

32B-7-305 Tracking of enforcement actions -- Costs of enforcement actions.

- (1) A local authority that pursuant to this part adjudicates an administrative penalty for a violation of a law involving the sale of an alcoholic product to a minor, shall:
 - (a) maintain a record of an adjudicated violation until the record is expunged under Subsection (3);
 - (b) include in the record described in Subsection (1)(a):
 - (i) the name of the individual who commits the violation;
 - (ii) the name of the off-premise beer retailer for whom the individual is a staff member at the time of the violation; and
 - (iii) the date of the adjudication of the violation; and
 - (c) provide the information described in Subsection (1)(b) to the Highway Safety Office of the Department of Public Safety within 30 days of the date on which a violation is adjudicated.
- (2)
 - (a) The Highway Safety Office shall develop and operate a system to collect, analyze, maintain, track, and disseminate the violation history information received under Subsection (1).
 - (b) The Highway Safety Office shall make the system described in Subsection (2)(a) available to:
 - (i) assist a local authority in assessing administrative penalties under Section 32B-7-303; and
 - (ii) inform an off-premise beer retailer of an individual who has an administrative violation history under Section 32B-7-303.
 - (c) The Highway Safety Office shall maintain a record of violation history information received pursuant to Subsection (1) until the record is expunged under Subsection (3).
- (3)
 - (a) A local authority and the Highway Safety Office shall expunge from the records maintained an administrative penalty imposed under Section 32B-7-303 for purposes of determining future administrative penalties under Section 32B-7-303 if the individual has not been found in violation of any law involving the sale of an alcoholic product to a minor for a period of 36 consecutive months from the day on which the individual is last adjudicated as violating a law involving the sale of an alcoholic product to a minor.
 - (b) A local authority shall expunge from the records maintained by the local authority an administrative penalty imposed under Section 32B-7-303 against an off-premise beer retailer for purposes of determining future administrative penalties under Section 32B-7-303 if the off-premise beer retailer or any staff of that off-premise beer retailer has not been found in violation of any law involving the sale of an alcoholic product to a minor for a period of 36 consecutive months from the day on which the off-premise beer retailer or staff of the off-premise beer retailer is last adjudicated as violating a law involving the sale of an alcoholic product to a minor.
- (4) The Highway Safety Office shall administer a program to reimburse a municipal or county law enforcement agency:
 - (a) for the actual costs of an alcohol-related compliance check investigation conducted pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;
 - (b) for administrative costs associated with reporting the compliance check investigation described in Subsection (4)(a);
 - (c) if the municipal or county law enforcement agency completes and submits to the Highway Safety Office a report within 90 days of the compliance check investigation described in Subsection (4)(a) in a format required by the Highway Safety Office; and
 - (d) in the order that the municipal or county law enforcement agency submits the report required by Subsection (4)(c) until the amount allocated by the Highway Safety Office to reimburse a municipal or county law enforcement agency is spent.

- (5) The Highway Safety Office shall report to the Utah Substance Abuse Advisory Council by no later than October 1 following a fiscal year on the following funded during the prior fiscal year:
- (a) compliance check investigations reimbursed under Subsection (4); and
 - (b) the collection, analysis, maintenance, tracking, and dissemination of violation history information described in Subsection (2).

Enacted by Chapter 276, 2010 General Session

Amended by Chapter 276, 2010 General Session, (Coordination Clause)