

**DRIVE-THROUGH SERVICE USAGE AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Johnny Anderson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits a municipality or county from making certain requirements of a business with drive-through service.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ prohibits a municipality or county from requiring a business with a drive-through

service:

- to accommodate in the drive-through service a person who is not in a motorized vehicle; and
- to maintain the same business hours in the business lobby as the drive-through

service.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**10-8-44.6**, Utah Code Annotated 1953

**17-50-329.5**, Utah Code Annotated 1953



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

Section 1. Section **10-8-44.6** is enacted to read:

**10-8-44.6. Regulation of drive-through facilities.**

(1) As used in this section:

(a) "Business" means a private enterprise carried on for the purpose of gain or economic profit.

(b) (i) "Business lobby" means a public area, including a lobby, dining area, or other area accessible to the public where business is conducted within a place of business.

(ii) "Business lobby" does not include the area of a business where drive-through service is conducted.

(c) "Land use application" means the same as that term is defined in Section [10-9a-103](#).

(d) "Motorcycle" means a motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(e) (i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle, intended primarily for use and operation on the highways.

(ii) "Motor vehicle" does not include an off-highway vehicle.

(f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, or all-terrain type II vehicle.

(2) A municipality may not withhold a business license, deny a land use application, or otherwise require a business that has a drive-through service as a component of its business operations to:

(a) allow a person other than a person in a motorized vehicle to use the drive-through service; or

(b) offer designated hours of the day that a customer is accommodated and business is conducted in the business lobby that are the same as or exceed the hours of the day that a customer is accommodated and business is conducted in the drive-through service.

Section 2. Section **17-50-329.5** is enacted to read:

**17-50-329.5. Regulation of drive-through facilities.**

(1) As used in this section:

(a) "Business" means a private enterprise carried on for the purpose of gain or

59 economic profit.

60 (b) (i) "Business lobby" means a public area, including a lobby, dining area, or other  
61 area accessible to the public where business is conducted within a place of business.

62 (ii) "Business lobby" does not include the area of a business where drive-through  
63 service is conducted.

64 (c) "Land use application" means the same as that term is defined in Section  
65 [17-27a-103](#).

66 (d) "Motorcycle" means a motor vehicle having a saddle for the use of the operator and  
67 designed to travel on not more than two tires.

68 (e) (i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle,  
69 intended primarily for use and operation on the highways.

70 (ii) "Motor vehicle" does not include an off-highway vehicle.

71 (f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, or  
72 all-terrain type II vehicle.

73 (2) A county may not withhold a business license, deny a land use application, or  
74 otherwise require a business that has a drive-through service as a component of its business  
75 operations to:

76 (a) allow a person other than a person in a motorized vehicle to use the drive-through  
77 service; or

78 (b) offer designated hours of the day that a customer is accommodated and business is  
79 conducted in the business lobby that are the same as or exceed the hours of the day that a  
80 customer is accommodated and business is conducted in the drive-through service.

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**Legislative Review Note**  
as of 12-10-14 7:48 PM

**Office of Legislative Research and General Counsel**