

ALCOHOL AND DRUG TESTING FEE

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Don E. Bush

AN ACT RELATING TO PUBLIC SAFETY; INCREASING THE FEE FOR DRIVER LICENSE REINSTATEMENT; APPLYING A PORTION OF THE FEE TO COSTS OF DRUG AND ALCOHOL TESTING BY THE DEPARTMENT OF HEALTH; AND CREATING A RESTRICTED ACCOUNT FOR THAT FEE PORTION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-1-117, as enacted by Chapter 290, Laws of Utah 1997

53-3-105, as last amended by Chapter 290, Laws of Utah 1997

53-3-106, as last amended by Chapter 290, Laws of Utah 1997

ENACTS:

26-1-34, Utah Code Annotated 1953

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

Section 1. Section **26-1-34** is enacted to read:

26-1-34. Restricted account created to fund drug testing for law enforcement agencies.

(1) There is created within the General Fund a restricted account known as the State Laboratory Drug Testing Account.

(2) The account consists of a specified portion of fees generated under Subsection 53-3-106(5) from the reinstatement of certain licenses, which shall be deposited in this account.

(3) The Department of Health shall use funds in this account solely for the costs of performing drug **h** AND ALCOHOL **h** analysis tests for state and local law enforcement agencies, and may **h** [use no other

funds for this purpose] NOT ASSESS ANY CHARGE OR FEE TO THE LAW ENFORCEMENT AGENCIES

FOR WHOM THE ANALYSIS TESTS ARE PERFORMED **h** .

Section 2. Section **53-1-117** is amended to read:

1 **53-1-117. Acquisition of alcohol or drug enforcement equipment -- Rulemaking --**
2 **Legislative findings.**

3 (1) From monies appropriated by the Legislature and any other funds made available for
4 the purposes described under this section, the department shall assist the law enforcement agencies
5 of the state and its political subdivisions in the enforcement of alcohol or drug-related offenses.

6 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
7 commissioner shall make rules for granting monies and providing equipment, including drug and
8 alcohol testing equipment, to law enforcement agencies under this section based on criteria
9 established in the rules.

10 (3) The Legislature finds that these monies are for a general and statewide public purpose.
11 Section 3. Section **53-3-105** is amended to read:

12 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and**
13 **identification cards.**

14 The following fees apply under this chapter:

15 (1) An original class D license application under Section 53-3-205 is \$15.

16 (2) An original class M license application under Section 53-3-205 is \$17.50.

17 (3) An original provisional license application for a class D license under Section 53-3-205
18 is \$20.

19 (4) An original provisional license application for a class M license under Section
20 53-3-205 is \$22.50.

21 (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.

22 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.

23 (7) A renewal of a class D license under Section 53-3-214 is \$15 unless Subsection (13)
24 applies.

25 (8) A renewal of a class M license under Section 53-3-214 is \$17.50.

26 (9) A renewal of a provisional license application for a class D license under Section
27 53-3-214 is \$15.

28 (10) A renewal of a provisional license application for a class M license under Section
29 53-3-214 is \$17.50.

30 (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.

31 (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.

- 1 (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
- 2 \$5.
- 3 (14) An extension of a class D license under Section 53-3-214 is \$12 unless Subsection
- 4 (20) applies.
- 5 (15) An extension of a class M license under Section 53-3-214 is \$14.50.
- 6 (16) An extension of a provisional license application for a class D license under Section
- 7 53-3-214 is \$12.
- 8 (17) An extension of a provisional license application for a class M license under Section
- 9 53-3-214 is \$14.50.
- 10 (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 11 (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- 12 (20) An extension of a class D license for a person 65 and older under Section 53-3-214
- 13 is \$3.
- 14 (21) An original or renewal application for a commercial class A, B, or C license or an
- 15 original or renewal of a provisional commercial class A or B license under Part 4 of this chapter
- 16 is:
- 17 (a) \$30 for the written test; and
- 18 (b) \$50 for the skills test.
- 19 (22) Each original CDL endorsement for passengers, hazardous material, double or triple
- 20 trailers, or tankers is \$5.
- 21 (23) An original CDL endorsement for a school bus under Part 4 of this chapter is \$5.
- 22 (24) A renewal of a CDL endorsement under Part 4 of this chapter is \$5.
- 23 (25) A retake of a CDL written or a CDL skills test provided for in Section 53-3-205 is
- 24 \$15.
- 25 (26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.
- 26 (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$10.
- 27 (28) (a) A license reinstatement application under Section 53-3-205 is \$25.
- 28 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
- 29 combination of alcohol and any drug-related offense is \$25 in addition to the fee under Subsection
- 30 (28)(a).
- 31 (29) An administrative fee for license reinstatement after an alcohol, drug, or combination

1 of alcohol and any drug-related offense under Section 41-6-44.10, 53-3-223, or 53-3-231 or an
2 alcohol, drug, or combination of alcohol and any drug-related offense under Part 4 of this chapter
3 is [~~\$100~~] \$150. This administrative fee is in addition to the fees under Subsection (28).

4 (30) An administrative fee for license reinstatement after confiscation under Section
5 53-3-226 is \$25.

6 (31) (a) An administrative fee for providing the driving record of a driver under Section
7 53-3-104 or 53-3-420 is \$4.

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

10 (32) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

11 (33) An identification card application under Section 53-3-808 is \$5.

12 Section 4. Section **53-3-106** is amended to read:

13 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
14 **-- Uses as provided by appropriation -- Nonlapsing.**

15 (1) There is created within the Transportation Fund a restricted account known as the
16 "Department of Public Safety Restricted Account."

17 (2) The account consists of monies generated from the following revenue sources:

18 (a) all monies received under this chapter;

19 (b) administrative fees received according to the fee schedule authorized under this chapter
20 and Section 63-38-3.2; and

21 (c) any appropriations made to the account by the Legislature.

22 (3) (a) The account shall earn interest.

23 (b) All interest earned on account monies shall be deposited in the account.

24 (4) The expenses of the department in carrying out this chapter shall be provided for by
25 legislative appropriation from this account.

26 (5) The amount in excess of \$35 of the fees collected under Subsection 53-3-105(29) shall
27 be appropriated by the Legislature from this account to the department to implement the provisions
28 of Section 53-1-117, except that of the amount in excess of \$35, \$30 shall be deposited in the State
29 Laboratory Drug Testing restricted account created in Section 26-1-34.

30 (6) Appropriations to the department from the account are nonlapsing.

Legislative Review Note
as of 1-6-98 1:45 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel