

## **State Land Access Road Amendments**

## 2026 GENERAL SESSION

# STATE OF UTAH

## **Chief Sponsor: Troy Shelley**

### Senate Sponsor:

## LONG TITLE

### **General Description:**

This bill amends provisions related to the abandonment and closure of a class D road.

## **Highlighted Provisions:**

This bill:

- ▶ provides an expedited deadline for the Public Lands Policy Coordinating Office and the school and Institutional Trust Lands Administration to identify certain roads located on school and institutional trust lands and state lands and to record with the relevant county recorder's office notice of the roads relevant to state lands and school and institutional trust lands;
- ▶ provides a process necessary for a county and the state to abandon a class D road;
- ▶ requires public meetings and notice before abandonment of a class D road;
- ▶ ensures that existing easements and access rights for public utilities and water infrastructure are not impacted by the abandonment of a class D road;
- ▶ amends provisions related to the closure of a class D road due to lack of public use to include roads across property owned by a public entity or an institution of higher education; and
- ▶ makes technical changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

**23A-6-303**, as last amended by Laws of Utah 2025, Chapter 131

**53C-2-106**, as enacted by Laws of Utah 2025, Chapter 131

**63L-11-205**, as enacted by Laws of Utah 2025, Chapter 131

**72-3-105**, as last amended by Laws of Utah 2025, Chapter 131

31       **72-3-108**, as last amended by Laws of Utah 2023, Chapter 435  
32       **72-5-102**, as last amended by Laws of Utah 2023, Chapter 22  
33       **72-5-105**, as last amended by Laws of Utah 2024, Chapter 472  
34       **76-11-201**, as enacted by Laws of Utah 2025, Chapter 173  
35       **76-11-209**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 208

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

38           Section 1. Section **23A-6-303** is amended to read:

39           **23A-6-303 . Review and adoption of management plans.**

40       (1) The division shall submit a draft management plan to the Resource Development  
41           Coordinating Committee created in Section 63L-11-401 and the Habitat Council created  
42           by the division for their review and recommendations.

43       (2) The division shall submit a draft management plan and any recommendations received  
44           from the Resource Development Coordinating Committee and the Habitat Council to:  
45           (a) the regional advisory council for the wildlife region in which the lands covered by  
46               the management plan are located; and  
47           (b) the regional advisory council for a wildlife region that may be affected by the  
48               management plan.

49       (3) A regional advisory council reviewing a draft management plan may make  
50           recommendations to the director.

51       (4) The director may adopt the management plan, adopt the management plan with  
52           amendments, or reject the management plan.

53       (5)(a) At the request of the director or a member of the Wildlife Board, the Wildlife  
54           Board may review a management plan to determine whether the plan is consistent  
55           with Wildlife Board policies.  
56           (b) The director may amend a management plan in accordance with recommendations  
57               made by the Wildlife Board.

58       (6) Neither the division nor the director may permanently close a road within a wildlife  
59           management area as part of a management plan without consent of the county legislative  
60           body within which the wildlife management area is located.

61       (7)(a) The division shall identify roads within a wildlife management area in the  
62           respective property's management plan, as required in Section 23A-6-302.  
63           (b) Subject to Subsection (7)(d), for any road identified under Subsection (7)(a), the  
64           division may:

65 (i) temporarily close a road for the benefit of wildlife as described in Subsection  
66 23A-6-402(4); and  
67 (ii) permanently close roads for the benefit of wildlife only:  
68 (A) through the management plan review and approval process; and  
69 (B) with consent of the county legislative body within which the road is located.  
70 (c) Notwithstanding Subsection (7)(b), the division may close a road for the benefit of  
71 wildlife if:  
72 (i) there is an alternative road that will remain open that provides reasonable access  
73 to the same area;  
74 (ii) the road to be closed forks from the alternative road that will remain open;  
75 (iii) the road to be closed is less traveled than the alternative road that will remain  
76 open;  
77 (iv) the road to be closed travels in approximately the same direction as the  
78 alternative road that will remain open; and  
79 (v) the road to be closed is less than 4,000 feet in length.  
80 (d) If a road has been closed as described in Subsection (7)(b) or (7)(c), the county  
81 legislative body within which the road is located may reopen the road through official  
82 action of the county legislative body.

83 (e)(i) The division shall record with the county in which the wildlife management  
84 area property is located, any road on or across the wildlife management area  
85 before any sale or exchange of any wildlife management area property.  
86 (ii) The sale or exchange of division land is subject to the public access rights  
87 existing at the time of the sale or exchange.

88 Section 2. Section **53C-2-106** is amended to read:

89 **53C-2-106 . Identification and recording of public roads located on trust lands.**

90 (1) The director shall:

91 (a) subject to Subsection (2), using the State Geographic Information Database created  
92 in Section 63A-16-506, and other available information, identify temporary public  
93 easements or rights of entry granted pursuant to Section 72-5-203 for roads located  
94 on trust lands within each county; and

95 (b) subject to Section 72-5-203, record with the county recorder of the county in which  
96 the temporary public easement or right of entry is located a grant or permanent  
97 easement as described in Subsection (4) that gives notice of the existence of the  
98 public road.

99 (2)(a) Subject to Subsection (2)(b), the director may complete the requirements of  
100 Subsection (1) over time and as resources allow.

101 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan  
102 County, Uintah County, and Wayne County, the director shall complete the  
103 requirements described in Subsection (1) on or before January 5, 2026.

104 (c) For a county not described in Subsection (2)(b), the director shall complete the  
105 requirements described in Subsection (2) on or before May 31, 2028.

106 (3) The director is not required to identify or record notice of any class A, class B, or class  
107 C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.

108 (4) The grant of easement required in Subsection (1)(b) shall include:

109 (a) a requirement that the roads remain open for public use; and

110 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads  
111 sufficient for reasonable identification of the road.

112 (5)(a) If a parcel of trust lands is subject to a sale or an exchange as provided in this title,  
113 the director shall ensure that the requirements of Subsection (1) are completed before  
114 the sale or exchange is finalized.

115 (b) The sale or exchange of trust lands is subject to the grant of permanent easement  
116 existing at the time of the sale or exchange.

117 Section 3. Section **63L-11-205** is amended to read:

118 **63L-11-205 . Identification and recording of public roads located on state-owned**  
119 **public lands.**

120 (1) As used in this section, "state land" means land owned by:

121 (a) the Department of Natural Resources;

122 (b) the Division of Forestry, Fire, and State Lands;

123 (c) the Division of State Parks; and

124 (d) any other state land management agency.

125 (2)(a) In coordination with the relevant owner, the advisor shall:

126 (i) subject to Subsection (3), using the State Geographic Information Database  
127 created in Section 63A-16-506, and other available information, identify roads  
128 located on state land; and

129 (ii) subject to Subsection (2)(b), record with the county recorder of the county in  
130 which the state land is located a document as described in Subsection (5) that  
131 gives notice of the existence of the public road or right-of-way.

132 (b) The advisor may not record a notice described in Subsection (2)(a)(ii) for a road on

133 state land that is owned by the Division of Wildlife Resources until the land is sold or  
134 exchanged as described in Subsection (6).

135 (3)(a) Subject to Subsection (3)(b), the advisor may complete the requirements of  
136 Subsection (2) over time and as resources allow.

137 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan  
138 County, Uintah County, and Wayne County, the advisor shall complete the  
139 requirements described in Subsection (2) on or before January 5, 2026.

140 (c) For a county not described in Subsection (3)(b), the advisor shall complete the  
141 requirements described in Subsection (2) on or before May 31, 2028.

142 (4) The advisor is not required to identify or record notice of any class A, class B, or class  
143 C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.

144 (5) The notice required in Subsection (2)(a)(ii) shall include:

145 (a) a title identifying the roads as "Public Access"; and

146 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or  
147 rights-of-way sufficient for reasonable identification of the road.

148 (6)(a) If a parcel of state land is subject to a sale or an exchange, the advisor shall ensure  
149 that the requirements of Subsection (2) are completed before the sale or exchange is  
150 finalized.

151 (b) The sale or exchange of state land is subject to the public access rights existing at the  
152 time of the sale or exchange.

153 [(7)(a) ~~The Division of Wildlife Resources shall identify roads within a wildlife~~  
154 ~~management area in the respective property's habitat management plan, as required in~~  
155 ~~Section 23A-6-302.~~]

156 [(b) ~~For any road identified under Subseetion (7)(a), the Division of Wildlife Resourees~~  
157 ~~may:~~]

158 [(i) ~~temporarily close a road for the benefit of wildlife; and]~~

159 [(ii) ~~permanently close roads for the benefit of wildlife only:~~]

160 [(A) ~~through the habitat management plan review and approval proceess in Section~~  
161 ~~23A-6-303; and]~~

162 [(B) ~~beginning on May 7, 2025, with consent of the county legislative body within~~  
163 ~~which the road is located.]~~

164 [(e) ~~Notwithstanding Subseetion (7)(b), the Division of Wildlife Resources may close a~~  
165 ~~road for the benefit of wildlife if:~~]

166 [(i) ~~there is an alternative road that will remain open that provides reasonable aaceess~~

167 to the same area;]

168 [(ii) the road to be closed forks from the alternative road that will remain open;]

169 [(iii) the road to be closed is less traveled than the alternative road that will remain  
170 open;]

171 [(iv) the road to be closed travels in approximately the same direction as the  
172 alternative road that will remain open; and]

173 [(v) the road to be closed intersects with the alternative road that will remain open  
174 within 2,000 feet of the location where the road to be closed forks from the road  
175 that will remain open.]

176 [(d)(i) The Division of Wildlife Resources shall record with the county in which the  
177 wildlife management area property is located, any road on or across the wildlife  
178 management area prior to any sale or exchange of any wildlife management area  
179 property.]

180 [(ii) The sale or exchange of Division of Wildlife Resources land is subject to the  
181 public access rights existing at the time of the sale or exchange.]

182 Section 4. Section **72-3-105** is amended to read:

183 **72-3-105 . Class D roads -- Maps to be prepared by county -- Indication of roads.**

184 (1) As used in this section, "class D road" means any road, way, or other land surface route  
185 that has been or is established by use or constructed [and has been maintained] to  
186 provide for usage by the public for vehicles with four or more wheels that is not a class  
187 A, class B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is  
188 defined in Section 72-5-301.

189 (2) Each class D road is part of the highway and road system within the state with the same [  
190 ~~force and~~] effect as if the class D road had been included within this system upon [its] the  
191 class D road being first established or constructed.

192 (3) The state and county have joint undivided interest in the title to all rights-of-way for  
193 class D roads, unless the state or county has vacated and abandoned interest in the class  
194 D road.

195 (4)(a) Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction  
196 and control of class D roads within the county.

197 (b) If a county vacates or abandons a class D road, the department exercises sole  
198 jurisdiction and control of the class D road.

199 (5)(a) Each county shall prepare maps showing to the best of [its] the county's ability the  
200 class D roads within [its] the county's boundaries which were in existence as of

201       October 21, 1976.

202       (b) Preparation of [these] the maps described in Subsection (5)(a) may be done by the  
203       county [itself] or through any multi-county planning district in which the county  
204       participates.

205       (6) Any class D road which is established or constructed after October 21, 1976, shall be  
206       reflected on maps prepared as provided in Subsection (5).

207       (7) The county shall provide a copy of any map under Subsection (5) or (6) upon  
208       completion to the department.

209       (8)(a) The department shall scribe each road shown on [its] the department's own county  
210       map series.

211       (b) The department is not responsible for the validity of any class D road and is not  
212       responsible for [its] the class D road being inventoried.

213       (c) The department shall [also] keep on file an historical map record of the roads as  
214       provided by the counties.

215       (9)[(a) ~~If a county vacates or abandons the county's class D road interest in a road within~~  
216       ~~the county, the right-of-way remains open for public use unless the department, in~~  
217       ~~consultation with the Public Lands Policy Coordinating Office created in Section~~  
218       ~~63L-11-201, determines that the road or right-of-way:]~~

219       [(i) ~~does not provide a benefit to the state in a manner consistent with the principles~~  
220       ~~of multiple use and sustained yield as described in Section 63L-8-103; or]~~

221       [(ii) ~~is not used to access public or private land.~~]

222       [(b)] (a) [Before] Subject to Subsections (9)(b) and (10), before a county may vacate or  
223       abandon the county's right-of-way interest in a class D road, the county shall:

224       (i) provide to the department 180 days in advance of taking the action a written  
225       notice that includes the following:

226       [(i)] (A) a legal description and map of the portion of the class D road for which  
227       the county intends to abandon the county's interest;

228       [(ii)] (B) a statement affirming that all gates and locks, whether [or not] installed or  
229       authorized by the county, and all county agreements, have been removed from  
230       the portion to be vacated; and

231       [(iii)] (C) documentation that the portion to be vacated is shown as a class D road  
232       in the county recorder's office[-] ;

233       (ii) hold a public hearing giving the public the opportunity to provide written and oral  
234       input;

(iii) publish notice of the hearing in compliance with the requirements of a class A notice under Section 63G-30-102, for at least four weeks before the day of the hearing; and

(iv) mail notice to the department and all owners of property abutting the class D road, at least four weeks before the day of the hearing.

(b) A county may not vacate or abandon the county's interest in a class D road if the road provides:

(i) a public benefit to the state in a manner consistent with the principles of multiple use and sustained yield as described in Section 63L-8-103;

(ii) access to public land; or

(iii) access to private land beyond the location where the vacation or abandonment of the class D road is proposed.

(c) If a county vacates or abandons the county's interest in a class D road interest, the class D road remains open for public use unless or until the department, following the procedures in Subsection (10), and in consultation with the Public Lands Policy Coordinating Office created in Section 63L-11-201, vacates or abandons the state's interest in the class D road.

(d) If a county vacates or abandons the county's interest in a class D road, the county shall record with the applicable county recorder a notice of the vacation or abandonment of the county's interest, including the following: "The county's vacation or abandonment of the road does not constitute a vacation or abandonment by the state of Utah of any interest the state may have."

(e) A county may not vacate or abandon the county's right-of-way interest in a class D road without the approval of the department.]

[(d) (e) A person may not place a lock or a gate on a class D road right-of-way over which the department exercises sole jurisdiction.

(a) Before the state may vacate or abandon the state's interest in a class D road, and subject to Subsection (10)(c), the department shall follow the procedures relating to adjudications as provided in Title 63G, Chapter 4, Administrative Procedures Act.

(b)(i) The department may initiate a proceeding described in Subsection (10)(a) only after the relevant county has vacated and abandoned the county's interest in the class D road as described in Subsection (9).

(ii) Affected agencies, political subdivisions, landowners, and residents of this state have standing as parties to join an adjudicative proceeding and related appeals.

269 (c) The department may not vacate or abandon a class D road if the road provides:

270 (i) a public benefit to the state in a manner consistent with the principles of multiple  
use and sustained yield as described in Section 63L-8-103;

271 (ii) access to public land; or

272 (iii) access to private land beyond the location where the vacation or abandonment of  
the class D road is proposed.

275 (d) If a county legislative body determines that proposed vacation and abandonment of a  
class D road meets the requirements under Subsections (9)(a) and (10)(a), the county  
shall:

278 (i) publish the proposal on an agenda for a public meeting of the county legislative  
body to hear the proposal;

280 (ii) publish the proposal on a public notice website of the state government for at  
least 30 days before the public meeting; and

282 (iii) after satisfying the requirement under Subsection (10)(d)(ii), and at least 30 days  
after the meeting described in Subsection (10)(d)(i), and subject to Subsection  
(10)(c), the county legislative body may vote to vacate and abandon the county's  
interest in the class D road.

286 (e) If the state vacates or abandons the state's interest in a class D road, the department  
shall record with the applicable county recorder a notice of the vacation or  
abandonment of the state's interest.

289 (f) Any vacation and abandonment of a class D road is subject to reasonable access to  
existing rights-of-way or easements, including those for water infrastructure and  
public utilities.

292 (g) If a class D road is vacated and abandoned as described in this section, the county  
shall remove the class D road from the county road map.

294 [(10)] (11)(a) A county and the department are not required to maintain a class D road.

295 (b) An individual who travels on a class D road does so at the individual's own risk.

296 Section 5. Section **72-3-108** is amended to read:

297 **72-3-108 . County roads -- Vacation and narrowing -- Notice requirements.**

298 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road  
299 without petition or after petition by a property owner.

300 (2) A county may not vacate a county road unless notice of the hearing is:

301 (a) published for the county, as a class A notice under Section 63G-30-102, for at least  
302 four weeks before the day of the hearing; and

303 (b) mailed to the department and all owners of property abutting the county road.

304 (3) The right-of-way and easements, if any, of a property owner and the franchise rights of

305 any public utility may not be impaired by vacating or narrowing a county road.

306 (4) Except as provided in Section 72-3-105 or 72-5-305, if a county vacates a county road,

307 the state's right-of-way interest in the county road is also vacated.

308 Section 6. Section **72-5-102** is amended to read:

309 **72-5-102 . Definitions.**

310 As used in this part[,"state transportation purposes" includes:] :

311 (1) "Public entity" means the same as that term is defined in Section 72-2-201.

312 (2) "State institution of higher education" means the same as that term is defined in Section

313 53B-3-102.

314 (3) "State transportation purposes" includes:

315 [(1)] (a) highway, public transit facility, and transportation rights-of-way, including those

316 necessary within cities and towns;

317 [(2)] (b) the construction, reconstruction, relocation, improvement, maintenance, and

318 mitigation from the effects of these activities on state highways and other

319 transportation facilities, including parking facilities, under the control of the

320 department;

321 [(3)] (c) limited access facilities, including rights of access, air, light, and view and

322 frontage and service roads to highways;

323 [(4)] (d) adequate drainage in connection with any highway, cut, fill, or channel change

324 and the maintenance of any highway, cut, fill, or channel change;

325 [(5)] (e) weighing stations, shops, offices, storage buildings and yards, and road

326 maintenance or construction sites;

327 [(6)] (f) road material sites, sites for the manufacture of road materials, and access roads

328 to the sites;

329 [(7)] (g) the maintenance of an unobstructed view of any portion of a highway to

330 promote the safety of the traveling public;

331 [(8)] (h) the placement of traffic signals, directional signs, and other signs, fences, curbs,

332 barriers, and obstructions for the convenience of the traveling public;

333 [(9)] (i) the construction and maintenance of storm sewers, sidewalks, and highway

334 illumination;

335 [(10)] (j) the construction and maintenance of livestock highways;

336 [(11)] (k) the construction and maintenance of roadside rest areas adjacent to or near any

highway; and

[12)] (1) the mitigation of impacts from transportation projects.

Section 7. Section **72-5-105** is amended to read:

**72-5-105 . Highways, streets, or roads once established continue until abandoned**

## -- Temporary closure -- Notice.

(1)(a) Except as provided in Subsections (1)(b), (3), and (7), all public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.

(b) If public use of a highway, street, or road across private land has been discontinued for more than 50 years:

(i) the highway, street, or road is not required to be formally abandoned as described in Subsection (1)(a); and

(ii) ownership of the highway, street, or road is vested in the adjoining record owner or owners, with one-half of the width of the highway, street, or road vesting to the adjoining owners.

(c) Subsection (1)(b) does not apply to a public highway, street, or road:

(i) claimed by the state or county under R.S. 2477 or across federal lands[.] ; or

(ii) on lands owned by a public entity or state institution of higher education.

(2)(a) [For] Except as provided in Subsections (2)(b) and (c), for purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.

(b) [Provided, however, that should a] If the property description of an owner of record [ extend] extends into the vacated or abandoned highway, street, or road, that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in [this] Subsection [(2)] (2)(a).

(c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.

(3)(a) In accordance with this section, a state or local highway authority may

371 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a  
372 class B, C, or D road or R.S. 2477 right-of-way.

373 (b)(i) A temporary closure authorized under this section is not an abandonment.

374 (ii) The erection of a barrier or sign on a highway, street, or road once established is  
375 not an abandonment.

376 (iii) An interruption of the public's continuous use of a highway, street, or road once  
377 established is not an abandonment even if the interruption is allowed to continue  
378 unabated.

379 (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
380 following circumstances:

381 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
382 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

383 (A) accepted by the highway authority; and  
384 (B) formalized by a federal permit or a written agreement between the federal  
385 authority or other person and the highway authority;

386 (ii) when a state or local highway authority determines that correction or mitigation  
387 of injury to private or public land resources is necessary on or near a class B or D  
388 road or portion of a class B or D road; or

389 (iii) when a local highway authority makes a finding that temporary closure of all or  
390 part of a class C road is necessary to mitigate unsafe conditions.

391 (d)(i) If a local highway authority temporarily closes all or part of a class C road  
392 under Subsection (3)(c)(iii), the local highway authority may convert the closed  
393 portion of the road to another public use or purpose related to the mitigation of the  
394 unsafe condition.

395 (ii) If a local highway authority temporarily closes all or part of a class C road under  
396 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease  
397 agreement between the local highway authority and another entity, the local  
398 highway authority may not reopen the closed portion of the road until the lease  
399 agreement terminates.

400 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.  
401 2477 right-of-way temporarily closed under this section if the alternate route is  
402 closed for any reason.

403 (f) A temporary closure authorized under Subsection (3)(c)(ii)[-shall]:  
404 (i) shall be authorized annually; and

405 (ii) may not exceed two years from the date the highway authority first closes the  
406 highway, or the time it takes to complete the correction or mitigation, whichever  
407 is less.

408 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority  
409 shall pass an ordinance to temporarily or indefinitely close the road.

410 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a  
411 highway authority shall:

412 (a) hold a hearing on the proposed temporary or indefinite closure;

413 (b) provide notice of the hearing by mailing a notice to the Department of  
414 Transportation; and

415 (c) except for a closure under Subsection (3)(c)(iii), provide notice to the owners of the  
416 properties abutting the highway, as a class B notice under Section 63G-30-102, [for-]  
417 at least four weeks before the day of the hearing.

418 (6) The right-of-way and easements, if any, of a property owner and the franchise rights of  
419 any public utility may not be impaired by a temporary or indefinite closure authorized  
420 under this section.

421 (7)(a) A local highway authority may close to vehicular travel and convert to another  
422 public use or purpose a highway, road, or street over which the local highway  
423 authority has jurisdiction, for an indefinite period of time, if the local highway  
424 authority makes a finding that:

425 (i) the closed highway, road, or street is not necessary for vehicular travel;

426 (ii) the closure of the highway, road, or street is necessary to correct or mitigate  
427 injury to private or public land resources on or near the highway, road, or street; or

428 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe  
429 conditions.

430 (b) If a local highway authority indefinitely closes all or part of a highway, road, or  
431 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a  
432 lease agreement between the local highway authority and another entity, the local  
433 highway authority may not reopen the closed portion of the road until the lease  
434 agreement terminates.

435 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

436 Section 8. Section **76-11-201** is amended to read:

437 **76-11-201 . Definitions.**

438 As used in this part:

439 (1) "Class D road" means the same as that term is defined in Section 72-3-105.

440 [41] (2) "Enter" means intrusion of the entire body.

441 [42] (3) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be  
442 readily restored to fire, automatically more than one shot without manual reloading by a  
443 single function of the trigger.

444 (4) "Highway" means the same as that term is defined in Section 72-1-102.

445 [43] (5) "House of worship" means a church, temple, synagogue, mosque, or other building  
446 set apart primarily for the purpose of worship in which religious services are held and  
447 the main body of which is kept for that use and not put to any other use inconsistent with  
448 the building's primary purpose.

449 [44] (6) "Machinegun firearm attachment" means any part or combination of parts added to  
450 a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

451 [45] (7)(a) "Readily accessible for immediate use" means that a firearm or other  
452 dangerous weapon is carried on an individual's person or within such close proximity  
453 and in such a manner that it can be retrieved and used as readily as if carried on the  
454 individual's person.

455 (b) "Readily accessible for immediate use" does not include a securely encased firearm.

456 [46] (8)(a) "Securely encased firearm" means a firearm that is not readily accessible for  
457 immediate use.

458 (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun  
459 rack, in a closed locked or unlocked case or container, or in a trunk or other storage  
460 area of a motor vehicle.

461 (c) "Securely encased firearm" does not include a firearm in a glove box or console box  
462 unless the firearm is also in a holster or other case which covers the trigger  
463 mechanism.

464 Section 9. Section **76-11-209** is amended to read:

465 **76-11-209 . Improper discharging of a dangerous weapon.**

466 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

467 (2) An actor commits improper discharging of a dangerous weapon if the actor discharges a  
468 dangerous weapon:

469 (a) from a vehicle;

470 (b) from, upon, or across a highway other than a class D road;

471 (c) at a road sign placed on a [state]highway;

472 (d) at communications equipment or property of public utilities including facilities,

473                   lines, poles, or devices of transmission or distribution;

474                   (e) at railroad equipment or facilities including a sign or signal;

475                   (f) within a Utah State Park building, designated camp or picnic sites, overlooks, golf

476                   courses, boat ramps, and developed beaches; or

477                   (g) without written permission to discharge the dangerous weapon from the owner or

478                   person in charge of the property within 600 feet of:

479                    (i) a house, dwelling, or other building; or

480                    (ii) a structure in which a domestic animal is kept or fed, including a barn, poultry

481                    yard, corral, feeding pen, or stockyard.

482                   (3) A violation of Subsection (2) is a class B misdemeanor.

483                   (4) In addition to any other penalties, the court shall:

484                    (a) notify the Driver License Division of the conviction for purposes of any revocation,

485                    denial, suspension, or disqualification of a driver license under Subsection

486                    53-3-220(1)(a)(xi); and

487                    (b) specify in court at the time of sentencing the length of the revocation under

488                    Subsection 53-3-225(1)(c).

489                   (5) This section does not apply to an actor who:

490                    (a) discharges a dangerous weapon in the lawful defense of the actor or another

491                    individual;

492                    (b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing

493                    official duties as provided in Section 23A-2-207 or 79-2-704 or as otherwise

494                    provided by law;

495                    (c) discharges a dangerous weapon from an automobile or other vehicle, if:

496                      (i) the discharge occurs at a firing range or training ground;

497                      (ii) at no time after the discharge does the projectile that is discharged cross over or

498                      stop at a location other than within the boundaries of the firing range or training

499                      ground described in Subsection (5)(c)(i);

500                      (iii) the discharge is made as practice or training for a lawful purpose;

501                      (iv) the discharge and the location, time, and manner of the discharge are approved

502                      by the owner or operator of the firing range or training ground before the

503                      discharge; and

504                      (v) the discharge is not made in violation of Subsection (2); or

505                    (d) acting under a farm custom slaughter license, discharges a firearm or other

506                    dangerous weapon in accordance with Subsection 4-32-108(3).

507 (6) It is a defense to a charge for violating this section that the actor had actual permission  
508 of the person in charge of the property at the time the actor discharged the dangerous  
509 weapon as described in Subsection (2).

510       **Section 10. Effective Date.**

511       This bill takes effect on May 6, 2026.