

Senator Daniel W. Thatcher 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 provides that fees for some services provided by the Department of Public Safety shall be set in accordance with the Budgetary Procedures Act.

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;
- ▶ requires that some department fees be set as required by the Budgetary Procedures Act; and
- ▶ makes conforming and technical corrections.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ To Department of Public Safety - Programs & Operations
 - From General Fund (1,115,800)
 - From Dedicated Credits Revenue (7,407,100)
 - From Concealed Weapons Account (GFR) (3,373,500)
 - From Statewide Warrant Ops (GFR) (586,200)



| | | |
|----|--|-----------|
| 26 | • From Transfers | (26,100) |
| 27 | • From Pass-through | (1,600) |
| 28 | ▶ To Department of Public Safety - Bureau of Criminal Identification | |
| 29 | • General Fund | 2,565,800 |
| 30 | • Dedicated Credits Revenue | 6,382,100 |
| 31 | • Concealed Weapons Account (GFR) | 3,373,500 |
| 32 | • Statewide Warrant Ops (GFR) | 450,000 |
| 33 | • Transfers | 26,100 |
| 34 | • Pass-through | 1,600 |

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

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



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

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

55 **53-1-106. Department duties -- Powers.**

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

57 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
58 Code, including:

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

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

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

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

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

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

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

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

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

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

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

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

84 Section 2. Section 53-3-105 is amended to read:

85 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
86 **and identification cards.**

87 The following fees apply under this chapter:

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

89 (2) An original provisional license application for a class D license under Section
90 53-3-205 is [~~\$30~~] \$39.

91 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
92 [~~\$9.50~~] \$11.

93 (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$7~~]
94 \$9.

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

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

98 (7) A renewal of a provisional license application for a class D license under Section
99 53-3-214 is [~~\$25~~] \$32.

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

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

102 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
103 [~~\$13~~] \$17.

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

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

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

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

110 (15) An extension of a class D license for a person 65 and older under Section
111 53-3-214 is [~~\$11~~] \$14.

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

115 [~~(a) \$40 for the knowledge test, and~~]

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

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

118 ~~[(17)]~~ (18) Each original CDL endorsement for passengers, hazardous material, double
119 or triple trailers, or tankers is ~~[\$7]~~ \$9.

120 ~~[(18)]~~ (19) An original CDL endorsement for a school bus under Part 4, Uniform
121 Commercial Driver License Act, is ~~[\$7]~~ \$9.

122 ~~[(19)]~~ (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial
123 Driver License Act, is ~~[\$7]~~ \$9.

124 ~~[(20)]~~ (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is
125 ~~[\$20]~~ \$26.

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

127 ~~[(21)]~~ (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is
128 ~~[\$7]~~ \$9.

129 ~~[(22)]~~ (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is
130 ~~[\$18]~~ \$23.

131 ~~[(23)]~~ (24) (a) A license reinstatement application under Section 53-3-205 is ~~[\$30]~~ \$40.

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

135 ~~[(24)]~~ (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or
136 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
137 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
138 Part 4, Uniform Commercial Driver License Act, is ~~[\$230]~~ \$255.

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

140 ~~[(25)]~~ (26) (a) An administrative fee for providing the driving record of a driver under
141 Section 53-3-104 or 53-3-420 is ~~[\$6]~~ \$8.

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

144 ~~[(26)]~~ (27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

145 ~~[(27)]~~ (28) (a) Except as provided under Subsections ~~[(27)]~~ (28)(b) and (c), an
146 identification card application under Section 53-3-808 is ~~[\$18]~~ \$23.

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

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

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

152 (ii) is indigent; and

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

154 [~~28~~] (29) An extension of a regular identification card under Subsection 53-3-807(5)
155 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is [~~\$13~~] \$17.

156 [~~29~~] (30) An extension of a regular identification card under Subsection 53-3-807(6)
157 is [~~\$18~~] \$23.

158 [~~30~~] (31) In addition to any license application fees collected under this chapter, the
159 division shall impose on individuals submitting fingerprints in accordance with Section
160 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the
161 services the Bureau of Criminal Identification provides under Section 53-3-205.5.

162 [~~31~~] (32) An original mobility vehicle permit application under Section 41-6a-1118 is
163 [~~\$25~~] \$30.

164 [~~32~~] (33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is [~~\$25~~]
165 \$30.

166 [~~33~~] (34) A duplicate mobility vehicle permit under Section 41-6a-1118 is [~~\$10~~] \$12.
167 Section 3. Section 53-3-109 is amended to read:

168 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

173 (i) when the division determines it is in the interest of the public safety to disclose the
174 information; and

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

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

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

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

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

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

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

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

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

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

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

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

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

203 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
204 record and status of current employees who drive as a responsibility of the employee's
205 employment if the requester demonstrates that the requester has obtained the written consent of
206 the individual to whom the information pertains; and

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

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

210 (i) include the licensed driver's name, driver license number, date of birth, and an

211 indication of whether the driver has had a moving traffic violation that is a reportable violation,
212 as defined under Section 53-3-102 during the previous month;

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

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

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

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

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

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

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

224 (A) driving status;

225 (B) license class;

226 (C) medical self-certification status; or

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

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

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

230 (ii) the frequency of the disclosures;

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

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

233 (4) The division may charge fees:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

266 (b) A person who discovers or becomes aware of any unauthorized use of records
267 created or maintained by the division shall inform the commissioner and the division director
268 of the unauthorized use.

269 Section 4. Section 53-3-205 is amended to read:

270 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
271 **Expiration dates of licenses and endorsements -- Information required -- Previous**
272 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**

273 **Fee required -- License agreement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

297 (b) not more than two attempts to pass a skills test when accompanied by a fee in
298 Subsection [53-3-105](#)(17)(a) within six months of the date of application;

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

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

304 (5) An application and fee for a CDL endorsement entitle the applicant to:
305 (a) not more than two attempts to pass a knowledge test and not more than two
306 attempts to pass a skills test within six months of the date of the application; and
307 (b) a CDL endorsement when all tests are passed.

308 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
309 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
310 two additional times within the six months for the fee provided in Section [53-3-105](#).
311 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
312 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
313 administered by the division if the out-of-state resident pays the fee provided in Subsection
314 [53-3-105](#)~~[(20)(b)]~~[(17)(a)].

315 (ii) The division shall:
316 (A) electronically transmit skills test results for an out-of-state resident to the licensing
317 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and
318 (B) provide the out-of-state resident with documentary evidence upon successful
319 completion of the skills test.

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

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

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

328 (d) An endorsement to a license expires on the same date as the license certificate
329 regardless of the date the endorsement was granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 366 (i) provide:
- 367 (A) the applicant's full legal name;
- 368 (B) the applicant's birth date;
- 369 (C) the applicant's gender;
- 370 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 371 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 372 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 373 Revenue Service for a person who:
- 374 (Aa) does not qualify for a Social Security number; and
- 375 (Bb) is applying for a driving privilege card; or
- 376 (IV) other documentary evidence approved by the division;
- 377 (E) the applicant's Utah residence address as documented by a form or forms
- 378 acceptable under rules made by the division under Section 53-3-104, unless the application is
- 379 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- 380 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
- 381 is applying for a driving privilege card;
- 382 (ii) provide evidence of the applicant's lawful presence in the United States by
- 383 providing documentary evidence:
- 384 (A) that a person is:
- 385 (I) a United States citizen;
- 386 (II) a United States national; or
- 387 (III) a legal permanent resident alien; or
- 388 (B) of the applicant's:
- 389 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 390 States;
- 391 (II) pending or approved application for asylum in the United States;
- 392 (III) admission into the United States as a refugee;
- 393 (IV) pending or approved application for temporary protected status in the United
- 394 States;
- 395 (V) approved deferred action status;
- 396 (VI) pending application for adjustment of status to legal permanent resident or

397 conditional resident; or

398 (VII) conditional permanent resident alien status;

399 (iii) provide a description of the applicant;

400 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
401 and, if so, when and by what state or country;

402 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
403 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
404 application refused, and if so, the date of and reason for the suspension, cancellation,
405 revocation, disqualification, denial, or refusal;

406 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
407 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

408 (vii) state whether the applicant is required to register as a sex offender in accordance
409 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

410 (viii) state whether the applicant is a veteran of the United States military, provide
411 verification that the applicant was granted an honorable or general discharge from the United
412 States Armed Forces, and state whether the applicant does or does not authorize sharing the
413 information with the state Department of Veterans' and Military Affairs;

414 (ix) provide all other information the division requires; and

415 (x) sign the application which signature may include an electronic signature as defined
416 in Section [46-4-102](#).

417 (b) Each applicant shall have a Utah residence address, unless the application is for a
418 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).

419 (c) Each applicant shall provide evidence of lawful presence in the United States in
420 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

421 (d) The division shall maintain on its computerized records an applicant's:

422 (i) (A) Social Security number;

423 (B) temporary identification number (ITIN); or

424 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

425 (ii) indication whether the applicant is required to register as a sex offender in
426 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

427 (9) The division shall require proof of every applicant's name, birthdate, and birthplace

428 by at least one of the following means:

429 (a) current license certificate;

430 (b) birth certificate;

431 (c) Selective Service registration; or

432 (d) other proof, including church records, family Bible notations, school records, or
433 other evidence considered acceptable by the division.

434 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
435 higher class than what the applicant originally was issued:

436 (i) the license application shall be treated as an original application; and

437 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

438 (b) An applicant that receives a downgraded license in a lower license class during an
439 existing license cycle that has not expired:

440 (i) may be issued a duplicate license with a lower license classification for the
441 remainder of the existing license cycle; and

442 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105[~~(22)~~](23) if a
443 duplicate license is issued under Subsection (10)(b)(i).

444 (c) An applicant who has received a downgraded license in a lower license class under
445 Subsection (10)(b):

446 (i) may, when eligible, receive a duplicate license in the highest class previously issued
447 during a license cycle that has not expired for the remainder of the existing license cycle; and

448 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105[~~(22)~~](23) if a
449 duplicate license is issued under Subsection (10)(c)(i).

450 (11) (a) When an application is received from a person previously licensed in another
451 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
452 other state.

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

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

458 (13) A person who has an appointment with the division for testing and fails to keep

459 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
460 under Section 53-3-105.

461 (14) A person who applies for an original license or renewal of a license agrees that the
462 person's license is subject to any suspension or revocation authorized under this title or Title
463 41, Motor Vehicles.

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

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

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

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

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

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

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

479 (a) loss;

480 (b) detriment; or

481 (c) injury.

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

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

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

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

489 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah

490 identification card in the person's possession, shall be required to surrender either the unexpired
491 Utah license certificate or the unexpired Utah identification card.

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

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

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

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

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

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

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

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

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

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

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

515 (iv) provides proof to the division of the successful completion of a certified
516 Motorcycle Safety Foundation rider training course; and

517 (v) provides the necessary information and documentary evidence required under
518 Subsection (8).

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

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

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

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

526 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

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

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

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

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

541 (b) No additional application form, fingerprints, or fee are required under this
542 Subsection (2).

543 Section 6. Section **53-5-707** is amended to read:

544 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

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

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

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

551 (d) Concealed firearm permit renewal fees for active duty service members and the

552 spouse of an active duty service member shall be waived.

553 (2) The renewal fee for the permit is [~~\$15.~~] \$20. A nonresident shall pay an additional
554 \$5 for the additional cost of processing a nonresidential renewal.

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

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

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

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

561 (b) The account shall be funded from fees collected under this section and Section
562 [53-5-707.5](#).

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

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

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

570 [~~(e)~~] (b) The bureau shall promptly forward any fees collected under Subsection (6)(a)
571 to the appropriate agency.

572 (7) The bureau shall make an annual report in writing to the Legislature's Law
573 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees
574 collected under this section and Section [53-5-707.5](#).

575 Section 7. Section [53-5-707.5](#) is amended to read:

576 **[53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.](#)**

577 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section
578 [53-5-704.5](#), shall pay a fee of [~~\$24.75~~] \$25 at the time of filing an application.

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

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

582 (3) Fees collected under this section shall be remitted to the Concealed Weapons

583 Account, as described in Subsection [53-5-707\(5\)](#).

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

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

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

591 Section 8. Section **53-7-223** is amended to read:

592 **53-7-223. State license for display operators, special effects operators, and flame**
593 **effects operators -- Permit -- Fee -- Division duties -- Revocation.**

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

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

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

602 (2) The division shall:

603 (a) issue an annual license to any display operator, special effects operator, or flame
604 effects operator who:

605 (i) applies for the permit;

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

607 (iii) demonstrates proof of competence; and

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

610 (b) provide the licensee with a copy of the rules governing placement and discharge of
611 fireworks or flame effects made under Section [53-7-204](#); and

612 (c) together with county and municipal officers enforce Sections [53-7-220](#) through
613 [53-7-225](#).

- 614 (3) The division may:
- 615 (a) revoke a license issued under this section for cause;
- 616 (b) seize display and special effects fireworks, fireworks, and unclassified fireworks
- 617 that are offered for sale, sold, or in the possession of an individual in violation of Sections
- 618 [53-7-220](#) through [53-7-225](#);
- 619 (c) prevent or stop the use of flame effects that is unlawful or that is endangering
- 620 persons or property; and
- 621 (d) create application and certification forms.

622 Section 9. Section **53-7-224** is amended to read:

623 **53-7-224. Licensing importers and wholesalers -- Fee.**

624 The division shall:

- 625 (1) annually license each importer and wholesaler of pyrotechnic devices; and
- 626 (2) charge an annual license fee [~~of \$250~~] set in accordance with Section [63J-1-504](#).

627 Section 10. Section **53-9-111** is amended to read:

628 **53-9-111. License and registration fees -- Deposit in General Fund.**

629 (1) Fees for individual and agency licensure and renewal [~~are as follows:~~] shall be in

630 accordance with Section [63J-1-504](#).

631 [~~(a) for an original agency license application and license, \$215, plus an additional fee~~

632 ~~for the costs of fingerprint processing and background investigation;~~]

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

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

635 ~~an additional fee for the costs of fingerprint processing and background investigation;~~]

636 [~~(d) for the renewal of a registrant or apprentice license, \$65;~~]

637 [~~(e) for filing an agency renewal application more than 30 days after the expiration date~~

638 ~~of the license, a delinquency fee of \$65;~~]

639 [~~(f) for filing a registrant or apprentice renewal application more than 30 days after the~~

640 ~~expiration date of the registration, a delinquency fee of \$45;~~]

641 [~~(g) for the reinstatement of any license, \$65;~~]

642 [~~(h) for a duplicate identification card, \$25; and~~]

643 [~~(i) for the fingerprint processing fee, an amount that does not exceed the cost to the~~

644 ~~bureau charged by the Federal Bureau of Investigation for fingerprint processing for the~~

645 ~~purpose of obtaining federal criminal history record information.]~~

646 (2) (a) The bureau may renew a license granted under this chapter:

647 (i) to a resident of the state;

648 (ii) upon receipt of a renewal application on forms as prescribed by the bureau; and

649 (iii) upon receipt of the fees prescribed in Subsection (1).

650 (b) (i) The renewal of a license requires the filing of all certificates of insurance or
651 proof of surety bond as required by this chapter.

652 (ii) Renewal of a license may not be granted more than 180 days after expiration.

653 (c) A licensee may not engage in activity subject to this chapter during the period
654 between the date of expiration of the license and the renewal of the license.

655 (3) (a) The bureau shall renew a suspended license if:

656 (i) the period of suspension has been completed;

657 (ii) the bureau has received a renewal application from the applicant on forms
658 prescribed by the bureau; and

659 (iii) the applicant has:

660 (A) filed all certificates of insurance or proof of surety bond as required by this
661 chapter; and

662 (B) paid the fees required by this section for renewal, including a delinquency fee if the
663 application is not received by the bureau within 30 days of the termination of the suspension.

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

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

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

672 Section 11. Section **53-10-108** is amended to read:

673 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
674 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
675 **-- Missing children records -- Penalty for misuse of records.**

676 (1) As used in this section:

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

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

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

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

687 (a) criminal justice agencies for purposes of administration of criminal justice and for
688 employment screening by criminal justice agencies;

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

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

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

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

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

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

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

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

706 (h) other agencies and individuals as the commissioner authorizes and finds necessary

707 for protection of life and property and for offender identification, apprehension, and
708 prosecution pursuant to an agreement.

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

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

715 (b) The waiver must notify the signee:

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

717 (ii) who will see the information; and

718 (iii) how the information will be used.

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

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

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

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

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

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

729 (ii) respond to any information received.

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

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

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

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

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

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

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

- 753 (a) that have been declined for prosecution;
- 754 (b) that have been dismissed; or
- 755 (c) regarding which a person has been acquitted.

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

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

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

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

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

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

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

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

775 (a) shall be charged for access; and

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

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

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

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

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

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

793 (ii) the FBI Rap Back System; or

794 (iii) a system maintained by the division.

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

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

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

799 and

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

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

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

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

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

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

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

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

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

818 Section 12. Section **53-11-115** is amended to read:

819 **53-11-115. License fees -- Deposit in General Fund.**

820 (1) Fees for individual and agency licensure, registration, and renewal [~~are:~~] shall be
821 set in accordance with Section [63J-1-504](#).

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

824 [~~(b) for the renewal of a bail enforcement agent or bail bond recovery agency license,~~
825 ~~\$150;~~]

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

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

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

831 ~~[(f) for the renewal of each bail recovery apprentice license, \$100;]~~
832 ~~[(g) for filing a renewal application under Subsection (1)(b) more than 30 days after the~~
833 ~~expiration date of the license, a delinquency fee of \$50;]~~
834 ~~[(h) for filing a renewal application under Subsection (1)(d) more than 30 days after the~~
835 ~~expiration date of the registration, a delinquency fee of \$30;]~~
836 ~~[(i) for filing a renewal application under Subsection (1)(f) more than 30 days after the~~
837 ~~expiration date of the apprentice license, a delinquency fee of \$30;]~~
838 ~~[(j) for the reinstatement of a bail enforcement agent or bail bond recovery agency~~
839 ~~license, \$50;]~~
840 ~~[(k) for a duplicate identification card, \$10; and]~~
841 ~~[(l) for reinstatement of an identification card, \$10.]~~
842 (2) (a) The bureau may renew a license granted under this chapter upon receipt of an
843 application on forms as prescribed by the board and upon receipt of the applicable fees
844 ~~[prescribed in Subsection (1);]~~ if the licensee's application meets all the requirements for
845 renewal.
846 (b) If the bureau determines the license renewal application does not meet all the
847 requirements for renewal, the bureau shall submit the renewal application to the board for
848 review and action.
849 (c) A license may not be renewed more than 90 days after its expiration.
850 (d) A licensee may not engage in any activity subject to this chapter during any period
851 between the date of expiration of the license and the renewal of the license.
852 (3) (a) The board may reinstate a suspended license upon completion of the term of
853 suspension.
854 (b) Renewal of the license does not entitle the licensee, while the license remains
855 suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any
856 other activity or conduct in violation of the order or judgment by which the license was
857 suspended.
858 (4) The board may not reinstate a revoked license or accept an application for a license
859 from a person whose license has been revoked for at least one year after the date of revocation.
860 (5) All fees, except the fingerprint processing fee, collected by the department under
861 this section shall be deposited in the General Fund.

862 Section 13. Section **76-10-526** is amended to read:

863 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
864 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

880 (i) the dealer identification number;

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

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

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

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

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

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

893 inquiry by telephone or other electronic means.

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

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

899 (b) inform the dealer that:

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

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

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

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

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

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

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

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

921 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
922 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
923 records provided by the bureau under this part are in conformance with the requirements of the

924 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

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

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

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

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

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

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

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

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

948 (b) A participating dealer shall:

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

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

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

955 Section 14. **FY 2019 Appropriations.**

956 The following sums of money are appropriated for the fiscal year beginning July 1,
 957 2018 and ending June 30, 2019. These are additions to amounts previously appropriated for
 958 fiscal year 2019.

959 Section 13(b). **Operating and Capital Budgets.**

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

963 ITEM 1

964 To Department of Public Safety - Programs & Operations

| | | |
|-----|---|-----------------------|
| 965 | <u>From General Fund</u> | <u>(\$1,115,800)</u> |
| 966 | <u>From Dedicated Credits Revenue</u> | <u>(\$7,407,100)</u> |
| 967 | <u>From Concealed Weapons Account (GFR)</u> | <u>(\$3,373,500)</u> |
| 968 | <u>From Statewide Warrant Ops (GFR)</u> | <u>(\$586,200)</u> |
| 969 | <u>From Transfers</u> | <u>(\$26,100)</u> |
| 970 | <u>From Pass-through</u> | <u>(\$1,600)</u> |
| 971 | <u>Schedule of Programs:</u> | |
| 972 | <u>CITS Bureau of Criminal Identification</u> | <u>(\$12,510,300)</u> |

973 ITEM 2

974 To Department of Public Safety - Bureau of Criminal Identification

| | | |
|-----|--|--------------------|
| 975 | <u>General Fund</u> | <u>\$2,565,800</u> |
| 976 | <u>Dedicated Credits Revenue</u> | <u>\$6,382,100</u> |
| 977 | <u>Concealed Weapons Account (GFR)</u> | <u>\$3,373,500</u> |
| 978 | <u>Statewide Warrant Ops (GFR)</u> | <u>\$450,000</u> |
| 979 | <u>Transfers</u> | <u>\$26,100</u> |
| 980 | <u>Pass-through</u> | <u>\$1,600</u> |
| 981 | <u>Schedule of Programs:</u> | |
| 982 | <u>Law Enforcement/Criminal Justice Services</u> | <u>\$3,015,800</u> |
| 983 | <u>Non-Government/Other Services</u> | <u>\$9,783,300</u> |

984 The Legislature intends that if the Department of Public Safety encounters a revenue
 985 shortfall by the end of FY 2019 within the Bureau of Criminal Identification line item, that the

986 Department of Public Safety report to the Executive Offices and Criminal Justice
 987 Appropriations Subcommittee and set aside up to \$1,000,000 as a reserve amount in the
 988 Programs and Operations line item for potential reallocation in the 2019 General Session for
 989 the Legislature to transfer up to \$1,000,000 from the Department of Public Safety - Programs
 990 and Operations line item to ensure they do not run a deficit at the close of FY 2019.

991 The Legislature intends that should the Department of Public Safety collect more fee
 992 revenue than what is appropriated, that the surplus fee revenue may not lapse at the end of FY
 993 2019, but remain unexpended by the Department for potential use in FY 2020, including as an
 994 offset for any fee adjustments for FY 2020.

995 Section 15. **Fees.**

996 Under the terms and conditions of Utah Code Title 63J Chapter 1 and other fee statutes
 997 as applicable, the following fees and rates are approved for the use and support of the
 998 government of the State of Utah for the Fiscal Year beginning July 1, 2018 and ending June 30,
 999 2019.

1000 Department of Public Safety

1001 Programs & Operations

1002 CITS Bureau of Criminal Identification

1003 Western Identification Network (WIN) Fingerprint \$15

1004 Background Check

1005 Name Check [from 53-10-108(15)(a)(ii)] \$15

1006 Fingerprint Registration [from 53-10-108(15)(a)(iii)] \$5

1007 Criminal History Report \$15

1008 Firearm Purchase Criminal History Background Check \$7.50

1009 [from 76-10-526(12)(a)(i)]

1010 Section 16. **Effective date.**

1011 This bill takes effect on July 1, 2018.