

DEPARTMENT OF PUBLIC SAFETY FEE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes fee amounts for services provided by the Department of Public Safety.

Highlighted Provisions:

This bill:

- ▶ increases certain fees for services provided by the Driver License Division;
- ▶ increases certain fees for services provided by the Criminal Investigation and Technical Services Division; and
- ▶ increases fees for background checks when purchasing a firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-105, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343

53-10-108, as last amended by Laws of Utah 2015, Chapters 255 and 389

76-10-526, as last amended by Laws of Utah 2014, Chapter 226

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

Section 1. Section **53-3-105** is amended to read:



28 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
29 **and identification cards.**

30 The following fees apply under this chapter:

31 (1) An original class D license application under Section 53-3-205 is [~~\$25~~] \$35.

32 (2) An original provisional license application for a class D license under Section
33 53-3-205 is [~~\$30~~] \$40.

34 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
35 [~~\$9.50~~] \$12.

36 (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$7~~]
37 \$10.

38 (5) A learner permit application under Section 53-3-210.5 is [~~\$15~~] \$20.

39 (6) A renewal of a class D license under Section 53-3-214 is [~~\$25~~] \$35 unless
40 Subsection (10) applies.

41 (7) A renewal of a provisional license application for a class D license under Section
42 53-3-214 is [~~\$25~~] \$35.

43 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is [~~\$9.50~~] \$12.

44 (9) A renewal of a taxicab endorsement under Section 53-3-214 is [~~\$7~~] \$10.

45 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
46 [~~\$13~~] \$15.

47 (11) An extension of a class D license under Section 53-3-214 is [~~\$20~~] \$30 unless
48 Subsection (15) applies.

49 (12) An extension of a provisional license application for a class D license under
50 Section 53-3-214 is [~~\$20~~] \$30.

51 (13) An extension of a motorcycle endorsement under Section 53-3-214 is [~~\$9.50~~] \$12.

52 (14) An extension of a taxicab endorsement under Section 53-3-214 is [~~\$7~~] \$10.

53 (15) An extension of a class D license for a person 65 and older under Section
54 53-3-214 is [~~\$11~~] \$13.

55 (16) An original or renewal application for a commercial class A, B, or C license or an
56 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
57 Commercial Driver License Act, is:

58 (a) [~~\$40~~] \$50 for the knowledge test; and

- 59 (b) [~~\$60~~] \$70 for the skills test.
- 60 (17) Each original CDL endorsement for passengers, hazardous material, double or
61 triple trailers, or tankers is [~~\$7~~] \$10.
- 62 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
63 Driver License Act, is [~~\$7~~] \$10.
- 64 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
65 License Act, is [~~\$7~~] \$10.
- 66 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is [~~\$20~~]
67 \$30.
- 68 (b) A retake of a CDL skills test provided for in Section 53-3-205 is [~~\$40~~] \$50.
- 69 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is [~~\$7~~] \$10.
- 70 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is [~~\$18~~]
71 \$25.
- 72 (23) (a) A license reinstatement application under Section 53-3-205 is [~~\$30~~] \$40.
- 73 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
74 combination of alcohol and any drug-related offense is [~~\$35~~] \$45 in addition to the fee under
75 Subsection (23)(a).
- 76 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
77 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
78 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
79 Part 4, Uniform Commercial Driver License Act, is [~~\$230~~] \$250.
- 80 (b) This administrative fee is in addition to the fees under Subsection (23).
- 81 (25) (a) An administrative fee for providing the driving record of a driver under
82 Section 53-3-104 or 53-3-420 is [~~\$6~~] \$7.
- 83 (b) The division may not charge for a report furnished under Section 53-3-104 to a
84 municipal, county, state, or federal agency.
- 85 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 86 (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card
87 application under Section 53-3-808 is [~~\$18~~] \$25.
- 88 (b) An identification card application under Section 53-3-808 for a person with a
89 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

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

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

93 (ii) is indigent; and

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

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

97 (29) An extension of a regular identification card under Subsection 53-3-807(6) is
98 [~~\$18~~] \$25.

99 (30) In addition to any license application fees collected under this chapter, the division
100 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the
101 fees that the Bureau of Criminal Identification is authorized to collect for the services the
102 Bureau of Criminal Identification provides under Section 53-3-205.5.

103 (31) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.

104 (32) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.

105 (33) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.

106 Section 2. Section 53-10-108 is amended to read:

107 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
108 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
109 **-- Missing children records -- Penalty for misuse of records.**

110 (1) As used in this section:

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

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

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

118 (2) Dissemination of information from a criminal history record or warrant of arrest
119 information from division files is limited to:

120 (a) criminal justice agencies for purposes of administration of criminal justice and for

- 121 employment screening by criminal justice agencies;
- 122 (b) noncriminal justice agencies or individuals for any purpose authorized by statute,
123 executive order, court rule, court order, or local ordinance;
- 124 (c) agencies or individuals for the purpose of obtaining required clearances connected
125 with foreign travel or obtaining citizenship;
- 126 (d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
127 agency to provide services required for the administration of criminal justice; and
- 128 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
129 purposes for which given, and ensure the security and confidentiality of the data;
- 130 (e) agencies or individuals for the purpose of a preplacement adoptive study, in
131 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);
- 132 (f) (i) agencies and individuals as the commissioner authorizes for the express purpose
133 of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
134 agency; and
- 135 (ii) private security agencies through guidelines established by the commissioner for
136 employment background checks for their own employees and prospective employees;
- 137 (g) a qualifying entity for employment background checks for their own employees and
138 persons who have applied for employment with the qualifying entity; and
- 139 (h) other agencies and individuals as the commissioner authorizes and finds necessary
140 for protection of life and property and for offender identification, apprehension, and
141 prosecution pursuant to an agreement.
- 142 (3) An agreement under Subsection (2)(f) or (2)(h) shall specifically authorize access
143 to data, limit the use of data to research, evaluative, or statistical purposes, preserve the
144 anonymity of individuals to whom the information relates, and ensure the confidentiality and
145 security of the data.
- 146 (4) (a) Before requesting information under Subsection (2)(g), a qualifying entity must
147 obtain a signed waiver from the person whose information is requested.
- 148 (b) The waiver must notify the signee:
- 149 (i) that a criminal history background check will be conducted;
- 150 (ii) who will see the information; and
- 151 (iii) how the information will be used.

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

153 (i) available to persons involved in the hiring or background investigation of the

154 employee; and

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

156 (d) A person who disseminates or uses information obtained from the division under

157 Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to

158 any penalties provided under this section, is subject to civil liability.

159 (e) A qualifying entity that obtains information under Subsection (2)(g) shall provide

160 the employee or employment applicant an opportunity to:

161 (i) review the information received as provided under Subsection (9); and

162 (ii) respond to any information received.

163 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

164 division may make rules to implement this Subsection (4).

165 (g) The division or its employees are not liable for defamation, invasion of privacy,

166 negligence, or any other claim in connection with the contents of information disseminated

167 under Subsection (2)(g).

168 (5) (a) Any criminal history record information obtained from division files may be

169 used only for the purposes for which it was provided and may not be further disseminated,

170 except under Subsection (5)(b), (c), or (d).

171 (b) A criminal history provided to an agency pursuant to Subsection (2)(e) may be

172 provided by the agency to the person who is the subject of the history, another licensed

173 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an

174 adoption.

175 (c) A criminal history of a defendant provided to a criminal justice agency under

176 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,

177 upon request during the discovery process, for the purpose of establishing a defense in a

178 criminal case.

179 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public

180 Transit District Act, that is under contract with a state agency to provide services may, for the

181 purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to

182 the state agency or the agency's designee.

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

- 186 (a) that have been declined for prosecution;
- 187 (b) that have been dismissed; or
- 188 (c) regarding which a person has been acquitted.

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

191 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by
192 unauthorized agencies or individuals.

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

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

198 (b) A processing fee for the right of access service, including obtaining a copy of the
199 individual's criminal history report under Subsection (9)(a) is \$15. This fee remains in effect
200 until changed by the commissioner through the process under Section [63J-1-504](#).

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

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

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

- 207 (a) shall be charged for access; and
- 208 (b) shall be registered with the division according to rules made by the division under
209 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

212 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
213 use, disclose, or disseminate a record created, maintained, or to which access is granted by the

214 division or any information contained in a record created, maintained, or to which access is
215 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
216 policy of a governmental entity.

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

221 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
222 Subsection (2)(b) may request that the division register fingerprints taken for the purpose of
223 conducting current and future criminal background checks under this section with:

- 224 (i) the WIN Database rap back system, or any successor system;
- 225 (ii) the FBI Rap Back System; or
- 226 (iii) a system maintained by the division.

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

- 229 (i) has the authority through state or federal statute or federal executive order;
- 230 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;
- 231 and

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

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

237 (15) (a) (i) The applicant fingerprint card fee under Subsection (2) is [~~\$20~~] \$25.

238 (ii) The name check fee under Subsection (2) is [~~\$15~~] \$20.

239 (iii) The fee to register fingerprints under Subsection (13)(a)(i) is \$5.

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

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

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

247 Section 3. Section **76-10-526** is amended to read:

248 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
249 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

265 (i) the dealer identification number;

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

267 (iii) the date of birth, height, weight, eye color, and hair color of the individual
268 receiving the firearm; and

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

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

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

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

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

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

284 (b) inform the dealer that:

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

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

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

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

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

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

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

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

306 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah

307 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
308 records provided by the bureau under this part are in conformance with the requirements of the
309 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

310 (12) (a) (i) A dealer shall collect a criminal history background check fee of [~~\$7.50~~]
311 \$10 for the sale of a firearm under this section.

312 (ii) This fee remains in effect until changed by the bureau through the process under
313 Section [63J-1-504](#).

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

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

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

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

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

326 (14) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from the
327 background check fee required in this section for the purchase of a personal firearm to be
328 carried while off-duty if the law enforcement officer verifies current employment by providing
329 a letter of good standing from the officer's commanding officer and current law enforcement
330 photo identification. This section may only be used by a law enforcement officer to purchase a
331 personal firearm once in a 24-month period.

332 (15) (a) A dealer may participate in the redeemable coupon program described in this
333 Subsection (15) and Subsection [53-10-202\(18\)](#).

334 (b) A participating dealer shall:

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

337 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon

338 and send them to the Bureau of Criminal Identification for redemption; and
339 (iii) make the firearm safety brochure described in Subsection [53-10-202](#)(18) available
340 to customers free of charge.

Legislative Review Note
Office of Legislative Research and General Counsel