

**MINUTES OF THE
SENATE TRANSPORTATION AND PUBLIC SAFETY STANDING COMMITTEE
February 10, 1998
ROOM 403, STATE CAPITOL**

Members Present: Sen. L. Alma Mansell, Chair
 Sen. George Mantes
 Sen. Eddie Mayne
 Sen. Nathan C. Tanner
 Sen. David Steele
 Sen. Michael G. Waddoups

Staff Present: Benjamin N. Christensen, Research Analyst
 Nadine Woodhead, Secretary

List of others present on file.

Chair Mansell called the meeting to order at 8:38 a.m.

MOTION: Sen. Waddoups moved to approve the minutes of meetings held February 3, and 5, 1998.

The motion passed unanimously with Sens. Mantes and Mayne absent for the vote.

1. **HB 14S1 MOTOR VEHICLE SAFETY INSPECTION** (*W. Harper* }

Rep. Harper distributed a set of amendments and explained the bill to the committee.

MOTION: Sen. Tanner moved to adopt the amendments as follows:

1. Page 7, Line 2: After line 2 insert:
 "(iii) The dedicated credits described under Subsection (2)(b)(i) are in addition to any other appropriations provided to administer the safety inspection program duties under this section."

The motion passed unanimously with Sen. Mayne absent for the vote.

Paul Ashton, Petroleum Retailers, spoke in favor of the bill.

Craig Bickmore, Utah Auto Dealers Assn., John Papanikolas, Vehicle Emissions Testing Assn., and Wayne Jones, Independent Auto Dealers Assn., spoke against the bill.

Richard Greenwood, Utah Highway Patrol, commented on the bill.

Sen. Mantes declared a conflict of interest.

MOTION: Sen. Waddoups moved to send the bill out with a favorable recommendation.

The motion failed with Sens. Mansell and Waddoups voting in favor and Sens. Steele, Tanner, Mantes and Mayne voting in opposition.

2. **HB 18 COMPUTERS FOR HIGHWAY PATROL** (*G. Adair*)

Rep. Adair presented the bill to the committee.

Richard Greenwood, UHP, and Linda Toy, Dept. of Trans., spoke for the bill.

MOTION: Sen. Mantes moved to send the bill out with a favorable recommendation.

The motion passed unanimously.

3. **SB 141 HANDGUN PURCHASE REQUIREMENTS** (*M. Waddoups*)

MOTION: Sen. Mansell moved to adopt the amendments as follows:

1. Page 1, Line 5: After "CODE;" insert "MODIFYING DEFINITION AND PROCEDURES REGARDING STATE WARRANT SYSTEM;"
2. Page 1, Line 10: After line 10 insert:
"53-5-209, as last amended by Chapters 17, 82, and 234, Laws of Utah 1993
3. Page 1, Line 13: After line 13 insert:
"Section 1. Section 53-5-209 is amended to read:
53-5-209. Definition -- Magistrates and court clerks to supply information -- Offenses included on statewide warrant system -- Transportation fee to be included -- Statewide warrant system responsibility -- Quality control -- Training -- Technical support -- Transaction costs.
(1) "Statewide warrant system" means the portion of the state court computer system [containing] that is accessible by modem from the state mainframe computer and contains:
(a) records of criminal warrant information [that is accessed]; and

(b) after notice and hearing, records of protective orders issued pursuant to:

(i) Title 30, Chapter 6, Cohabitant Abuse Act; or

(ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act [by modem from the state mainframe computer].

(2) Every magistrate or clerk of a court responsible for court records in this state shall furnish the division with information pertaining to:

(a) [~~information pertaining to~~] all dispositions of criminal matters, including guilty pleas, convictions, dismissals, acquittals, pleas held in abeyance, or probations granted, within 30 days of the disposition and on forms and in the manner provided by the division; [~~and~~]

(b) [~~information pertaining to~~] the issuance, recall, cancellation, or modification of all warrants of arrest or commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78-32-4, within one day of the action and in a manner provided by the division; and

(c) protective orders issued after notice and hearing, pursuant to:

(i) Title 30, Chapter 6, Cohabitant Abuse Act; or

(ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

(3) (a) (i) The division [~~will~~] shall include on the statewide warrant system all warrants issued for felony offenses and class A, B, and C misdemeanor offenses in the state.

(ii) For each offense the division shall indicate whether the magistrate ordered under Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

(b) Infractions [~~will~~] may not be included on the statewide warrant system, including any subsequent failure to appear warrants issued on an infraction.

(4) The division is the agency responsible for the statewide warrant system and shall:

(a) ensure quality control of all warrants of arrest or commitment and protective orders contained in the statewide warrant system by conducting regular validation checks with every clerk of a court responsible for entering [~~warrant~~] the information on the system;

(b) upon the expiration of the protective orders and in the manner prescribed by the division, purge information regarding protective orders described in Subsection (2)(c) within 30 days of the time after expiration;

~~[(b)]~~ (c) establish system procedures and provide training to all criminal justice agencies having access to [warrant] information contained on the state warrant system;

~~[(c)]~~ (d) provide technical support, program development, and systems maintenance for the operation of the system; and

~~[(d)]~~ (e) pay data processing and transaction costs for state, county, and city law enforcement agencies and criminal justice agencies having access to [warrant] information contained on the state warrant system.

(5) (a) Any data processing or transaction costs not funded by legislative appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal year.

(b) This subsection supersedes any conflicting provision in Subsection (4)~~[(d)]~~(e).

Renumber remaining sections accordingly.

The motion passed unanimously.

Ferris Groll and Capt. Smith, Dept. of Safety, spoke to the bill.

Michael Wims, Attorney General Office, spoke in favor of the bill.

MOTION: Sen. Mayne moved to send the bill out with a favorable recommendation.

The motion passed unanimously.

4. **SB 142 REGULATION OF CELL PHONE USE BY MOTOR VEHICLE OPERATORS** (*R. Steiner*)

Sen Steiner presented the bill to the committee.

Richard Greenwood, UHP, and Joe Hansen, AT&T, spoke against the bill.

MOTION: Sen. Waddoups moved to amend the bill as follows:

Page 1, lines 18-19 Delete lines 18 through 19

Renumber remaining subsections accordingly

The motion failed with Sens. Tanner and Waddoups voting in favor and Sens. Mansell, Steele and Mayne voting against and Sen. Mantes absent for the vote.

MOTION: Sen. Waddoups moved to send the bill out with a favorable recommendation.

The motion failed with Sens. Tanner and Waddoups voting in favor and Sens. Mansell, Steele and Mayne voting against and Sen. Mantes absent for the vote.

MOTION: Sen. Mayne moved to adjourn.

The motion passed unanimously with Sen. Mantes absent for the vote.

The meeting adjourned at 10:00 a.m.

Sen. L. Alma Mansell
Committee Chair

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