

Part 6 Airport Ground Transportation Security

72-10-601 Definitions.

As used in this part:

- (1) "City" means a municipality of the first class, as defined under Section 10-2-301, that:
 - (a) is authorized by statute to operate an airport; and
 - (b) operates an airport with greater than 10 million annual passengers.
- (2) "Division" means the Criminal Investigation and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
- (3) "Ground transportation service" means transporting passengers for hire or as a courtesy in connection with a business over public streets pursuant to a license with the city.
- (4)
 - (a) "Ground transportation service provider" means a driver who provides ground transportation service where the pickup or drop-off of a passenger occurs at an airport under a city's authority.
 - (b) "Ground transportation service provider" includes:
 - (i) a taxicab driver;
 - (ii) a limousine or luxury car driver;
 - (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section 17B-2a-802;
 - (iv) a courtesy vehicle or hotel vehicle driver;
 - (v) a special transportation vehicle driver who transports persons with a disability; and
 - (vi) a van driver.

Amended by Chapter 366, 2011 General Session

72-10-602 Criminal background check authorized -- Written notice required.

- (1) A city may by ordinance require a ground transportation service provider to submit to a criminal background check as a condition of providing ground transportation service to an airport under the city's authority.
- (2)
 - (a) Each ground transportation service provider, if required to submit a background check under Subsection (1), shall:
 - (i) submit a fingerprint card in a form acceptable to the division; and
 - (ii) consent to a fingerprint background check by:
 - (A) the Utah Bureau of Criminal Identification; and
 - (B) the Federal Bureau of Investigation.
 - (b) If requested by a city that has adopted an ordinance in accordance with Subsection (1), the division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check through a national criminal history system for each background check requested by a city under this section.
- (c)
 - (i) If a city has adopted an ordinance in accordance with Subsection (1), the city may make a ground transportation service provider's access to provide ground transportation service to an airport conditional pending completion of a criminal background check under this section.

- (ii) If a criminal background check discloses that a ground transportation service provider failed to disclose accurately a criminal history, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.
 - (iii) If a ground transportation service provider accurately disclosed the relevant criminal history and the criminal background check discloses that the ground transportation service provider has been convicted of a crime that indicates a potential risk for the safety or well-being of the patrons or employees of the airport under the city's authority, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.
- (3) Each city that requests a criminal background check under Subsection (1) shall prepare criteria for which criminal activity will preclude ground transportation service to the airport and shall provide written notice to the ground transportation service provider who is the subject of the criminal background check that the background check has been requested.
- (4) The legislative body of a city may by a majority vote of its members overrule a decision made by the mayor or a city employee establishing the criteria for precluding the right of a ground transportation service provider under Subsection (3).

Enacted by Chapter 137, 2006 General Session

72-10-603 Duties of the Criminal Investigation and Technical Services Division -- Costs of separate file and background check.

- (1) If a city requests the division to conduct a criminal background check under Section 72-10-602, the division shall:
- (a) release to the city the full record of criminal convictions for the ground transportation service provider who is the subject of the background check;
 - (b) if requested by the city, seek additional information from regional or national criminal data files in conducting the criminal background check;
 - (c) maintain a separate file of fingerprints submitted under Section 72-10-602; and
 - (d) notify the requesting city when a new entry is made against a ground transportation service provider whose fingerprints are held in the file.
- (2)
- (a) Each city requesting a criminal background check shall pay to the division the cost of:
 - (i) maintaining the separate file of fingerprints under Subsection (1); and
 - (ii) conducting a criminal background check under Section 72-10-602, including costs charged by the Federal Bureau of Investigation or other entity for conducting a national criminal background check, if requested by a city.
 - (b) The cost borne by a city under Subsection (2)(a) may be covered by fees charged to a ground transportation service provider who is the subject of the background check.

Enacted by Chapter 137, 2006 General Session

72-10-604 Written notice to ground transportation service provider whose access to airport is denied or terminated -- Right to respond and seek review.

- (1) If a city denies or terminates the right of a ground transportation service provider to provide ground transportation service to an airport because of information obtained through a criminal background check under this part, the city shall:

- (a) notify the ground transportation service provider in writing of the reasons for the denial or termination; and
 - (b) give the ground transportation service provider an opportunity to respond to the reasons and to seek review of the denial or termination through administrative procedures established by the city.
- (2) If a ground transportation service provider is denied access to provide ground transportation service to an airport, the denial shall not impact the right of another ground transportation service provider who provides ground transportation service for the same business.

Enacted by Chapter 137, 2006 General Session