

PROPERTY TRANSACTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Steve Eliason

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

Legislative Vote: 9 voting for 4 voting against 5 absent

General Description:

This bill modifies provisions relating to property.

Highlighted Provisions:

This bill:

- ▶ requires, when ownership of real property is transferred, the grantor or the closing agent make available information about the property, including purchase price, to the county recorder;
- ▶ makes the purchase price a private record for purposes of the Government Records Access and Management Act, with exceptions for sharing with the county assessors, the State Tax Commission, and parties to a property tax appeal;
- ▶ makes the purchase price a confidential property tax record;
- ▶ prohibits certain uses of the purchase price information;
- ▶ schedules the termination of the disclosure requirements but requires legislative review before termination; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **59-1-404**, as last amended by Laws of Utah 2023, Chapters 21, 492

33 **63G-2-202**, as last amended by Laws of Utah 2023, Chapter 329

34 **63G-2-302**, as last amended by Laws of Utah 2023, Chapters 329, 471

35 **63I-1-257**, as last amended by Laws of Utah 2019, Chapter 136

36 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
37 212, 218, 249, 270, 448, 489, and 534

38 ENACTS:

39 **57-3-110**, Utah Code Annotated 1953

40 **57-3-111**, Utah Code Annotated 1953



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

43 Section 1. Section **57-3-110** is enacted to read:

44 **57-3-110. Disclosure of details of real property transaction.**

45 (1) As used in this section:

46 (a) "Closing agent" means a person, other than a government entity or a government
47 entity employee, that may accept paperwork or funds in connection with a transferred property.

48 (b) "Eminent domain action" means:

49 (i) the governmental entity acquires the real property by eminent domain; or

50 (ii) (A) the real property is under threat or imminence of eminent domain proceedings;

51 and

52 (B) the governmental entity provides written notice of the eminent domain proceedings
53 to the owner.

54 (c) "Improvement" means the same as that term is defined in Section [59-2-102](#).

55 (d) (i) "Transferred property" means the transfer of ownership of a fee simple interest
56 in real property, including a fee simple interest that is subject to a lease.

57 (ii) "Transferred property" does not include a transfer of property that results from an
58 eminent domain action.

59 (2) (a) Before a county recorder may record a document conveying a fee simple interest
 60 in transferred property, the county recorder shall receive the declaration described in
 61 Subsection (3) from the person filing the document conveying a fee simple interest.

62 (b) If the grantor of transferred property uses a closing agent to record the deed, the
 63 closing agent shall provide the grantor with the declaration form and an explanation of the
 64 information required to be included on the declaration.

65 (3) The declaration shall be signed by each grantor or the grantor's authorized agent
 66 under penalty of Section 76-8-504 and be in the following form:

<u>Declaration of Transferred Property</u>		
<u>Grantor Information</u>		
<u>Grantor name(s):</u>		
<u>Transferred Property Information</u>		
<u>Parcel or serial number:</u>		
<u>Legal description:</u>		
<u>Does the transferred property have improvements?:</u>		
<u>Municipality or unincorporated area where the transferred property is located:</u>		
<u>Purchase price: \$</u>		
<u>Date of transfer:</u>		
<u>Additional information:</u>		
<u>Signature(s) (This form is to be signed by each grantor of transferred property.)</u>		
<u>Under penalty of Utah Code Section 76-8-504, grantor(s) declare, to the best of the</u> <u>grantor(s) knowledge and belief, this declaration is true, correct, and complete.</u>		
_____	_____	_____
<u>Grantor name</u>	<u>Grantor signature</u>	<u>Date</u>
_____	_____	_____
<u>Grantor name</u>	<u>Grantor signature</u>	<u>Date</u>

84 (4) (a) The county recorder may not record the declaration.

85 (b) The county recorder shall make the information from the declaration available to a
 86 county assessor and the State Tax Commission.

87 (5) (a) Subject to Subsections (5)(b) and (5)(c), the county assessor or State Tax
88 Commission may subpoena a grantor or a closing agent if the county recorder does not receive
89 the declaration or receives an incomplete or inaccurate declaration.

90 (b) The subpoena is limited only to records containing the information required in the
91 declaration.

92 (c) The county assessor or the State Tax Commission may not require the grantor or the
93 closing agent to appear in any county other than the county where the subpoena is served.

94 Section 2. Section **57-3-111** is enacted to read:

95 **57-3-111. Prohibited uses of purchase price.**

96 (1) (a) Except as provided in Subsection (1)(b), a county assessor or the State Tax
97 Commission may not use the information from the declaration provided in accordance with
98 Section [57-3-1110](#) as the sole basis for assessing the property that is the subject of the
99 declaration.

100 (b) (i) The county assessor or the State Tax Commission may use the information from
101 the declaration to generate and support market values within the county assessor's or the State
102 Tax Commission's jurisdiction and to provide support in response to a property valuation
103 appeal.

104 (ii) (A) The county assessor may use purchase price information from specific
105 transferred properties as examples in property valuation appeals before a county board of
106 equalization hearing officer, the county board of equalization, the State Tax Commission, or a
107 state court.

108 (B) The State Tax Commission may use purchase price information from specific
109 transferred properties as examples in property valuation appeals before a state court.

110 (2) (a) The state or a political subdivision may not use the purchase price of a
111 transaction as a basis for imposing a tax or fee on the transfer of real property.

112 (b) For purposes of this section, a tax or fee on the transfer of real property does not
113 include an income tax, an inheritance tax, or a recording fee.

114 Section 3. Section **59-1-404** is amended to read:

115 **59-1-404. Definitions -- Confidentiality of commercial information obtained from**
116 **a property taxpayer or derived from the commercial information -- Rulemaking**
117 **authority -- Exceptions -- Written explanation -- Signature requirements -- Retention of**

118 **signed explanation by employer -- Penalty.**

119 (1) As used in this section:

120 (a) "Appraiser" means an individual who holds an appraiser's certificate or license
121 issued by the Division of Real Estate under Title 61, Chapter 2g, Real Estate Appraiser
122 Licensing and Certification Act and includes an individual associated with an appraiser who
123 assists the appraiser in preparing an appraisal.

124 (b) "Appraisal" is as defined in Section [61-2g-102](#).

125 (c) (i) "Commercial information" means:

126 (A) information of a commercial nature obtained from a property taxpayer regarding
127 the property taxpayer's property; or

128 (B) information derived from the information described in this Subsection (1)(c)(i).

129 (ii) (A) "Commercial information" does not include information regarding a property
130 taxpayer's property if the information is intended for public use.

131 (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
132 purposes of Subsection (1)(c)(ii)(A), the commission may by rule prescribe the circumstances
133 under which information is intended for public use.

134 (d) "Consultation service" is as defined in Section [61-2g-102](#).

135 (e) "Locally assessed property" means property that is assessed by a county assessor in
136 accordance with Chapter 2, Part 3, County Assessment.

137 (f) "Purchase price" means the amount reported in a declaration required by Subsection
138 [57-3-110\(3\)](#).

139 [(f)] (g) "Property taxpayer" means a person that:

140 (i) is a property owner; or

141 (ii) has in effect a contract with a property owner to:

142 (A) make filings on behalf of the property owner;

143 (B) process appeals on behalf of the property owner; or

144 (C) pay a tax under Chapter 2, Property Tax Act, on the property owner's property.

145 [(g)] (h) "Property taxpayer's property" means property with respect to which a
146 property taxpayer:

147 (i) owns the property;

148 (ii) makes filings relating to the property;

- 149 (iii) processes appeals relating to the property; or
- 150 (iv) pays a tax under Chapter 2, Property Tax Act, on the property.
- 151 [~~(h)~~] (i) "Protected commercial information" means commercial information that:
- 152 (i) identifies a specific property taxpayer; or
- 153 (ii) would reasonably lead to the identity of a specific property taxpayer.
- 154 (2) An individual listed under Subsection 59-1-403(2)(a) may not disclose commercial
- 155 information or purchase price:
- 156 (a) obtained in the course of performing any duty that the individual listed under
- 157 Subsection 59-1-403(2)(a) performs under Chapter 2, Property Tax Act; or
- 158 (b) relating to an action or proceeding:
- 159 (i) with respect to a tax imposed on property in accordance with Chapter 2, Property
- 160 Tax Act; and
- 161 (ii) that is filed in accordance with:
- 162 (A) this chapter;
- 163 (B) Chapter 2, Property Tax Act; or
- 164 (C) this chapter and Chapter 2, Property Tax Act.
- 165 (3) (a) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual
- 166 listed under Subsection 59-1-403(2)(a) may disclose the following information:
- 167 (i) the assessed value of property;
- 168 (ii) the tax rate imposed on property;
- 169 (iii) a legal description of property;
- 170 (iv) the physical description or characteristics of property, including a street address or
- 171 parcel number for the property;
- 172 (v) the square footage or acreage of property;
- 173 (vi) the square footage of improvements on property;
- 174 (vii) the name of a property taxpayer;
- 175 (viii) the mailing address of a property taxpayer;
- 176 (ix) the amount of a property tax:
- 177 (A) assessed on property;
- 178 (B) due on property;
- 179 (C) collected on property;

- 180 (D) abated on property; or
181 (E) deferred on property;
182 (x) the amount of the following relating to property taxes due on property:
183 (A) interest;
184 (B) costs; or
185 (C) other charges;
186 (xi) the tax status of property, including:
187 (A) an exemption;
188 (B) a property classification;
189 (C) a bankruptcy filing; or
190 (D) whether the property is the subject of an action or proceeding under this title;
191 (xii) information relating to a tax sale of property; or
192 (xiii) information relating to single-family residential property.
193 (b) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual
194 listed under Subsection 59-1-403(2)(a) shall disclose, upon request, the information described
195 in Subsection 59-2-1007(9).
196 (c) (i) Subject to Subsection (3)(c)(ii), a person may receive the information described
197 in Subsection (3)(a) or (b) in written format.
198 (ii) The following may charge a reasonable fee to cover the actual cost of providing the
199 information described in Subsection (3)(a) or (b) in written format:
200 (A) the commission;
201 (B) a county;
202 (C) a city; or
203 (D) a town.
204 (4) (a) Notwithstanding Subsection (2) and except as provided in Subsection (4)(c), an
205 individual listed under Subsection 59-1-403(2)(a) shall disclose commercial information or
206 purchase price:
207 (i) in accordance with judicial order;
208 (ii) on behalf of the commission in any action or proceeding:
209 (A) under this title;
210 (B) under another law under which a property taxpayer is required to disclose

211 commercial information or purchase price; or
212 (C) to which the commission is a party;
213 (iii) on behalf of any party to any action or proceeding under this title if the commercial
214 information or purchase price is directly involved in the action or proceeding; [~~or~~]
215 (iv) if the requirements of Subsection (4)(b) are met, that is:
216 (A) relevant to an action or proceeding:
217 (I) filed in accordance with this title; and
218 (II) involving property; or
219 (B) in preparation for an action or proceeding involving property[~~;~~]; or
220 (v) as required by Section 57-3-110.
221 (b) Commercial information shall be disclosed in accordance with Subsection
222 (4)(a)(iv):
223 (i) if the commercial information is obtained from:
224 (A) a real estate agent if the real estate agent is not a property taxpayer of the property
225 that is the subject of the action or proceeding;
226 (B) an appraiser if the appraiser:
227 (I) is not a property taxpayer of the property that is the subject of the action or
228 proceeding; and
229 (II) did not receive the commercial information pursuant to Subsection (8);
230 (C) a property manager if the property manager is not a property taxpayer of the
231 property that is the subject of the action or proceeding; or
232 (D) a property taxpayer other than a property taxpayer of the property that is the subject
233 of the action or proceeding;
234 (ii) regardless of whether the commercial information is disclosed in more than one
235 action or proceeding; and
236 (iii) (A) if a county board of equalization conducts the action or proceeding, the county
237 board of equalization takes action to provide that any commercial information disclosed during
238 the action or proceeding may not be disclosed by any person conducting or participating in the
239 action or proceeding except as specifically allowed by this section;
240 (B) if the commission conducts the action or proceeding, the commission enters a
241 protective order or, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

242 Act, makes rules specifying that any commercial information disclosed during the action or
243 proceeding may not be disclosed by any person conducting or participating in the action or
244 proceeding except as specifically allowed by this section; or

245 (C) if a court of competent jurisdiction conducts the action or proceeding, the court
246 enters a protective order specifying that any commercial information disclosed during the
247 action or proceeding may not be disclosed by any person conducting or participating in the
248 action or proceeding except as specifically allowed by this section.

249 (c) Notwithstanding Subsection (4)(a), a court may require the production of, and may
250 admit in evidence, commercial information that is specifically pertinent to the action or
251 proceeding.

252 (5) Notwithstanding Subsection (2), this section does not prohibit:

253 (a) the following from receiving a copy of any commercial information or purchase
254 price relating to the basis for assessing a tax that is charged to a property taxpayer:

255 (i) the property taxpayer;

256 (ii) a duly authorized representative of the property taxpayer;

257 (iii) a person that has in effect a contract with the property taxpayer to:

258 (A) make filings on behalf of the property taxpayer;

259 (B) process appeals on behalf of the property taxpayer; or

260 (C) pay a tax under Chapter 2, Property Tax Act, on the property taxpayer's property;

261 (iv) a property taxpayer that purchases property from another property taxpayer; or

262 (v) a person that the property taxpayer designates in writing as being authorized to
263 receive the commercial information;

264 (b) the publication of statistics as long as the statistics are classified to prevent the
265 identification of a particular property taxpayer's commercial information or purchase price;

266 (c) the inspection by the attorney general or other legal representative of the state or a
267 legal representative of a political subdivision of the state of the commercial information or
268 purchase price of a property taxpayer:

269 (i) that brings action to set aside or review a tax or property valuation based on the
270 commercial information or purchase price;

271 (ii) against which an action or proceeding is contemplated or has been instituted under
272 this title; or

273 (iii) against which the state or a political subdivision of the state has an unsatisfied
274 money judgment; or

275 (d) the commission from disclosing commercial information to the extent necessary to
276 comply with the requirements of Subsection 59-12-205(5).

277 (6) Notwithstanding Subsection (2), in accordance with Title 63G, Chapter 3, Utah
278 Administrative Rulemaking Act, the commission may by rule establish standards authorizing
279 an individual listed under Subsection 59-1-403(2)(a) to disclose commercial information or
280 purchase price:

281 (a) (i) in a published decision; or

282 (ii) in carrying out official duties; and

283 (b) if that individual listed under Subsection 59-1-403(2)(a) consults with the property
284 taxpayer that provided the commercial information or the property taxpayer that owns the
285 property for which the purchase price is disclosed.

286 (7) Notwithstanding Subsection (2):

287 (a) an individual listed under Subsection 59-1-403(2)(a) may share commercial
288 information with the following:

289 (i) another individual listed in Subsection 59-1-403(2)(a)(i) or (ii); or

290 (ii) a representative, agent, clerk, or other officer or employee of a county as required
291 to fulfill an obligation created by Chapter 2, Property Tax Act;

292 (b) an individual listed under Subsection 59-1-403(2)(a) may perform the following to
293 fulfill an obligation created by Chapter 2, Property Tax Act:

294 (i) publish notice;

295 (ii) provide notice; or

296 (iii) file a lien; or

297 (c) the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
298 Administrative Rulemaking Act, share commercial information gathered from returns and other
299 written statements with the federal government, any other state, any of the political
300 subdivisions of another state, or any political subdivision of this state, if these political
301 subdivisions or the federal government grant substantially similar privileges to this state.

302 (8) Notwithstanding Subsection (2):

303 (a) subject to the limitations in this section, an individual described in Subsection

- 304 59-1-403(2)(a) may share the following commercial information with an appraiser:
- 305 (i) the sales price of locally assessed property and the related financing terms;
- 306 (ii) capitalization rates and related rates and ratios related to the valuation of locally
307 assessed property; and
- 308 (iii) income and expense information related to the valuation of locally assessed
309 property; and
- 310 (b) except as provided in Subsection (4), an appraiser who receives commercial
311 information:
- 312 (i) may disclose the commercial information:
- 313 (A) to an individual described in Subsection 59-1-403(2)(a);
- 314 (B) to an appraiser;
- 315 (C) in an appraisal if protected commercial information is removed to protect its
316 confidential nature; or
- 317 (D) in performing a consultation service if protected commercial information is not
318 disclosed; and
- 319 (ii) may not use the commercial information:
- 320 (A) for a purpose other than to prepare an appraisal or perform a consultation service;
321 or
- 322 (B) for a purpose intended to be, or which could reasonably be foreseen to be,
323 anti-competitive to a property taxpayer.
- 324 (9) (a) The commission shall:
- 325 (i) prepare a written explanation of this section; and
- 326 (ii) make the written explanation described in Subsection (9)(a)(i) available to the
327 public.
- 328 (b) An employer of a person described in Subsection 59-1-403(2)(a) shall:
- 329 (i) provide the written explanation described in Subsection (9)(a)(i) to each person
330 described in Subsection 59-1-403(2)(a) who is reasonably likely to receive commercial
331 information;
- 332 (ii) require each person who receives a written explanation in accordance with
333 Subsection (9)(b)(i) to:
- 334 (A) read the written explanation; and

335 (B) sign the written explanation; and
336 (iii) retain each written explanation that is signed in accordance with Subsection
337 (9)(b)(ii) for a time period:

338 (A) beginning on the day on which a person signs the written explanation in
339 accordance with Subsection (9)(b)(ii); and

340 (B) ending six years after the day on which the employment of the person described in
341 Subsection (9)(b)(iii)(A) by the employer terminates.

342 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
343 commission shall by rule define "employer."

344 (10) (a) An individual described in Subsection (1)(a) or 59-1-403(2)(a), or an
345 individual that violates a protective order or similar limitation entered pursuant to Subsection
346 (4)(b)(iii), is guilty of a class A misdemeanor if that person:

347 (i) intentionally discloses commercial information in violation of this section; and

348 (ii) knows that the disclosure described in Subsection (10)(a)(i) is prohibited by this
349 section.

350 (b) If the individual described in Subsection (10)(a) is an officer or employee of the
351 state or a county and is convicted of violating this section, the individual shall be dismissed
352 from office and be disqualified from holding public office in this state for a period of five years
353 thereafter.

354 (c) If the individual described in Subsection (10)(a) is an appraiser, the appraiser shall
355 forfeit any certification or license received under Title 61, Chapter 2g, Real Estate Appraiser
356 Licensing and Certification Act, for a period of five years.

357 (d) If the individual described in Subsection (10)(a) is an individual associated with an
358 appraiser who assists the appraiser in preparing appraisals, the individual shall be prohibited
359 from becoming licensed or certified under Title 61, Chapter 2g, Real Estate Appraiser
360 Licensing and Certification Act, for a period of five years.

361 (11) Notwithstanding Subsection (10), for a disclosure of information to the Office of
362 the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative
363 Organization:

364 (a) an individual does not violate a protective order or similar limitation entered in
365 accordance with Subsection (4)(b)(iii); and

- 366 (b) an individual described in Subsection (1)(a) or 59-1-403(2)(a):
367 (i) is not guilty of a class A misdemeanor; and
368 (ii) is not subject to the penalties described in Subsections (10)(b) through (d).
- 369 Section 4. Section 63G-2-202 is amended to read:
370 **63G-2-202. Access to private, controlled, and protected documents.**
- 371 (1) Except as provided in Subsection (11)(a), a governmental entity:
372 (a) shall, upon request, disclose a private record to:
373 (i) the subject of the record;
374 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the
375 record;
376 (iii) the legal guardian of a legally incapacitated individual who is the subject of the
377 record;
378 (iv) any other individual who:
379 (A) has a power of attorney from the subject of the record;
380 (B) submits a notarized release from the subject of the record or the individual's legal
381 representative dated no more than 90 days before the date the request is made; or
382 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a
383 health care provider, as defined in Section 26B-8-501, if releasing the record or information in
384 the record is consistent with normal professional practice and medical ethics; or
385 (v) any person to whom the record must be provided pursuant to:
386 (A) court order as provided in Subsection (7); or
387 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
388 Powers; ~~and~~
389 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through
390 (m), without complying with Section 63G-2-206, to another governmental entity for a purpose
391 related to:
392 (i) voter registration; or
393 (ii) the administration of an election[-]; and
394 (c) may disclose a private record described in Subsection 63G-2-302(1)(z)(iv) to:
395 (i) the State Tax Commission or a county assessor; or
396 (ii) a person that is not a governmental entity if:

397 (A) the person is a party to an appeal or a representative designated by a party to an
398 appeal before a county board of equalization hearing officer, a county board of equalization,
399 the State Tax Commission, or a state court; and

400 (B) the person executes an agreement before the governmental entity discloses the
401 record that prohibits the person from disclosing the private record described in Subsection
402 63G-2-302(1)(z)(iv) to any other person.

403 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

404 (i) a physician, physician assistant, psychologist, certified social worker, insurance
405 provider or producer, or a government public health agency upon submission of:

406 (A) a release from the subject of the record that is dated no more than 90 days prior to
407 the date the request is made; and

408 (B) a signed acknowledgment of the terms of disclosure of controlled information as
409 provided by Subsection (2)(b); and

410 (ii) any person to whom the record must be disclosed pursuant to:

411 (A) a court order as provided in Subsection (7); or

412 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
413 Powers.

414 (b) A person who receives a record from a governmental entity in accordance with
415 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,
416 including the subject of the record.

417 (3) If there is more than one subject of a private or controlled record, the portion of the
418 record that pertains to another subject shall be segregated from the portion that the requester is
419 entitled to inspect.

420 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity
421 shall disclose a protected record to:

422 (a) the person that submitted the record;

423 (b) any other individual who:

424 (i) has a power of attorney from all persons, governmental entities, or political
425 subdivisions whose interests were sought to be protected by the protected classification; or

426 (ii) submits a notarized release from all persons, governmental entities, or political
427 subdivisions whose interests were sought to be protected by the protected classification or from

428 their legal representatives dated no more than 90 days prior to the date the request is made;

429 (c) any person to whom the record must be provided pursuant to:

430 (i) a court order as provided in Subsection (7); or

431 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

432 Powers; or

433 (d) the owner of a mobile home park, subject to the conditions of Subsection

434 [41-1a-116\(5\)](#).

435 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a

436 private, controlled, or protected record to another governmental entity, political subdivision,

437 state, the United States, or a foreign government only as provided by Section [63G-2-206](#).

438 (6) Before releasing a private, controlled, or protected record, the governmental entity

439 shall obtain evidence of the requester's identity.

440 (7) A governmental entity shall disclose a record pursuant to the terms of a court order

441 signed by a judge from a court of competent jurisdiction, provided that:

442 (a) the record deals with a matter in controversy over which the court has jurisdiction;

443 (b) the court has considered the merits of the request for access to the record;

444 (c) the court has considered and, where appropriate, limited the requester's use and

445 further disclosure of the record in order to protect:

446 (i) privacy interests in the case of private or controlled records;

447 (ii) business confidentiality interests in the case of records protected under Subsection

448 [63G-2-305\(1\), \(2\), \(40\)\(a\)\(ii\), or \(40\)\(a\)\(vi\)](#); and

449 (iii) privacy interests or the public interest in the case of other protected records;

450 (d) to the extent the record is properly classified private, controlled, or protected, the

451 interests favoring access, considering limitations thereon, are greater than or equal to the

452 interests favoring restriction of access; and

453 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection

454 [63G-2-201\(3\)\(b\)](#), the court has authority independent of this chapter to order disclosure.

455 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or

456 authorize disclosure of private or controlled records for research purposes if the governmental

457 entity:

458 (i) determines that the research purpose cannot reasonably be accomplished without

459 use or disclosure of the information to the researcher in individually identifiable form;

460 (ii) determines that:

461 (A) the proposed research is bona fide; and

462 (B) the value of the research is greater than or equal to the infringement upon personal

463 privacy;

464 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of

465 the records; and

466 (B) requires the removal or destruction of the individual identifiers associated with the

467 records as soon as the purpose of the research project has been accomplished;

468 (iv) prohibits the researcher from:

469 (A) disclosing the record in individually identifiable form, except as provided in

470 Subsection (8)(b); or

471 (B) using the record for purposes other than the research approved by the governmental

472 entity; and

473 (v) secures from the researcher a written statement of the researcher's understanding of

474 and agreement to the conditions of this Subsection (8) and the researcher's understanding that

475 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution

476 under Section [63G-2-801](#).

477 (b) A researcher may disclose a record in individually identifiable form if the record is

478 disclosed for the purpose of auditing or evaluating the research program and no subsequent use

479 or disclosure of the record in individually identifiable form will be made by the auditor or

480 evaluator except as provided by this section.

481 (c) A governmental entity may require indemnification as a condition of permitting

482 research under this Subsection (8).

483 (d) A governmental entity may not disclose or authorize disclosure of a private record

484 for research purposes as described in this Subsection (8) if the private record is a record

485 described in Subsection [63G-2-302\(1\)\(w\)](#).

486 (9) (a) Under Subsections [63G-2-201\(5\)\(b\)](#) and [63G-2-401\(6\)](#), a governmental entity

487 may disclose to persons other than those specified in this section records that are:

488 (i) private under Section [63G-2-302](#); or

489 (ii) protected under Section [63G-2-305](#), subject to Section [63G-2-309](#) if a claim for

490 business confidentiality has been made under Section 63G-2-309.

491 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the
492 disclosure to persons other than those specified in this section of records that are:

493 (i) private under Section 63G-2-302;

494 (ii) controlled under Section 63G-2-304; or

495 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
496 business confidentiality has been made under Section 63G-2-309.

497 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records
498 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
499 under Section 63G-2-305 to persons other than those specified in this section.

500 (10) (a) A private record described in Subsection 63G-2-302(2)(f) may only be
501 disclosed as provided in Subsection (1)(a)(v).

502 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed
503 as provided in Subsection (4)(c) or Section 26B-6-212.

504 (11) (a) A private, protected, or controlled record described in Section 26B-1-506 shall
505 be disclosed as required under:

506 (i) Subsections 26B-1-506(1)(b), (2), and (4)(c); and

507 (ii) Subsections 26B-1-507(1) and (6).

508 (b) A record disclosed under Subsection (11)(a) shall retain its character as private,
509 protected, or controlled.

510 Section 5. Section 63G-2-302 is amended to read:

511 **63G-2-302. Private records.**

512 (1) The following records are private:

513 (a) records concerning an individual's eligibility for unemployment insurance benefits,
514 social services, welfare benefits, or the determination of benefit levels;

515 (b) records containing data on individuals describing medical history, diagnosis,
516 condition, treatment, evaluation, or similar medical data;

517 (c) records of publicly funded libraries that when examined alone or with other records
518 identify a patron;

519 (d) records received by or generated by or for:

520 (i) the Independent Legislative Ethics Commission, except for:

- 521 (A) the commission's summary data report that is required under legislative rule; and
- 522 (B) any other document that is classified as public under legislative rule; or
- 523 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 524 unless the record is classified as public under legislative rule;
- 525 (e) records received by, or generated by or for, the Independent Executive Branch
- 526 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 527 of Executive Branch Ethics Complaints;
- 528 (f) records received or generated for a Senate confirmation committee concerning
- 529 character, professional competence, or physical or mental health of an individual:
- 530 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 531 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 532 committee; or
- 533 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 534 impartial hearing; and
- 535 (ii) after the meeting, if the meeting was closed to the public;
- 536 (g) employment records concerning a current or former employee of, or applicant for
- 537 employment with, a governmental entity that would disclose that individual's home address,
- 538 home telephone number, social security number, insurance coverage, marital status, or payroll
- 539 deductions;
- 540 (h) records or parts of records under Section [63G-2-303](#) that a current or former
- 541 employee identifies as private according to the requirements of that section;
- 542 (i) that part of a record indicating a person's social security number or federal employer
- 543 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
- 544 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 545 (j) that part of a voter registration record identifying a voter's:
- 546 (i) driver license or identification card number;
- 547 (ii) social security number, or last four digits of the social security number;
- 548 (iii) email address;
- 549 (iv) date of birth; or
- 550 (v) phone number;
- 551 (k) a voter registration record that is classified as a private record by the lieutenant

552 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
553 20A-2-204(4)(b);

554 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);

555 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
556 verification submitted in support of the form;

557 (n) a record that:

558 (i) contains information about an individual;

559 (ii) is voluntarily provided by the individual; and

560 (iii) goes into an electronic database that:

561 (A) is designated by and administered under the authority of the Chief Information
562 Officer; and

563 (B) acts as a repository of information about the individual that can be electronically
564 retrieved and used to facilitate the individual's online interaction with a state agency;

565 (o) information provided to the Commissioner of Insurance under:

566 (i) Subsection 31A-23a-115(3)(a);

567 (ii) Subsection 31A-23a-302(4); or

568 (iii) Subsection 31A-26-210(4);

569 (p) information obtained through a criminal background check under Title 11, Chapter
570 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

571 (q) information provided by an offender that is:

572 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
573 Offender Registry, or Title 77, Chapter 43, Child Abuse Offender Registry; and

574 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
575 77-43-108(4);

576 (r) a statement and any supporting documentation filed with the attorney general in
577 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
578 homeland security;

579 (s) electronic toll collection customer account information received or collected under
580 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
581 collected by a public transit district, including contact and payment information and customer
582 travel data;

- 583 (t) an email address provided by a military or overseas voter under Section
- 584 [20A-16-501](#);
- 585 (u) a completed military-overseas ballot that is electronically transmitted under Title
- 586 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 587 (v) records received by or generated by or for the Political Subdivisions Ethics Review
- 588 Commission established in Section [63A-15-201](#), except for:
- 589 (i) the commission's summary data report that is required in Section [63A-15-202](#); and
- 590 (ii) any other document that is classified as public in accordance with Title 63A,
- 591 Chapter 15, Political Subdivisions Ethics Review Commission;
- 592 (w) a record described in Section [53G-9-604](#) that verifies that a parent was notified of
- 593 an incident or threat;
- 594 (x) a criminal background check or credit history report conducted in accordance with
- 595 Section [63A-3-201](#);
- 596 (y) a record described in Subsection [53-5a-104\(7\)](#);
- 597 (z) on a record maintained by a county or the State Tax Commission for the purpose of
- 598 administering property taxes, an individual's:
- 599 (i) email address;
- 600 (ii) phone number; [~~or~~]
- 601 (iii) personal financial information related to a person's payment method; or
- 602 (iv) purchase price provided in a declaration required under Subsection [57-3-110\(3\)](#);
- 603 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
- 604 exemption, deferral, abatement, or relief under:
- 605 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 606 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 607 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 608 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 609 (bb) a record provided by the State Tax Commission in response to a request under
- 610 Subsection [59-1-403\(4\)\(y\)\(iii\)](#);
- 611 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 612 child welfare case, as described in Subsection [36-33-103\(3\)](#); and
- 613 (dd) a record relating to drug or alcohol testing of a state employee under Section

614 63A-17-1004.

615 (2) The following records are private if properly classified by a governmental entity:

616 (a) records concerning a current or former employee of, or applicant for employment
617 with a governmental entity, including performance evaluations and personal status information
618 such as race, religion, or disabilities, but not including records that are public under Subsection
619 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

620 (b) records describing an individual's finances, except that the following are public:

621 (i) records described in Subsection 63G-2-301(2);

622 (ii) information provided to the governmental entity for the purpose of complying with
623 a financial assurance requirement; or

624 (iii) records that must be disclosed in accordance with another statute;

625 (c) records of independent state agencies if the disclosure of those records would
626 conflict with the fiduciary obligations of the agency;

627 (d) other records containing data on individuals the disclosure of which constitutes a
628 clearly unwarranted invasion of personal privacy;

629 (e) records provided by the United States or by a government entity outside the state
630 that are given with the requirement that the records be managed as private records, if the
631 providing entity states in writing that the record would not be subject to public disclosure if
632 retained by it;

633 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
634 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a
635 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

636 (g) audio and video recordings created by a body-worn camera, as defined in Section
637 77-7a-103, that record sound or images inside a home or residence except for recordings that:

638 (i) depict the commission of an alleged crime;

639 (ii) record any encounter between a law enforcement officer and a person that results in
640 death or bodily injury, or includes an instance when an officer fires a weapon;

641 (iii) record any encounter that is the subject of a complaint or a legal proceeding
642 against a law enforcement officer or law enforcement agency;

643 (iv) contain an officer involved critical incident as defined in Subsection

644 76-2-408(1)(f); or

645 (v) have been requested for reclassification as a public record by a subject or
646 authorized agent of a subject featured in the recording.

647 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
648 records, statements, history, diagnosis, condition, treatment, and evaluation.

649 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
650 doctors, or affiliated entities are not private records or controlled records under Section
651 [63G-2-304](#) when the records are sought:

652 (i) in connection with any legal or administrative proceeding in which the patient's
653 physical, mental, or emotional condition is an element of any claim or defense; or

654 (ii) after a patient's death, in any legal or administrative proceeding in which any party
655 relies upon the condition as an element of the claim or defense.

656 (c) Medical records are subject to production in a legal or administrative proceeding
657 according to state or federal statutes or rules of procedure and evidence as if the medical
658 records were in the possession of a nongovernmental medical care provider.

659 Section 6. Section [63I-1-257](#) is amended to read:

660 **[63I-1-257](#). Repeal dates: Title 57.**

661 (1) Section [57-3-110](#) is repealed July 1, 2027.

662 (2) Section [57-3-111](#) is repealed July 1, 2027.

663 Section 7. Section [63I-1-263](#) is amended to read:

664 **[63I-1-263](#). Repeal dates: Titles 63A to 63N.**

665 (1) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
666 improvement funding, is repealed July 1, 2024.

667 (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
668 2023.

669 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
670 Committee, are repealed July 1, 2023.

671 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
672 1, 2028.

673 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
674 2025.

675 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,

676 2024.

677 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
678 repealed July 1, 2023.

679 (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
680 December 31, 2026.

681 (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
682 repealed July 1, 2026.

683 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

684 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

685 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
686 31, 2024.

687 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
688 repealed on July 1, 2028.

689 (14) Subsection 63G-2-202(1)(c), relating to private records described in Subsection
690 63G-2-302(1)(z)(iv), is repealed July 1, 2027.

691 (15) Subsection 63G-2-302(1)(z)(iv), relating to purchase price, is repealed July 1,
692 2027.

693 ~~[(14)]~~ (16) Section 63G-6a-805, which creates the Purchasing from Persons with
694 Disabilities Advisory Board, is repealed July 1, 2026.

695 ~~[(15)]~~ (17) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
696 July 1, 2028.

697 ~~[(16)]~~ (18) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
698 July 1, 2024.

699 ~~[(17)]~~ (19) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
700 2026.

701 ~~[(18)]~~ (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety
702 Commission, is repealed January 1, 2025.

703 ~~[(19)]~~ (21) Section 63L-11-204, creating a canyon resource management plan to Provo
704 Canyon, is repealed July 1, 2025.

705 ~~[(20)]~~ (22) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
706 Committee, is repealed July 1, 2027.

707 [~~(21)~~] (23) In relation to the Utah Substance Use and Mental Health Advisory Council,
708 on January 1, 2033:

709 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
710 repealed;

711 (b) Section [63M-7-305](#), the language that states "council" is replaced with
712 "commission";

713 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:

714 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

715 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

716 "(2) The commission shall:

717 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
718 Drug-Related Offenses Reform Act; and

719 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
720 Subsections [77-18-103](#)(2)(c) and (d)."

721 [~~(22)~~] (24) The Crime Victim Reparations and Assistance Board, created in Section
722 [63M-7-504](#), is repealed July 1, 2027.

723 [~~(23)~~] (25) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed
724 July 1, 2026.

725 [~~(24)~~] (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
726 2026.

727 [~~(25)~~] (27) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
728 repealed January 1, 2025.

729 [~~(26)~~] (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

730 [~~(27)~~] (29) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
731 July 1, 2028.

732 [~~(28)~~] (30) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
733 repealed July 1, 2027.

734 [~~(29)~~] (31) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
735 Program, is repealed July 1, 2025.

736 [~~(30)~~] (32) In relation to the Rural Employment Expansion Program, on July 1, 2028:

737 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

738 and

739 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
740 Program, is repealed.

741 [~~31~~] (33) In relation to the Board of Tourism Development, on July 1, 2025:

742 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

743 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
744 repealed and replaced with "Utah Office of Tourism";

745 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

746 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
747 approval from the Board of Tourism Development, is repealed; and

748 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

749 [~~32~~] (34) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
750 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
751 is repealed on July 1, 2024.

752 Section 8. **Effective date.**

753 This bill takes effect on May 1, 2024.