

**PUBLIC SAFETY FEE REVISIONS**

2018 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 53-3-105**, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343
- 53-3-205**, 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
- 53-5-707.5**, as enacted by Laws of Utah 2017, Chapter 286
- 53-9-111**, as last amended by Laws of Utah 2014, Chapter 378
- 53-10-108**, as last amended by Laws of Utah 2015, Chapters 255 and 389
- 53-11-115**, as last amended by Laws of Utah 2015, Chapter 170
- 76-10-526**, as last amended by Laws of Utah 2014, Chapter 226

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

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

32           **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**  
33 **and identification cards.**

34           The following fees apply under this chapter:

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

36           (2) An original provisional license application for a class D license under Section  
37 53-3-205 is [~~\$30~~] \$39.

38           (3) An original application for a motorcycle endorsement under Section 53-3-205 is  
39 [~~\$9.50~~] \$11.

40           (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$7~~]  
41 \$9.

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

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

45           (7) A renewal of a provisional license application for a class D license under Section  
46 53-3-214 is [~~\$25~~] \$32.

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

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

49           (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is  
50 [~~\$13~~] \$17.

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

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

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

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

57           (15) An extension of a class D license for a person 65 and older under Section  
58 53-3-214 is [~~\$11~~] \$14.

59           (16) An original or renewal application for a commercial class A, B, or C license or an  
60 original or renewal of a provisional commercial class A or B license under Part 4, Uniform  
61 Commercial Driver License Act, is[;] \$52.

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

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

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

65           ~~[(17)]~~ (18) Each original CDL endorsement for passengers, hazardous material, double  
66 or triple trailers, or tankers is ~~[\$7]~~ \$9.

67           ~~[(18)]~~ (19) An original CDL endorsement for a school bus under Part 4, Uniform  
68 Commercial Driver License Act, is ~~[\$7]~~ \$9.

69           ~~[(19)]~~ (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial  
70 Driver License Act, is ~~[\$7]~~ \$9.

71           ~~[(20)]~~ (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is  
72 ~~[\$20]~~ \$26.

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

74           ~~[(21)]~~ (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is  
75 ~~[\$7]~~ \$9.

76           ~~[(22)]~~ (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is  
77 ~~[\$18]~~ \$23.

78           ~~[(23)]~~ (24) (a) A license reinstatement application under Section 53-3-205 is ~~[\$30]~~ \$40.

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

82           ~~[(24)]~~ (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or  
83 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or  
84 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under  
85 Part 4, Uniform Commercial Driver License Act, is ~~[\$230]~~ \$255.

86           (b) This administrative fee is in addition to the fees under Subsection (23).

87           ~~[(25)]~~ (26) (a) An administrative fee for providing the driving record of a driver under  
88 Section 53-3-104 or 53-3-420 is ~~[\$6]~~ \$8.

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

91           ~~[(26)]~~ (27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

92           ~~[(27)]~~ (28) (a) Except as provided under Subsections (27)(b) and (c), an identification  
93 card application under Section 53-3-808 is ~~[\$18]~~ \$23.

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

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

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

99 (ii) is indigent; and

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

101 [~~(28)~~] (29) An extension of a regular identification card under Subsection 53-3-807(5)  
102 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is [~~\$13~~] \$17.

103 [~~(29)~~] (30) An extension of a regular identification card under Subsection 53-3-807(6)  
104 is [~~\$18~~] \$23.

105 [~~(30)~~] (31) In addition to any license application fees collected under this chapter, the  
106 division shall impose on individuals submitting fingerprints in accordance with Section  
107 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the  
108 services the Bureau of Criminal Identification provides under Section 53-3-205.5.

109 [~~(31)~~] (32) An original mobility vehicle permit application under Section 41-6a-1118 is  
110 [~~\$25~~] \$30.

111 [~~(32)~~] (33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is [~~\$25~~]  
112 \$30.

113 [~~(33)~~] (34) A duplicate mobility vehicle permit under Section 41-6a-1118 is [~~\$10~~] \$12.

114 Section 2. Section **53-3-205** is amended to read:

115 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**

116 **Expiration dates of licenses and endorsements -- Information required -- Previous**

117 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**

118 **Fee required -- License agreement.**

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

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

122 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

123 (2) An application and fee for an original provisional class D license or an original

124 class D license entitle the applicant to:

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

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

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

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

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

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

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

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

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

142 (b) not more than two attempts to pass a skills test when accompanied by a fee in  
143 Subsection 53-3-105(16)(a) within six months of the date of application;

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

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

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

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

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

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

156 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued  
157 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test  
158 administered by the division if the out-of-state resident pays the fee provided in Subsection  
159 53-3-105[~~(20)(b)~~](16)(a).

160 (ii) The division shall:

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

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

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

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

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

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

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

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

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

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

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

186 (B) who is an immediate family member or dependent of a person described in

187 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

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

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

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

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

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

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

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

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

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

211 (i) provide:

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

213 (B) the applicant's birth date;

214 (C) the applicant's gender;

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

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

217 (III) the applicant's temporary identification number (ITIN) issued by the Internal

218 Revenue Service for a person who:

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

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

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

222 (E) the applicant's Utah residence address as documented by a form or forms

223 acceptable under rules made by the division under Section 53-3-104, unless the application is

224 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

225 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person

226 is applying for a driving privilege card;

227 (ii) provide evidence of the applicant's lawful presence in the United States by

228 providing documentary evidence:

229 (A) that a person is:

230 (I) a United States citizen;

231 (II) a United States national; or

232 (III) a legal permanent resident alien; or

233 (B) of the applicant's:

234 (I) unexpired immigrant or nonimmigrant visa status for admission into the United

235 States;

236 (II) pending or approved application for asylum in the United States;

237 (III) admission into the United States as a refugee;

238 (IV) pending or approved application for temporary protected status in the United

239 States;

240 (V) approved deferred action status;

241 (VI) pending application for adjustment of status to legal permanent resident or

242 conditional resident; or

243 (VII) conditional permanent resident alien status;

244 (iii) provide a description of the applicant;

245 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

246 and, if so, when and by what state or country;

247 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,

248 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license



249 application refused, and if so, the date of and reason for the suspension, cancellation,  
250 revocation, disqualification, denial, or refusal;

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

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

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

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

260 (x) sign the application which signature may include an electronic signature as defined  
261 in Section 46-4-102.

262 (b) Each applicant shall have a Utah residence address, unless the application is for a  
263 temporary CDL issued under Subsection 53-3-407(2)(b).

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

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

267 (i) (A) Social Security number;

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

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

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

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

274 (a) current license certificate;

275 (b) birth certificate;

276 (c) Selective Service registration; or

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

279 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a

280 higher class than what the applicant originally was issued:

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

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

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

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

287 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
288 duplicate license is issued under Subsection (10)(b)(i).

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

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

293 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
294 duplicate license is issued under Subsection (10)(c)(i).

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

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

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

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

306 (14) A person who applies for an original license or renewal of a license agrees that the  
307 person's license is subject to any suspension or revocation authorized under this title or Title  
308 41, Motor Vehicles.

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

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

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

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

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

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

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

324 (a) loss;

325 (b) detriment; or

326 (c) injury.

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

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

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

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

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

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

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

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

343 (i) may not hold both an unexpired Utah license certificate and an unexpired

344 identification card; and

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

346 identification card in the person's possession, shall be required to surrender either the unexpired

347 Utah license certificate or the unexpired Utah identification card.

348 (c) If a person has not surrendered either the Utah license certificate or the Utah

349 identification card as required under this Subsection (20), the division shall cancel the Utah

350 identification card on December 1, 2017.

351 (21) (a) A person who applies for an original motorcycle endorsement to a regular

352 license certificate is exempt from the requirement to pass the knowledge and skills test to be

353 eligible for the motorcycle endorsement if the person:

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

355 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed

356 forces of the United States; or

357 (B) is an immediate family member or dependent of a person described in Subsection

358 (21)(a)(ii)(A) and is residing outside of Utah;

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

360 (iv) provides proof to the division of the successful completion of a certified

361 Motorcycle Safety Foundation rider training course; and

362 (v) provides the necessary information and documentary evidence required under

363 Subsection (8).

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

365 division shall make rules:

366 (i) establishing the procedures for a person to obtain a motorcycle endorsement under

367 this Subsection (21); and

368 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under

369 this Subsection (21).

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

371 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

372 (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant shall be

373 taken on a form prescribed by the bureau.

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

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

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

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

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

389 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

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

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

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

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

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

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

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

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

403 (5) (a) There is created a restricted account within the General Fund known as the

404 "Concealed Weapons Account."

405 (b) The account shall be funded from fees collected under this section and Section  
406 53-5-707.5.

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

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

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

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

416 (7) In addition to the fees described in Subsections 53-5-701(a) and (b), an applicant  
417 described in Subsection 53-5-706(1) shall pay fees under Section 53-10-108.

418 [~~(7)~~] (8) The bureau shall make an annual report in writing to the Legislature's Law  
419 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees  
420 collected under this section and Section 53-5-707.5.

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

422 **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.**

423 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section  
424 53-5-704.5, shall pay a fee of \$24.75 at the time of filing an application.

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

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

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

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

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

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

437 (5) In addition to the fees described in Subsections 53-5-707.5(1)(a) and (b), an  
438 applicant described in Subsection 53-5-706(1) shall pay fees under Section 53-10-108.

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

440 **53-9-111. License and registration fees -- Deposit in General Fund.**

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

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

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

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

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

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

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

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

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

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

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

459 (i) to a resident of the state;

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

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

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

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

465 (c) A licensee may not engage in activity subject to this chapter during the period

466 between the date of expiration of the license and the renewal of the license.

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

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

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

471 (iii) the applicant has:

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

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

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

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

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

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

485 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**  
486 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**  
487 **-- Missing children records -- Penalty for misuse of records.**

488 (1) As used in this section:

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

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

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

496 (2) Dissemination of information from a criminal history record, including information



497 obtained from a fingerprint background check or name check, or warrant of arrest information  
498 from division files is limited to:

499 (a) criminal justice agencies for purposes of administration of criminal justice and for  
500 employment screening by criminal justice agencies;

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

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

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

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

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

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

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

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

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

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

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

527 (b) The waiver must notify the signee:

- 528 (i) that a criminal history background check will be conducted;
- 529 (ii) who will see the information; and
- 530 (iii) how the information will be used.
- 531 (c) Information received by a qualifying entity under Subsection (2)(g) may only be:
- 532 (i) available to persons involved in the hiring or background investigation of the
- 533 employee; and
- 534 (ii) used for the purpose of assisting in making an employment or promotion decision.
- 535 (d) A person who disseminates or uses information obtained from the division under
- 536 Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to
- 537 any penalties provided under this section, is subject to civil liability.
- 538 (e) A qualifying entity that obtains information under Subsection (2)(g) shall provide
- 539 the employee or employment applicant an opportunity to:
- 540 (i) review the information received as provided under Subsection (9); and
- 541 (ii) respond to any information received.
- 542 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 543 division may make rules to implement this Subsection (4).
- 544 (g) The division or its employees are not liable for defamation, invasion of privacy,
- 545 negligence, or any other claim in connection with the contents of information disseminated
- 546 under Subsection (2)(g).
- 547 (5) (a) Any criminal history record information obtained from division files may be
- 548 used only for the purposes for which it was provided and may not be further disseminated,
- 549 except under Subsection (5)(b), (c), or (d).
- 550 (b) A criminal history provided to an agency pursuant to Subsection (2)(e) may be
- 551 provided by the agency to the person who is the subject of the history, another licensed
- 552 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
- 553 adoption.
- 554 (c) A criminal history of a defendant provided to a criminal justice agency under
- 555 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,
- 556 upon request during the discovery process, for the purpose of establishing a defense in a
- 557 criminal case.
- 558 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public

559 Transit District Act, that is under contract with a state agency to provide services may, for the  
560 purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to  
561 the state agency or the agency's designee.

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

565 (a) that have been declined for prosecution;

566 (b) that have been dismissed; or

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

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

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

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

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

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

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

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

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

586 (a) shall be charged for access; and

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

589 (11) Before providing information requested under this section, the division shall give

590 priority to criminal justice agencies needs.

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

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

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

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

604 (ii) the FBI Rap Back System; or

605 (iii) a system maintained by the division.

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

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

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

610 and

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

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

616 (15) (a) ~~(i)~~ The fee for a non-criminal justice applicant:

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

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

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

620 ~~(iv)~~ (c) The fees described in this Subsection (15)(a) remain in effect until changed

621 by the division through the process under Section 63J-1-504.

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

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

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

628 **53-11-115. License fees -- Deposit in General Fund.**

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

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

632 (b) for the renewal of a bail enforcement agent or bail bond recovery agency license,  
633 \$150;

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

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

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

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

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

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

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

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

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

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

650 (m) for the fingerprint processing fee, in addition to the non-criminal justice applicant  
651 fingerprint card fee under Section 53-10-108, an amount that does not exceed the cost to the

652 bureau charged by the Federal Bureau of Investigation for fingerprint processing for the  
653 purpose of obtaining federal criminal history record information.

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

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

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

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

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

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

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

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

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

674 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
675 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

681 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as  
682 proof of identification for the purpose of establishing personal identification and residence in

683 this state as required under this Subsection (2).

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

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

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

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

691 (i) the dealer identification number;

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

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

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

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

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

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

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

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

710 (b) inform the dealer that:

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

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

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

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

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

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

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

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

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

736 (12) (a) (i) A dealer shall collect a criminal history background check fee of [~~\$7.50~~]  
737 \$10 for the sale of a firearm under this section.

738 (ii) This fee remains in effect until changed by the bureau through the process under  
739 Section 63J-1-504.

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

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



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

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

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

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

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

760 (b) A participating dealer shall:

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

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

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