

PUBLIC SAFETY FEE REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

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

53-3-205, as last amended by Laws of Utah 2016, Chapter 175

53-5-706, as last amended by Laws of Utah 2017, Chapter 286

53-5-707, as last amended by Laws of Utah 2017, Chapter 286



- 28 [53-5-707.5](#), as enacted by Laws of Utah 2017, Chapter 286
- 29 [53-9-111](#), as last amended by Laws of Utah 2014, Chapter 378
- 30 [53-10-108](#), as last amended by Laws of Utah 2015, Chapters 255 and 389
- 31 [53-11-115](#), as last amended by Laws of Utah 2015, Chapter 170
- 32 [76-10-526](#), as last amended by Laws of Utah 2014, Chapter 226

33

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

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

36 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
37 **and identification cards.**

38 The following fees apply under this chapter:

- 39 (1) An original class D license application under Section [53-3-205](#) is [~~\$25~~] \$32.
- 40 (2) An original provisional license application for a class D license under Section
41 [53-3-205](#) is [~~\$30~~] \$39.
- 42 (3) An original application for a motorcycle endorsement under Section [53-3-205](#) is
43 [~~\$9.50~~] \$11.
- 44 (4) An original application for a taxicab endorsement under Section [53-3-205](#) is [~~\$7~~]
45 \$9.
- 46 (5) A learner permit application under Section [53-3-210.5](#) is [~~\$15~~] \$19.
- 47 (6) A renewal of a class D license under Section [53-3-214](#) is [~~\$25~~] \$32 unless
48 Subsection (10) applies.
- 49 (7) A renewal of a provisional license application for a class D license under Section
50 [53-3-214](#) is [~~\$25~~] \$32.
- 51 (8) A renewal of a motorcycle endorsement under Section [53-3-214](#) is [~~\$9.50~~] \$11.
- 52 (9) A renewal of a taxicab endorsement under Section [53-3-214](#) is [~~\$7~~] \$9.
- 53 (10) A renewal of a class D license for a person 65 and older under Section [53-3-214](#) is
54 [~~\$13~~] \$17.
- 55 (11) An extension of a class D license under Section [53-3-214](#) is [~~\$20~~] \$26 unless
56 Subsection (15) applies.
- 57 (12) An extension of a provisional license application for a class D license under
58 Section [53-3-214](#) is [~~\$20~~] \$26.

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

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

61 (15) An extension of a class D license for a person 65 and older under Section
62 53-3-214 is [~~\$11~~] \$14.

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

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

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

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

69 [~~(17)~~] (18) Each original CDL endorsement for passengers, hazardous material, double
70 or triple trailers, or tankers is [~~\$7~~] \$9.

71 [~~(18)~~] (19) An original CDL endorsement for a school bus under Part 4, Uniform
72 Commercial Driver License Act, is [~~\$7~~] \$9.

73 [~~(19)~~] (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial
74 Driver License Act, is [~~\$7~~] \$9.

75 [~~(20)~~] (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is
76 [~~\$20~~] \$26.

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

78 [~~(21)~~] (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is
79 [~~\$7~~] \$9.

80 [~~(22)~~] (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is
81 [~~\$18~~] \$23.

82 [~~(23)~~] (24) (a) A license reinstatement application under Section 53-3-205 is [~~\$30~~] \$40.

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

86 [~~(24)~~] (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or
87 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
88 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
89 Part 4, Uniform Commercial Driver License Act, is [~~\$230~~] \$255.

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

91 [~~(25)~~] (26) (a) An administrative fee for providing the driving record of a driver under
92 Section 53-3-104 or 53-3-420 is [~~\$6~~] \$8.

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

95 [~~(26)~~] (27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

96 [~~(27)~~] (28) (a) Except as provided under Subsections [~~(27)~~] (28)(b) and (c), an
97 identification card application under Section 53-3-808 is [~~\$18~~] \$23.

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

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

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

103 (ii) is indigent; and

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

105 [~~(28)~~] (29) An extension of a regular identification card under Subsection 53-3-807(5)
106 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is [~~\$13~~] \$17.

107 [~~(29)~~] (30) An extension of a regular identification card under Subsection 53-3-807(6)
108 is [~~\$18~~] \$23.

109 [~~(30)~~] (31) In addition to any license application fees collected under this chapter, the
110 division shall impose on individuals submitting fingerprints in accordance with Section
111 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the
112 services the Bureau of Criminal Identification provides under Section 53-3-205.5.

113 [~~(31)~~] (32) An original mobility vehicle permit application under Section 41-6a-1118 is
114 [~~\$25~~] \$30.

115 [~~(32)~~] (33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is [~~\$25~~]
116 \$30.

117 [~~(33)~~] (34) A duplicate mobility vehicle permit under Section 41-6a-1118 is [~~\$10~~] \$12.
118 Section 2. Section 53-3-205 is amended to read:

119 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
120 **Expiration dates of licenses and endorsements -- Information required -- Previous**

121 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
122 **Fee required -- License agreement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 [~~(c)~~] (d) an original commercial class A, B, or C license and license certificate when all

152 applicable tests are passed.

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

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

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

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

160 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
161 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
162 administered by the division if the out-of-state resident pays the fee provided in Subsection
163 53-3-105[(20)(b)](17)(a).

164 (ii) The division shall:

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

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

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

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

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

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

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

183 changed or terminated, unless:

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

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

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

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

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

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

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

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

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

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

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

206 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
207 birth date of the applicant in the first year following the year that the driving privilege card was
208 issued or renewed.

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

213 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative

214 Procedures Act, for requests for agency action, each applicant shall:
215 (i) provide:
216 (A) the applicant's full legal name;
217 (B) the applicant's birth date;
218 (C) the applicant's gender;
219 (D) (I) documentary evidence of the applicant's valid Social Security number;
220 (II) written proof that the applicant is ineligible to receive a Social Security number;
221 (III) the applicant's temporary identification number (ITIN) issued by the Internal
222 Revenue Service for a person who:
223 (Aa) does not qualify for a Social Security number; and
224 (Bb) is applying for a driving privilege card; or
225 (IV) other documentary evidence approved by the division;
226 (E) the applicant's Utah residence address as documented by a form or forms
227 acceptable under rules made by the division under Section 53-3-104, unless the application is
228 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
229 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
230 is applying for a driving privilege card;
231 (ii) provide evidence of the applicant's lawful presence in the United States by
232 providing documentary evidence:
233 (A) that a person is:
234 (I) a United States citizen;
235 (II) a United States national; or
236 (III) a legal permanent resident alien; or
237 (B) of the applicant's:
238 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
239 States;
240 (II) pending or approved application for asylum in the United States;
241 (III) admission into the United States as a refugee;
242 (IV) pending or approved application for temporary protected status in the United
243 States;
244 (V) approved deferred action status;

- 245 (VI) pending application for adjustment of status to legal permanent resident or
246 conditional resident; or
- 247 (VII) conditional permanent resident alien status;
- 248 (iii) provide a description of the applicant;
- 249 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
250 and, if so, when and by what state or country;
- 251 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
252 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
253 application refused, and if so, the date of and reason for the suspension, cancellation,
254 revocation, disqualification, denial, or refusal;
- 255 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
256 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 257 (vii) state whether the applicant is required to register as a sex offender in accordance
258 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 259 (viii) state whether the applicant is a veteran of the United States military, provide
260 verification that the applicant was granted an honorable or general discharge from the United
261 States Armed Forces, and state whether the applicant does or does not authorize sharing the
262 information with the state Department of Veterans' and Military Affairs;
- 263 (ix) provide all other information the division requires; and
- 264 (x) sign the application which signature may include an electronic signature as defined
265 in Section [46-4-102](#).
- 266 (b) Each applicant shall have a Utah residence address, unless the application is for a
267 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 268 (c) Each applicant shall provide evidence of lawful presence in the United States in
269 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 270 (d) The division shall maintain on its computerized records an applicant's:
- 271 (i) (A) Social Security number;
- 272 (B) temporary identification number (ITIN); or
- 273 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 274 (ii) indication whether the applicant is required to register as a sex offender in
275 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

276 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
277 by at least one of the following means:

- 278 (a) current license certificate;
- 279 (b) birth certificate;
- 280 (c) Selective Service registration; or
- 281 (d) other proof, including church records, family Bible notations, school records, or
282 other evidence considered acceptable by the division.

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

- 285 (i) the license application shall be treated as an original application; and
- 286 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

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

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

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

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

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

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

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

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

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

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

310 (14) A person who applies for an original license or renewal of a license agrees that the
311 person's license is subject to any suspension or revocation authorized under this title or Title
312 41, Motor Vehicles.

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

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

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

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

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

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

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

328 (a) loss;

329 (b) detriment; or

330 (c) injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

366 (v) provides the necessary information and documentary evidence required under
367 Subsection (8).

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

369 division shall make rules:

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

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

374 Section 3. Section **53-5-706** is amended to read:

375 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

376 (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant shall be
377 taken on a form prescribed by the bureau.

378 (b) Upon receipt of the fingerprints, the fees prescribed in Section 53-10-108, and the
379 fee prescribed in Section 53-5-707 or 53-5-707.5, the bureau shall conduct a search of its files
380 for criminal history information pertaining to the applicant, and shall request the Federal
381 Bureau of Investigation to conduct a similar search through its files.

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

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

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

392 Section 4. Section **53-5-707** is amended to read:

393 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

394 (1) (a) An applicant for a concealed firearm permit shall pay a fee of \$24.75 at the time
395 of filing an application.

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

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

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

402 (2) The renewal fee for the permit is [~~\$15~~] \$24.75.

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

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

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

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

409 (b) The account shall be funded from fees collected under this section and Section
410 53-5-707.5.

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

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

415 (b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that
416 the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest
417 even dollar amount to that total.

418 (c) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the
419 appropriate agency.

420 (7) In addition to the fees described in Subsections (1)(a) and (b), an applicant
421 described in Subsection 53-5-706(1) shall pay fees under Section 53-10-108.

422 [~~(7)~~] (8) The bureau shall make an annual report in writing to the Legislature's Law
423 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees
424 collected under this section and Section 53-5-707.5.

425 Section 5. Section **53-5-707.5** is amended to read:

426 **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.**

427 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section
428 53-5-704.5, shall pay a fee of \$24.75 at the time of filing an application.

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

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

432 (3) Fees collected under this section shall be remitted to the Concealed Weapons
433 Account, as described in Subsection [53-5-707\(5\)](#).

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

436 (b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that
437 the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the nearest
438 even dollar amount to that total.

439 (c) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the
440 appropriate agency.

441 (5) In addition to the fees described in Subsections [53-5-707.5\(1\)\(a\)](#) and (b), an
442 applicant described in Subsection [53-5-706\(1\)](#) shall pay fees under Section [53-10-108](#).

443 Section 6. Section **53-9-111** is amended to read:

444 **53-9-111. License and registration fees -- Deposit in General Fund.**

445 (1) Fees for licensure and renewal are as follows:

446 (a) for an original agency license application and license, \$215, plus an additional fee
447 for the costs of fingerprint processing and background investigation;

448 (b) for the renewal of an agency license, \$115;

449 (c) for an original registrant or apprentice license application and license, \$115, plus an
450 additional fee for the costs of fingerprint processing and background investigation;

451 (d) for the renewal of a registrant or apprentice license, \$65;

452 (e) for filing an agency renewal application more than 30 days after the expiration date
453 of the license, a delinquency fee of \$65;

454 (f) for filing a registrant or apprentice renewal application more than 30 days after the
455 expiration date of the registration, a delinquency fee of \$45;

456 (g) for the reinstatement of any license, \$65;

457 (h) for a duplicate identification card, \$25; and

458 (i) for the fingerprint processing fee, in addition to the non-criminal justice applicant
459 fingerprint card fee under Section [53-10-108](#), an amount that does not exceed the cost to the
460 bureau charged by the Federal Bureau of Investigation for fingerprint processing for the
461 purpose of obtaining federal criminal history record information.

462 (2) (a) The bureau may renew a license granted under this chapter:
463 (i) to a resident of the state;
464 (ii) upon receipt of a renewal application on forms as prescribed by the bureau; and
465 (iii) upon receipt of the fees prescribed in Subsection (1).

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

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

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

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

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

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

475 (iii) the applicant has:

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

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

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

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

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

488 Section 7. Section **53-10-108** is amended to read:

489 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
490 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
491 **-- Missing children records -- Penalty for misuse of records.**

492 (1) As used in this section:

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

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

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

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

503 (a) criminal justice agencies for purposes of administration of criminal justice and for
504 employment screening by criminal justice agencies;

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

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

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

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

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

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

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

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

522 (h) other agencies and individuals as the commissioner authorizes and finds necessary
523 for protection of life and property and for offender identification, apprehension, and

524 prosecution pursuant to an agreement.

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

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

531 (b) The waiver must notify the signee:

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

533 (ii) who will see the information; and

534 (iii) how the information will be used.

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

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

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

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

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

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

545 (ii) respond to any information received.

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

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

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

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

555 provided by the agency to the person who is the subject of the history, another licensed
556 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
557 adoption.

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

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

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

- 569 (a) that have been declined for prosecution;
- 570 (b) that have been dismissed; or
- 571 (c) regarding which a person has been acquitted.

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

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

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

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

581 (b) A processing fee for the right of access service, including obtaining a copy of the
582 individual's criminal history report under Subsection (9)(a) is [~~\$15~~] \$20. This fee remains in
583 effect until changed by the commissioner through the process under Section 63J-1-504.

584 (c) (i) The commissioner shall establish procedures for an individual to challenge the
585 completeness and accuracy of criminal history record information contained in the division's

586 computerized criminal history files regarding that individual.

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

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

590 (a) shall be charged for access; and

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

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

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

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

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

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

608 (ii) the FBI Rap Back System; or

609 (iii) a system maintained by the division.

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

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

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

614 and

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

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

620 (15) (a) ~~[(i)]~~ The fee for a non-criminal justice applicant:

621 ~~(i)~~ fingerprint card ~~[fee under Subsection (2)]~~ is \$20~~[-]~~; and

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

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

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

626 ~~[(b)]~~ (d) Funds generated under this Subsection (15) shall be deposited into the General
627 Fund as a dedicated credit by the department to cover the costs incurred in providing the
628 information.

629 ~~[(e)]~~ (e) The division may collect fees charged by an outside agency for services
630 required under this section.

631 Section 8. Section **53-11-115** is amended to read:

632 **53-11-115. License fees -- Deposit in General Fund.**

633 (1) Fees for licensure, registration, and renewal are:

634 (a) for an original bail enforcement agent license application and license, \$250, which
635 shall include the costs of fingerprint processing and background investigation;

636 (b) for the renewal of a bail enforcement agent or bail bond recovery agency license,
637 \$150;

638 (c) for an original bail recovery agent license application and license, \$150, which shall
639 include the costs of fingerprint processing and background investigation;

640 (d) for the renewal of each bail recovery agent license, \$100;

641 (e) for an original bail recovery apprentice license application and license, \$150, which
642 shall include the costs of fingerprint processing and background investigation;

643 (f) for the renewal of each bail recovery apprentice license, \$100;

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

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

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

650 (j) for the reinstatement of a bail enforcement agent or bail bond recovery agency
651 license, \$50;

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

653 (l) for reinstatement of an identification card, \$10[-]; and

654 (m) for the fingerprint processing fee, in addition to the non-criminal justice applicant
655 fingerprint card fee under Section 53-10-108, an amount that does not exceed the cost to the
656 bureau charged by the Federal Bureau of Investigation for fingerprint processing for the
657 purpose of obtaining federal criminal history record information.

658 (2) (a) The bureau may renew a license granted under this chapter upon receipt of an
659 application on forms as prescribed by the board and upon receipt of the fees prescribed in
660 Subsection (1), if the licensee's application meets all the requirements for renewal.

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

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

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

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

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

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

675 (5) All fees collected by the department under this section shall be deposited in the
676 General Fund.

677 Section 9. Section 76-10-526 is amended to read:

678 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**

679 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

695 (i) the dealer identification number;

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

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

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

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

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

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

709 (7) When the dealer calls for or requests a criminal history background check, the

710 bureau shall:

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

714 (b) inform the dealer that:

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

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

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

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

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

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

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

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

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

740 (12) (a) (i) A dealer shall collect a criminal history background check fee of [~~\$7.50~~]

741 \$10 for the sale of a firearm under this section.

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

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

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

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

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

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

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

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

764 (b) A participating dealer shall:

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

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

769 (iii) make the firearm safety brochure described in Subsection [53-10-202](#)(18) available
770 to customers free of charge.

**Legislative Review Note
Office of Legislative Research and General Counsel**