

**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 and alcohol analysis tests for state and local law enforcement agencies, and may not assess any charge or fee to the law enforcement agencies for whom the analysis tests are performed.

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

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

**Legislative findings.**

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

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

(3) The Legislature finds that these monies are for a general and statewide public purpose.

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

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

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$15.
- (2) An original class M license application under Section 53-3-205 is \$17.50.
- (3) An original provisional license application for a class D license under Section 53-3-205 is \$20.
- (4) An original provisional license application for a class M license under Section 53-3-205 is \$22.50.
- (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.
- (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- (7) A renewal of a class D license under Section 53-3-214 is \$15 unless Subsection (13) applies.
- (8) A renewal of a class M license under Section 53-3-214 is \$17.50.
- (9) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$15.
- (10) A renewal of a provisional license application for a class M license under Section 53-3-214 is \$17.50.

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

(28)(a).

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

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

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

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

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

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

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

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

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

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

(a) all monies received under this chapter;

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

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

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

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

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

(5) The amount in excess of \$35 of the fees collected under Subsection 53-3-105(29) shall

be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of \$35, \$30 shall be deposited in the State Laboratory Drug Testing restricted account created in Section 26-1-34.

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