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TITLE 53

PUBLIC SAFETY

Repeals. — Former Title 53, relating to public schools, was repealed in part by Laws 1987, ch. 167, § 171, effective April 27, 1987, and the remainder by Laws 1988, ch. 2, § 345, effective February 2, 1988. For present provisions, see Titles 53A and 53B.

For a table showing the placement of provisions from former Title 53 in present Titles 53A and 53B, see the Table of Corresponding Sections following Title 53B.

Sunset Act. — See Section 63-55-253.5 for the repeal date of this title.

Compiler's Notes. — This title was created by renumbering provisions relating to public safety from other titles. A table showing the location in this title of sections renumbered from other titles follows this title.

Chapter

1. Administration.
2. Comprehensive Emergency Management Act.
3. Uniform Driver License Act.
4. Investigations.
5. Law Enforcement and Technical Services.
6. Peace Officer Standards and Training.
7. Utah Fire Prevention and Safety.
8. Utah Highway Patrol.

CHAPTER 1

ADMINISTRATION

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Department Administration		53-1-111.	Crime prevention month — Department of Public Safety to coordinate.
Section		53-1-112.	Office of Executive Protection — Creation.
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53-1-102.	Definitions.	53-1-114.	Office of Executive Protection — Security and protection for governor and family — Protection for other officials — Closure of governor's premises or office — Violation of order of closure.
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PUBLIC SAFETY

Section

of director — Qualifications —
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Section

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53-1-304.

Division duties.

PART 1

DEPARTMENT ADMINISTRATION

53-1-101. Title.

This title is known as the "Public Safety Code."

History: C. 1953, 53-1-101, enacted by L. 1993, ch. 234, § 44.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-102. Definitions.

(1) As used in this title:

(a) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.

(b) "Department" means the Department of Public Safety created in Section 53-1-103.

(c) "Law enforcement agency" means an entity of the federal government, a state, or a political subdivision of a state, including a state institution of higher education, that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.

(d) "Law enforcement officer" means any officer certified in accordance with Title 77, Chapter 1a, Peace Officer Designation.

(e) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheel chairs and vehicles moved solely by human power.

(f) "Peace officer" has the same meaning as provided in Section 77-1a-1.

(g) "State institution of higher education" has the same meaning as provided in Section 53B-3-102.

(h) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(2) The definitions provided in Subsection (1) are to be applied throughout this title in addition to definitions that are applicable to specific chapters or parts.

History: C. 1953, 53-1-102, enacted by L. 1993, ch. 234, § 45.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-103. Creation of department.

(1) There is created within state government the Department of Public Safety.

(2) The department has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities specified in this title.

History: L. 1951 (1st S.S.), ch. 5, § 1; C. 1953, 41-13-1; renumbered by L. 1993, ch. 234, § 46.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-1,

added the Subsection (1) designation, rewrote Subsection (1), and added Subsection (2).

Sunset Act. — See Section 63-55-253.5 for the repeal date of the Department of Public Safety.

53-1-104. Boards, councils, divisions, and offices.

- (1) The following are the policymaking boards within the department:
 - (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
 - (b) the Detection of Deception Board, created in Section 53-5-303;
 - (c) the Security Licensing Board, created in Section 53-5-403;
 - (d) the Concealed Weapon Review Board, created in Section 53-5-703;
 - (e) the Utah Fire Prevention Board, created in Section 53-7-203; and
 - (f) the Liquified Petroleum Gas Board, created in Section 53-7-304.
- (2) The following are the councils within the department:
 - (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
 - (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.
- (3) The following are the divisions within the department:
 - (a) the Administrative Services Division, created in Section 53-1-203;
 - (b) the Management Information Services Division, created in Section 53-1-303;
 - (c) the Comprehensive Emergency Management Division, created in Section 53-2-103;
 - (d) the Driver License Division, created in Section 53-3-103;
 - (e) the Investigations Division, created in Section 53-4-103;
 - (f) the Law Enforcement and Technical Services Division, created in Section 53-5-103;
 - (g) the Peace Officers Standards and Training Division, created in Section 53-6-103;
 - (h) the State Fire Marshal Division, created in Section 53-7-103; and
 - (i) the Utah Highway Patrol Division, created in Section 53-8-103.
- (4) The Office of Executive Protection is created in Section 53-1-112.

History: C. 1953, 53-1-104, enacted by L. 1993, ch. 234, § 47.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-105. Rulemaking — Adjudicative proceedings — Meetings.

The commissioner and the department and its boards, councils, divisions, and offices shall comply with the procedures and requirements of:

- (1) Title 63, Chapter 46a, Utah Administrative Rulemaking Act, in their rulemaking;
- (2) Title 63, Chapter 46b, Administrative Procedures Act, in their adjudicative proceedings; and
- (3) Title 52, Chapter 4, Open and Public Meetings, in their meetings.

History: C. 1953, 53-1-105, enacted by L. 1993, ch. 234, § 48.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-106. Department duties — Powers.

(1) In addition to the responsibilities contained in this title, the department shall:

(a) make rules and perform the functions specified in Title 41, Chapter 6, Traffic Rules and Regulations, including:

(i) setting performance standards for towing companies to be used by the department, as required by Section 41-6-102; and

(ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section 41-6-115;

(b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a motor vehicle accident prevention course under Section 31A-19-210;

(c) aid in enforcement efforts to combat drug trafficking using funds appropriated under Section 58-37-20;

(d) as part of the annual budget hearings, provide the Transportation and Public Safety Appropriations Subcommittee with a complete accounting of expenditures and revenues from the funds under Section 58-37-20;

(e) meet with the Department of Administrative Services to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations, as required by Section 63-1-56 [63A-6-107];

(f) provide assistance to the Crime Victims' Reparations Board and Reparations Office in conducting research or monitoring victims' programs, as required by Section 63-63-5;

(g) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association, as required by Section 63-63-11; and

(h) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 63-5-5.

(2) (a) The department may establish a schedule of fees as required or allowed in this title for services provided by the department.

(b) The fees shall be established in accordance with Section 63-38-3.

History: C. 1953, 53-1-106, enacted by L. 1993, ch. 234, § 49.

Federal Law. — For Emergency Planning and Community Right-to-Know Act, cited in Subsection (1)(h), see 42 U.S.C. § 11001 et seq.

Compiler's Notes. — Section 63-1-56, cited in Subsection (1)(e), was renumbered in 1993 as § 63A-6-107.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-107. Commissioner of public safety — Appointment — Qualifications — Salary.

- (1) The chief executive officer of the department is the commissioner.
- (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner with the advice and consent of the Senate.
(b) The commissioner shall serve for a period of four years from July 1 of the year of his appointment.
- (3) The commissioner shall:
 - (a) be an individual of recognized executive and administrative capacity;
 - (b) be selected solely with regard to his qualifications and fitness to discharge the duties of the commissioner's office;
 - (c) be of high moral character;
 - (d) be of good standing in the community in which he lives; and
 - (e) have been a resident of this state for a period of at least five years immediately prior to his appointment.
- (4) The commissioner shall devote full time to the duties of the office.
- (5) The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

History: L. 1951 (1st S.S.), ch. 5, § 2; 1953, ch. 71, § 1; 1959 (1st S.S.), ch. 3, § 1; 1961, ch. 167, § 3; 1977, ch. 96, § 2; 1991, ch. 114, § 9; C. 1953, 41-13-2; renumbered by L. 1993, ch. 234, § 50.

Amendment Notes. — The 1991 amendment, effective July 1, 1991, rewrote the section to such an extent that a detailed analysis is impracticable.

The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly ap-

peared as § 41-13-2; deleted "of Public Safety" after "department" and "commissioner" throughout; subdivided Subsections (2) and (3); substituted "1989" for "1951, following the convening of the general session of the Legislature in that year" in Subsection (2)(a); deleted the former second sentence of Subsection (4), providing a four year term for the commissioner from July 1 of the appointment year, and made stylistic changes.

COLLATERAL REFERENCES

C.J.S. — 81A C.J.S. States § 80.

53-1-108. Commissioner's powers and duties.

- (1) In addition to the responsibilities contained in this title, the commissioner shall:
 - (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as required to properly discharge the duties of the department;
 - (c) make rules:
 - (i) governing emergency use of signal lights on private vehicles;

- (ii) allowing privately owned vehicles to be designated for part-time emergency use, as provided in Section 41-6-1.5; and
 - (iii) specifying approved maximum altered heights for vehicles, as required by Section 41-6-148.31;
 - (d) set standards for safety belt systems, as required by Section 41-6-182;
 - (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by Section 63-5-4; and
 - (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1.
- (2) The commissioner may:
- (a) subject to the approval of the governor, establish division headquarters at various places in the state;
 - (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that authority for cause, as authorized in Section 56-1-21.5;
 - (c) create specialized units within the commissioner's office for conducting internal affairs and aircraft operations as necessary to protect the public safety;
 - (d) cooperate with any recognized agency in the education of the public in safety and crime prevention and participate in public or private partnerships, subject to Subsection (3);
 - (e) cooperate in applying for and distributing highway safety program funds; and
 - (f) receive and distribute federal funding to further the objectives of highway safety in compliance with the Federal Assistance Management Program Act.
- (3) (a) Money may not be expended under Subsection (2)(d) for public safety education unless it is specifically appropriated by the Legislature for that purpose.
- (b) Any recognized agency receiving state money for public safety shall file with the auditor of the state an itemized statement of all its receipts and expenditures.

History: C. 1953, 53-1-108, enacted by L. 1993, ch. 234, § 51.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

Cross-References. — Federal assistance management program, § 63-40-1 et seq.

53-1-109. Security for capitol complex — Traffic and parking rules enforcement for division — Security personnel.

- (1) The commissioner, in cooperation with the director of the Division of Facilities Construction and Management, shall:
- (a) provide for the security of grounds and buildings of the capitol complex; and
 - (b) enforce traffic provisions under Title 41, Chapter 6, Traffic Rules and Regulations, and parking rules, as adopted by the Division of Facilities Construction and Management, for all grounds and buildings under the jurisdiction of the Division of Facilities Construction and Management.

(2) Security personnel required in Subsection (1), shall be special function officers as defined in Section 77-1a-4, or security guards as defined in Chapter 5, Part 4, Security Personnel Licensing and Regulation Act.

History: C. 1953, 63-1-39, enacted by L. 1981, ch. 257, § 1; 1988, ch. 227, § 1; 1993, ch. 212, § 93; renumbered by L. 1993, ch. 234, § 52.

Amendment Notes. — The 1993 amendment by ch. 212, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-39, as § 63A-5-213, and made a stylistic change in Subsection (1)(b).

The 1993 amendment by ch. 234, effective July 1, 1993, renumbered this section, which formerly appeared as § 63-1-39; substituted "commissioner" for "Department of Public

Safety" and added "of the Division" once and "of Facilities Construction and Management" twice in Subsection (1); added "Traffic Rules and Regulations" in Subsection (1)(b); substituted "required in" for "as considered necessary by the commissioner of public safety under" and "as defined in Chapter 5, Part 4, Security Personnel Licensing and Regulation Act" for "under Title 41, Chapter 13a" in Subsection (2); and made a stylistic change.

This section is set out as reconciled by the Office of Legislative Research and General Counsel.

53-1-110. Compilation of highway, traffic, and driver licensing laws — Printing and distribution — Fees.

(1) (a) The commissioner shall compile an edition of the general highway, traffic, and driver licensing laws of the state as soon as practicable after each regular session of the Legislature.

(b) The edition shall include laws enacted or amended by the most recent session of the Legislature.

(2) (a) The Division of Finance shall print a sufficient quantity of the compiled highway, traffic, and driver licensing laws to distribute copies to all state, county, and local enforcement agencies, courts, legislators, and other agencies as necessary.

(b) A fee may be assessed for each copy of the compilation issued by the Division of Finance. The fee shall be established by the Division of Finance in accordance with Section 63-38-3.

History: L. 1967, ch. 102, § 1; C. 1953, 41-13-10; renumbered by L. 1993, ch. 234, § 53.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-

10; subdivided Subsections (1) and (2); substituted "commissioner" for "director of public safety" in Subsection (1)(a); substituted "Division" for "Department" twice in Subsection (2); added the second sentence in Subsection (2)(b); and made stylistic changes.

53-1-111. Crime prevention month — Department of Public Safety to coordinate.

(1) The month of October is designated as "Crime Prevention Month."

(2) The department shall coordinate all activities, special programs, and promotional information to heighten public awareness and involvement in the prevention of crime in each community.

History: C. 1953, 63-85-1, enacted by L. 1992, ch. 81, § 1; recompiled as 63-87-1; renumbered by L. 1993, ch. 234, § 54.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this

section, which formerly appeared as § 63-87-1, substituted "is" for "shall be" in Subsection (1), and deleted "of Public Safety" after "department" in Subsection (2).

Effective Dates. — Laws 1992, ch. 81 be-

came effective on April 27, 1992, pursuant to Utah Const., Art. VI, Sec. 25.

53-1-112. Office of Executive Protection — Creation.

There is created within the department the Office of Executive Protection.

History: C. 1953, 41-13-12, enacted by L. 1983, ch. 329, § 2; renumbered by L. 1993, ch. 234, § 55.

Amendment Notes. — The 1993 amend-

ment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-12, and substituted the second "the" for "of public safety an."

53-1-113. Office of Executive Protection — Personnel.

(1) The commissioner shall select personnel for the Office of Executive Protection primarily from the ranks of the Highway Patrol without competitive examination.

(2) Selection of personnel from other than these ranks may be made at the commissioner's discretion, provided the persons selected are peace officers.

History: C. 1953, 41-13-13, enacted by L. 1983, ch. 329, § 3; 1989, ch. 22, § 25; renumbered by L. 1993, ch. 234, § 56.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-

13, added the subsection designations, deleted "of public safety" after "commissioner" and "state" before "Highway Patrol" in Subsection (1), and deleted "certified" before "peace officers" in Subsection (2).

53-1-114. Office of Executive Protection — Security and protection for governor and family — Protection for other officials — Closure of governor's premises or office — Violation of order of closure.

(1) The Office of Executive Protection shall provide all necessary security and protection for the governor and the governor's immediate family.

(2) (a) Subject to the direction of the commissioner, the Office of Executive Protection may provide protection to other public officials.

(b) That protection may not extend for more than 15 days without review and approval by majority vote of the president of the Senate, the speaker of the House, and the commissioner.

(c) Review and approval by the same majority vote shall be required at the end of each 15-day period.

(3) (a) Members of the Office of Executive Protection may order the closure of or restriction of access to the governor's premises or office when in their discretion that action becomes necessary to insure the safety of persons within. An order of closure or restriction shall not remain in effect for more than three consecutive days without approval of the commissioner.

(b) The order shall be posted by placing a copy of it at the entrance to the premises of the governor's residence or at the entrance to the governor's office. The order shall specify the extent of closure or restriction.

(c) A person who intentionally or knowingly enters or remains within the premises of the governor's residence or the governor's office in violation of an order of closure or of restricted access is guilty of a class B misdemeanor.

History: C. 1953, 41-13-14, enacted by L. 1983, ch. 329, § 4; renumbered by L. 1993, ch. 234, § 57.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-14, subdivided Subsection (2), deleted “of public safety” after “commissioner” throughout,

added the (a) designation in Subsection (3) and redesignated former Subsections (3)(a) and (b) as Subsections (3)(b) and (c), and substituted “A person” for “Any person” and “is” for “shall be” in Subsection (3)(c).

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

53-1-115. Office of Executive Protection — Closure of property to protect governor — Violation of order of closure.

(1) (a) The Office of Executive Protection may order closure or restriction of access to any public property when in the discretion of the commissioner closure becomes necessary in the discharge of the duty to protect the governor and other persons as provided in Section 53-1-114.

(b) The order for closure or restriction shall be posted by placing a copy of it at the primary entrance to the public property.

(c) The order shall specify the extent of the closure or restriction.

(2) Any person who intentionally or knowingly enters or remains within public property in violation of an order of closure or restricted access is guilty of a class C misdemeanor.

History: C. 1953, 41-13-15, enacted by L. 1983, ch. 329, § 5; 1991, ch. 241, § 72; renumbered by L. 1993, ch. 234, § 58.

Amendment Notes. — The 1991 amendment, effective April 29, 1991, substituted “class C” for “class B” in Subsection (2).

The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 41-13-15, subdivided Subsection (1), substituted “commissioner” for “director”

and “Section 53-1-114” for “Section 41-13-14” in Subsection (1)(a), and substituted “is” for “shall be” in Subsection (2).

Severability Clauses. — Section 6 of Laws 1983, ch. 329 provided: “If a provision of this act, or the application of a provision to a person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.”

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

53-1-116. Violations.

A violation of this title is a class C misdemeanor, unless otherwise provided.

History: C. 1953, 53-1-116, enacted by L. 1993, ch. 234, § 59.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

PART 2

ADMINISTRATIVE SERVICES

Sunset Act. — See Section 63-55-253.5 for the repeal date of this part.

53-1-201. Short title.

This part is known as "Administrative Services."

History: C. 1953, 53-1-201, enacted by L. 1993, ch. 234, § 60.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-202. Definitions.

As used in this part:

- (1) "Director" means the division director appointed under Section 53-1-203.
- (2) "Division" means the Administrative Services Division created in Section 53-1-203.

History: C. 1953, 53-1-202, enacted by L. 1993, ch. 234, § 61.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-203. Creation of Administrative Services Division — Appointment of director — Qualifications — Term — Compensation.

(1) There is created within the department the Administrative Services Division.

(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

History: C. 1953, 53-1-203, enacted by L. 1993, ch. 234, § 62.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

Sunset Act. — See Section 63-55-253.5 for the repeal date of the Administrative Services Division.

53-1-204. Division duties.

The division shall:

- (1) provide administrative and staff support to the commissioner;
- (2) ensure that all departmental administrative processes are in compliance with state law, rules, and procedures;
- (3) administer all human resource related matters throughout the department;
- (4) make deposits, pay all claims and obligations of the department, and conduct all treasury transactions;
- (5) prepare the department budget, review department expenditures, prepare financial reports, and offer general assistance with financial matters to the department;
- (6) coordinate and review department purchases and monitor department purchasing practices to ensure compliance with state procurement rules;
- (7) coordinate the purchase, operation, maintenance, records, and final disposal of the department's vehicle fleet;
- (8) make capital facility plans for the department, maintain a capital equipment inventory system, coordinate risk management records, and organize waste paper recycling; and
- (9) make rules for the department authorized by this title.

History: C. 1953, 53-1-204, enacted by L. 1993, ch. 234, § 63.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

PART 3**MANAGEMENT INFORMATION SERVICES**

Sunset Act. — See Section 63-55-253.5 for the repeal date of this part.

53-1-301. Short title.

This part is known as "Management Information Services."

History: C. 1953, 53-1-301, enacted by L. 1993, ch. 234, § 64.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-302. Definitions.

As used in this part:

- (1) "Director" means the division director appointed under Section 53-1-303.
- (2) "Division" means the Management Information Services Division created in Section 53-1-303.

History: C. 1953, 53-1-302, enacted by L. 1993, ch. 234, § 65.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-303. Creation of Management Information Services Division — Appointment of director — Qualifications — Term — Compensation.

(1) There is created within the department the Management Information Services Division.

(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

History: C. 1953, 53-1-303, enacted by L. 1993, ch. 234, § 66.

Sunset Act. — See Section 63-55-253.5 for the repeal date of the Management Information Services Division.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-1-304. Division duties.

The division shall:

(1) provide technical support for the department's various computer systems, including computer software, hardware, and networking support;

(2) provide access to the National Crime Information Center, National Law Enforcement Telecommunication System, which provides electronic mail messaging capabilities to law enforcement agencies throughout the nation, and to National Commercial Driver License Information;

(3) create information systems for public safety information;

(4) provide programming support as required by the department;

(5) design systems and programs to maximize the efficiency of the department;

(6) provide law enforcement officers and criminal justice agencies access to public safety information that will assist in protecting the public; and

(7) other duties as assigned by the commissioner.

History: C. 1953, 53-1-304, enacted by L. 1993, ch. 234, § 67.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

CHAPTER 2

COMPREHENSIVE EMERGENCY MANAGEMENT ACT

Sunset Act. — See Section 63-55-253.5 for the repeal date of this chapter.

<p>Section 53-2-101. Short title. 53-2-102. Definitions. 53-2-103. Comprehensive Emergency Management Division — Creation — Director — Appointment — Term — Compensation.</p>	<p>Section 53-2-104. Division duties — Powers. 53-2-105. Hazardous materials emergency — Recovery of expenses. 53-2-106. Expenditures authorized by “state of emergency” declaration.</p>
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53-2-101. Short title.

This chapter is known as the “Comprehensive Emergency Management Act.”

History: C. 1953, 53-2-101, enacted by L. 1993, ch. 234, § 68.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-2-102. Definitions.

As used in this chapter:

- (1) “Attack” means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this state.
- (2) “Disaster” means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena, or technological hazard.
- (3) “Director” means the division director appointed under Section 53-2-103.
- (4) “Division” means the Comprehensive Emergency Management Division created in Section 53-2-103.
- (5) “Expenses” means actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost of equipment operation, cost of materials, and the cost of any contract labor and materials.
- (6) “Hazardous materials emergency” means a sudden and unexpected release of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.
- (7) “Internal disturbance” means a riot, prison break, disruptive terrorism, or strike.
- (8) “Natural phenomena” means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, or epidemic.
- (9) “State of emergency” means a condition in any part of this state that requires state government emergency assistance to supplement the

local efforts of the affected political subdivision to save lives and to protect property, public health, welfare, and safety in the event of a disaster, or to avoid or reduce the threat of a disaster.

(10) "Technological hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

History: C. 1953, 53-2-102, enacted by L. 1993, ch. 234, § 69.

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-2-103. Comprehensive Emergency Management Division — Creation — Director — Appointment — Term — Compensation.

(1) There is created within the department the Comprehensive Emergency Management Division.

(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

History: C. 1953, 53-2-103, enacted by L. 1993, ch. 234, § 70.

gency Management Division.

Sunset Act. — See Section 63-55-253.5 for the repeal date of the Comprehensive Emer-

Effective Dates. — Laws 1993, ch. 234, § 395 makes the act effective on July 1, 1993.

53-2-104. Division duties — Powers.

(1) The division shall:

(a) respond to the policies of the governor and the Legislature;

(b) perform functions relating to comprehensive emergency management matters as directed by the commissioner;

(c) prepare, implement, and maintain programs and plans to provide for:

(i) prevention and minimization of injury and damage caused by disasters;

(ii) prompt and effective response to and recovery from disasters;

(iii) identification of areas particularly vulnerable to disasters;

(iv) coordination of hazard mitigation and other preventive and preparedness measures designed to eliminate or reduce disasters;

(v) assistance to local officials in designing local emergency action plans;

(vi) coordination of federal, state, and local emergency activities;

(vii) coordination of emergency operations plans with emergency plans of the federal government;

(viii) coordination of search and rescue activities;

(ix) coordination of rapid and efficient communications in times of emergency; and

(x) other measures necessary, incidental, or appropriate to this chapter.

(2) The division may consult with the Legislative Management Committee, the Judicial Council, and legislative and judicial staff offices to assist them in preparing emergency succession plans and procedures under Title 63, Chapter 5b, Emergency Interim Succession Act.

History: C. 1953, 63-5-3, enacted by L. 1981, ch. 254, § 1; renumbered by L. 1993, ch. 234, § 71.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 63-5-3; added the (1) designation and subdivided Subsection (1); redesignated former Subsections (1) to (10) as Subsections (1)(c)(i) to (x); deleted "of comprehensive emergency management is es-

tablished within the department of public safety which" after "division" in Subsection (1); deleted "of public safety" after "commissioner" in Subsection (1)(b); substituted "this chapter" for "the provisions of this act" in Subsection (1)(c)(x); added Subsection (2); and made stylistic changes.

Cross-References. — Governor's powers as commander-in-chief of state's military forces, Utah Const., Art. VII, Sec. 4.

53-2-105. Hazardous materials emergency — Recovery of expenses.

(1) (a) The director may recover from those persons whose negligent actions caused the hazardous materials emergency, expenses incurred by state agencies directly associated with a response to a hazardous materials emergency taken under authority of this part, Title 63, Chapter 5, Emergency Management, or Title 63, Chapter 5a, Disaster Response and Recovery.

(b) The payment of expenses under this subsection does not constitute an admission of liability or negligence in any legal action for damages.

(c) The director may obtain assistance from the attorney general or a county attorney of the affected jurisdiction to assist the director in recovering expenses and legal fees.

(d) Any recovered costs shall be deposited in the General Fund as dedicated credits to be used by the division to reimburse state and local government agencies for the costs they have incurred.

(2) (a) If the cost directly associated with emergency response exceeds all available funds of the division within a given fiscal year, the division, with approval from the governor, may incur a deficit in its line item budget.

(b) The Legislature shall provide a supplemental appropriation in the following year to cover the deficit.

(c) The division shall deposit all costs associated with any emergency response that are collected in subsequent fiscal years into the General Fund.

(3) Any political subdivision may enact local ordinances pursuant to existing statutory or constitutional authority to provide for the recovery of expenses incurred by the political subdivision.

History: C. 1953, 63-5-6, enacted by L. 1989, ch. 250, § 1; renumbered by L. 1993, ch. 234, § 72.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 63-5-6, deleted former Subsection (1), defining “hazardous materials” and “expenses,” deleted “of the division of Comprehensive Emergency Management” after “director” and “that is au-

thorized by the director of the division of Comprehensive Emergency Management” after “Recovery” and substituted “part, Title 63, Chapter 5, Emergency Management” for “chapter” in Subsection (1)(a), deleted “of Comprehensive Emergency Management” after “division” throughout, and made designation changes.

COLLATERAL REFERENCES

A.L.R. — Vendor’s obligation to disclose to purchaser of land presence of contamination from hazardous substances or wastes, 12 A.L.R.5th 630.

53-2-106. Expenditures authorized by “state of emergency” declaration.

- (1) (a) The director may use funds authorized under Title 63, Chapter 5a, Disaster Response and Recovery, to provide:
 - (i) transportation to and from the disaster scene;
 - (ii) accommodations at the disaster scene for prolonged incidents; and
 - (iii) emergency purchase of response equipment and supplies in direct support of a disaster.
- (b) The commissioner may authorize the use of funds accrued under Title 63, Chapter 5a, only if the governor declares a state of emergency as provided in Title 63, Chapter 5a, Disaster Response and Recovery.

(2) These funds may not be allocated to a political subdivision unless the political subdivision has demonstrated that it is beyond its capability to respond to the disaster and that no other resources are available in sufficient amount to meet the disaster.

History: L. 1981, ch. 253, § 10; 1989, ch. 166, § 2; C. 1953, 63-5a-10; renumbered by L. 1993, ch. 234, § 73.

Amendment Notes. — The 1993 amendment, effective July 1, 1993, renumbered this section, which formerly appeared as § 63-5a-10, deleted “of the division of Comprehensive

Emergency Management” after “director” in Subsection (1)(a), substituted “Title 63, Chapter 5a, Disaster Response and Recovery” for “this act” in Subsection (1)(a) and for “this chapter” in Subsection (1)(b), added “disaster” throughout, and deleted “of public safety” after “commissioner” in Subsection (2).

**CHAPTER 3
UNIFORM DRIVER LICENSE ACT**

Sunset Act. — See Section 63-55-253.5 for the repeal date of this chapter.

Part 1	Section	
Driver License Division Administration	53-3-103.	Driver License Division — Creation — Director — Appointment — Term — Compensation.
Section		
53-3-101.	Short title.	53-3-104. Division duties.
53-3-102.	Definitions.	53-3-105. Fees for licenses, scheduling, and