of the name change.

(2) A program participant shall notify the commission no later than 10 business days after the day on which the program participant's actual address or telephone number changes from the actual address or telephone number listed for the program participant.
(3) If a program participant remains enrolled in the program after a change of address, the program participant may not change the program participant's assigned address with the Driver License Division created under Section 53-3-103.

Enacted by Chapter 215, 2022 General Session

77-38-611 Address use by state or local government entities.
(1) Except as otherwise provided in Subsection (7), a program participant is responsible for requesting that a state or local government entity use the program participant's assigned address as the program participant's residential address.
(2) Except as otherwise provided in this part, if a program participant submits a valid authorization card, or a notification form, to a state or local government entity, the state or local government entity shall accept the assigned address listed on the authorization card or notification form as the program participant's address to be used as the program participant's residential address when creating a record.
(3) The program participant's assigned address shall be listed as the last known address if any last known address requirement is needed by the state or local government entity.
(4) The state or local government entity may photocopy a program participant's authorization card for a record for the state or local government entity, but the state or local government entity shall immediately return the authorization card to the program participant.
(5)
(a) An election official, as defined in Section 20A-1-102, shall:
(i) use a program participant's actual address for precinct designation and all official election-related purposes;
(ii) classify the program participant's actual address as concealed; and
(iii) keep the program participant's actual address confidential from the public.
(b) A program participant may not use the program participant's assigned address for voter registration.
(c) An election official shall use the assigned address for all correspondence and mail for the program participant placed in the United States mail.
(d) A state or local government entity's access to a program participant's voter registration is subject to the request for disclosure process under Section 77-38-612.
(e) This Subsection (5) applies only to a program participant who submits a valid authorization card or a notification form when registering to vote.
(6)
(a) A state or local government entity may not use a program participant's assigned address for the purposes of listing, or appraising a property, or assessing property taxes.
(b) Except as provided by Subsection (6)(c), all property assessments and tax notices, property tax collection notices, and all property related correspondence placed in the United States mail for the program participant shall be addressed to the assigned address.
(c) The State Tax Commission shall use the actual address of a program participant, unless the commission provides the following information to the State Tax Commission:
(i) the full name of the program participant; and

(ii) the program participant's social security number, federal employee identification number, and any other identification number related to a tax, fee, charge, or license administered by the State Tax Commission.

(7)

(a) A state or local government entity may not use a program participant's assigned address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft for titling or registering a motor vehicle or a watercraft.

(b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft assessments and tax notices, title registration notices, and all related correspondence placed in the United States mail for the program participant is required to be addressed to the assigned address.

(c) The Motor Vehicle Division shall use the actual address of a program participant, unless the commission provides the following information to the Motor Vehicle Division:

(i) the full name of the program participant;

(ii) the assigned address of the program participant;

(iii) the motor vehicle or hull identification number for each motor vehicle or watercraft that is owned or leased by the program participant;

(iv) the license plate or registration number for each motor vehicle or watercraft that is owned or leased by the program participant; and

(v) the physical address where each motor vehicle or watercraft that is owned or leased by the program participant.

(d) Notwithstanding any other provision of this part, the Motor Vehicle Division may disclose to another state or local government entity all information that is necessary for the state or local government entity to distribute any taxes or fees collected for titling or registering a motor vehicle or a watercraft.

(e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor Vehicle Division may not disclose the actual address of a program participant described in Subsection 77-38-605(3)(m)(ii) to:

(i) the Utah Criminal Justice Information System; or

(ii) the title, lien, and registration system that is provided to the Motor Vehicle Division by a third party contractor and is accessed in accordance with Subsection 41-1a-116(4).

(8)

(a) The Division of Adult Probation and Parole created in Section 64-14-202, or any other entity responsible for supervising a program participant who is on probation or parole as a result of a criminal conviction or an adjudication, may not use the program participant's assigned address if the program participant's actual address is necessary for supervising the program participant.

(b) All written communication delivered through the United States mail to the program participant by the Department of Corrections, or the other entity described in Subsection (8)(a), shall be addressed to the program participant's assigned address.

(9) If a program participant is required by law to swear or affirm to the program participant's address, the program participant may use the program participant's assigned address.

(10)

(a) A school district shall:

(i) accept the assigned address as the address of record; and

(ii) verify student enrollment eligibility with the commission.

(b) The commission shall help facilitate the transfer of student records as needed.

(11)

(a) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a record containing a program participant's address is confidential and, regardless of the record's classification under Title 63G, Chapter 2, Part 3, Classification, may not be disclosed by a state or local government entity, unless otherwise provided under this part.

(b) A program participant's actual address may not be disclosed to a third party by a state or local government entity, except:

(i) in a record created more than 90 days before the date on which the program participant applied for enrollment in the program; or

(ii) if a program participant voluntarily requests, in writing, that the program participant's actual address be disclosed to the third party.

(c) For a record created within 90 days before the date that a program participant applied for enrollment in the program, a state or local government entity shall redact the actual address from the record or change the actual address to the assigned address in the public record if the program participant presents a valid authorization card or a notification form and requests that the state or local government entity use the assigned address instead of the actual address on the record.

Amended by Chapter 214, 2025 General Session

77-38-612 Request for disclosure.

(1) A state or local government entity requesting disclosure of a program participant's actual address in accordance with this section shall make the request:

(a) in writing;

(b) on the state or local government entity's letterhead; and

(c) with the signature of the head or an executive-level official of the state or local government entity.

(2) In accordance with Subsection (1), a state or local government entity requesting disclosure of a program participant's actual address shall provide the commission with the name of the program participant and a statement:

(a) explaining why the state or local government entity is requesting the program participant's actual address;

(b) explaining why the state or local government entity cannot meet the state or local government entity's statutory or administrative obligations without the disclosure of the program participant's actual address;

(c) of facts showing that:

(i) other methods to locate the program participant's actual address have failed;

(ii) other methods will be unlikely to succeed; or

(iii) other means of contacting the program participant have failed or are unavailable; and

(d) that the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.

(3) In response to a request for disclosure under Subsection (2), the commission may request additional information from the state or local government entity to help identify the program participant in the records of the office or to assess whether disclosure to the state or local government entity is permitted under this part.

(4)

(a) Except as provided in Subsection (4)(b), after receiving a request for disclosure from a state or local government entity under Subsection (1), the commission shall provide a program participant with written notification:

(i) informing the participant of the request, and to the extent possible, of an opportunity to be heard regarding the request; and
(ii) after a decision is made by the commission, whether the request has been granted or denied.
(b) The commission is not required to provide notice of a request for disclosure to a program participant under Subsection (4)(a) when:
(i) the request is made by a state or local law enforcement agency conducting a criminal investigation involving alleged criminal conduct by the program participant; or
(ii) providing notice to the program participant would jeopardize an ongoing criminal investigation or the safety of law enforcement personnel.
(5) The commission shall grant a state or local government entity's request for disclosure and disclose the program participant's actual address if:
(a) the state or local government entity has demonstrated a good faith statutory or administrative need for the actual address;
(b) the actual address will be used only for the purpose stated in the request;
(c) other methods to locate the program participant or the program participant's actual address have failed or are unlikely to succeed;
(d) other means of contacting the program participant have failed or are unavailable; and
(e) the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
(6) If the commission grants a request for disclosure under this section, the commission shall provide the state or local government entity with a disclosure that contains:
(a) the program participant's actual address;
(b) a statement of the permitted use of the program participant's actual address;
(c) the names or classes of persons permitted to have access to or use of the program participant's actual address;
(d) a statement that the state or local government entity is required to limit access to and use of the program participant's actual address to the permitted use and to the listed persons or classes of persons; and
(e) if expiration of the disclosure is appropriate, the date on which the permitted use of the program participant's actual address expires.
(7) If a request for disclosure is granted by the commission, a state or local government entity shall:
(a) limit use of the program participant's actual address to the purpose stated in the disclosure;
(b) limit access to the program participant's actual address to the persons or classes of persons stated in the disclosure;
(c) cease use of the program participant's actual address upon the expiration of the permitted use;
(d) dispose of the program participant's actual address upon the expiration of the permitted use; and
(e) except as permitted in the request for disclosure, maintain the confidentiality of the program participant's actual address.
(8) Upon denial of a state or local government entity's request for disclosure, the commission shall promptly provide a written notification to the state or local government entity explaining the specific reasons for denying the request for disclosure.
(9)

(a) A state or local government entity may file a written appeal with the commission no later than 15 days after the day on which the state or local government entity receives the written notification under Subsection (8).
(b) A state or local government entity filing a written appeal under Subsection (9)(a) shall:
(i) restate the information contained in the request for disclosure; and
(ii) respond to the commission's reason for denying the request for disclosure.
(c) The commission shall make a final determination on the appeal within 30 days after the day on which the appeal is received by the commission, unless the state or local government entity and the commission agree to a different deadline.
(d) Before the commission makes a final determination, the commission may conduct a hearing or request additional information from the state or local government entity or the program participant.

Amended by Chapter 237, 2023 General Session

77-38-613 Request for disclosure by law enforcement.
(1) The commission shall establish a process to expedite a request submitted by a law enforcement officer or agency for the disclosure of information regarding a program participant who is involved in a criminal proceeding or investigation within 24 hours of the law enforcement officer or agency submitting the request.
(2) If a law enforcement officer or agency seeks the disclosure of a program participant's actual address from the commission under Subsection (1), the law enforcement officer or agency shall certify to the commission, or the commission's designee, that the official or agency has a system in place to protect the program participant's actual address from disclosure to:
(a) the public; and
(b) law enforcement personnel who are not involved in the criminal proceeding or investigation for which the disclosure is requested.
(3) Upon expiration of the use for the program participant's actual address in a criminal proceeding or investigation, a law enforcement officer or agency shall remove the program participant's actual address from any record system maintained by the law enforcement officer or agency.

Enacted by Chapter 215, 2022 General Session

77-38-614 Service of process at the assigned address.
(1) In accordance with the Utah Rules of Civil Procedure, Rule 4, the commission is the agent authorized to receive process for a program participant.
(2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known address for a program participant is the program participant's assigned address, not the program participant's actual address.

Enacted by Chapter 215, 2022 General Session

77-38-615 Participation in the program -- Orders in relation to allocation of custody or parent-time.
(1) A court may not consider a parent's participation in the program for the purpose of making an order allocating custody or parent-time under Title 81, Chapter 9, Custody, Parent-time, and Visitation.

(2) A court shall take practical measures to keep a program participant's actual address confidential when making an order allocating custody or parent-time.
(3) Nothing in this part affects an order relating to the allocation of custody or parent-time in effect prior to or during a program participant's participation in the program.

Amended by Chapter 366, 2024 General Session

77-38-616 Disclosure of address or identifiable information in a judicial or administrative proceeding.

(1) A program participant may submit the program participant's actual address to the court as a safeguarded record in accordance with the Utah Code of Judicial Administration, Rule 4-202.02.
(2) A person may not compel disclosure of a program participant's actual address or identifying information related to the program participant's residence during a proceeding in a court or administrative proceeding, unless:
  (a) the court orders the disclosure of the program participant's address; or
  (b) an administrative tribunal finds, based on a preponderance of the evidence, that:
    (i) the disclosure is required in the interest of justice;
    (ii) public interest in the disclosure substantially outweighs the potential harm to the program participant; or
    (iii) no other alternative would satisfy the necessity of the disclosure.
(3) If disclosure of a program participant's actual address is required in a proceeding before a court or administrative tribunal, the court or administrative tribunal may safeguard the portion of a record that contains the program participant's actual address.
(4) Nothing in this section prevents a state or local government entity from using a program participant's actual address in filing a document or record with a court or administrative tribunal if, at the time of the filing, the document or record is filed under safeguard or not a public record.

Enacted by Chapter 215, 2022 General Session

77-38-617 Cancellation of enrollment -- Records.

(1) The commission shall cancel a program participant's enrollment in the program if:
  (a) the program participant submits to the commission a written request to withdraw from enrollment in accordance with Section 77-38-606;
  (b) the program participant fails to notify the commission of a change in the program participant's name, actual address, or telephone number that is listed on the application;
  (c) the program participant, or a parent or guardian of the program participant, knowingly submits false information in the program application; or
  (d) mail forwarded to the program participant by the commission is returned as undeliverable.
(2)
  (a) If the commission determines that there are grounds for cancelling a program participant's enrollment in accordance with Subsection (1), the commission shall send notice of the cancellation with the reason for cancellation to the program participant at the program participant's actual address and email address.
  (b) A program participant has 30 days to appeal the cancellation decision in accordance with procedures developed by the commission.

(3) A program participant who receives a notice of cancellation is responsible for notifying a person who uses the program participant's assigned address to communicate with the program participant that the assigned address is no longer valid.
(4) If the commission cancels a program participant's enrollment in the program, the program participant is not eligible to participate in the program for six months after the day on which the commission cancels the program participant's enrollment in the program.

Enacted by Chapter 215, 2022 General Session

77-38-618 Retention and destruction of records.

The commission shall establish policies and procedures regarding the maintenance and destruction of applications, records, and other documents received or generated under this part.

Amended by Chapter 237, 2023 General Session

77-38-619 Immunity from suit.

(1) A program assistant, or a program assistant's employer, is immune from liability in a civil action or proceeding involving the performance or nonperformance of a duty under this part, unless:
  (a) the performance or nonperformance of a program assistant was manifestly outside the scope of the program assistant's duties in the program; or
  (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or reckless manner.
(2) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, or any other governmental immunity provided by law, the commission, the state, and the political subdivisions of the state are immune from liability in a civil action or proceeding involving the performance or nonperformance of a duty under the program.

Amended by Chapter 237, 2023 General Session

77-38-620 Safe at Home Program Restricted Account -- Report.

(1) There is created a restricted account in the General Fund known as the "Safe at Home Program Restricted Account."
(2) The account shall be funded by:
  (a) private contributions;
  (b) gifts, donations, or grants from public or private entities; and
  (c) interest and earnings on account money.
(3) Upon appropriation by the Legislature, the commission may expend funds from the account to:
  (a) designate, train, and manage program assistants;
  (b) develop, distribute, and process application forms and related materials for the program;
  (c) assist applicants and program participants in enrolling in the program; or
  (d) ensure program participants receive mail forwarded from the program to the program participant's actual address.
(4) No later than December 31 of each year, the commission shall provide to the Criminal Justice Appropriations Subcommittee a written report of the program's activities, including:
  (a) the contributions received under Subsection (2);
  (b) an accounting of the money expended or committed to be expended by the commission under Subsection (3); and
  (c) the balance of the account.

Amended by Chapter 271, 2025 General Session

77-38-621 Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to:

(1) establish a process to expedite requests from law enforcement officers and agencies in accordance with Section 77-38-613;

(2) establish procedures for an appeal process regarding cancellation of enrollment under Section 77-38-617; and

(3) establish the procedures for the retention and destruction of records and other documents in accordance with Section 77-38-618.

Enacted by Chapter 215, 2022 General Session

Chapter 38b
Crime Victims Restitution Act

Part 1
General Provisions

77-38b-101 Title.

This chapter is known as the "Crime Victims Restitution Act."

Renumbered and Amended by Chapter 260, 2021 General Session

77-38b-102 Definitions.

As used in this chapter:

(1) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.

(2) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.

(3)

(a) "Conviction" means:

(i) a plea of:

(A) guilty;

(B) guilty with a mental condition; or

(C) no contest; or

(ii) a judgment of:

(A) guilty; or

(B) guilty with a mental condition.

(b) "Conviction" does not include:

(i) a plea in abeyance until a conviction is entered for the plea in abeyance;

(ii) a diversion agreement; or

(iii) an adjudication of a minor for an offense under Section 80-6-701.

(4) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.

(5) "Criminal conduct" means:

(a) any misdemeanor or felony offense of which the defendant is convicted; or
(b) any other criminal behavior for which the defendant admits responsibility to the court with or without an admission of committing the criminal behavior.
(6) "Deceased victim" means an individual whose death is proximately caused by the criminal conduct of the defendant.
(7)
(a) "Defendant" means an individual who has been convicted of, or entered into a plea disposition for, criminal conduct.
(b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80, Chapter 6, Juvenile Justice.
(8) "Department" means the Department of Corrections.
(9)
(a) "Dependent" means an individual for whom a deceased victim, or a permanently impaired victim, had a legal obligation to provide dependent support at the time of the criminal conduct by the defendant.
(b) "Dependent" includes:
(i) a child:
(A) who is younger than 18 years old; and
(B) for whom a deceased victim, or a permanently impaired victim, is the parent or legal guardian;
(ii) an unborn child who has a parent-child relationship with a deceased victim, or a permanently impaired victim, in accordance with Title 81, Chapter 5, Uniform Parentage Act; or
(iii) an incapacitated individual for whom a deceased victim, or a permanently impaired victim, is the parent or legal guardian.
(10) "Dependent support" means the financial obligation of an individual to provide for the routine needs of a dependent, including food, clothing, health care, safety, or shelter.
(11) "Diversion agreement" means an agreement entered into by the prosecuting attorney and the defendant that suspends criminal proceedings before conviction on the condition that a defendant agree to participate in a rehabilitation program, pay restitution to the victim, or fulfill some other condition.
(12) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
(13) "Incapacitated" or "incapacitation" means the individual is:
(a) mentally or physically impaired to the extent that the individual is permanently unable to gain employment and provide basic necessities, including food, clothing, health care, safety, or shelter; and
(b) reliant on a parent, legal guardian, or other relative or person to provide basic necessities for the individual.
(14) "Incapacitated individual" means an individual who is incapacitated.
(15) "Legal guardian" means an individual appointed by a court to make decisions regarding a child or an incapacitated individual.
(16) "Life expectancy" means the number of months an individual is or was expected to live considering medical records and experiential data for the individual.
(17) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
(18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
(19)

(a) "Pecuniary damages" means all demonstrable economic injury, losses, and expenses regardless of whether the economic injury, losses, and expenses have yet been incurred.
(b) "Pecuniary damages" does not include punitive damages or pain and suffering damages.
(20) "Permanently impaired victim" means an incapacitated individual whose incapacitation is proximately caused by the criminal conduct of the defendant.
(21) "Plea agreement" means an agreement entered between the prosecuting attorney and the defendant setting forth the special terms and conditions and criminal charges upon which the defendant will enter a plea of guilty or no contest.
(22) "Plea disposition" means an agreement entered into between the prosecuting attorney and the defendant including a diversion agreement, a plea agreement, a plea in abeyance agreement, or any agreement by which the defendant may enter a plea in any other jurisdiction or where charges are dismissed without a plea.
(23) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against the defendant nor imposing sentence upon the defendant on condition that the defendant comply with specific conditions as set forth in a plea in abeyance agreement.
(24) "Plea in abeyance agreement" means an agreement entered into between the prosecuting attorney and the defendant setting forth the specific terms and conditions upon which, following acceptance of the agreement by the court, a plea may be held in abeyance.
(25) "Restitution" means the payment of pecuniary damages to a victim.
(26) "Unborn child" means a human fetus or embryo in any stage of gestation from fertilization until birth.
(27)
(a) "Victim" means any person who has suffered pecuniary damages that are proximately caused by the criminal conduct of the defendant.
(b) "Victim" includes:
(i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime makes a payment to, or on behalf of, a victim under Section 63M-7-519;
(ii) the estate of a deceased victim;
(iii) a dependent; or
(iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or sibling of a victim.
(c) "Victim" does not include a codefendant or accomplice.

Amended by Chapter 426, 2025 General Session

Part 2
Determination of Restitution

77-38b-201 Law enforcement responsibility for collecting restitution information.
(1) A law enforcement agency investigating criminal conduct that would constitute a felony or a misdemeanor shall include information about restitution for any potential victim in the investigative report or the citation, including information about whether a claim for restitution may exist.
(2) A law enforcement agency shall also include in the investigative report:

(a) the basis for the claim for restitution; and
(b) the estimated or actual amount of the claim for restitution.

Amended by Chapter 113, 2023 General Session

77-38b-202 Prosecuting attorney responsibility for collecting restitution information -- Depositing restitution on behalf of victim.

(1) If a prosecuting attorney files a criminal charge against a defendant, the prosecuting attorney shall:
(a) contact any known victim of the offense for which the criminal charge is filed, or person asserting a claim for restitution on behalf of the victim; and
(b) gather the following information from the victim or person:
(i) the name of the victim or person; and
(ii) the actual or estimated amount of restitution.

(2)
(a) When a conviction, a diversion agreement, or a plea in abeyance is entered by the court, the prosecuting attorney shall provide the court with the information gathered by the prosecuting attorney under Subsection (1)(b).
(b) If, at the time of the plea disposition or conviction, the prosecuting attorney does not have all the information under Subsection (1)(b), the prosecuting attorney shall provide the defendant with:
(i) at the time of plea disposition or conviction, all information under Subsection (1)(b) that is reasonably available to the prosecuting attorney; and
(ii) any information under Subsection (1)(b) as the information becomes available to the prosecuting attorney.
(c) Nothing in this section shall be construed to prevent a prosecuting attorney, a victim, or a person asserting a claim for restitution on behalf of a victim from:
(i) submitting information on, or a request for, restitution to the court within the time periods described in Section 77-38b-205; or
(ii) submitting information on, or a request for, restitution for additional or substituted victims within the time periods described in Section 77-38b-205.

(3)
(a) The prosecuting attorney may be authorized by the sentencing court or appropriate public treasurer to deposit restitution collected on behalf of a victim into an interest-bearing account in accordance with Title 51, Chapter 7, State Money Management Act, pending the distribution of the funds to the victim.
(b) If restitution is deposited into an interest-bearing account under Subsection (3)(a), the prosecuting attorney shall:
(i) distribute any interest that accrues in the account to each victim on a pro rata basis; and
(ii) if all victims have been made whole and funds remain in the account, distribute any remaining funds to the Division of Finance, created in Section 63A-3-101, to deposit to the Utah Office for Victims of Crime.
(c) Nothing in this section prevents an independent judicial authority from collecting, holding, and distributing restitution.

Amended by Chapter 526, 2025 General Session

77-38b-203 Department of Corrections responsibility for collecting restitution information -- Presentence investigation report -- In camera review of victim information.

(1) In preparing a presentence investigation report described in Section 77-18-103, the department shall obtain information on restitution from:
  (a) the law enforcement agency and the prosecuting attorney; and
  (b) any victim of the offense or person asserting a claim for restitution on behalf of the victim.
(2) A victim seeking restitution, a prosecuting attorney, or a person asserting a claim for restitution on behalf of a victim, shall provide the department with:
  (a) all invoices, bills, receipts, and any other evidence of pecuniary damages;
  (b) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the pecuniary damages for the offense;
  (c) the victim's proof of identification, including the victim's date of birth, social security number, driver license number; and
  (d) the victim's or the person's contact information, including next of kin if available, current home and work address, and telephone number.
(3) In the presentence investigation report, the department shall make every effort to:
  (a) itemize any pecuniary damages suffered by the victim;
  (b) include a specific statement on the amount of restitution that the department recommends for each victim; and
  (c) include a victim impact statement that:
    (i) provides the name of each victim and any person asserting a claim on behalf of a victim;
    (ii) describes the effect of the offense on the victim and the victim's family;
    (iii) describes any physical, mental, or emotional injury suffered by a victim as a result of the offense and the seriousness and permanence of the injury;
    (iv) describes any change in a victim's personal welfare or familial relationships as a result of the offense;
    (v) provides any request for mental health services by a victim or a victim's family member as a result of the offense; and
    (vi) provides any other relevant information regarding the impact of the offense upon a victim or the victim's family.
(4)
  (a) A prosecuting attorney and the department may take steps that are reasonably necessary to protect the identity of a victim and the victim's family in information that is submitted to the court under this section.
  (b) If a defendant seeks to view protected, safeguarded, or confidential information about a victim or a victim's family, the court shall review the information in camera.
  (c) The court may allow the defendant to view the information under Subsection (4)(b) if the court finds that:
    (i) the defendant's interest in viewing the information outweighs the victim's or the victim's family safety and privacy interests; and
    (ii) there are protections in place to safeguard the victim's and the victim's family safety and privacy interests.

Enacted by Chapter 260, 2021 General Session

77-38b-204 Financial declaration by defendant.

(1)

(a) The Judicial Council shall design and publish a financial declaration form to be completed by a defendant before the sentencing court establishes a payment schedule under Section 77-38b-205.
(b) The financial declaration form shall:
(i) require a defendant to disclose all assets, income, and financial liabilities of the defendant, including:
(A) real property;
(B) vehicles;
(C) precious metals or gems;
(D) jewelry with a value of $1,000 or more;
(E) other personal property with a value of $1,000 or more;
(F) the balance of any bank account and the name of the financial institution for the bank account;
(G) cash;
(H) salary, wages, commission, tips, and business income, including the name of any employer or entity from which the defendant receives a salary, wage, commission, tip, or business income;
(I) pensions and annuities;
(J) intellectual property;
(K) accounts receivable;
(L) accounts payable;
(M) mortgages, loans, and other debts; and
(N) restitution that has been ordered, and not fully paid, in other cases; and
(ii) state that a false statement made in the financial declaration form is punishable as a third degree felony under Section 76-8-504.
(2) After a plea disposition or conviction has been entered but before sentencing, a defendant shall complete the financial declaration form described in Subsection (1).
(3) When a civil judgment of restitution or a civil accounts receivable is entered for a defendant on the civil judgment docket under Section 77-18-114, the court shall provide the Office of State Debt Collection with the defendant's financial declaration form.

Amended by Chapter 328, 2022 General Session

77-38b-205 Order for restitution.
(1)
(a) If a defendant is convicted, as defined in Section 76-3-201, the court shall order a defendant, as part of the sentence imposed under Section 76-3-201, to pay restitution to all victims:
(i) in accordance with the terms of any plea agreement in the case; or
(ii) for the entire amount of pecuniary damages that are proximately caused to each victim by the criminal conduct of the defendant.
(b) If a court enters a plea in abeyance or a diversion agreement for a defendant that includes an agreement to pay restitution, the court shall order the defendant to pay restitution to all victims:
(i) in accordance with the terms of the plea in abeyance or the diversion agreement; or
(ii) if the terms of the plea in abeyance include an agreement between the parties that restitution will be determined by the court as described in Section 77-2a-3, for the entire amount of pecuniary damages that are proximately caused to each victim by the criminal conduct of the defendant.

(2)
(a) Except as provided in Subsection (2)(b), in determining the amount of pecuniary damages under Subsection (1)(a)(ii) or (b)(ii), the court shall consider all relevant facts to establish an amount that fully compensates a victim for all pecuniary damages proximately caused by the criminal conduct of the defendant.
(b) If the court determines that the defendant owes pecuniary damages to a dependent for dependent support, the court shall establish the amount of dependent support owed to the dependent as described in Section 77-38b-206.
(c) Subsection (2)(b) does not prohibit the court from also ordering restitution for a victim under Subsection (2)(a) that is not dependent support.
(3) The court shall enter the determination of the amount of restitution under Subsection (1)(a)(ii) or (b)(ii) as a finding on the record.
(4) Upon an order for a defendant to pay restitution under Subsection (1), the court shall:
(a) enter an order to establish a criminal accounts receivable as described in Section 77-32b-103; and
(b) establish a payment schedule for the criminal accounts receivable as described in Section 77-32b-103.
(5) If the defendant objects to a request for restitution, the court shall allow the defendant to have a hearing on the issue, unless the issue is addressed at the sentencing hearing for the defendant.
(6) If a court does not enter an order for restitution at sentencing, the court shall schedule a hearing to enter an order for restitution, unless:
(a) the court finds as a matter of law that there is no victim in the case; or
(b) the prosecuting attorney certifies to the court, on the record, that:
(i) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of Crime; and
(ii) all victims, including the Utah Office for Victims of Crime, are not seeking restitution.
(7)
(a) A court shall enter an order for restitution in a defendant's case no later than the earlier of:
(i) the termination of the defendant's sentence, including early termination of the defendant's sentence; or
(ii)
(A) if the defendant is convicted and imprisoned for a first degree felony, within seven years after the day on which the court sentences the defendant for the first degree felony conviction; or
(B) except as provided in Subsection (7)(a)(ii)(A), and if the defendant is convicted of a felony, within three years after the day on which the court sentences the defendant for the felony conviction.
(b) A request for restitution that is made within the time period described in Subsection (7)(a) tolls the time for which the court must enter an order for restitution under Subsection (7)(a) but does not extend the term of the defendant's probation or period of incarceration.
(8)
(a) If a court does not order restitution at sentencing or at a hearing described in Subsection (6), the prosecuting attorney or the victim may file a motion for restitution within the time periods described in Subsection (7).
(b) If the defendant receives notice and does not object to a motion for restitution, the court may order restitution without a hearing.

(c) If the defendant receives notice and objects to a motion for restitution, the court may schedule a hearing to determine whether restitution should be ordered if the prosecuting attorney or victim shows good cause.

(9) Upon a motion from the prosecuting attorney or the victim within the time periods described in Subsection (7), the court may modify an existing order of restitution, including the amount of pecuniary damages owed by the defendant in the order for restitution, if the prosecuting attorney or the victim shows good cause for modifying the order.

Amended by Chapter 330, 2024 General Session

77-38b-206 Calculating the amount of restitution owed for dependent support.

(1) As used in this section:

(a) "Base combined child support obligation table" means the child support table located in Section 78B-12-303.

(b) "Gross income" means the amount of income that would be calculated for a parent for child support purposes as described in Section 78B-12-203.

(c) "Monthly income" means the amount of monthly income established for a deceased victim, or a permanently impaired victim, under Subsection (3).

(2) If a defendant owes pecuniary damages to a dependent under Section 77-38b-205, the court shall determine the entire amount of dependent support that the defendant owes a dependent in accordance with this section.

(3)

(a) For purposes of determining a defendant's monthly obligation under Subsection (4), the court shall establish the monthly income of the deceased victim, or the permanently impaired victim, by:

(i) calculating the deceased or permanently impaired victim's monthly gross income before the victim's death or incapacitation; and

(ii) dividing the deceased or permanently impaired victim's monthly gross income in half.

(b) If the amount calculated under Subsection (3)(a)(ii) is $3,000 or less, the court shall impute a monthly income of $3,001 to the deceased or permanently impaired victim.

(c) If the amount calculated under Subsection (3)(a)(ii) is greater than $3,000, the deceased or permanently impaired victim's monthly income is the amount calculated under Subsection (3)(a)(ii).

(4) To calculate the amount of pecuniary damages that a defendant owes a dependent of a deceased victim for dependent support, the court shall:

(a) locate the monthly dependent support obligation in the base income child support table using:

(i) the deceased victim's monthly income established under Subsection (3)(b) or (c); and

(ii) the total number of dependents for which the defendant owes dependent support; and

(b) multiply the monthly amount established under Subsection (4)(a) for the dependent by:

(i) the number of months until the dependent is 18 years old and is graduated from high school if the dependent is a child; or

(ii) the life expectancy of the dependent if the dependent is an incapacitated individual who is 18 years old or older.

(5) To calculate the amount of pecuniary damages that a defendant owes a dependent of a permanently impaired victim for dependent support, the court shall:

(a) locate the monthly dependent support obligation in the base income child support table using:

(i) the permanently impaired victim's monthly income established under Subsection (3)(b) or (c); and

(ii) the total number of dependents for which the defendant owes dependent support;
(b) multiply the monthly amount established under Subsection (5)(a) by the permanently impaired victim's whole person impairment rating as determined by the most recent edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and
(c) multiply the amount established under Subsection (5)(b) for the dependent by:
(i) the number of months until the dependent is 18 years old and is graduated from high school if the dependent is a child who is younger than 18 years old; or
(ii) the life expectancy of the dependent if the dependent is an incapacitated individual who is 18 years old or older.
(6) The deceased or permanently impaired victim's monthly income calculated under Subsection (3) is the only income that may be used when locating the monthly dependent support obligation in the base combined child support obligation table.

Enacted by Chapter 330, 2024 General Session

Part 3
Civil Accounts Receivables and Civil Judgments for Restitution

77-38b-301 Entry of a civil judgment of restitution and civil accounts receivable -- Continuation of the criminal action -- Interest -- Delinquency.

(1) As used in this section, "civil judgment" means an order for:
(a) a civil judgment of restitution; or
(b) a civil accounts receivable.
(2) If the court has entered a civil judgment on the civil judgment docket under Section 77-18-114, the civil judgment is enforceable under the Utah Rules of Civil Procedure.
(3)
(a) Notwithstanding Sections 77-18-114, 78B-2-311, and 78B-5-202, a civil judgment shall expire only upon payment in full, including any applicable interest, collection fees, attorney fees, and liens that directly result from the civil judgment.
(b) Interest on a civil judgment may only accrue from the day on which the civil judgment is entered on the civil judgment docket by the court.
(c) This Subsection (3) applies to all civil judgments that are not paid in full on or before May 12, 2009.
(4) A civil judgment is considered entered on the civil judgment docket when the civil judgment appears on the court docket with:
(a) an amount owed by the defendant;
(b) the name of the defendant as the judgment debtor; and
(c) the name of the judgment creditors described in Subsections 77-18-114(1)(b)(iii) and (2)(b).
(5) If a civil judgment becomes delinquent, or is in default, and upon a motion from a judgment creditor, the court may order the defendant to appear and show cause why the defendant should not be held in contempt under Section 78B-6-317 for the delinquency or the default.
(6) Notwithstanding any other provision of law:
(a) a civil judgment is an obligation that arises out of a defendant's criminal case;
(b) a civil judgment is criminal in nature;
(c) the civil enforcement of a civil judgment shall be construed as a continuation of the criminal action for which the civil judgment arises; and

(d) the civil enforcement of a civil judgment does not divest a defendant of an obligation imposed as part of the defendant's punishment in a criminal action.

Amended by Chapter 526, 2025 General Session

77-38b-302 Nondischargability in bankruptcy.

A civil judgment of restitution and a civil accounts receivable are considered a debt from a criminal case that may not be discharged in bankruptcy.

Enacted by Chapter 260, 2021 General Session

77-38b-303 Effect of civil action or settlement for criminal conduct -- Issue preclusion -- Crediting payments.

(1) As used in this section:

(a) "Civil settlement" or "settlement" means an agreement entered into between a victim and a defendant that settles all the claims that a victim may bring in a civil action against the defendant for the defendant's criminal conduct.

(b) "Civil settlement" or "settlement" does not include an agreement that settles a civil judgment of restitution or a civil accounts receivable for a defendant.

(2) Nothing in this chapter shall be construed to limit or impair the right of a victim to sue and recover damages from the defendant in a civil action.

(3)

(a) A court's finding on the amount of restitution owed by a defendant under Subsection 77-38b-205(3) may be used in a civil action pertaining to the defendant's liability to a victim as presumptive proof of the victim's pecuniary damages that are proximately caused by the defendant's criminal conduct.

(b) If a conviction in a criminal trial decides the issue of a defendant's liability for pecuniary damages suffered by a victim, the issue of the defendant's liability for pecuniary damages is conclusively determined as to the defendant if the issue is involved in a subsequent civil action.

(c)

(i) Except as provided in Subsection (3)(c)(ii), if a defendant is convicted of a misdemeanor or felony offense, the defendant is precluded from subsequently denying the essential allegations of the offense in a subsequent civil action brought against the defendant for the criminal conduct underlying the offense.

(ii) Subsection (3)(c)(i) does not apply if the offense is a class C misdemeanor under Title 41, Chapter 6a, Traffic Code, or the defendant entered a plea of no contest for the offense.

(4) If a civil action brought by a victim against a defendant results in a civil judgment for the defendant's criminal conduct or there is a civil settlement entered into between a victim and defendant for the defendant's criminal conduct, the civil judgment or settlement does not limit or preclude:

(a) the sentencing court from entering an order of restitution against the defendant in accordance with this chapter; or

(b) the civil enforcement of a civil judgment of restitution by the office or the victim.

(5)

(a) The sentencing court shall credit any payment made to a victim in a civil action for the defendant's criminal conduct toward the amount of restitution owed by the defendant to the victim.

(b) In a civil action, a court shall credit any restitution paid by the defendant to a victim for the defendant's criminal conduct towards the victim against any judgment that is in favor of the victim for the civil action.
(c) If a victim receives payment from the defendant for the civil action, the victim shall provide notice to the sentencing court and the court in the civil action of the payment within 30 days after the day on which the victim receives the payment.
(6)
(a) If a victim prevails in a civil action against a defendant, the court shall award reasonable attorney fees and costs to the victim.
(b) If the defendant prevails in the civil action, the court shall award reasonable costs to the defendant if the court finds that the victim brought the civil action for an improper purpose, including to harass the defendant or to cause unnecessary delay or needless increase in the cost of litigation.
(7)
(a) The sentencing court shall credit any payment made to a victim as part of a civil settlement toward the amount of restitution owed by the defendant to the victim if the sentencing court determines that the payment compensates the victim for pecuniary damages proximately caused by the defendant's criminal conduct.
(b) If a victim receives a payment from the defendant as part of a civil settlement, the victim shall provide notice to the sentencing court within 30 days after the day on which the victim receives the payment.
(8) Nothing in this section shall prevent a defendant from providing proof of payment to the court or the office.
(9) Notwithstanding Subsections (5) and (6), if a defendant owes dependent support to a victim in an order for restitution:
(a) the defendant may not use any payment from a motor vehicle insurance policy to satisfy any amount of dependent support owed by the defendant until all persons entitled to recover in a civil action for the defendant's criminal conduct are made whole; and
(b) a court may not credit any payment from the defendant towards the amount of dependent support owed by the defendant against any judgment that is in favor of the victim for a civil action until all persons entitled to recover in a civil action for the defendant's criminal conduct are made whole.

Amended by Chapter 330, 2024 General Session

77-38b-304 Priority of payment disbursement.
(1) The court, or the office, shall disburse a payment for restitution within 60 days after the day on which the payment is received from the defendant if:
(a) the victim has complied with Subsection 77-38b-203(2);
(b) if the defendant has tendered a negotiable instrument, funds from the financial institution are actually received;
(c) the payment to the victim is at least $25, unless the payment is the final payment; and
(d) there is no pending legal issue that would affect an order for restitution or the distribution of restitution.
(2) The court shall disburse money collected from a defendant for a criminal accounts receivable in the following order of priority:
(a) first, and except as provided in Subsection (4)(b), to restitution owed by the defendant in accordance with Subsection (4);

(b) second, to the cost of obtaining a DNA specimen from the defendant as described in Subsection (4)(b);
(c) third, to any criminal fine or surcharge owed by the defendant;
(d) fourth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
(e) fifth, to the cost owed by the defendant for medical care, treatment, hospitalization, and related transportation paid by a county correctional facility under Section 17-63-706; and
(f) sixth, to any other amount owed by the defendant.

(3) When the office collects money from a defendant for a criminal accounts receivable, a civil accounts receivable, or a civil judgment of restitution, the office shall disburse the money in the following order of priority:
(a) first, to any past due amount owed to the department for the monthly supervision fee under Subsection 64-14-204(6);
(b) second, and except as provided in Subsection (4)(b), to restitution owed by the defendant in accordance with Subsection (4);
(c) third, to the cost of obtaining a DNA specimen from the defendant in accordance with Subsection (4)(b);
(d) fourth, to any criminal fine or surcharge owed by the defendant;
(e) fifth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
(f) sixth, to the cost owed by the defendant for medical care, treatment, hospitalization and related transportation paid by a county correctional facility under Section 17-63-706; and
(g) seventh, to any other amount owed by the defendant.

(4)
(a) If a defendant owes restitution to more than one person or government agency at the same time, the court, or the office, shall disburse a payment for restitution in the following order of priority:
(i) first, to the victim of the offense;
(ii) second, to the Utah Office for Victims of Crime;
(iii) third, any other government agency that has provided reimbursement to the victim as a result of the defendant's criminal conduct; and
(iv) fourth, any insurance company that has provided reimbursement to the victim as a result of the defendant's criminal conduct.
(b) If a defendant is required under Section 53-10-404 to reimburse the department for the cost of obtaining the defendant's DNA specimen, the reimbursement for the cost of obtaining the defendant's DNA specimen is the next priority after restitution to the victim of the offense under Subsection (4)(a)(i).
(c) If a defendant is required to pay restitution to more than one victim, the court or the office shall disburse a payment for restitution proportionally to each victim.

(5) Notwithstanding the requirements for the disbursement of a payment under Subsection (3) or (4), the office shall disburse money collected from a defendant to a debt that is a part of a civil accounts receivable or civil judgment of restitution if:
(a) a defendant has provided a written request to the office to apply the payment to the debt; and
(b)
(i) the payment will eliminate the entire balance of the debt, including any interest; or
(ii) after reaching a settlement, the payment amount will eliminate the entire agreed upon balance of the debt, including any interest.

(6) For a criminal accounts receivable, the department shall collect the current and past due amount owed by a defendant for the monthly supervision fee under Subsection 64-14-204(6)

(a) until the court enters a civil accounts receivable on the civil judgment docket under Section 77-18-114.

(7) Notwithstanding any other provision of this section:

(a) the office may collect a fee, as described in Subsection 63A-3-502(4), from each payment for a criminal accounts receivable, a civil accounts receivable, or a civil judgment of restitution before disbursing the payment as described in this section; and

(b) the office shall apply any payment collected through garnishment to the case for which the garnishment was issued.

Amended by Chapter 17, 2025 Special Session 1

Part 4
Enforcement and Collection of Restitution

77-38b-401 Collection from inmate offenders.

Upon written request of the prosecuting attorney, the victim, or a division agent supervising the defendant, the department shall collect restitution from offender funds held by the department under Section 64-13-23.

Amended by Chapter 214, 2025 General Session

77-38b-402 Preservation of assets.

(1)

(a) Before, or at the time, a criminal information, indictment charging a violation, or a petition alleging delinquency is filed, or at any time during the prosecution of the case, a prosecuting attorney may, if in the prosecuting attorney's best judgment there is a substantial likelihood that a conviction will be obtained and restitution will be ordered in the case, petition the court to:

(i) enter a temporary restraining order, an injunction, or both;

(ii) require the execution of a satisfactory performance bond; or

(iii) take any other action to preserve the availability of property that may be necessary to satisfy an anticipated order for restitution.

(b) A prosecuting attorney may subpoena a document, witness, or other evidence that, in the prosecuting attorney's best judgment, may provide evidence relevant to the property described in Subsection (1)(a)(iii).

(2)

(a) Upon receiving a request from a prosecuting attorney under Subsection (1)(a), and after notice to a person appearing to have an interest in the property and affording the person an opportunity to be heard, the court may take action as requested by the prosecuting attorney if the court determines:

(i) there is probable cause to believe that an offense has been committed and that the defendant committed the offense, and that failure to enter the order will likely result in the property being sold, distributed, exhibited, destroyed, or removed from the jurisdiction of the court, or otherwise be made unavailable for restitution; and

(ii) the need to preserve the availability of the property or prevent the property's sale, distribution, exhibition, destruction, or removal through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(b) In a hearing conducted in accordance with this section, a court may consider reliable hearsay as defined in Utah Rules of Evidence, Rule 1102.

(c) An order for an injunction entered under this section is effective for the period of time given in the order.

(3)

(a) Upon receiving a request for a temporary restraining order from a prosecuting attorney under this section, a court may enter a temporary restraining order against an owner with respect to specific property without notice or opportunity for a hearing if:

(i) the prosecuting attorney demonstrates that there is a substantial likelihood that the property with respect to which the order is sought appears to be necessary to satisfy an anticipated restitution order under this chapter; and

(ii) provision of notice would jeopardize the availability of the property to satisfy any judgment or order for restitution.

(b) The temporary order in this Subsection (3) expires no later than 10 days after the day on which the temporary order is entered unless extended for good cause shown or the party against whom the temporary order is entered consents to an extension.

(4) A hearing concerning an order entered under this section shall be held as soon as possible, and before the expiration of the temporary order.

Amended by Chapter 328, 2022 General Session

Chapter 39
Sale of Tobacco or Alcohol to Under Age Persons

77-39-101 Investigation of sales of alcohol, tobacco products, electronic cigarette products, nicotine products, and cannabinoid products to underage individuals.

(1) As used in this section:

(a) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.

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

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

(d) "Peace officer" means the same as the term is described in Section 53-13-109.

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

(2)

(a) A peace officer may investigate the possible violation of:

(i) Section 32B-4-403 by requesting an individual under 21 years old to enter into and attempt to purchase or make a purchase of alcohol from a retail establishment;

(ii) Section 76-9-1116 by requesting an individual under 21 years old to enter into and attempt to purchase or make a purchase from a retail establishment of:

(A) a tobacco product;

(B) an electronic cigarette product; or

(C) a nicotine product; or

(iii) Subsection 4-41-105(2)(a)(iv) by requesting an individual under 21 years old to enter into and attempt to purchase or make a purchase of a cannabinoid product that contains THC or a THC analog from a retail establishment.

(b) A peace officer who is present at the site of a proposed purchase shall direct, supervise, and monitor the individual requested to make the purchase.

(c) Immediately following a purchase or attempted purchase or as soon as practical the supervising peace officer shall inform the cashier and the proprietor or manager of the retail establishment that the attempted purchaser was under the legal age to purchase:

(i) alcohol;

(ii)

(A) a tobacco product;

(B) an electronic cigarette product; or

(C) a nicotine product; or

(iii) a cannabinoid product that contains THC or a THC analog.

(d) If a citation or information is issued, the citation or information shall be issued within seven days after the day on which the purchase occurs.

(3)

(a) If an individual under 18 years old is requested to attempt a purchase, a written consent of that individual's parent or guardian shall be obtained before the individual participates in any attempted purchase.

(b) An individual requested by the peace officer to attempt a purchase may:

(i) be a trained volunteer; or

(ii) receive payment, but may not be paid based on the number of successful purchases of alcohol, tobacco products, electronic cigarette products, nicotine products, or cannabinoid products that contain THC or a THC analog.

(4) The individual requested by the peace officer to attempt a purchase and anyone accompanying the individual attempting a purchase may use false identification in attempting the purchase if:

(a) the Department of Public Safety created in Section 53-1-103 provides the false identification;

(b) the false identification:

(i) accurately represents the individual's age; and

(ii) displays a current photo of the individual; and

(c) the peace officer maintains possession of the false identification at all times outside the attempt to purchase.

(5) An individual requested to attempt to purchase or make a purchase pursuant to this section is immune from prosecution, suit, or civil liability for the purchase of, attempted purchase of, or possession of alcohol, a tobacco product, an electronic cigarette product, a nicotine product, or a cannabinoid product that contains THC or a THC analog if a peace officer directs, supervises, and monitors the individual.

(6)

(a) Except as provided in Subsection (6)(b), a purchase attempted under this section shall be conducted within a 12-month period:

(i) on a random basis at any one retail establishment location, not more often than four times for the attempted purchase of alcohol;

(ii) a minimum of two times at a retail establishment that sells tobacco products, electronic cigarette products, or nicotine products for the attempted purchase of a tobacco product, an electronic cigarette product, or a nicotine product; and

(iii) a minimum of one time at a retail establishment that sells a cannabinoid product that contains THC or a THC analog.

(b) This section does not prohibit an investigation or an attempt to purchase alcohol, a tobacco product, an electronic cigarette product, or a nicotine product under this section if:
(i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a tobacco product, an electronic cigarette product, a nicotine product, or a cannabinoid product that contains THC or a THC analog to an individual under the age established by Section 32B-4-403, Section 76-9-1116, or Subsection 4-41-105(2)(d); and
(ii) the supervising peace officer makes a written record of the grounds for the reasonable suspicion.

(7)
(a) The peace officer exercising direction, supervision, and monitoring of the attempted purchase shall make a report of the attempted purchase, whether or not a purchase was made.
(b) The report required by this Subsection (7) shall include:
(i) the name of the supervising peace officer;
(ii) the name of the individual attempting the purchase;
(iii) a photograph of the individual attempting the purchase showing how that individual appeared at the time of the attempted purchase;
(iv) the name and description of the cashier or proprietor from whom the individual attempted the purchase;
(v) the name and address of the retail establishment; and
(vi) the date and time of the attempted purchase.

Amended by Chapter 114, 2025 General Session
Amended by Chapter 173, 2025 General Session

Chapter 40a
Expungement of Criminal Records

Part 1
General Provisions

77-40a-101 Definitions.

As used in this chapter:

(1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.
(2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.
(3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.
(4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.
(5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
(6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
(7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.

(8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.
(9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.
(10) "Court" means a district court or a justice court.
(11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
(12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
(13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
(14) "Department" means the Department of Public Safety established in Section 53-1-103.
(15) "Drug possession offense" means:
(a) an offense described in Subsection 58-37-8(2), except for:
(i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana;
(ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility; or
(iii) an offense for driving with a controlled substance illegally in the person's body and negligently causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
(b) an offense described in Subsection 58-37a-5(1), use or possession of drug paraphernalia;
(c) an offense described in Section 58-37b-6, possession or use of an imitation controlled substance; or
(d) any local ordinance which is substantially similar to any of the offenses described in this Subsection (15).
(16)
(a) "Expunge" means to remove a record from public inspection by:
(i) sealing the record; or
(ii) restricting or denying access to the record.
(b) "Expunge" does not include the destruction of a record.
(17) "Indigent" means a financial status that results from a court finding that a petitioner is financially unable to pay the fee to file a petition for expungement under Section 78A-2-302.
(18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
(19)
(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.
(b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
(c) "Minor regulatory offense" does not include:
(i) any drug possession offense;
(ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
(iii) an offense under Sections 73-18-13 through 73-18-13.6;
(iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or
(v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through (iv).
(20) "Petitioner" means an individual applying for expungement under this chapter.
(21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
(22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material, regardless of physical form or characteristics, that:

(a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence, incarceration, probation, or parole of an individual; and
(b) is prepared, owned, received, or retained by an agency, including a court.
(23) "Special certificate" means a document issued as described in Subsection 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with the case do not clearly demonstrate whether the case is eligible for expungement.
(24)
(a) "Traffic offense" means:
(i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;
(ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41, Chapter 6a, Traffic Code;
(iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
(iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;
(v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73, Chapter 18, State Boating Act; and
(vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i) through (iii).
(b) "Traffic offense" does not include:
(i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
(ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's security;
(iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;
(iv) an offense under Sections 73-18-13 through 73-18-13.6; or
(v) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i) or (ii).
(25) "Traffic offense case" means that each offense in the case is a traffic offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 239, 2025 General Session

77-40a-102 Applicability to juvenile court records.

This chapter does not apply to an expungement of a record for an adjudication under Section 80-6-701 or a nonjudicial adjustment, as that term is defined in Section 80-1-102, of an offense in the juvenile court.

Renumbered and Amended by Chapter 250, 2022 General Session

77-40a-103 Retroactive application.

The provisions of this chapter apply retroactively to all arrests and convictions regardless of the date on which the arrests were made or convictions were entered.

Renumbered and Amended by Chapter 250, 2022 General Session

77-40a-104 Department rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to:

(1) implement procedures for processing an automatic expungement;
(2) implement procedures for applying for certificates of eligibility;
(3) specify procedures for receiving a certificate of eligibility;
(4) specify the procedure for notification of an order of expungement under Subsection 77-40a-306(5)(b);
(5) create forms and determine information necessary to be provided to the bureau; and
(6) implement procedures for the confirmation of an expungement under Subsection 77-40a-401(4).

Amended by Chapter 239, 2025 General Session

77-40a-105 Eligibility for removing the link between personal identifying information and court case dismissed.

(1) As used in this section:
  (a) "Domestic violence offense" means the same as that term is defined in Section 77-36-1.
  (b) "Personal identifying information" means:
    (i) a current name, former name, nickname, or alias; and
    (ii) date of birth.
(2)
  (a) An individual whose criminal case is dismissed may move the court for an order to remove the link between the individual's personal identifying information from the dismissed case in any publicly searchable database of the Utah state courts.
  (b) If a motion is filed under Subsection (2)(a), the court shall grant the motion if:
    (i) 30 days have passed from the day on which the case is dismissed ;
    (ii) no appeal is filed for the dismissed case within the 30-day period described in Subsection (2)(b)(i); and
    (iii) no charge in the case was a domestic violence offense.
(3) Removing the link to personal identifying information of a court record under Subsection (2) does not affect a prosecuting, arresting, or other agency's records.
(4) A case history, unless expunged under this chapter, remains public and accessible through a search by case number.

Amended by Chapter 194, 2024 General Session

77-40a-107 Expungement data requirements -- Report.

(1) No later than November 1 of each year, the Administrative Office of the Courts shall submit a written report to the Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee regarding expungement data for the preceding fiscal year, including:
  (a) the number of petitions filed for expungement in the district, justice, and juvenile courts;
  (b) the number of petitions granted for expungement in the district, justice, and juvenile courts;
  (c) the number of orders issued for an automatic expungement by the district, justice, and juvenile courts;
  (d) the total number of individuals for whom at least one automatic expungement order was issued by the district, justice, or juvenile court; and

(e) the total number of individuals for whom at least one petition-based expungement order was issued by the district, justice, or juvenile court.
(2) No later than November 1 of each year, the bureau shall submit a written report to the Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee regarding expungement data for the preceding fiscal year, including:
(a) the number of applications for expungement received by the bureau;
(b) the number of certificates of eligibility issued by the bureau; and
(c) the number of orders for expungement received by the bureau.

Amended by Chapter 271, 2025 General Session

Part 2
Automatic Expungement and Deletion

77-40a-201 General provisions for automatic expungement and deletion.
(1) Nothing in this section precludes an individual from filing a petition for expungement of records that are eligible for automatic expungement or deletion under this section if an automatic expungement or deletion has not occurred pursuant to this section.
(2) An automatic expungement performed under this part does not preclude a person from requesting access to expunged records in accordance with Section 77-40a-403 or 77-40a-404.
(3)
(a) The Judicial Council and the Supreme Court shall make rules to govern the process for automatic expungement.
(b) The rules under Subsection (3)(a) may authorize:
(i) a presiding judge of a district court to issue an expungement order for any case when the requirements for automatic expungement are met; and
(ii) a presiding judge of a justice court to issue an expungement order for any justice court case within the presiding judge's judicial district when the requirements for automatic expungement are met.
(4) An individual does not have a cause of action for damages as a result of the failure to:
(a) identify an individual's case as eligible for automatic expungement or deletion under this part; or
(b) automatically expunge or delete the records of a case that is eligible under this part.

Amended by Chapter 180, 2024 General Session

77-40a-202 Automatic deletion for traffic offense by a court.
(1) A court shall delete all records for the following traffic offenses without a court order or notice to the prosecuting agency:
(a) a traffic offense case that resulted in an acquittal on all charges;
(b) a traffic offense case that is dismissed with prejudice, except for a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b); or
(c) a traffic offense case for which the following time periods have elapsed from the day on which the case is adjudicated:
(i) at least five years for a class C misdemeanor or an infraction; or

(ii) at least six years for a class B misdemeanor.
(2) For a traffic offense case that results in an acquittal, is dismissed, or is adjudicated on or after May 1, 2020, the court shall delete all records for the traffic offense upon identification.
(3) For a traffic offense case that results in an acquittal, is dismissed, or is adjudicated before May 1, 2020, the court shall delete all records for the traffic offense within one year of the day on which the case is identified as eligible for deletion.

Amended by Chapter 180, 2024 General Session

77-40a-204 Request for automatic expungement of a case -- Automatic expungement before October 1, 2024, and on and after January 1, 2026.

(1)
(a) On and after October 1, 2024, but before January 1, 2026, an individual must submit the necessary form to the court to receive an expungement of a case that is eligible under this part.
(b) If a form is submitted as described in Subsection (1), the court shall determine whether the individual has a case that qualifies for expungement in accordance with Sections 77-40a-205 and 77-40a-206.
(2) A court shall automatically expunge a case in accordance with this part if the court identified the case as being eligible for automatic expungement before October 1, 2024, and the requirements for automatic expungement were met under this part.
(3) On and after January 1, 2026, a court shall automatically expunge a case in accordance with this part if the court identifies the case as being eligible for automatic expungement.
(4) A court shall make reasonable efforts, within available funding, to expunge a case under Subsection (3) as quickly as practicable with the goal of:
(a) expunging a case that resulted in an acquittal on all charges on or after May 1, 2020, 60 days after acquittal;
(b) expunging a case that resulted in a dismissal with prejudice, other than a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b), on or after May 1, 2020, 180 days after:
(i) for a case in which no appeal was filed, the day on which the entire case against the individual is dismissed with prejudice; or
(ii) for a case in which an appeal was filed, the day on which a court issues a final nonappealable order;
(c) expunging a clean slate eligible case that is adjudicated or dismissed on or after May 1, 2020, and is not a traffic offense within 30 days of the court determining that the requirements for expungement have been satisfied under Section 77-40a-205; and
(d) expunging a case adjudicated or dismissed before May 1, 2020, within one year of the day on which the case is identified as eligible for automatic expungement.

Enacted by Chapter 180, 2024 General Session

77-40a-205 Automatic expungement of state records for a clean slate case.

(1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:
(a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204;
(b) the case is eligible for expungement under this section; and

(c) the prosecuting agency does not object to the expungement of the case as described in Subsection (6).

(2) Except as otherwise provided in Subsection (3), a case is eligible for expungement under this section if:

(a)

(i) each conviction within the case is a conviction for:

(A) a misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);

(B) a class B misdemeanor offense;

(C) a class C misdemeanor offense; or

(D) an infraction; and

(ii) the following time periods have passed after the day on which the individual is adjudicated:

(A) at least five years for the conviction of a class C misdemeanor offense or an infraction;

(B) at least six years for the conviction of a class B misdemeanor offense; or

(C) at least seven years for the conviction of a class A misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i); or

(b)

(i) the case is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is dismissed without prejudice;

(ii) each charge within the case is:

(A) a misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);

(B) a class B misdemeanor offense;

(C) a class C misdemeanor offense; or

(D) an infraction; and

(iii) the following time periods have passed after the day on which the case is dismissed:

(A) at least five years for a charge in the case for a class C misdemeanor offense or an infraction;

(B) at least six years for a charge in the case for a class B misdemeanor offense; or

(C) at least seven years for a charge in the case for a class A misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).

(3) A case is not eligible for expungement under this section if:

(a) the individual has a total number of convictions in courts of this state that exceed the limits under Subsection 77-40a-303(4) or (5) without taking into consideration:

(i) the exception in Subsection 77-40a-303(7); or

(ii) any infraction, traffic offense, or minor regulatory offense;

(b) there is a criminal proceeding for a misdemeanor or felony offense pending in a court of this state against the individual, unless the proceeding is for a traffic offense;

(c) for an individual seeking an automatic expungement on and after January 1, 2025, the individual is incarcerated in the state prison or on probation or parole that is supervised by the Division of Adult Probation and Parole created in Section 64-14-202;

(d) the case resulted in the individual being found not guilty by reason of insanity;

(e) the case establishes a criminal accounts receivable that:

(i) has been entered as a civil accounts receivable or a civil judgment of restitution and transferred to the Office of State Debt Collection under Section 77-18-114; or

(ii) has not been satisfied according to court records; or

(f) the case resulted in a plea held in abeyance or a conviction for the following offenses:

(i) any of the offenses listed in Subsection 77-40a-303(2)(a);
(ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Individual;
(iii) a weapons offense in violation of Title 76, Chapter 11, Weapons;
(iv) sexual battery in violation of Section 76-5-418;
(v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;
(vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
(vii) damage to or interruption of a communication device in violation of Section 76-6-108;
(viii) a domestic violence offense as defined in Section 77-36-1;
(ix) driving under the influence of alcohol, drugs, or a combination of both, or with specified or unsafe blood alcohol concentration, as codified before February 2, 2005, Laws of Utah 2005, Chapter 2; or
(x) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).

(4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal Procedure shall receive notice on a monthly basis for any case prosecuted by that agency that appears to be eligible for automatic expungement under this section.

(5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah Rules of Criminal Procedure if the prosecuting agency objects to an automatic expungement for any of the following reasons:
(a) the prosecuting agency believes that the case is not eligible for expungement under this section after reviewing the agency record;
(b) the individual has not paid restitution to the victim as ordered by the court; or
(c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual involved in the case is continuing to engage in criminal activity within or outside of the state.

(6) If a prosecuting agency provides written notice of an objection for a reason described in Subsection (5) within 35 days after the day on which the notice under Subsection (4) is sent, the court may not proceed with automatic expungement of the case.

(7) If 35 days pass after the day on which the notice described in Subsection (4) is sent without the prosecuting agency providing written notice of an objection under Subsection (5), the court shall proceed with automatic expungement of the case.

(8) If a court issues an order of expungement under Subsection (1), the court shall:
(a) expunge all records of the case held by the court in accordance with Section 77-40a-401; and
(b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 214, 2025 General Session
Amended by Chapter 239, 2025 General Session

77-40a-206 Automatic expungement of state records for a case resulting in an acquittal or dismissal with prejudice.

(1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:
(a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204; and
(b) the case is eligible for expungement under this section.
(2) Except as provided in Subsection (3), a case is eligible for expungement under this section if:
(a)
(i) the case resulted in an acquittal on all charges; and
(ii) at least 60 days have passed after the day on which the case resulted in an acquittal; or
(b)
(i) the case is dismissed with prejudice; and
(ii) at least 180 days have passed after the day on which:
(A) for a case in which no appeal was filed, the entire case against the individual is dismissed with prejudice; or
(B) for a case in which an appeal was filed, a court issues a final nonappealable order.
(3) A case is not eligible for expungement under Subsection (2) if:
(a) the case resulted in an acquittal because the individual is found not guilty by reason of insanity; or
(b) the case is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b).
(4) If a court issues an order of expungement under Subsection (1), the court shall:
(a) expunge all records of the case held by the court as described in Section 77-40a-401; and
(b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Enacted by Chapter 180, 2024 General Session

77-40a-207 Automatic expungement by the bureau.
(1) Upon receiving notice from a court of an expungement order under this part, the bureau shall expunge all records of the case in accordance with Section 77-40a-401.
(2)
(a) Notwithstanding Subsection (1) or Section 77-40a-205, the bureau may request that a court vacate an expungement order issued under this part if the bureau determines that:
(i) the order is expunging:
(A) a case that was dismissed as a result of a plea held in abeyance; or
(B) a conviction of an offense; and
(ii) the offense was not eligible for expungement under this part at the time that the court issued the order.
(b) The court shall vacate an expungement order issued under this part if the court determines that the offense was not eligible for expungement under this part at the time the court issued the order.
(3) The bureau shall forward a copy of the expungement order to the Federal Bureau of Investigation.
(4) Except for the court and the bureau, an agency is not required to expunge all records of a case that is automatically expunged under this part.

Amended by Chapter 239, 2025 General Session

Part 3
Petition for Expungement

77-40a-301 Application for certificate of eligibility for expungement -- Penalty for false or misleading information on application.

(1) If an individual seeks to expunge the individual's criminal record in regard to an arrest, investigation, detention, or conviction, the individual shall:
  (a) except as provided in Subsection 77-40a-305(3) or (4), apply to the bureau for a certificate of eligibility for expungement of the criminal record and pay the application fee as described in Section 77-40a-304;
  (b) except as provided in Subsections 77-40a-304(3) and (7), pay the issuance fee for the certificate of eligibility or special certificate as described in Section 77-40a-304 if the individual is eligible to receive a certificate of eligibility or special certificate; and
  (c) file a petition for expungement in accordance with Section 77-40a-305.
(2)
  (a) An individual who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
  (b) Regardless of whether the individual is prosecuted, the bureau may deny a certificate of eligibility to anyone who knowingly provides false information on an application.

Amended by Chapter 180, 2024 General Session

77-40a-302 Requirements for certificate of eligibility to expunge records of arrest, investigation, and detention.

(1) Except as provided in Subsection (2), if a petitioner is arrested or charged with an offense, the petitioner is eligible to receive a certificate of eligibility from the bureau to expunge records of the arrest, investigation, and detention in the case for the offense if:
  (a) the following time periods have passed:
    (i) at least 30 days have passed after the day on which the petitioner is arrested or charged for the offense;
    (ii) at least three years have passed after the day on which the petitioner was convicted of the traffic offense if there is a conviction in the case for a traffic offense that is a class C misdemeanor or an infraction; and
    (iii) at least four years have passed after the day on which the petitioner was convicted of the traffic offense if there is a conviction in the case for a traffic offense that is a class B misdemeanor; and
  (b) one of the following occurs:
    (i) an investigating law enforcement agency and the prosecuting attorney have screened the case and determined that no charges will be filed against the petitioner;
    (ii) all charges in the case are dismissed with prejudice;
    (iii) if a charge in the case is dismissed without prejudice or without condition:
      (A) the prosecuting attorney consents in writing to the issuance of a certificate of eligibility; or
      (B) at least 180 days have passed after the day on which the charge is dismissed;
    (iv) the petitioner is acquitted at trial on all of the charges in the case; or
    (v) the statute of limitations expires on all of the charges in the case.

(2) A petitioner is not eligible for a certificate of eligibility under Subsection (1) if:
(a) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner, unless the criminal proceeding is for a traffic offense;
(b) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner, unless the plea in abeyance is for a traffic offense;
(c) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory offense; or
(d) there is a criminal protective order or a criminal stalking injunction in effect for the case.

Amended by Chapter 180, 2024 General Session

77-40a-303 Requirements for a certificate of eligibility to expunge records of a conviction.
(1) Except as otherwise provided by this section, a petitioner is eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction if:
(a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for which expungement is sought;
(b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and
(c) the following time periods have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for the conviction that the petitioner seeks to expunge:
(i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);
(ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
(iii) seven years for the conviction of a felony;
(iv) five years for the conviction of a drug possession offense that is a felony;
(v) five years for the conviction of a class A misdemeanor;
(vi) four years for the conviction of a class B misdemeanor; or
(vii) three years for the conviction of a class C misdemeanor or infraction.
(2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction under Subsection (1) if:
(a) except as provided in Subsection (3), the conviction for which expungement is sought is:
(i) a capital felony;
(ii) a first degree felony;
(iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);
(iv) a felony conviction described in Subsection 41-6a-501(2); or
(v) an offense, or a combination of offenses, that require registration as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Registry, at the time of the application for the certificate of eligibility;
(b) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner, unless the criminal proceeding is for a traffic offense;
(c) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner, unless the plea in abeyance is for a traffic offense;
(d) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory offense;

(e) the petitioner intentionally or knowingly provides false or misleading information on the application for a certificate of eligibility;
(f) there is a civil protective order, a criminal protective order, or a criminal stalking injunction against the petitioner that is in effect; or
(g) the bureau determines that the petitioner's criminal history makes the petitioner ineligible for a certificate of eligibility under Subsection (4) or (5).

(3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed the offense was at least 14 years old but under 18 years old, unless the petitioner was convicted by a district court as an adult in accordance with Title 80, Chapter 6, Part 5, Minor Tried as an Adult.

(4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:
(a) two or more felony convictions other than for drug possession offenses, each of which is contained in a separate criminal episode;
(b) any combination of three or more convictions other than for drug possession offenses that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode;
(c) any combination of four or more convictions other than for drug possession offenses that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or
(d) five or more convictions other than for drug possession offenses of any degree whether misdemeanor or felony, each of which is contained in a separate criminal episode.

(5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:
(a) three or more felony convictions for drug possession offenses, each of which is contained in a separate criminal episode; or
(b) any combination of five or more convictions for drug possession offenses, each of which is contained in a separate criminal episode.

(6) If the petitioner's criminal history contains convictions for both a drug possession offense and a non-drug possession offense arising from the same criminal episode, the bureau shall count that criminal episode as a conviction under Subsection (4) if any non-drug possession offense in that episode:
(a) is a felony or class A misdemeanor; or
(b) has the same or a longer waiting period under Subsection (1)(c) than any drug possession offense in that episode.

(7) Except as provided in Subsection (8), if at least 10 years have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for all convictions:
(a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by one; and
(b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if the highest level of convicted offense in the criminal episode is:
(i) a class B misdemeanor;
(ii) a class C misdemeanor;

(iii) a drug possession offense if none of the non-drug possession offenses in the criminal episode are a felony or a class A misdemeanor; or
(iv) an infraction.
(8) When determining whether a petitioner is eligible for a certificate of eligibility under Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or prior conviction for:
(a) an infraction;
(b) a traffic offense;
(c) a minor regulatory offense; or
(d) a clean slate eligible case that was automatically expunged.
(9) If the petitioner received a pardon before May 14, 2013, from the Board of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned crimes in accordance with Section 77-27-5.1.

Amended by Chapter 239, 2025 General Session
Amended by Chapter 277, 2025 General Session
Amended by Chapter 291, 2025 General Session

77-40a-304 Certificate of eligibility process -- Issuance of certificate -- Fees.
(1)
(a) When a petitioner applies for a certificate of eligibility as described in Subsection 77-40a-301(1):
(i) the petitioner shall pay an application fee at the time the petitioner submits an application for a certificate of eligibility to the bureau; and
(ii) the bureau shall perform a check of records of governmental agencies, including national criminal data bases, to determine whether the petitioner is eligible to receive a certificate of eligibility under this chapter.
(b) For purposes of determining eligibility under this chapter, the bureau may review records of arrest, investigation, detention, and conviction that have been previously expunged, regardless of the jurisdiction in which the expungement occurred.
(c) If a disposition for an arrest on the criminal history file is unobtainable after reasonable research, the bureau may issue a special certificate giving determination of eligibility to the court, except that the bureau may not issue the special certificate if:
(i) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner, unless the criminal proceeding is for a traffic offense;
(ii) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner, unless the plea in abeyance is for a traffic offense; or
(iii) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory offense.
(2)
(a) Once the eligibility process is complete, the bureau shall notify the petitioner.
(b) If the petitioner meets all of the criteria under Section 77-40a-302 or 77-40a-303 and the bureau determines that the issuance of a certificate of eligibility or special certificate is appropriate:
(i) the bureau shall issue a certificate of eligibility or special certificate that is valid for a period of 180 days from the day on which the certificate is issued;
(ii) the bureau shall provide a petitioner with an identification number for the certificate of eligibility or special certificate; and

(iii) except as provided in Subsection (3), the petitioner shall pay an additional fee for the issuance of a certificate of eligibility or special certificate.

(3) The bureau shall issue a certificate of eligibility or special certificate without requiring the payment of the issuance fee if the petitioner:

(a) qualifies for a certificate of eligibility under Section 77-40a-302 unless the charges were dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance, or a diversion agreement under Title 77, Chapter 2, Prosecution, Screening, and Diversion; or

(b) indicates on the application for a certificate of eligibility that the petitioner reasonably believes, as of the date of the application, that the fee to file a petition for expungement is likely to be waived by a court because the petitioner is indigent.

(4) The bureau shall include on a certificate of eligibility all information that is needed for the court to issue a valid expungement order.

(5) The bureau shall provide clear written instructions to the petitioner that explain:

(a) the process for a petition for expungement; and

(b) what is required of the petitioner to complete the process for a petition for expungement.

(6) If a petitioner indicates on the application for a certificate of eligibility that a court is likely to waive the fee for a petition for expungement as described in Subsection (3)(b), the bureau shall:

(a) inform the petitioner that the petitioner will be required to pay an issuance fee before an agency will expunge the offense if a court does not waive the fee for a petition for expungement; and

(b) provide the petitioner with the form for waiving a court fee for a petition for expungement.

(7) If the bureau issues a certificate of eligibility or a special certificate without requiring payment of the issuance fee as described in Subsection (3)(b), the bureau shall charge the petitioner the issuance fee upon the bureau's receipt of an order deciding a petition for expungement unless the court communicates to the bureau that the fee to file the petition for expungement was waived because the petitioner is indigent.

(8)

(a) If the petitioner qualifies for a waiver of the issuance fee under Subsection (7) and the expungement order grants the petition for expungement, the bureau shall process the expungement order in accordance with Section 77-40a-401 as if the petitioner paid the issuance fee.

(b) If the petitioner does not qualify for a waiver of the issuance fee under Subsection (7) and the expungement order grants the petition for expungement, the bureau may not process the expungement order as described in Section 77-40a-401, or notify other agencies affected by the expungement order as described in Section 77-40a-307, until the petitioner pays the issuance fee.

(c) If the bureau issues a certificate of eligibility or special certificate without requiring payment of the issuance fee under Subsection (3)(b), the bureau may not charge the petitioner an issuance fee on the grounds that the validity of the certificate described in (2)(b)(i) has expired.

(9) The bureau shall charge application and issuance fees for a certificate of eligibility or special certificate in accordance with the process in Section 63J-1-504.

(10) The department shall deposit funds generated by application and issuance fees under this section into the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility for expungement.

Amended by Chapter 180, 2024 General Session

77-40a-305 Petition for expungement -- Prosecutorial responsibility -- Hearing.

(1)
(a) The petitioner shall file a petition for expungement in accordance with Rule 42 of the Utah Rules of Criminal Procedure.
(b) A petitioner shall include the identification number for the certificate of eligibility or special certificate described in Subsection 77-40a-304(2)(b)(ii) in the petition for expungement, unless the petitioner is not required to obtain a certificate of eligibility under Subsection (3) or (4).
(c) Information on a certificate of eligibility is incorporated into a petition by reference to the identification number for the certificate of eligibility.
(d) A petitioner shall bring a petition for expungement, including a petition for expungement for which the petitioner obtained a special certificate:
(i) in the court where the criminal case was filed;
(ii) if the court in which the criminal case was filed no longer exists, in the court that would have jurisdiction over the criminal case if the criminal case were filed on the day on which the petition is brought; or
(iii) if charges were never filed, in the district court in the county in which the arrest occurred or the citation is issued.

(2)
(a) If a petition for expungement is filed under Subsection (1)(a), the court shall obtain a certificate of eligibility or special certificate from the bureau.
(b) A court may not accept a petition for expungement if the certificate of eligibility or special certificate is no longer valid as described in Subsection 77-40a-304(2)(b)(i).

(3) Notwithstanding Subsection (2), the petitioner may file a petition for expungement of a traffic offense case without obtaining a certificate of eligibility if:
(a)
(i) for a traffic offense case with a class C misdemeanor or infraction, at least three years have passed after the day on which the case was adjudicated or dismissed; or
(ii) for a traffic offense case with a class B misdemeanor, at least four years have passed after the day on which the case was adjudicated or dismissed;
(b) there is no traffic offense case pending against the petitioner;
(c) there is no plea in abeyance for a traffic offense case pending against the petitioner; and
(d) the petitioner is not currently on probation for a traffic offense case.

(4) Notwithstanding Subsection (2), a petitioner may file a petition for expungement of a record for a conviction related to cannabis possession without a certificate of eligibility if the petition demonstrates that:
(a) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26B-4-201; and
(b) the possession of cannabis in question was in a form and an amount to medicinally treat the qualifying condition described in Subsection (4)(a).

(5)
(a) The court shall provide notice of a filing of a petition and certificate of eligibility or special certificate to the prosecutorial office that handled the court proceedings within three days after the day on which the petitioner's filing fee is paid or waived.

(b) If there were no court proceedings, the court shall provide notice of a filing of a petition and certificate of eligibility or special certificate to the county attorney's office in the jurisdiction where the arrest occurred.

(c) If the prosecuting agency with jurisdiction over the arrest, investigation, detention, or conviction, was a city attorney's office, the county attorney's office in the jurisdiction where the arrest occurred shall immediately notify the city attorney's office that the county attorney's office has received a notice of a filing of a petition for expungement.

(6)

(a) Upon receipt of a notice of a filing of a petition for expungement of a conviction or a charge dismissed in accordance with a plea in abeyance, the prosecuting attorney shall make a reasonable effort to provide notice to any victim of the conviction or charge.

(b) The notice under Subsection (6)(a) shall:

(i) include a copy of the petition, certificate of eligibility or special certificate, statutes, and rules applicable to the petition;

(ii) state that the victim has a right to object to the expungement; and

(iii) provide instructions for registering an objection with the court.

(7)

(a) The prosecuting attorney may respond to the petition by filing a recommendation or objection with the court within 35 days after the day on which the notice of the filing of the petition is sent by the court to the prosecuting attorney.

(b) If there is a victim of the offense for which expungement is sought, the victim may respond to the petition by filing a recommendation or objection with the court within 60 days after the day on which the petition for expungement was filed with the court.

(8)

(a) The court may request a written response to the petition from the Division of Adult Probation and Parole created in Section 64-14-202.

(b) If requested, the response prepared by the Division of Adult Probation and Parole shall include:

(i) the reasons probation was terminated; and

(ii) certification that the petitioner has completed all requirements of sentencing and probation or parole.

(c) The Division of Adult Probation and Parole shall provide a copy of the response to the petitioner and the prosecuting attorney.

(9) The petitioner may respond in writing to any objections filed by the prosecuting attorney or the victim and the response prepared by the Division of Adult Probation and Parole within 14 days after the day on which the objection or response is received.

(10)

(a) If the court receives an objection concerning the petition from any party, the court shall set a date for a hearing and notify the petitioner and the prosecuting attorney of the date set for the hearing.

(b) The prosecuting attorney shall notify the victim of the date set for the hearing.

(c) The petitioner, the prosecuting attorney, the victim, and any other person who has relevant information about the petitioner may testify at the hearing.

(d) The court shall review the petition, the certificate of eligibility or special certificate, and any written responses submitted regarding the petition.

(11) If no objection is received within 60 days from the day on which the petition for expungement is filed with the court, the expungement may be granted without a hearing.

(12)

(a) If the petitioner seeks a waiver of the fee required for a petition for expungement in accordance with Section 78A-2-302, the court shall consider the total number of cases for which the petitioner has received a certificate of eligibility and is seeking expungement in determining whether the petitioner is indigent under Subsection 78A-2-302(3)(e) even if the court does not have jurisdiction over a case for which the petitioner is seeking expungement.

(b) If a court grants a waiver of the fee required for a petition for expungement in accordance with Section 78A-2-302, and only upon a request from the petitioner, a subsequent court shall grant a waiver of a fee for a petition for expungement if the prior court waived the fee for a petition for expungement within 180 days before the day on which the petitioner filed the petition for expungement with the subsequent court.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 239, 2025 General Session

77-40a-306 Order of expungement.

(1) If a petition for expungement is filed in accordance with Section 77-40a-305, the court shall issue an order of expungement if the court finds, by clear and convincing evidence, that:

(a) except as provided in Subsection (1)(b) and Subsection 77-40a-305(3) or (4):

(i) the certificate of eligibility is valid at the time the petition for expungement was filed with the court and contains the information needed for the court to issue an order for expungement; and

(ii) the statutory requirements for expungement have been met;

(b) if the petitioner obtained a special certificate from the bureau:

(i) the special certificate is valid at the time the petition for expungement was filed with the court; and

(ii) there is sufficient information in the petition for the court to determine that the statutory requirements for expungement have been met;

(c) if the petitioner seeks expungement after a case is dismissed without prejudice or without condition, the prosecuting attorney provided written consent and has not filed and does not intend to refile related charges;

(d) if the petitioner seeks expungement without a certificate of eligibility for expungement under Subsection 77-40a-305(4) for a record of conviction related to cannabis possession:

(i) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26B-4-201; and

(ii) the possession of cannabis in question was in a form and an amount to medicinally treat the qualifying condition described in Subsection (1)(d)(i);

(e) if an objection is received, the petition for expungement is for a charge dismissed in accordance with a plea in abeyance agreement, and the charge is an offense eligible to be used for enhancement, there is good cause for the court to grant the expungement; and

(f) the interests of the public would not be harmed by granting the expungement.

(2)

(a) If the court denies a petition described in Subsection (1)(c) because the prosecuting attorney intends to refile charges, the petitioner may apply again for a certificate of eligibility if charges are not refiled within 180 days after the day on which the court denies the petition.

(b) A prosecuting attorney who opposes an expungement of a case dismissed without prejudice, or without condition, shall have a good faith basis for the intention to refile the case.

(c) A court shall consider the number of times that good faith basis of intention to refile by the prosecuting attorney is presented to the court in making the court's determination to grant the petition for expungement described in Subsection (1)(c).

(3) If the court grants a petition described in Subsection (1)(e), the court shall make the court's findings in a written order.

(4) A court may not expunge a conviction of an offense for which a certificate of eligibility may not be, or should not have been, issued under Section 77-40a-302 or 77-40a-303.

(5) If the court issues an order of expungement under this section, the court shall:

(a) expunge all records of the case as described in Section 77-40a-401;

(b) notify the bureau of the order of expungement in a manner specified by the department; and

(c) provide the bureau with the order of expungement and all relevant information available to the court that the bureau will need to identify an expunged record.

(6)

(a) The petitioner may request certified copies of an order of expungement within 28 days after the day on which the court issues an order of expungement.

(b) If a petitioner makes a request under Subsection (6)(a), the court shall provide the petitioner with certified copies of the order of expungement.

Amended by Chapter 239, 2025 General Session

77-40a-307 Distribution of expungement order based on a petition to all agencies.

(1)

(a) Upon receiving notice from the court of an expungement order as described in Subsection 77-40a-306(5), the bureau shall notify all agencies affected by the expungement order.

(b) For purposes of Subsection (1)(a), the bureau may not notify the Board of Pardons and Parole of an expungement order if the individual has never been:

(i) sentenced to prison in this state; or

(ii) under the jurisdiction of the Board of Pardons and Parole.

(c) The bureau shall forward a copy of the expungement order to the Federal Bureau of Investigation.

(2) A petitioner may deliver copies of the expungement to all agencies affected by the order of expungement.

(3) If an agency receives an expungement order under this part, the agency shall expunge all records for the case in accordance with Section 77-40a-401.

Enacted by Chapter 180, 2024 General Session

Part 4
Expungement of Criminal Records

77-40a-401 Processing of expungement order -- Written confirmation of expungement -- Effect of an expungement.

(1) In processing an expungement order, a court and the bureau shall give priority to:

(a) first, an expungement order granting a petition for expungement under Part 3, Petition for Expungement;

(b) second, an expungement order upon a pardon by the Board of Pardons and Parole as described in Section 77-27-5.1;
(c) third, an expungement order upon a plea in abeyance as described in Section 77-2a-3;
(d) fourth, an expungement order where an individual submitted a form requesting automatic expungement under Part 2, Automatic Expungement and Deletion; and
(e) fifth, an expungement order where the court identified the case as being eligible for automatic expungement under Part 2, Automatic Expungement and Deletion.

(2) An individual, who receives an expungement order under Section 77-27-5.1, shall pay a processing fee to the bureau, established in accordance with the process in Section 63J-1-504, before the bureau's record may be expunged.

(3)
(a) An agency shall:
(i) develop and implement a process to identify an expunged record; and
(ii) keep, index, and maintain all expunged records of arrests and convictions.
(b) Subsection (3)(a) does not prevent an agency from maintaining or destroying a record in accordance with a retention schedule when the record is an expunged record.
(c) An agency is not required to redact an expunged record, or a record referencing an expunged record, that pertains to more than one individual until the agency is required to release the record.

(4)
(a) If an individual who receives an expungement requests confirmation from an agency, the agency shall provide the individual with written confirmation that:
(i) the agency has identified all records subject to expungement; and
(ii) except as otherwise provided by Sections 77-40a-402 and 77-40a-403, the agency will restrict or deny access to all of the expunged records.
(b) The bureau may charge a fee for providing a written confirmation under Subsection (4)(a) in accordance with the process in Section 63J-1-504.

(5) Upon entry of an expungement order, an individual, who received the expungement, may respond to any inquiry as though the arrest, investigation, detention, prosecution, or conviction did not occur unless otherwise provided by law or ordered by a court to respond differently.

(6)
(a) An expungement order may not restrict an agency's use or dissemination of records in the agency's ordinary course of business until the agency has received a copy of the order.
(b) Any action taken by an agency after issuance of the order but prior to the agency's receipt of a copy of the order may not be invalidated by the order.

(7) An expungement order may not:
(a) terminate or invalidate any pending administrative proceedings or actions of which the individual had notice according to the records of the administrative body prior to issuance of the expungement order;
(b) affect the enforcement of any order or findings issued by an administrative body pursuant to the administrative body's lawful authority prior to issuance of the expungement order;
(c) remove any evidence relating to the individual including records of arrest, which the administrative body has used or may use in these proceedings; or
(d) prevent an agency from maintaining, sharing, or distributing any record required by law.

Amended by Chapter 180, 2024 General Session

77-40a-402 Distribution for order for vacatur.

(1) An individual who receives an order for vacatur under Subsection 78B-9-108(2) shall be responsible for delivering a copy of the order for vacatur to all affected agencies.
(2) To complete delivery of the order for vacatur to the bureau, the individual shall complete and attach to the order for vacatur an application for a certificate of eligibility for expungement, including identifying information and fingerprints, in accordance with Section 77-40a-301.
(3) Except as otherwise provided in this section, the bureau shall treat the order for vacatur and attached certificate of eligibility for expungement the same as a valid order for expungement under Section 77-40a-401.
(4) Unless otherwise provided by law or ordered by a court to respond differently, an individual who has received a vacatur of conviction under Subsection 78B-9-108(2) may respond to any inquiry as though the conviction did not occur.
(5) The bureau shall forward a copy of the order for vacatur to the Federal Bureau of Investigation.
(6) An agency receiving an order for vacatur shall expunge the individual's identifying information contained in records in the agency's possession relating to the incident for which vacatur is ordered.
(7) An agency or official may not divulge information contained in a record of arrest, investigation, detention, or conviction after receiving an order for vacatur to any person or agency, except for:
  (a) the individual for whom vacatur was ordered; or
  (b) Peace Officer Standards and Training, in accordance with Section 53-6-203 and Subsection 77-40a-403(2)(b).
(8) The bureau may not count vacated convictions against any future expungement eligibility.

Amended by Chapter 180, 2024 General Session

77-40a-403 Release and use of expunged records -- Agencies.
(1)
  (a) An agency with an expunged record, or any employee of an agency with an expunged record, may not knowingly or intentionally divulge any information contained in the expunged record to any person, or another agency, without a court order unless:
    (i) specifically authorized by Subsection (4) or Section 77-40a-404; or
    (ii) subject to Subsection (1)(b), the information in an expunged record is being shared with another agency through a records management system that both agencies use for the purpose of record management.
  (b) An agency with a records management system may not disclose any information in an expunged record to another agency or person, or allow another agency or person access to an expunged record, if that agency or person does not use the records management system for the purpose of record management.
(2) The following entities or agencies may receive information contained in expunged records upon specific request:
  (a) the Board of Pardons and Parole;
  (b) Peace Officer Standards and Training;
  (c) federal authorities if required by federal law;
  (d) the State Board of Education;
  (e) the Commission on Criminal and Juvenile Justice, for purposes of investigating applicants for judicial office; and
  (f) a research institution or an agency engaged in research regarding the criminal justice system if:

(i) the research institution or agency provides a legitimate research purpose for gathering information from the expunged records;
(ii) the research institution or agency enters into a data sharing agreement with the court or agency with custody of the expunged records that protects the confidentiality of any identifying information in the expunged records;
(iii) any research using expunged records does not include any individual's name or identifying information in any product of that research; and
(iv) any product resulting from research using expunged records includes a disclosure that expunged records were used for research purposes.

(3) Except as otherwise provided by this section or by court order, a person, an agency, or an entity authorized by this section to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the specific request, including distribution on a public website.

(4) A prosecuting attorney may communicate with another prosecuting attorney, or another prosecutorial agency, regarding information in an expunged record that includes a conviction, or a charge dismissed as a result of a successful completion of a plea in abeyance agreement, for:
(a) stalking as described in Section 76-5-106.5;
(b) a domestic violence offense as defined in Section 77-36-1;
(c) an offense that would result in the individual being a child abuse offender, a sex offender, or a kidnap offender under Section 53-29-202; or
(d) a weapons offense under Title 76, Chapter 11, Weapons.

(5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged record for the purpose of a sentencing enhancement or as a basis for charging an individual with an offense that requires a prior conviction.

(6) The bureau may also use the information in the bureau's index as provided in Section 53-5a-303.

(7) If an individual is charged with a felony, or an offense eligible for enhancement based on a prior conviction, after obtaining an order of expungement, the prosecuting attorney may petition the court in which the individual is charged to open the expunged records upon a showing of good cause.

(8)
(a) For judicial sentencing, a court may order any records expunged under this chapter or Section 77-27-5.1 to be opened and admitted into evidence.
(b) The records are confidential and are available for inspection only by the court, parties, counsel for the parties, and any other person who is authorized by the court to inspect them.
(c) At the end of the action or proceeding, the court shall order the records expunged again.
(d) Any person authorized by this Subsection (8) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the court.

(9) Records released under this chapter are classified as protected under Section 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 291, 2025 General Session

77-40a-404 Confirmation of expungement -- Access to expunged records by individuals.

(1) An individual who receives an expungement may request a written confirmation from an agency under Subsection 77-40a-401(4) to confirm that the agency has expunged all records of the offense for which the individual received the expungement.
(2) The following individuals may view or obtain an expunged record under this chapter or Section 77-27-5.1:
  (a) the petitioner or an individual who receives an automatic expungement under Part 2, Automatic Expungement and Deletion;
  (b) a law enforcement officer, who was involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case; and
  (c) a party to a civil action arising out of the expunged incident if the information is kept confidential and utilized only in the action.

Amended by Chapter 180, 2024 General Session

77-40a-405 Penalty for disclosure of expunged, vacated, or pardoned records.

An employee or agent of an agency that is prohibited from disseminating information from expunged, vacated, or pardoned records under Section 77-27-5.1 or 77-40a-403 who knowingly or intentionally discloses identifying information from the expunged, vacated, or pardoned record that has been pardoned, vacated, or expunged, unless allowed by law, is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 250, 2022 General Session

Chapter 42
Utah White Collar Crime Offender Registry

77-42-101 Title.

This chapter is known as the "Utah White Collar Crime Offender Registry."

Enacted by Chapter 131, 2015 General Session

77-42-102 Definitions.

As used in this chapter:
(1) "Attorney general" means the Utah attorney general or a deputy attorney general.
(2) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.
(3) "Business day" means a day on which state offices are open for regular business.
(4) "Certificate of eligibility" means a document issued by the Bureau of Criminal Identification stating that the offender has met the requirements of Section 77-42-108.
(5) "Conviction" means the same as that term is defined in Section 76-3-201.
(6) "Offender" means an individual required to register as provided in Section 77-42-105.
(7) "Register" means to comply with the requirements of this chapter and rules of the Office of the Attorney General made under this chapter.

Amended by Chapter 319, 2016 General Session

77-42-103 Duties.

(1) The attorney general shall:
  (a) develop and operate a system to collect, analyze, maintain, and disseminate information on offenders; and
  (b) make information listed in Section 77-42-104 available to the public.
(2) Any prosecuting attorney who obtains a conviction for an offense listed in Section 77-42-105 shall:
  (a) inform the attorney general within 45 business days of sentencing; and
  (b) in a manner prescribed by the attorney general, cooperate with a request for information by the attorney general.
(3) The attorney general shall:
  (a) provide the following additional information when available:
    (i) the crimes for which the offender has been convicted;
    (ii) a description of the offender's targets; and
    (iii) any other relevant identifying information as determined by the attorney general;
  (b) maintain the Utah White Collar Crime Offender Registry website; and
  (c) ensure that information is entered into the offender registry in a timely manner.

Amended by Chapter 288, 2019 General Session

77-42-104 Utah White Collar Crime Offender Registry -- Attorney general to maintain.

(1) The attorney general shall maintain the Utah White Collar Crime Offender Registry website on the Internet, which shall contain a disclaimer informing the public that:
  (a) the information contained on the website is obtained from government records where feasible, however, the attorney general does not guarantee the website's accuracy or completeness;
  (b) members of the public are not allowed to use the information to harass or threaten offenders or members of their families; and
  (c) harassment, stalking, or making threats against offenders or their families is prohibited and may violate Utah criminal laws.
(2) The Utah White Collar Crime Offender Registry website shall be indexed by the surname of the offender.
(3) The attorney general shall construct the Utah White Collar Crime Offender Registry website so that before accessing registry information, users must indicate that they have read and understand the disclaimer and agree to comply with the disclaimer's terms.
(4) Except as provided in Subsection (6), the Utah White Collar Crime Offender Registry website shall include the following registry information, which may be obtained from court records, prison or jail booking records, driver license records, or other sources lawfully and appropriately obtained by and available to the attorney general:
  (a) all names and aliases by which the offender is or has been known, but not including any online or Internet identifiers;
  (b) a physical description, including the offender's date of birth, height, weight, and eye and hair color;
  (c) a recent photograph of the offender; and
  (d) the crimes listed in Section 77-42-105 of which the offender has been convicted.

(5) The Office of the Attorney General and any individual or entity acting at the request or upon the direction of the attorney general are immune from civil liability for damages and will be presumed to have acted in good faith by reporting information.
(6) The attorney general shall redact the names, addresses, phone numbers, Social Security numbers, and other information that, if disclosed, specifically identifies individual victims.
(7) An offender is considered to have consented to the public posting of the images or records specified in Subsection (4) if the offender:
(a) fails to register as required by Subsection 77-42-106(2) within 30 days of conviction of a registerable offense, as specified in Section 77-42-105; or
(b) fails to appear at the request of the Office of the Attorney General to have a current photograph taken.

Amended by Chapter 319, 2016 General Session

77-42-105 Registerable offenses.

A person shall be required to register with the Office of the Attorney General for a conviction of any of the following offenses as a second degree felony:
(1) Section 61-1-1 or Section 61-1-2, securities fraud;
(2) Section 76-6-405, theft by deception;
(3) Section 76-6-513, unlawful dealing of property by fiduciary;
(4) Section 76-6-521, insurance fraud;
(5) Section 76-6-1203, mortgage fraud;
(6) Section 76-6-525, communications fraud;
(7) Section 76-9-1602, money laundering;
(8) Section 76-9-1603, accepting the proceeds of unlawful activity; and
(9) Section 76-17-407, prohibited conduct concerning a pattern of unlawful activity, if at least one of the unlawful activities used to establish the pattern of unlawful activity is an offense listed in Subsections (1) through (7).

Amended by Chapter 173, 2025 General Session

77-42-106 Registration of offenders -- Utah White Collar Crime Offender Registry -- Penalty for failure to register.

(1) An offender who has been convicted of any offense listed in Section 77-42-105 shall be on the Utah White Collar Crime Offender Registry for:
(a) a period of 10 years for a first offense;
(b) a second period of 10 years for a second conviction under this section; and
(c) a lifetime period if convicted a third time under this section.
(2) Except as provided in Subsection (3), an offender who has been convicted of any offense listed in Section 77-42-105 after December 31, 2005, shall register:
(a) with the attorney general to be included in the Utah White Collar Crime Offender Registry; and
(b)
(i) no later than 45 days after the offender is sentenced; and
(ii) in a manner prescribed by the attorney general.
(3) An offender is not required to register as provided in Subsection (2) if the offender:
(a) has complied with all court orders at the time of sentencing;
(b) has paid in full all court-ordered amounts of restitution to victims; and

(c) has not been convicted of any other offense for which registration would be required.
(4) If an offender is in the custody of the Department of Corrections:
(a) the department shall register the offender within 45 days of sentencing; or
(b) at the discretion of the department, provide the offender access to necessary resources so that the offender may register within 45 days of sentencing.
(5)
(a) An offender who knowingly fails to register within 45 days of sentencing is guilty of a class A misdemeanor.
(b) An offender who is found guilty under Subsection (5)(a) shall be sentenced to serve a term of incarceration of 30 days or more.
(c)
(i) The Board of Pardons and Parole or a court may not release an individual who violates this chapter from serving the term required under Subsection (5)(b).
(ii) The provisions of this Subsection (5) supersede any other provision of law.

Amended by Chapter 288, 2019 General Session

77-42-107 Department and agency requirements.
(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the attorney general shall make rules necessary to implement this chapter, including:
(a) the method for dissemination of registry information; and
(b) instructions to the public regarding acceptable use of the information.
(2) Any information regarding the identity or location of a victim may be redacted by the attorney general from information provided under Subsection 77-42-104(6).

Enacted by Chapter 131, 2015 General Session

77-42-108 Removal from the Utah White Collar Crime Offender Registry.
(1) An offender may petition the court where the offender was convicted of the offense for which registration with the Utah White Collar Crime Offender Registry is required, for an order to remove the offender from the Utah White Collar Crime Offender Registry, if:
(a) five years have passed since the completion of the offender's sentence;
(b) the offender has successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the conviction;
(c)
(i) the offender has not been convicted of any other crime, excluding traffic offenses, as evidenced by a certificate of eligibility issued by the bureau; and
(ii) as used in this section, "traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
(d) the offender has paid all restitution ordered by the court;
(e) notice has been delivered to the victims and the office that prosecuted the offender; and
(f) the offender has not been found to be civilly liable in any case in which fraud, misrepresentation, deceit, breach of fiduciary duty, or the misuse or misappropriation of funds is an element.
(2)
(a)
(i) An offender seeking removal from the White Collar Crime Offender Registry shall apply for a certificate of eligibility from the bureau.

(ii) An offender who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.

(iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate of eligibility to anyone providing false information on an application under this Subsection (2).

(b)

(i) The bureau shall check the records of governmental agencies, including national criminal databases, to determine whether an offender is eligible to receive a certificate of eligibility under this section.

(ii) If the offender meets all of the criteria under Subsections (1)(a) through (d), the bureau shall issue a certificate of eligibility to the offender which shall be valid for a period of 90 days from the date the certificate is issued.

(c)

(i) The bureau shall charge an application fee for the certificate of eligibility in accordance with the process in Section 63J-1-504.

(ii) The fee shall be paid at the time the offender submits an application for a certificate of eligibility to the bureau.

(iii) If the bureau determines that the issuance of a certificate of eligibility is appropriate, the bureau shall issue to the offender a certificate of eligibility at no additional charge.

(d) Funds generated under this Subsection (2) shall be deposited in the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.

(3) The offender shall:

(a) file with the court the following information:

(i) the petition;

(ii) the original information;

(iii) the court docket; and

(iv) an affidavit certifying that the offender is in compliance with the provisions of Subsection (1); and

(b) deliver a copy of the petition to the office of the prosecutor.

(4)

(a) Upon receipt of a petition for removal from the Utah White Collar Crime Offender Registry, the office of the prosecutor shall provide notice of the petition by first-class mail to the victims at the most recent addresses of record on file.

(b) The notice shall:

(i) include a copy of the petition for removal from the registry;

(ii) state that the victim has a right to object to the removal of the offender from the registry; and

(iii) provide instructions for filing an objection with the court.

(5) The office of the prosecutor shall provide the following, if available, to the court within 30 days after receiving the petition:

(a) a presentence report;

(b) any evaluation done as part of sentencing; and

(c) any other information the office of the prosecutor feels the court should consider.

(6) The victim may respond to the petition by filing a recommendation or objection with the court within 45 days after the mailing of the petition to the victim.

(7) The court shall:

(a) review the petition and all documents submitted with the petition; and

(b) hold a hearing if requested by the office of the prosecutor or the victim.

(8) When considering a petition for removal from the registry, the court shall consider whether the offender has paid all restitution ordered by the court or the Board of Pardons and Parole.
(9) If the court determines that it is not contrary to the interests of the public to do so, the court may grant the petition and order removal of the offender from the registry.
(10) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the attorney general and the office of the prosecutor.
(11) The office of the prosecutor shall notify the victims of the court's decision in the same manner as the notification required in Subsection (3)(a).
(12) The attorney general shall remove an offender from the registry upon the offender providing satisfactory evidence to the attorney general that:
(a) each conviction listed in Section 77-42-105 has either been expunged or reduced in degree below a second degree felony; and
(b) the offender has paid all court-ordered restitution to victims.

Enacted by Chapter 131, 2015 General Session