

Representative Brian M. Greene proposes the following substitute bill:

PUBLIC SAFETY FEE REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill amends fees for services provided by the Department of Public Safety.

Highlighted Provisions:

This bill:

- ▶ changes some fee amounts for services provided by the Department of Public Safety;
- ▶ removes some Department of Public Safety fees from statute to regulatory fees; and
- ▶ makes conforming and technical corrections.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ To Department of Public Safety - Programs & Operations

- From General Fund $\hat{H} \rightarrow [(1,115,800)]$ \$96,000 $\leftarrow \hat{H}$

- From Dedicated Credits Revenue $\hat{H} \rightarrow [(7,407,100)]$ (\$1,500,000)

- ~~• From Concealed Weapons Account (GFR) (3,373,500)~~

- ~~• From Statewide Warrant Ops (GFR) (586,200)~~

- ~~• From Transfers (26,100)~~

- ~~• From Pass-through (1,600)~~

- ▶ To Department of Public Safety - Bureau of Criminal Identification



26	• From General Fund	2,615,800
27	• From Dedicated Credits Revenue	6,291,800
28	• From Concealed Weapons Account (GFR)	3,125,000
29	• From Statewide Warrant Ops (GFR)	450,000
30	• From Transfers	26,100
31	• From Pass-through	1,600] ←H

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **41-6a-904**, as last amended by Laws of Utah 2016, Chapters 59 and 303
- 37 **53-1-106**, as last amended by Laws of Utah 2013, Chapter 295
- 38 **53-3-105**, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343
- 39 **53-3-106**, as last amended by Laws of Utah 2014, Chapters 252 and 343
- 40 **53-3-109**, as last amended by Laws of Utah 2016, Chapter 175
- 41 **53-3-205**, as last amended by Laws of Utah 2016, Chapter 175
- 42 **53-3-223**, as last amended by Laws of Utah 2017, Chapter 446
- 43 **53-3-231**, as last amended by Laws of Utah 2014, Chapter 7
- 44 **53-5-706**, as last amended by Laws of Utah 2017, Chapter 286
- 45 **53-5-707**, as last amended by Laws of Utah 2017, Chapter 286
- 46 **53-5-707.5**, as enacted by Laws of Utah 2017, Chapter 286
- 47 **53-7-223**, as last amended by Laws of Utah 2010, Chapter 61
- 48 **53-7-224**, as enacted by Laws of Utah 1993, Chapter 234
- 49 **53-9-111**, as last amended by Laws of Utah 2014, Chapter 378
- 50 **53-10-108**, as last amended by Laws of Utah 2015, Chapters 255 and 389
- 51 **53-11-115**, as last amended by Laws of Utah 2015, Chapter 170
- 52 **76-10-526**, as last amended by Laws of Utah 2014, Chapter 226



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

55 Section 1. Section **41-6a-904** is amended to read:

56 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**

57 **emergency vehicle -- Duties of respective operators.**

58 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
59 the immediate approach of an authorized emergency vehicle using audible or visual signals
60 under Section 41-6a-212 or 41-6a-1625, shall:

61 (a) yield the right-of-way and immediately move to a position parallel to, and as close
62 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

63 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

64 (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency
65 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

66 (i) reduce the speed of the vehicle;

67 (ii) provide as much space as practical to the stationary authorized emergency vehicle;

68 and

69 (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
70 practical, with due regard to safety and traffic conditions, make a lane change into a lane not
71 adjacent to the authorized emergency vehicle.

72 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
73 stationary authorized emergency vehicle that is displaying alternately flashing red, red and
74 white, or red and blue lights, the requirements in Subsection (2)(a) apply.

75 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
76 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red
77 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane
78 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

79 (3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway
80 maintenance vehicle that is displaying flashing amber lights, shall:

81 (i) reduce the speed of the vehicle; and

82 (ii) provide as much space as practical to the stationary tow truck or highway
83 maintenance vehicle.

84 (b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
85 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if
86 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV
87 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

88 (4) This section does not relieve the operator of an authorized emergency vehicle, tow
89 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all
90 persons using the highway.

91 (5) (a) (i) In addition to the penalties prescribed under Subsection (7), a person who
92 violates this section shall attend a four hour live classroom defensive driving course approved
93 by:

94 (A) the Driver License Division; or

95 (B) a court in this state.

96 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),
97 the person shall provide to the Driver License Division a certificate of attendance of the
98 classroom course.

99 (b) The Driver License Division shall suspend a person's driver license for a period of
100 90 days if the person:

101 (i) violates a provision of Subsections (1) through (3); and

102 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing
103 for or pleading guilty to a violation of this section.

104 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division
105 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective
106 immediately upon receiving a certificate of attendance of the four hour live classroom course
107 required under Subsection (5)(a)(i) if the certificate of attendance is received before the
108 completion of the suspension period.

109 (d) A person whose license is suspended under Subsection (5)(b) and a person whose
110 suspension is shortened as described under Subsection (5)(c) shall pay the license reinstatement
111 fees under Subsection ~~53-3-105[(23)]~~(24).

112 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
113 Driver License Division shall make rules to implement the provisions of this part.

114 (7) A violation of Subsection (1), (2), or (3) is an infraction.

115 Section 2. Section **53-1-106** is amended to read:

116 **53-1-106. Department duties -- Powers.**

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

118 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic

119 Code, including:

120 (i) setting performance standards for towing companies to be used by the department,
121 as required by Section 41-6a-1406; and

122 (ii) advising the Department of Transportation regarding the safe design and operation
123 of school buses, as required by Section 41-6a-1304;

124 (b) make rules to establish and clarify standards pertaining to the curriculum and
125 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

126 (c) aid in enforcement efforts to combat drug trafficking;

127 (d) meet with the Department of Technology Services to formulate contracts, establish
128 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

129 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
130 Victims of Crime in conducting research or monitoring victims' programs, as required by
131 Section 63M-7-505;

132 (f) develop sexual assault exam protocol standards in conjunction with the Utah
133 Hospital Association;

134 (g) engage in emergency planning activities, including preparation of policy and
135 procedure and rulemaking necessary for implementation of the federal Emergency Planning
136 and Community Right to Know Act of 1986, as required by Section 53-2a-702; and

137 (h) implement the provisions of Section 53-2a-402, the Emergency Management
138 Assistance Compact.

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

141 (b) [~~The~~] All fees not established in statute shall be established in accordance with
142 Section 63J-1-504.

143 (3) The department may establish or contract for the establishment of an Organ
144 Procurement Donor Registry in accordance with Section 26-28-120.

145 Section 3. Section 53-3-105 is amended to read:

146 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
147 **and identification cards.**

148 The following fees apply under this chapter:

149 (1) An original class D license application under Section 53-3-205 is [~~\$25~~] \$32.

150 (2) An original provisional license application for a class D license under Section
151 53-3-205 is [~~\$30~~] \$39.

152 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
153 [~~\$9.50~~] \$11.

154 (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$7~~]
155 \$9.

156 (5) A learner permit application under Section 53-3-210.5 is [~~\$15~~] \$19.

157 (6) A renewal of a class D license under Section 53-3-214 is [~~\$25~~] \$32 unless
158 Subsection (10) applies.

159 (7) A renewal of a provisional license application for a class D license under Section
160 53-3-214 is [~~\$25~~] \$32.

161 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is [~~\$9.50~~] \$11.

162 (9) A renewal of a taxicab endorsement under Section 53-3-214 is [~~\$7~~] \$9.

163 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
164 [~~\$13~~] \$17.

165 (11) An extension of a class D license under Section 53-3-214 is [~~\$20~~] \$26 unless
166 Subsection (15) applies.

167 (12) An extension of a provisional license application for a class D license under
168 Section 53-3-214 is [~~\$20~~] \$26.

169 (13) An extension of a motorcycle endorsement under Section 53-3-214 is [~~\$9.50~~] \$11.

170 (14) An extension of a taxicab endorsement under Section 53-3-214 is [~~\$7~~] \$9.

171 (15) An extension of a class D license for a person 65 and older under Section
172 53-3-214 is [~~\$11~~] \$14.

173 (16) An original or renewal application for a commercial class A, B, or C license or an
174 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
175 Commercial Driver License Act, is[~~:~~] \$52.

176 [~~(a) \$40 for the knowledge test; and~~]

177 [~~(b) \$60 for the skills test.~~]

178 (17) A commercial class A, B, or C license skills test is \$78.

179 [~~(17)~~] (18) Each original CDL endorsement for passengers, hazardous material, double
180 or triple trailers, or tankers is [~~\$7~~] \$9.

181 ~~[(18)]~~ (19) An original CDL endorsement for a school bus under Part 4, Uniform
182 Commercial Driver License Act, is ~~[\$7]~~ \$9.

183 ~~[(19)]~~ (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial
184 Driver License Act, is ~~[\$7]~~ \$9.

185 ~~[(20)]~~ (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is
186 ~~[\$20]~~ \$26.

187 (b) A retake of a CDL skills test provided for in Section 53-3-205 is ~~[\$40]~~ \$52.

188 ~~[(21)]~~ (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is
189 ~~[\$7]~~ \$9.

190 ~~[(22)]~~ (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is
191 ~~[\$18]~~ \$23.

192 ~~[(23)]~~ (24) (a) A license reinstatement application under Section 53-3-205 is ~~[\$30]~~ \$40.

193 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
194 combination of alcohol and any drug-related offense is ~~[\$35]~~ \$45 in addition to the fee under
195 Subsection ~~[(23)]~~ (24)(a).

196 ~~[(24)]~~ (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or
197 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
198 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
199 Part 4, Uniform Commercial Driver License Act, is ~~[\$230]~~ \$255.

200 (b) This administrative fee is in addition to the fees under Subsection ~~[(23)]~~ (24).

201 ~~[(25)]~~ (26) (a) An administrative fee for providing the driving record of a driver under
202 Section 53-3-104 or 53-3-420 is ~~[\$6]~~ \$8.

203 (b) The division may not charge for a report furnished under Section 53-3-104 to a
204 municipal, county, state, or federal agency.

205 ~~[(26)]~~ (27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

206 ~~[(27)]~~ (28) (a) Except as provided under Subsections ~~[(27)]~~ (28)(b) and (c), an
207 identification card application under Section 53-3-808 is ~~[\$18]~~ \$23.

208 (b) An identification card application under Section 53-3-808 for a person with a
209 disability, as defined in 42 U.S.C. Sec. 12102, is ~~[\$13]~~ \$17.

210 (c) A fee may not be charged for an identification card application if the person
211 applying:

212 (i) has not been issued a Utah driver license;

213 (ii) is indigent; and

214 (iii) is at least 18 years of age.

215 ~~[(28)]~~ (29) An extension of a regular identification card under Subsection 53-3-807(5)
216 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is ~~[\$13]~~ \$17.

217 ~~[(29)]~~ (30) An extension of a regular identification card under Subsection 53-3-807(6)
218 is ~~[\$18]~~ \$23.

219 ~~[(30)]~~ (31) In addition to any license application fees collected under this chapter, the
220 division shall impose on individuals submitting fingerprints in accordance with Section
221 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the
222 services the Bureau of Criminal Identification provides under Section 53-3-205.5.

223 ~~[(31)]~~ (32) An original mobility vehicle permit application under Section 41-6a-1118 is
224 ~~[\$25]~~ \$30.

225 ~~[(32)]~~ (33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is ~~[\$25]~~
226 \$30.

227 ~~[(33)]~~ (34) A duplicate mobility vehicle permit under Section 41-6a-1118 is ~~[\$10]~~ \$12.
228 Section 4. Section 53-3-106 is amended to read:

229 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
230 **-- Uses as provided by appropriation -- Nonlapsing.**

231 (1) There is created within the Transportation Fund a restricted account known as the
232 "Department of Public Safety Restricted Account."

233 (2) The account consists of money generated from the following revenue sources:

234 (a) all money received under this chapter;

235 (b) administrative fees received according to the fee schedule authorized under this
236 chapter and Section 63J-1-504;

237 (c) beginning on January 1, 2013, money received in accordance with Section
238 41-1a-1201; and

239 (d) any appropriations made to the account by the Legislature.

240 (3) (a) The account shall earn interest.

241 (b) All interest earned on account money shall be deposited in the account.

242 (4) The expenses of the department in carrying out this chapter shall be provided for by

243 legislative appropriation from this account.

244 (5) The amount in excess of \$45 of the fees collected under Subsection
245 53-3-105[(24)](25) shall be appropriated by the Legislature from this account to the
246 department to implement the provisions of Section 53-1-117, except that of the amount in
247 excess of \$45, \$100 shall be deposited in the State Laboratory Drug Testing Account created in
248 Section 26-1-34.

249 (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
250 the Legislature from this account to the department to implement the provisions of Section
251 53-1-117.

252 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000
253 annually from the account to the state medical examiner appointed under Section 26-4-4 for
254 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

255 (8) The division shall remit the fees collected under Subsection 53-3-105[(30)](31) to
256 the Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal
257 Identification provides under Section 53-3-205.5.

258 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money
259 received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for
260 field operations.

261 (b) The Legislature may appropriate additional money from the account to the Utah
262 Highway Patrol Division for law enforcement purposes.

263 (10) Appropriations to the department from the account are nonlapsing.

264 (11) The department shall report to the Department of Health, on or before December
265 31, the amount the department expects to collect under Subsection 53-3-105[(24)](25) in the
266 next fiscal year.

267 Section 5. Section **53-3-109** is amended to read:

268 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

269 (1) (a) Except as provided in this section, all records of the division shall be classified
270 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and
271 Management Act.

272 (b) The division may only disclose personal identifying information:

273 (i) when the division determines it is in the interest of the public safety to disclose the

274 information; and

275 (ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
276 Chapter 123.

277 (c) The division may disclose personal identifying information:

278 (i) to a licensed private investigator holding a valid agency license, with a legitimate
279 business need;

280 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
281 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
282 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
283 antifraud activities, rating, or underwriting for any person issued a license certificate under this
284 chapter; or

285 (iii) to a depository institution as defined in Section 7-1-103 for use in accordance with
286 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

287 (2) (a) A person who receives personal identifying information shall be advised by the
288 division that the person may not:

289 (i) disclose the personal identifying information from that record to any other person;
290 or

291 (ii) use the personal identifying information from that record for advertising or
292 solicitation purposes.

293 (b) Any use of personal identifying information by an insurer or insurance support
294 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
295 by Subsection (1)(c)(ii) is:

296 (i) an unfair marketing practice under Section 31A-23a-402; or

297 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

298 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
299 may disclose portions of a driving record, in accordance with this Subsection (3), to:

300 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for
301 purposes of assessing driving risk on the insurer's current motor vehicle insurance
302 policyholders;

303 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
304 record and status of current employees who drive as a responsibility of the employee's

305 employment if the requester demonstrates that the requester has obtained the written consent of
306 the individual to whom the information pertains; and

307 (iii) an employer or the employer's agents to obtain or verify information relating to a
308 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

309 (b) A disclosure under Subsection (3)(a)(i) shall:

310 (i) include the licensed driver's name, driver license number, date of birth, and an
311 indication of whether the driver has had a moving traffic violation that is a reportable violation,
312 as defined under Section 53-3-102 during the previous month;

313 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
314 under a motor vehicle insurance policy of the insurer; and

315 (iii) be made under a contract with the insurer or a designee of an insurer.

316 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

317 (i) include the licensed driver's name, driver license number, date of birth, and an
318 indication of whether the driver has had a moving traffic violation that is a reportable violation,
319 as defined under Section 53-3-102, during the previous month;

320 (ii) be limited to the records of a current employee of an employer;

321 (iii) be made under a contract with the employer or a designee of an employer; and

322 (iv) include an indication of whether the driver has had a change reflected in the
323 driver's:

324 (A) driving status;

325 (B) license class;

326 (C) medical self-certification status; or

327 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.

328 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

329 (i) the criteria for searching and compiling the driving records being requested;

330 (ii) the frequency of the disclosures;

331 (iii) the format of the disclosures, which may be in bulk electronic form; and

332 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

333 (4) The division may charge fees:

334 (a) [~~collect fees~~] in accordance with Section 53-3-105 for searching and compiling its
335 files or furnishing a report on the driving record of a person;

336 (b) [~~prepare~~] for each document prepared under the seal of the division and deliver
337 upon request, a certified copy of any record of the division, and charge a fee [~~under~~] set in
338 accordance with Section 63J-1-504 for each document authenticated; and

339 (c) [~~charge reasonable fees~~] established in accordance with the procedures and
340 requirements of Section 63J-1-504 for disclosing personal identifying information under
341 Subsection (1)(c).

342 (5) Each certified copy of a driving record furnished in accordance with this section is
343 admissible in any court proceeding in the same manner as the original.

344 (6) (a) A driving record furnished under this section may only report on the driving
345 record of a person for a period of 10 years.

346 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of
347 commercial driver license violations, or reports for commercial driver license holders.

348 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
349 division may make rules to designate:

350 (a) what information shall be included in a report on the driving record of a person;

351 (b) the form of a report or copy of the report which may include electronic format;

352 (c) the form of a certified copy, as required under Section 53-3-216, which may include
353 electronic format;

354 (d) the form of a signature required under this chapter which may include electronic
355 format;

356 (e) the form of written request to the division required under this chapter which may
357 include electronic format;

358 (f) the procedures, requirements, and formats for disclosing personal identifying
359 information under Subsection (1)(c); and

360 (g) the procedures, requirements, and formats necessary for the implementation of
361 Subsection (3).

362 (8) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
363 use, disclose, or disseminate a record created or maintained by the division or any information
364 contained in a record created or maintained by the division for a purpose prohibited or not
365 permitted by statute, rule, regulation, or policy of a governmental entity.

366 (b) A person who discovers or becomes aware of any unauthorized use of records

367 created or maintained by the division shall inform the commissioner and the division director
368 of the unauthorized use.

369 Section 6. Section **53-3-205** is amended to read:

370 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
371 **Expiration dates of licenses and endorsements -- Information required -- Previous**
372 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
373 **Fee required -- License agreement.**

374 (1) An application for any original license, provisional license, or endorsement shall
375 be:

376 (a) made upon a form furnished by the division; and

377 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

378 (2) An application and fee for an original provisional class D license or an original
379 class D license entitle the applicant to:

380 (a) not more than three attempts to pass both the knowledge and the skills tests for a
381 class D license within six months of the date of the application;

382 (b) a learner permit if needed pending completion of the application and testing
383 process; and

384 (c) an original class D license and license certificate after all tests are passed and
385 requirements are completed.

386 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
387 applicant to:

388 (a) not more than three attempts to pass both the knowledge and skills tests within six
389 months of the date of the application;

390 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

391 (c) a motorcycle or taxicab endorsement when all tests are passed.

392 (4) An application [~~and fees~~] for a commercial class A, B, or C license [~~entitle~~] entitles
393 the applicant to:

394 (a) not more than two attempts to pass a knowledge test [~~and not more than two~~
395 ~~attempts to pass a skills test within six months of the date of the application~~] when
396 accompanied by the fee provided in Subsection [53-3-105\(16\)](#);

397 (b) not more than two attempts to pass a skills test when accompanied by a fee in

398 Subsection 53-3-105(17) within six months of the date of application;

399 ~~[(b)]~~ (c) both a commercial driver instruction permit and a temporary license permit for
400 the license class held before the applicant submits the application if needed after the knowledge
401 test is passed; and

402 ~~[(c)]~~ (d) an original commercial class A, B, or C license and license certificate when all
403 applicable tests are passed.

404 (5) An application and fee for a CDL endorsement entitle the applicant to:

405 (a) not more than two attempts to pass a knowledge test and not more than two
406 attempts to pass a skills test within six months of the date of the application; and

407 (b) a CDL endorsement when all tests are passed.

408 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
409 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
410 two additional times within the six months for the fee provided in Section 53-3-105.

411 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
412 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
413 administered by the division if the out-of-state resident pays the fee provided in Subsection
414 53-3-105~~[(20)(b)]~~(17).

415 (ii) The division shall:

416 (A) electronically transmit skills test results for an out-of-state resident to the licensing
417 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

418 (B) provide the out-of-state resident with documentary evidence upon successful
419 completion of the skills test.

420 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
421 expires on the birth date of the applicant in the fifth year following the year the license
422 certificate was issued.

423 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
424 to a license expires on the birth date of the licensee in the fifth year following the expiration
425 date of the license certificate renewed or extended.

426 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
427 the same date as the last license certificate issued.

428 (d) An endorsement to a license expires on the same date as the license certificate

429 regardless of the date the endorsement was granted.

430 (e) (i) A regular license certificate and any endorsement to the regular license
431 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
432 period the person is stationed outside of the state, is valid until 90 days after the person's orders
433 have been terminated, the person has been discharged, or the person's assignment has been
434 changed or terminated, unless:

435 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
436 the division; or

437 (B) the licensee updates the information or photograph on the license certificate.

438 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

439 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
440 the United States;

441 (B) who is an immediate family member or dependent of a person described in
442 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

443 (C) who is a civilian employee of the United States State Department or United States
444 Department of Defense and is stationed outside of the United States; or

445 (D) who is an immediate family member or dependent of a person described in
446 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

447 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
448 renewal to a limited-term license certificate expires:

449 (A) on the expiration date of the period of time of the individual's authorized stay in
450 the United States or on the date provided under this Subsection (7), whichever is sooner; or

451 (B) on the date of issuance in the first year following the year that the limited-term
452 license certificate was issued if there is no definite end to the individual's period of authorized
453 stay.

454 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
455 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
456 year following the year that the limited-term license certificate was issued.

457 (g) A driving privilege card issued or renewed under Section [53-3-207](#) expires on the
458 birth date of the applicant in the first year following the year that the driving privilege card was
459 issued or renewed.

460 (h) An original license or a renewal to an original license expires on the birth date of
461 the applicant in the first year following the year that the license was issued if the applicant is
462 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
463 Offender Registry.

464 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
465 Procedures Act, for requests for agency action, each applicant shall:

466 (i) provide:

467 (A) the applicant's full legal name;

468 (B) the applicant's birth date;

469 (C) the applicant's gender;

470 (D) (I) documentary evidence of the applicant's valid Social Security number;

471 (II) written proof that the applicant is ineligible to receive a Social Security number;

472 (III) the applicant's temporary identification number (ITIN) issued by the Internal
473 Revenue Service for a person who:

474 (Aa) does not qualify for a Social Security number; and

475 (Bb) is applying for a driving privilege card; or

476 (IV) other documentary evidence approved by the division;

477 (E) the applicant's Utah residence address as documented by a form or forms
478 acceptable under rules made by the division under Section 53-3-104, unless the application is
479 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

480 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
481 is applying for a driving privilege card;

482 (ii) provide evidence of the applicant's lawful presence in the United States by
483 providing documentary evidence:

484 (A) that a person is:

485 (I) a United States citizen;

486 (II) a United States national; or

487 (III) a legal permanent resident alien; or

488 (B) of the applicant's:

489 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
490 States;

- 491 (II) pending or approved application for asylum in the United States;
492 (III) admission into the United States as a refugee;
493 (IV) pending or approved application for temporary protected status in the United
494 States;
495 (V) approved deferred action status;
496 (VI) pending application for adjustment of status to legal permanent resident or
497 conditional resident; or
498 (VII) conditional permanent resident alien status;
499 (iii) provide a description of the applicant;
500 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
501 and, if so, when and by what state or country;
502 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
503 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
504 application refused, and if so, the date of and reason for the suspension, cancellation,
505 revocation, disqualification, denial, or refusal;
506 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
507 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
508 (vii) state whether the applicant is required to register as a sex offender in accordance
509 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
510 (viii) state whether the applicant is a veteran of the United States military, provide
511 verification that the applicant was granted an honorable or general discharge from the United
512 States Armed Forces, and state whether the applicant does or does not authorize sharing the
513 information with the state Department of Veterans' and Military Affairs;
514 (ix) provide all other information the division requires; and
515 (x) sign the application which signature may include an electronic signature as defined
516 in Section [46-4-102](#).
517 (b) Each applicant shall have a Utah residence address, unless the application is for a
518 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
519 (c) Each applicant shall provide evidence of lawful presence in the United States in
520 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
521 (d) The division shall maintain on its computerized records an applicant's:

- 522 (i) (A) Social Security number;
- 523 (B) temporary identification number (ITIN); or
- 524 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 525 (ii) indication whether the applicant is required to register as a sex offender in
- 526 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 527 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
- 528 by at least one of the following means:
- 529 (a) current license certificate;
- 530 (b) birth certificate;
- 531 (c) Selective Service registration; or
- 532 (d) other proof, including church records, family Bible notations, school records, or
- 533 other evidence considered acceptable by the division.
- 534 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
- 535 higher class than what the applicant originally was issued:
- 536 (i) the license application shall be treated as an original application; and
- 537 (ii) license and endorsement fees shall be assessed under Section 53-3-105.
- 538 (b) An applicant that receives a downgraded license in a lower license class during an
- 539 existing license cycle that has not expired:
- 540 (i) may be issued a duplicate license with a lower license classification for the
- 541 remainder of the existing license cycle; and
- 542 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105[~~(22)~~](23) if a
- 543 duplicate license is issued under Subsection (10)(b)(i).
- 544 (c) An applicant who has received a downgraded license in a lower license class under
- 545 Subsection (10)(b):
- 546 (i) may, when eligible, receive a duplicate license in the highest class previously issued
- 547 during a license cycle that has not expired for the remainder of the existing license cycle; and
- 548 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105[~~(22)~~](23) if a
- 549 duplicate license is issued under Subsection (10)(c)(i).
- 550 (11) (a) When an application is received from a person previously licensed in another
- 551 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
- 552 other state.

553 (b) When received, the driver's record becomes part of the driver's record in this state
554 with the same effect as though entered originally on the driver's record in this state.

555 (12) An application for reinstatement of a license after the suspension, cancellation,
556 disqualification, denial, or revocation of a previous license shall be accompanied by the
557 additional fee or fees specified in Section 53-3-105.

558 (13) A person who has an appointment with the division for testing and fails to keep
559 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
560 under Section 53-3-105.

561 (14) A person who applies for an original license or renewal of a license agrees that the
562 person's license is subject to any suspension or revocation authorized under this title or Title
563 41, Motor Vehicles.

564 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
565 the licensee in accordance with division rule.

566 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
567 Management Act, the division may, upon request, release to an organ procurement
568 organization, as defined in Section 26-28-102, the names and addresses of all persons who
569 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

570 (ii) An organ procurement organization may use released information only to:

571 (A) obtain additional information for an anatomical gift registry; and

572 (B) inform licensees of anatomical gift options, procedures, and benefits.

573 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
574 Management Act, the division may release to the Department of Veterans' and Military Affairs
575 the names and addresses of all persons who indicate their status as a veteran under Subsection
576 (8)(a)(viii).

577 (17) The division and its employees are not liable, as a result of false or inaccurate
578 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

579 (a) loss;

580 (b) detriment; or

581 (c) injury.

582 (18) A person who knowingly fails to provide the information required under
583 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

584 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
585 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

586 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

587 (i) may not hold both an unexpired Utah license certificate and an unexpired
588 identification card; and

589 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
590 identification card in the person's possession, shall be required to surrender either the unexpired
591 Utah license certificate or the unexpired Utah identification card.

592 (c) If a person has not surrendered either the Utah license certificate or the Utah
593 identification card as required under this Subsection (19), the division shall cancel the Utah
594 identification card on December 1, 2014.

595 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
596 both an unexpired Utah license certificate and an unexpired Utah identification card.

597 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

598 (i) may not hold both an unexpired Utah license certificate and an unexpired
599 identification card; and

600 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
601 identification card in the person's possession, shall be required to surrender either the unexpired
602 Utah license certificate or the unexpired Utah identification card.

603 (c) If a person has not surrendered either the Utah license certificate or the Utah
604 identification card as required under this Subsection (20), the division shall cancel the Utah
605 identification card on December 1, 2017.

606 (21) (a) A person who applies for an original motorcycle endorsement to a regular
607 license certificate is exempt from the requirement to pass the knowledge and skills test to be
608 eligible for the motorcycle endorsement if the person:

609 (i) is a resident of the state of Utah;

610 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
611 forces of the United States; or

612 (B) is an immediate family member or dependent of a person described in Subsection
613 (21)(a)(ii)(A) and is residing outside of Utah;

614 (iii) has a digitized driver license photo on file with the division;

615 (iv) provides proof to the division of the successful completion of a certified
616 Motorcycle Safety Foundation rider training course; and
617 (v) provides the necessary information and documentary evidence required under
618 Subsection (8).

619 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
620 division shall make rules:

621 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
622 this Subsection (21); and

623 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
624 this Subsection (21).

625 Section 7. Section 53-3-223 is amended to read:

626 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
627 **Hearing and decision -- Suspension and fee -- Judicial review.**

628 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
629 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
630 certain blood or breath alcohol concentration and driving under the influence of any drug,
631 alcohol, or combination of a drug and alcohol or while having any measurable controlled
632 substance or metabolite of a controlled substance in the person's body in violation of Section
633 41-6a-517, the peace officer may, in connection with arresting the person, request that the
634 person submit to a chemical test or tests to be administered in compliance with the standards
635 under Section 41-6a-520.

636 (b) In this section, a reference to Section 41-6a-502 includes any similar local
637 ordinance adopted in compliance with Subsection 41-6a-510(1).

638 (2) The peace officer shall advise a person prior to the person's submission to a
639 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,
640 and the existence of a blood alcohol content sufficient to render the person incapable of safely
641 driving a motor vehicle may, result in suspension or revocation of the person's license to drive
642 a motor vehicle.

643 (3) If the person submits to a chemical test and the test results indicate a blood or
644 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
645 makes a determination, based on reasonable grounds, that the person is otherwise in violation

646 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
647 arrest, give notice of the division's intention to suspend the person's license to drive a motor
648 vehicle.

649 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
650 shall:

651 (i) take the Utah license certificate or permit, if any, of the driver;

652 (ii) issue a temporary license certificate effective for only 29 days from the date of
653 arrest; and

654 (iii) supply to the driver, in a manner specified by the division, basic information
655 regarding how to obtain a prompt hearing before the division.

656 (b) A citation issued by a peace officer may, if provided in a manner specified by the
657 division, also serve as the temporary license certificate.

658 (5) As a matter of procedure, a peace officer shall send to the division within 10
659 calendar days after the day on which notice is provided:

660 (a) the person's license certificate;

661 (b) a copy of the citation issued for the offense;

662 (c) a signed report in a manner specified by the division indicating the chemical test
663 results, if any; and

664 (d) any other basis for the peace officer's determination that the person has violated
665 Section 41-6a-502 or 41-6a-517.

666 (6) (a) Upon request in a manner specified by the division, the division shall grant to
667 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
668 heard shall be made within 10 calendar days of the day on which notice is provided under
669 Subsection (5).

670 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
671 division in:

672 (A) the county in which the arrest occurred; or

673 (B) a county that is adjacent to the county in which the arrest occurred.

674 (ii) The division may hold a hearing in some other county if the division and the person
675 both agree.

676 (c) The hearing shall be documented and shall cover the issues of:

677 (i) whether a peace officer had reasonable grounds to believe the person was driving a
678 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

679 (ii) whether the person refused to submit to the test; and

680 (iii) the test results, if any.

681 (d) (i) In connection with a hearing the division or its authorized agent:

682 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
683 the production of relevant books and papers; or

684 (B) may issue subpoenas for the attendance of necessary peace officers.

685 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
686 accordance with the rates established in Section 78B-1-119.

687 (e) The division may designate one or more employees to conduct the hearing.

688 (f) Any decision made after a hearing before any designated employee is as valid as if
689 made by the division.

690 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
691 grounds to believe that the person was driving a motor vehicle in violation of Section
692 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
693 notice, or if a hearing is not requested under this section, the division shall:

694 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
695 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
696 period of:

697 (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or

698 (B) two years beginning on the 30th day after the date of arrest for a second or
699 subsequent suspension for an offense that occurred within the previous 10 years; or

700 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made
701 on or after May 14, 2013:

702 (A) suspend the person's license or permit to operate a motor vehicle:

703 (I) for a period of six months, beginning on the 30th day after the date of arrest for a
704 first suspension; or

705 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
706 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
707 offense that occurred within the previous 10 years; or

708 (B) deny the person's application for a license or learner's permit:

709 (I) for a period of six months for a first suspension, if the person has not been issued an
710 operator license; or

711 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
712 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
713 offense that occurred within the previous 10 years.

714 (b) The division shall deny or suspend a person's license for the denial and suspension
715 periods in effect:

716 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;

717 (ii) from July 1, 2009, through June 30, 2011, if:

718 (A) the person was 20 years 6 months of age or older but under 21 years of age at the
719 time of arrest; and

720 (B) the conviction under Subsection (2) is for an offense that was committed on or
721 after July 1, 2009, and prior to July 1, 2011; or

722 (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.

723 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
724 reinstate a person's license prior to completion of the 120 day suspension period imposed under
725 Subsection (7)(a)(i)(A):

726 (A) immediately upon receiving written verification of the person's dismissal of a
727 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received
728 prior to completion of the suspension period; or

729 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon
730 receiving written verification of the person's reduction of a charge for a violation of Section
731 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
732 suspension period.

733 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division
734 shall reinstate a person's license prior to completion of the 120-day suspension period imposed
735 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's
736 conviction of impaired driving under Section 41-6a-502.5 if:

737 (A) the written verification is received prior to completion of the suspension period;
738 and

739 (B) the reporting court notifies the Driver License Division that the defendant is
740 participating in or has successfully completed the program of a driving under the influence
741 court as defined in Section [41-6a-501](#).

742 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is
743 required to pay the license reinstatement fees under Subsections [53-3-105](#)~~[(23) and]~~(24) and
744 (25).

745 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only
746 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

747 (8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall
748 shorten a person's two-year license suspension period that is currently in effect to a six-month
749 suspension period if:

750 (i) the driver was under the age of 19 at the time of arrest;

751 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

752 (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence
753 upon which the following written verifications are based:

754 (A) a court order shortening the driver license suspension for a violation of Section
755 [41-6a-502](#) pursuant to Subsection [41-6a-509](#)(8);

756 (B) a court order shortening the driver license suspension for a violation of Section
757 [41-6a-517](#) pursuant to Subsection [41-6a-517](#)(11);

758 (C) a court order shortening the driver license suspension for a violation of Section
759 [32B-4-409](#);

760 (D) a dismissal for a violation of Section [41-6a-502](#), Section [41-6a-517](#), or Section
761 [32B-4-409](#);

762 (E) a notice of declination to prosecute for a charge under Section [41-6a-502](#), Section
763 [41-6a-517](#), or Section [32B-4-409](#);

764 (F) a reduction of a charge under Section [41-6a-502](#), Section [41-6a-517](#), or Section
765 [32B-4-409](#); or

766 (G) other written documentation acceptable to the division.

767 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
768 division may make rules establishing requirements for acceptable written documentation to
769 shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).

770 (c) If a person's license sanction is shortened under this Subsection (8), the person is
771 required to pay the license reinstatement fees under Subsections [53-3-105](#)~~[(23) and]~~(24) and
772 (25).

773 (9) (a) The division shall assess against a person, in addition to any fee imposed under
774 Subsection [53-3-205](#)(12) for driving under the influence, a fee under Section [53-3-105](#) to cover
775 administrative costs, which shall be paid before the person's driving privilege is reinstated.
776 This fee shall be cancelled if the person obtains an unappealed division hearing or court
777 decision that the suspension was not proper.

778 (b) A person whose license has been suspended by the division under this section
779 following an administrative hearing may file a petition within 30 days after the suspension for a
780 hearing on the matter which, if held, is governed by Section [53-3-224](#).

781 (10) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division shall
782 reinstate a person's license before completion of the suspension period imposed under
783 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the
784 defendant is participating in or has successfully completed a 24-7 sobriety program as defined
785 in Section [41-6a-515.5](#).

786 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to
787 pay the license reinstatement fees under Subsections [53-3-105](#)~~[(23) and]~~(24) and (25).

788 Section 8. Section [53-3-231](#) is amended to read:

789 **[53-3-231](#). Person under 21 may not operate a vehicle or motorboat with**
790 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
791 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
792 **Referral to local substance abuse authority or program.**

793 (1) (a) As used in this section:

794 (i) "Local substance abuse authority" has the same meaning as provided in Section
795 [62A-15-102](#).

796 (ii) "Substance abuse program" means any substance abuse program licensed by the
797 Department of Human Services or the Department of Health and approved by the local
798 substance abuse authority.

799 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
800 be made in accordance with the procedures in Subsection [41-6a-502](#)(1).

801 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
802 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
803 concentration in the person's body as shown by a chemical test.

804 (b) A person who violates Subsection (2)(a), in addition to any other applicable
805 penalties arising out of the incident, shall have the person's operator license denied or
806 suspended as provided in Subsection (8).

807 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
808 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
809 person for a violation of Section 32B-4-409, request that the person submit to a chemical test
810 or tests to be administered in compliance with the standards under Section 41-6a-520.

811 (b) The peace officer shall advise a person prior to the person's submission to a
812 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
813 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

814 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
815 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
816 determination, based on reasonable grounds, that the person is otherwise in violation of
817 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
818 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
819 vehicle or refusal to issue a license under this section.

820 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

821 (a) take the Utah license certificate or permit, if any, of the operator;

822 (b) issue a temporary license certificate effective for only 29 days from the date of
823 arrest if the driver had a valid operator's license; and

824 (c) supply to the operator, in a manner specified by the division, basic information
825 regarding how to obtain a prompt hearing before the division.

826 (5) A citation issued by a peace officer may, if provided in a manner specified by the
827 division, also serve as the temporary license certificate under Subsection (4)(b).

828 (6) As a matter of procedure, a peace officer shall send to the division within 10
829 calendar days after the day on which notice is provided:

830 (a) the person's driver license certificate, if any;

831 (b) a copy of the citation issued for the offense;

832 (c) a signed report in a manner specified by the Driver License Division indicating the
833 chemical test results, if any; and

834 (d) any other basis for a peace officer's determination that the person has violated
835 Subsection (2).

836 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
837 Division shall grant to the person an opportunity to be heard within 29 days after the date of
838 arrest under Section [32B-4-409](#).

839 (ii) The request shall be made within 10 calendar days of the day on which notice is
840 provided.

841 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the
842 division in:

843 (A) the county in which the arrest occurred; or

844 (B) a county that is adjacent to the county in which the arrest occurred.

845 (ii) The division may hold a hearing in some other county if the division and the person
846 both agree.

847 (c) The hearing shall be documented and shall cover the issues of:

848 (i) whether a peace officer had reasonable grounds to believe the person was operating
849 a motor vehicle or motorboat in violation of Subsection (2)(a);

850 (ii) whether the person refused to submit to the test; and

851 (iii) the test results, if any.

852 (d) In connection with a hearing, the division or its authorized agent may administer
853 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
854 books and papers and records as defined in Section [46-4-102](#).

855 (e) One or more members of the division may conduct the hearing.

856 (f) Any decision made after a hearing before any number of the members of the
857 division is as valid as if made after a hearing before the full membership of the division.

858 (8) If, after a hearing, the division determines that a peace officer had reasonable
859 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
860 if the person fails to appear before the division as required in the notice, or if the person does
861 not request a hearing under this section, the division shall for a person under 21 years of age on
862 the date of arrest:

863 (a) deny the person's license until the person complies with Subsection (12)(b)(i) but
864 for a period of not less than six months beginning on the 30th day after the date of arrest for a
865 first offense under Subsection (2)(a) committed on or after May 14, 2013;

866 (b) suspend the person's license until the person complies with Subsection (12)(b)(i)
867 and until the person is 21 years of age or for a period of two years, whichever is longer,
868 beginning on the 30th day after the date of arrest for a second or subsequent offense under
869 Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or
870 suspension;

871 (c) deny the person's application for a license or learner's permit until the person
872 complies with Subsection (12)(b)(i) but for a period of not less than six months if:

873 (i) the person has not been issued an operator license; and

874 (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after
875 July 1, 2009;

876 (d) deny the person's application for a license or learner's permit until the person
877 complies with Subsection (12)(b)(i) and until the person is 21 years of age or for a period of
878 two years, whichever is longer, if:

879 (i) the person has not been issued an operator license; and

880 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)
881 committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or

882 (e) deny or suspend a person's license for the denial and suspension periods in effect:

883 (i) prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed
884 prior to July 1, 2009;

885 (ii) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of
886 age or older but under 21 years of age at the time of arrest and the conviction under Subsection
887 (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; or

888 (iii) prior to May 14, 2013, for a violation under Subsection (2)(a) that was committed
889 prior to May 14, 2013.

890 (9) (a) Notwithstanding the provisions in Subsection (8)(e)(iii), the division shall
891 shorten a person's one-year license suspension or denial period that is currently in effect to a
892 six-month suspension or denial period if:

893 (i) the driver was under the age of 19 at the time of arrest;

894 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

895 (iii) the suspension or denial under Subsection (8)(e)(iii) was based on the same

896 occurrence upon which the following written verifications are based:

897 (A) a court order shortening the driver license suspension for a violation of Section
898 41-6a-502 pursuant to Subsection 41-6a-509(8);

899 (B) a court order shortening the driver license suspension for a violation of Section
900 41-6a-517 pursuant to Subsection 41-6a-517(11);

901 (C) a court order shortening the driver license suspension for a violation of Section
902 32B-4-409;

903 (D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section
904 32B-4-409;

905 (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section
906 41-6a-517, or Section 32B-4-409;

907 (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section
908 32B-4-409; or

909 (G) other written documentation acceptable to the division.

910 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
911 division may make rules establishing requirements for acceptable documentation to shorten a
912 person's driver license suspension or denial period under this Subsection (9).

913 (c) If a person's license sanction is shortened under this Subsection (9), the person is
914 required to pay the license reinstatement fees under Subsections 53-3-105~~(23) and~~(24) and
915 (25).

916 (10) (a) (i) Following denial or suspension the division shall assess against a person, in
917 addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105,
918 which shall be paid before the person's driving privilege is reinstated, to cover administrative
919 costs.

920 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
921 court decision that the suspension was not proper.

922 (b) A person whose operator license has been denied, suspended, or postponed by the
923 division under this section following an administrative hearing may file a petition within 30
924 days after the suspension for a hearing on the matter which, if held, is governed by Section

925 53-3-224.

926 (11) After reinstatement of an operator license for a first offense under this section, a
927 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension
928 of the person's operator license under this section if the person has not been convicted of any
929 other offense for which the denial or suspension may be extended.

930 (12) (a) In addition to the penalties in Subsection (8), a person who violates Subsection
931 (2)(a) shall:

932 (i) obtain an assessment and recommendation for appropriate action from a substance
933 abuse program, but any associated costs shall be the person's responsibility; or

934 (ii) be referred by the division to the local substance abuse authority for an assessment
935 and recommendation for appropriate action.

936 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
937 license within five years of the effective date of the license sanction under Subsection (8) is
938 contingent upon successful completion of the action recommended by the local substance
939 abuse authority or the substance abuse program.

940 (ii) The local substance abuse authority's or the substance abuse program's
941 recommended action shall be determined by an assessment of the person's alcohol abuse and
942 may include:

943 (A) a targeted education and prevention program;

944 (B) an early intervention program; or

945 (C) a substance abuse treatment program.

946 (iii) Successful completion of the recommended action shall be determined by
947 standards established by the Division of Substance Abuse and Mental Health.

948 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
949 substance abuse authority or the substance abuse program shall notify the division of the
950 person's status regarding completion of the recommended action.

951 (d) The local substance abuse authorities and the substance abuse programs shall
952 cooperate with the division in:

953 (i) conducting the assessments;

954 (ii) making appropriate recommendations for action; and

955 (iii) notifying the division about the person's status regarding completion of the

956 recommended action.

957 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
958 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
959 authority.

960 (ii) The local substance abuse authority or a substance abuse program selected by a
961 person is responsible for:

962 (A) conducting an assessment of the person's alcohol abuse; and

963 (B) for making a referral to an appropriate program on the basis of the findings of the
964 assessment.

965 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
966 associated with the recommended program to which the person selected or is referred.

967 (B) The costs and fees under Subsection (12)(e)(iii)(A) shall be based on a sliding scale
968 consistent with the local substance abuse authority's policies and practices regarding fees for
969 services or determined by the substance abuse program.

970 Section 9. Section **53-5-706** is amended to read:

971 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

972 (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant for a
973 permit under Section [53-5-707](#) or [53-5-707.5](#) shall be taken on a form prescribed by the bureau.

974 (b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in
975 Section [53-10-108](#), and the fee prescribed in Section [53-5-707](#) or [53-5-707.5](#), the bureau shall
976 conduct a search of its files for criminal history information pertaining to the applicant, and
977 shall request the Federal Bureau of Investigation to conduct a similar search through its files.

978 (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct
979 a search of its files for criminal history information, the application or concealed firearm permit
980 may be denied, suspended, or revoked until sufficient fingerprints are submitted by the
981 applicant.

982 (2) (a) If the permit applicant has previously applied to the bureau for a permit to carry
983 concealed firearms, the bureau shall note the previous identification numbers and other data
984 which would provide positive identification in the files of the bureau on the copy of any
985 subsequent permit submitted to the bureau in accordance with this section.

986 (b) No additional application form, fingerprints, or fee are required under this

987 Subsection (2).

988 Section 10. Section **53-5-707** is amended to read:

989 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

990 (1) (a) An applicant for a concealed firearm permit shall pay a fee of [~~\$24.75~~] \$25 at
991 the time of filing an application.

992 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
993 processing a nonresident application.

994 (c) The bureau shall waive the initial fee for an applicant who is a law enforcement
995 officer under Section **53-13-103**.

996 (d) Concealed firearm permit renewal fees for active duty service members and the
997 spouse of an active duty service member shall be waived.

998 (2) The renewal fee for the permit is [~~\$15:~~] \$20. A nonresident shall pay an additional
999 \$5 for the additional cost of processing a nonresidential renewal.

1000 (3) The replacement fee for the permit is \$10.

1001 (4) (a) The late fee for the renewal permit is \$7.50.

1002 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal
1003 submitted on a permit that has been expired for more than 30 days but less than one year.

1004 (5) (a) There is created a restricted account within the General Fund known as the
1005 "Concealed Weapons Account."

1006 (b) The account shall be funded from fees collected under this section and Section
1007 **53-5-707.5**.

1008 (c) Funds in the account shall be used to cover costs relating to the issuance of
1009 concealed firearm permits under this part and may not be used for any other purpose.

1010 (6) (a) The bureau may collect any fees charged by an outside agency for additional
1011 services required by statute as a prerequisite for issuance of a permit.

1012 [~~(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so~~
1013 ~~that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the~~
1014 ~~nearest even dollar amount to that total.]~~

1015 [~~(c)~~] (b) The bureau shall promptly forward any fees collected under Subsection (6)(a)
1016 to the appropriate agency.

1017 (7) The bureau shall make an annual report in writing to the Legislature's Law

1018 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees
1019 collected under this section and Section 53-5-707.5.

1020 Section 11. Section 53-5-707.5 is amended to read:

1021 **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.**

1022 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section
1023 53-5-704.5, shall pay a fee of [~~\$24.75~~] \$25 at the time of filing an application.

1024 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
1025 processing a nonresident application.

1026 (2) The replacement fee for the permit is \$10.

1027 (3) Fees collected under this section shall be remitted to the Concealed Weapons
1028 Account, as described in Subsection 53-5-707(5).

1029 (4) (a) The bureau may collect any fees charged by an outside agency for additional
1030 services required by statute as a prerequisite for issuance of a permit.

1031 [~~(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so
1032 that the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the
1033 nearest even dollar amount to that total.]~~

1034 [~~(c)~~] (b) The bureau shall promptly forward any fees collected under Subsection (4)(a)
1035 to the appropriate agency.

1036 Section 12. Section 53-7-223 is amended to read:

1037 **53-7-223. State license for display operators, special effects operators, and flame
1038 effects operators -- Permit -- Fee -- Division duties -- Revocation.**

1039 (1) (a) A person may not purchase or possess display fireworks, special effects
1040 fireworks, or flame effects, or discharge any of them in public unless the person has obtained
1041 the appropriate license from the division, except under Subsection (1)(b).

1042 (b) (i) Subsection (1)(a) does not apply to any person who participates in a meeting, as
1043 limited under Subsection (1)(b)(ii), with other persons solely to receive training, to practice, or
1044 provide instruction regarding flame effects performance.

1045 (ii) A meeting under Subsection (1)(b)(i) may include a nonpaying and unsolicited
1046 audience of not more than 25 persons.

1047 (2) The division shall:

1048 (a) issue an annual license to any display operator, special effects operator, or flame

1049 effects operator who:

1050 (i) applies for the permit;

1051 (ii) pays [~~a \$40~~] the fee set in accordance with Section 63J-1-504;

1052 (iii) demonstrates proof of competence; and

1053 (iv) certifies that the operator will comply with board rules governing placement and
1054 discharge of fireworks or flame effects;

1055 (b) provide the licensee with a copy of the rules governing placement and discharge of
1056 fireworks or flame effects made under Section 53-7-204; and

1057 (c) together with county and municipal officers enforce Sections 53-7-220 through
1058 53-7-225.

1059 (3) The division may:

1060 (a) revoke a license issued under this section for cause;

1061 (b) seize display and special effects fireworks, fireworks, and unclassified fireworks
1062 that are offered for sale, sold, or in the possession of an individual in violation of Sections
1063 53-7-220 through 53-7-225;

1064 (c) prevent or stop the use of flame effects that is unlawful or that is endangering
1065 persons or property; and

1066 (d) create application and certification forms.

1067 Section 13. Section 53-7-224 is amended to read:

1068 **53-7-224. Licensing importers and wholesalers -- Fee.**

1069 The division shall:

1070 (1) annually license each importer and wholesaler of pyrotechnic devices; and

1071 (2) charge an annual license fee [~~of \$250~~] set in accordance with Section 63J-1-504.

1072 Section 14. Section 53-9-111 is amended to read:

1073 **53-9-111. License and registration fees -- Deposit in General Fund.**

1074 (1) Fees for individual and agency licensure and renewal [~~are as follows:~~] shall be in
1075 accordance with Section 63J-1-504.

1076 [~~(a) for an original agency license application and license, \$215, plus an additional fee~~
1077 ~~for the costs of fingerprint processing and background investigation;~~]

1078 [~~(b) for the renewal of an agency license, \$115;~~]

1079 [~~(c) for an original registrant or apprentice license application and license, \$115, plus~~]

1080 ~~an additional fee for the costs of fingerprint processing and background investigation;]~~
1081 ~~[(d) for the renewal of a registrant or apprentice license, \$65;]~~
1082 ~~[(e) for filing an agency renewal application more than 30 days after the expiration date~~
1083 ~~of the license, a delinquency fee of \$65;]~~
1084 ~~[(f) for filing a registrant or apprentice renewal application more than 30 days after the~~
1085 ~~expiration date of the registration, a delinquency fee of \$45;]~~
1086 ~~[(g) for the reinstatement of any license, \$65;]~~
1087 ~~[(h) for a duplicate identification card, \$25; and]~~
1088 ~~[(i) for the fingerprint processing fee, an amount that does not exceed the cost to the~~
1089 ~~bureau charged by the Federal Bureau of Investigation for fingerprint processing for the~~
1090 ~~purpose of obtaining federal criminal history record information.]~~
1091 (2) (a) The bureau may renew a license granted under this chapter:
1092 (i) to a resident of the state;
1093 (ii) upon receipt of a renewal application on forms as prescribed by the bureau; and
1094 (iii) upon receipt of the fees prescribed in Subsection (1).
1095 (b) (i) The renewal of a license requires the filing of all certificates of insurance or
1096 proof of surety bond as required by this chapter.
1097 (ii) Renewal of a license may not be granted more than 180 days after expiration.
1098 (c) A licensee may not engage in activity subject to this chapter during the period
1099 between the date of expiration of the license and the renewal of the license.
1100 (3) (a) The bureau shall renew a suspended license if:
1101 (i) the period of suspension has been completed;
1102 (ii) the bureau has received a renewal application from the applicant on forms
1103 prescribed by the bureau; and
1104 (iii) the applicant has:
1105 (A) filed all certificates of insurance or proof of surety bond as required by this
1106 chapter; and
1107 (B) paid the fees required by this section for renewal, including a delinquency fee if the
1108 application is not received by the bureau within 30 days of the termination of the suspension.
1109 (b) Renewal of the license does not entitle the licensee, while the license remains
1110 suspended and until it is reinstated, to engage in activity regulated by this chapter, or in other

1111 activity or conduct in violation of the order or judgment by which the license was suspended.

1112 (4) The bureau may not reinstate a revoked license or accept an application for a
1113 license from a person whose license has been revoked for at least one year from the date of
1114 revocation.

1115 (5) All fees, except the fingerprint processing fee, collected by the bureau under this
1116 section shall be deposited in the General Fund.

1117 Section 15. Section **53-10-108** is amended to read:

1118 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
1119 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
1120 **-- Missing children records -- Penalty for misuse of records.**

1121 (1) As used in this section:

1122 (a) "FBI Rap Back System" means the rap back system maintained by the Federal
1123 Bureau of Investigation.

1124 (b) "Rap back system" means a system that enables authorized entities to receive
1125 ongoing status notifications of any criminal history reported on individuals whose fingerprints
1126 are registered in the system.

1127 (c) "WIN Database" means the Western Identification Network Database that consists
1128 of eight western states sharing one electronic fingerprint database.

1129 (2) Dissemination of information from a criminal history record, including information
1130 obtained from a fingerprint background check or name check, or warrant of arrest information
1131 from division files is limited to:

1132 (a) criminal justice agencies for purposes of administration of criminal justice and for
1133 employment screening by criminal justice agencies;

1134 (b) noncriminal justice agencies or individuals for any purpose authorized by statute,
1135 executive order, court rule, court order, or local ordinance;

1136 (c) agencies or individuals for the purpose of obtaining required clearances connected
1137 with foreign travel or obtaining citizenship;

1138 (d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
1139 agency to provide services required for the administration of criminal justice; and

1140 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
1141 purposes for which given, and ensure the security and confidentiality of the data;

1142 (e) agencies or individuals for the purpose of a preplacement adoptive study, in
1143 accordance with the requirements of Sections 78B-6-128 and 78B-6-130;

1144 (f) (i) agencies and individuals as the commissioner authorizes for the express purpose
1145 of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
1146 agency; and

1147 (ii) private security agencies through guidelines established by the commissioner for
1148 employment background checks for their own employees and prospective employees;

1149 (g) a qualifying entity for employment background checks for their own employees and
1150 persons who have applied for employment with the qualifying entity; and

1151 (h) other agencies and individuals as the commissioner authorizes and finds necessary
1152 for protection of life and property and for offender identification, apprehension, and
1153 prosecution pursuant to an agreement.

1154 (3) An agreement under Subsection (2)(f) or (2)(h) shall specifically authorize access
1155 to data, limit the use of data to research, evaluative, or statistical purposes, preserve the
1156 anonymity of individuals to whom the information relates, and ensure the confidentiality and
1157 security of the data.

1158 (4) (a) Before requesting information under Subsection (2)(g), a qualifying entity must
1159 obtain a signed waiver from the person whose information is requested.

1160 (b) The waiver must notify the signee:

1161 (i) that a criminal history background check will be conducted;

1162 (ii) who will see the information; and

1163 (iii) how the information will be used.

1164 (c) Information received by a qualifying entity under Subsection (2)(g) may only be:

1165 (i) available to persons involved in the hiring or background investigation of the
1166 employee; and

1167 (ii) used for the purpose of assisting in making an employment or promotion decision.

1168 (d) A person who disseminates or uses information obtained from the division under
1169 Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to
1170 any penalties provided under this section, is subject to civil liability.

1171 (e) A qualifying entity that obtains information under Subsection (2)(g) shall provide
1172 the employee or employment applicant an opportunity to:

1173 (i) review the information received as provided under Subsection (9); and
1174 (ii) respond to any information received.

1175 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1176 division may make rules to implement this Subsection (4).

1177 (g) The division or its employees are not liable for defamation, invasion of privacy,
1178 negligence, or any other claim in connection with the contents of information disseminated
1179 under Subsection (2)(g).

1180 (5) (a) Any criminal history record information obtained from division files may be
1181 used only for the purposes for which it was provided and may not be further disseminated,
1182 except under Subsection (5)(b), (c), or (d).

1183 (b) A criminal history provided to an agency pursuant to Subsection (2)(e) may be
1184 provided by the agency to the person who is the subject of the history, another licensed
1185 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
1186 adoption.

1187 (c) A criminal history of a defendant provided to a criminal justice agency under
1188 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,
1189 upon request during the discovery process, for the purpose of establishing a defense in a
1190 criminal case.

1191 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public
1192 Transit District Act, that is under contract with a state agency to provide services may, for the
1193 purposes of complying with Subsection [62A-5-103.5\(5\)](#), provide a criminal history record to
1194 the state agency or the agency's designee.

1195 (6) The division may not disseminate criminal history record information to qualifying
1196 entities under Subsection (2)(g) regarding employment background checks if the information is
1197 related to charges:

1198 (a) that have been declined for prosecution;

1199 (b) that have been dismissed; or

1200 (c) regarding which a person has been acquitted.

1201 (7) (a) This section does not preclude the use of the division's central computing
1202 facilities for the storage and retrieval of criminal history record information.

1203 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by

1204 unauthorized agencies or individuals.

1205 (8) Direct access through remote computer terminals to criminal history record
1206 information in the division's files is limited to those agencies authorized by the commissioner
1207 under procedures designed to prevent unauthorized access to this information.

1208 (9) (a) The commissioner shall establish procedures to allow an individual right of
1209 access to review and receive a copy of the individual's criminal history report.

1210 (b) A processing fee for the right of access service, including obtaining a copy of the
1211 individual's criminal history report under Subsection (9)(a) [~~is \$15 . This fee remains in effect~~
1212 ~~until changed by the commissioner through the process under~~] shall be set in accordance with
1213 Section 63J-1-504.

1214 (c) (i) The commissioner shall establish procedures for an individual to challenge the
1215 completeness and accuracy of criminal history record information contained in the division's
1216 computerized criminal history files regarding that individual.

1217 (ii) These procedures shall include provisions for amending any information found to
1218 be inaccurate or incomplete.

1219 (10) The private security agencies as provided in Subsection (2)(f)(ii):

1220 (a) shall be charged for access; and

1221 (b) shall be registered with the division according to rules made by the division under
1222 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1223 (11) Before providing information requested under this section, the division shall give
1224 priority to criminal justice agencies needs.

1225 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
1226 use, disclose, or disseminate a record created, maintained, or to which access is granted by the
1227 division or any information contained in a record created, maintained, or to which access is
1228 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
1229 policy of a governmental entity.

1230 (b) A person who discovers or becomes aware of any unauthorized use of records
1231 created or maintained, or to which access is granted by the division shall inform the
1232 commissioner and the director of the Utah Bureau of Criminal Identification of the
1233 unauthorized use.

1234 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in

1235 Subsection (2)(b) may request that the division register fingerprints taken for the purpose of
1236 conducting current and future criminal background checks under this section with:

1237 (i) the WIN Database rap back system, or any successor system;

1238 (ii) the FBI Rap Back System; or

1239 (iii) a system maintained by the division.

1240 (b) A qualifying entity or an entity described in Subsection (2)(b) may only make a
1241 request under Subsection (13)(a) if the entity:

1242 (i) has the authority through state or federal statute or federal executive order;

1243 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

1244 and

1245 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives
1246 notifications for individuals with whom the entity maintains an authorizing relationship.

1247 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to
1248 be retained in the FBI Rap Back System for the purpose of being searched by future
1249 submissions to the FBI Rap Back System, including latent fingerprint searches.

1250 [~~(15)(a)(i) The applicant fingerprint card fee under Subsection (2) is \$20.~~]

1251 [~~(ii) The name check fee under Subsection (2) is \$15.~~]

1252 [~~(iii) The fee to register fingerprints under Subsection (13)(a)(i) is \$5.~~]

1253 [~~(iv) The fees described in this Subsection (15)(a) remain in effect until changed by the~~
1254 ~~division through the process under Section [63J-1-504](#).~~]

1255 (15) (a) The division shall impose fees set in accordance with Section [63J-1-504](#) for
1256 the applicant fingerprint card, name check, and to register fingerprints under Subsection
1257 (13)(a).

1258 (b) Funds generated under this Subsection (15) shall be deposited into the General
1259 Fund as a dedicated credit by the department to cover the costs incurred in providing the
1260 information.

1261 (c) The division may collect fees charged by an outside agency for services required
1262 under this section.

1263 Section 16. Section **53-11-115** is amended to read:

1264 **53-11-115. License fees -- Deposit in General Fund.**

1265 (1) Fees for individual and agency licensure, registration, and renewal [~~are:~~] shall be

1266 set in accordance with Section [63J-1-504](#).

1267 ~~[(a) for an original bail enforcement agent license application and license, \$250, which~~
1268 ~~shall include the costs of fingerprint processing and background investigation;]~~

1269 ~~[(b) for the renewal of a bail enforcement agent or bail bond recovery agency license,~~
1270 ~~\$150;]~~

1271 ~~[(c) for an original bail recovery agent license application and license, \$150, which~~
1272 ~~shall include the costs of fingerprint processing and background investigation;]~~

1273 ~~[(d) for the renewal of each bail recovery agent license, \$100;]~~

1274 ~~[(e) for an original bail recovery apprentice license application and license, \$150,~~
1275 ~~which shall include the costs of fingerprint processing and background investigation;]~~

1276 ~~[(f) for the renewal of each bail recovery apprentice license, \$100;]~~

1277 ~~[(g) for filing a renewal application under Subsection (1)(b) more than 30 days after the~~
1278 ~~expiration date of the license, a delinquency fee of \$50;]~~

1279 ~~[(h) for filing a renewal application under Subsection (1)(d) more than 30 days after the~~
1280 ~~expiration date of the registration, a delinquency fee of \$30;]~~

1281 ~~[(i) for filing a renewal application under Subsection (1)(f) more than 30 days after the~~
1282 ~~expiration date of the apprentice license, a delinquency fee of \$30;]~~

1283 ~~[(j) for the reinstatement of a bail enforcement agent or bail bond recovery agency~~
1284 ~~license, \$50;]~~

1285 ~~[(k) for a duplicate identification card, \$10; and]~~

1286 ~~[(l) for reinstatement of an identification card, \$10;]~~

1287 (2) (a) The bureau may renew a license granted under this chapter upon receipt of an
1288 application on forms as prescribed by the board and upon receipt of the applicable fees
1289 ~~[prescribed in Subsection (1);]~~ if the licensee's application meets all the requirements for
1290 renewal.

1291 (b) If the bureau determines the license renewal application does not meet all the
1292 requirements for renewal, the bureau shall submit the renewal application to the board for
1293 review and action.

1294 (c) A license may not be renewed more than 90 days after its expiration.

1295 (d) A licensee may not engage in any activity subject to this chapter during any period
1296 between the date of expiration of the license and the renewal of the license.

1297 (3) (a) The board may reinstate a suspended license upon completion of the term of
1298 suspension.

1299 (b) Renewal of the license does not entitle the licensee, while the license remains
1300 suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any
1301 other activity or conduct in violation of the order or judgment by which the license was
1302 suspended.

1303 (4) The board may not reinstate a revoked license or accept an application for a license
1304 from a person whose license has been revoked for at least one year after the date of revocation.

1305 (5) All fees, except the fingerprint processing fee, collected by the department under
1306 this section shall be deposited in the General Fund.

1307 Section 17. Section **76-10-526** is amended to read:

1308 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
1309 **Exemption for concealed firearm permit holders and law enforcement officers.**

1310 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not
1311 include a temporary permit issued under Section [53-5-705](#).

1312 (2) (a) To establish personal identification and residence in this state for purposes of
1313 this part, a dealer shall require an individual receiving a firearm to present one photo
1314 identification on a form issued by a governmental agency of the state.

1315 (b) A dealer may not accept a driving privilege card issued under Section [53-3-207](#) as
1316 proof of identification for the purpose of establishing personal identification and residence in
1317 this state as required under this Subsection (2).

1318 (3) (a) A criminal history background check is required for the sale of a firearm by a
1319 licensed firearm dealer in the state.

1320 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms
1321 Licensee.

1322 (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a
1323 criminal background check, on a form provided by the bureau.

1324 (b) The form shall contain the following information:

1325 (i) the dealer identification number;

1326 (ii) the name and address of the individual receiving the firearm;

1327 (iii) the date of birth, height, weight, eye color, and hair color of the individual

1328 receiving the firearm; and

1329 (iv) the social security number or any other identification number of the individual
1330 receiving the firearm.

1331 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau
1332 immediately upon its receipt by the dealer.

1333 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
1334 provided the bureau with the information in Subsection (4) and has received approval from the
1335 bureau under Subsection (7).

1336 (6) The dealer shall make a request for criminal history background information by
1337 telephone or other electronic means to the bureau and shall receive approval or denial of the
1338 inquiry by telephone or other electronic means.

1339 (7) When the dealer calls for or requests a criminal history background check, the
1340 bureau shall:

1341 (a) review the criminal history files, including juvenile court records, to determine if
1342 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or
1343 federal law;

1344 (b) inform the dealer that:

1345 (i) the records indicate the individual is prohibited; or

1346 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

1347 (c) provide the dealer with a unique transaction number for that inquiry; and

1348 (d) provide a response to the requesting dealer during the call for a criminal
1349 background check, or by return call, or other electronic means, without delay, except in case of
1350 electronic failure or other circumstances beyond the control of the bureau, the bureau shall
1351 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the
1352 delay.

1353 (8) (a) The bureau may not maintain any records of the criminal history background
1354 check longer than 20 days from the date of the dealer's request, if the bureau determines that
1355 the individual receiving the firearm is not prohibited from purchasing, possessing, or
1356 transferring the firearm under state or federal law.

1357 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
1358 firearms number, the transaction number, and the transaction date for a period of 12 months.

1359 (9) If the criminal history background check discloses information indicating that the
1360 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or
1361 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction
1362 where the individual resides.

1363 (10) If an individual is denied the right to purchase a firearm under this section, the
1364 individual may review the individual's criminal history information and may challenge or
1365 amend the information as provided in Section [53-10-108](#).

1366 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
1367 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
1368 records provided by the bureau under this part are in conformance with the requirements of the
1369 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

1370 (12) (a) ~~[(i)]~~ A dealer shall collect a criminal history background check fee ~~[of \$7.50]~~
1371 for the sale of a firearm under this section. ~~[(ii)]~~ This fee remains in effect until changed by the
1372 bureau through the process ~~[under]~~ in accordance with Section [63J-1-504](#).

1373 (b) (i) The dealer shall forward at one time all fees collected for criminal history
1374 background checks performed during the month to the bureau by the last day of the month
1375 following the sale of a firearm.

1376 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover
1377 the cost of administering and conducting the criminal history background check program.

1378 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,
1379 Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee
1380 required in this section for the purchase of a firearm if:

1381 (a) the individual presents the individual's concealed firearm permit to the dealer prior
1382 to purchase of the firearm; and

1383 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is
1384 valid.

1385 (14) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from the
1386 background check fee required in this section for the purchase of a personal firearm to be
1387 carried while off-duty if the law enforcement officer verifies current employment by providing
1388 a letter of good standing from the officer's commanding officer and current law enforcement
1389 photo identification. This section may only be used by a law enforcement officer to purchase a

1390 personal firearm once in a 24-month period.

1391 (15) (a) A dealer may participate in the redeemable coupon program described in this
 1392 Subsection (15) and Subsection 53-10-202(18).

1393 (b) A participating dealer shall:

1394 (i) accept the redeemable coupon only from the individual whose name is on the
 1395 coupon and apply it only toward the purchase of a gun safe;

1396 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon
 1397 and send them to the Bureau of Criminal Identification for redemption; and

1398 (iii) make the firearm safety brochure described in Subsection 53-10-202(18) available
 1399 to customers free of charge.

1400 Section 18. **FY 2019 Appropriations.**

1401 The following sums of money are appropriated for the fiscal year beginning July 1,
 1402 2018 and ending June 30, 2019. These are additions to amounts previously appropriated for
 1403 fiscal year 2019.

1404 Under the terms and conditions of Utah Code Title 63J, the Legislature appropriates the
 1405 following sums of money from the funds or fund accounts indicated for the use and support of
 1406 the government of the State of Utah.

1407 ITEM 1

1408 To Department of Public Safety - ~~Ĥ~~→ [Programs & Operations] Bureau of Criminal
 1408a Identification ←Ĥ

1409 From General Fund ~~Ĥ~~→ ~~[(~~\$1,115,800~~)]~~ \$1,500,000 ←Ĥ

1410 From Dedicated Credits Revenue ~~Ĥ~~→ ~~[(~~\$7,407,100~~)]~~ (\$1,500,000) ←Ĥ

1411 ~~Ĥ~~→ ~~[From Concealed Weapons Account (GFR)]~~ ~~(\$3,373,500)~~

1412 ~~From Statewide Warrant Ops (GFR)~~ ~~(\$586,200)~~

1413 ~~From Transfers~~ ~~(\$26,100)~~

1414 ~~From Pass-through~~ ~~(\$1,600)~~

1415 Schedule of Programs:

1416 ~~_____~~ CIFS Bureau of Criminal Identification ~~(\$12,510,300)~~

1417 ITEM 2

1418 ~~_____~~ To Department of Public Safety - Bureau of Criminal Identification

1419 ~~_____~~ From General Fund ~~_____~~ \$2,615,800

1420 ~~_____~~ From Dedicated Credits Revenue ~~_____~~ \$6,291,800

1421	<u>From Concealed Weapons Account (GFR)</u>	<u>\$3,125,000</u>
1422	<u>From Statewide Warrant Ops (GFR)</u>	<u>\$450,000</u>
1423	<u>From Transfers</u>	<u>\$26,100</u>
1424	<u>From Pass-through</u>	<u>\$1,600</u>
1425	<u>Schedule of Programs:</u>	
1426	<u>Law Enforcement/Criminal Justice Services</u>	<u>\$3,065,800</u>
1427	<u>Non-Government/Other Services</u>	<u>\$9,444,500]</u>

1428 **[ITEM 3] ITEM 2 ←H**

1429 To Department of Human Services - Division of Juvenile Justice Services -
 1430 Community Providers

1431 From General Fund H→ ~~[(1,453,400)]~~ (\$1,404,000) ←H

1432 Schedule of Programs:

1433 Provider Payments H→ ~~[(1,453,400)]~~ (\$1,404,000) ←H

1434 The Legislature intends that if the Department of Public Safety encounters a revenue
 1435 shortfall by the end of FY 2019 within the Bureau of Criminal Identification line item, that the
 1436 Department of Public Safety report to the Executive Offices and Criminal Justice
 1437 Appropriations Subcommittee and set aside up to \$1,000,0000 as a reserve amount in the
 1438 Programs and Operations line item for potential reallocation in the 2019 General Session for
 1439 the Legislature to transfer up to \$1,000,000 from the Department of Public Safety - Programs
 1440 and Operations line item to ensure they do not run a deficit at the close of FY 2019.

1441 The Legislature intends that should the Department of Public Safety collect more fee
 1442 revenue than what is appropriated, that the surplus fee revenue may not lapse at the end of FY
 1443 2019, but remain unexpended by the Department for potential use in FY 2020, including as an
 1444 offset for any fee adjustments for FY 2020.

1445 **Section 19. Fees.**

1446 Under the terms and conditions of Utah Code Title 63J Chapter 1 and other fee statutes
 1447 as applicable, the following fees and rates are approved for the use and support of the
 1448 government of the State of Utah for the Fiscal Year beginning July 1, 2018 and ending June 30,
 1449 2019.

1450 Department of Public Safety

1451 Programs & Operations

1452	<u>CITS Bureau of Criminal Identification</u>	
1453	<u>Western Identification Network (WIN) Fingerprint</u>	<u>15.00</u>
1454	<u>Background Check</u>	
1455	<u>Name Check [from 53-10-108(15)(a)(ii)]</u>	<u>15.00</u>
1456	<u>Fingerprint Registration [from 53-10-108(15)(a)(iii)]</u>	<u>5.00</u>
1457	<u>Criminal History Report</u>	<u>15.00</u>
1458	<u>Firearm Purchase Criminal History Background Check</u>	<u>7.50</u>
1459	<u>Private Investigator</u>	
1460	<u>Original agency license application and license</u>	<u>215.00</u>
1461	<u>Renewal of an agency license</u>	<u>115.00</u>
1462	<u>Original registrant or apprentice license application and license</u>	<u>115.00</u>
1463	<u>Renewal of a registrant or apprentice license</u>	<u>65.00</u>
1464	<u>Delinquency fee for filing an agency renewal application more than</u>	
1465	<u>30 days after the expiration date of the license</u>	<u>65.00</u>
1466	<u>Delinquency fee for filing a registrant or apprentice renewal application</u>	
1467	<u>more than 30 days after the expiration date of the registration</u>	<u>45.00</u>
1468	<u>Reinstatement of any license</u>	<u>65.00</u>
1469	<u>Duplicate identification card</u>	<u>25.00</u>
1470	<u>Bail Enforcement</u>	
1471	<u>Original bail enforcement agent license application and license</u>	<u>250.00</u>
1472	<u>Renewal of a bail enforcement agent or bail bond recovery agency</u>	
1473	<u>license</u>	<u>150.00</u>
1474	<u>Original bail recovery agent license application and license</u>	<u>150.00</u>
1475	<u>Renewal of each bail recovery agent license</u>	<u>100.00</u>
1476	<u>Original bail recovery apprentice license application and license</u>	<u>150.00</u>
1477	<u>Renewal of each bail recovery apprentice license</u>	<u>100.00</u>
1478	<u>Delinquency fee for filing a renewal application for a bail</u>	
1479	<u>enforcement agent or bail bond recovery agency license more</u>	
1480	<u>after the than 30 days expiration date of the license</u>	<u>50.00</u>
1481	<u>Delinquency fee for filing a renewal application for bail recovery agent</u>	
1482	<u>more than 30 days after the expiration date of the license</u>	<u>30.00</u>

1483	<u>Delinquency fee for filing a renewal application for bail recovery</u>	
1484	<u>apprentice license more than 30 days after the expiration date of</u>	
1485	<u>the license</u>	<u>30.00</u>
1486	<u>Reinstatement of a bail enforcement agent or bail bond recovery agency</u>	
1487	<u>license</u>	<u>50.00</u>
1488	<u>Duplicate identification card</u>	<u>10.00</u>
1489	<u>Reinstatement of an identification card</u>	<u>10.00</u>
1490	<u>Fire Marshall - Fire Operations</u>	
1491	<u>Annual license for display operator, special effects operator, or flame</u>	
1492	<u>effects operator</u>	<u>40.00</u>
1493	<u>Annual license for importer and wholesaler of pyrotechnic devices</u>	<u>250.00</u>
1494	Section 20. Effective date.	
1495	<u>This bill takes effect on July 1, 2018.</u>	