

AIRPORT SECURITY AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill amends the Public Safety Code and Transportation Code to permit certain cities to require a criminal background check as a condition of providing ground transportation service to the city's airport.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ permits certain cities to require a criminal background check as a condition of providing ground transportation service to the city's airport;
- ▶ requires a driver who seeks to provide ground transportation service to a city's airport to submit a fingerprint card and consent to a fingerprint background check if required by the city;
- ▶ permits a city to:
 - conditionally approve a ground transportation service provider to provide ground transportation service to an airport pending a successful criminal background check; and
 - terminate a right to provide ground transportation service in certain circumstances;
- ▶ requires the Criminal Investigations and Technical Services Division to conduct a criminal background check for ground transportation service providers if requested



28 by certain cities;

29 ▶ requires a city that requests a criminal background check to:

30 • prepare criteria for which criminal activity will preclude a right to provide
31 ground transportation service to an airport; and

32 • provide notice to a ground transportation service provider that the background
33 check has been requested;

34 ▶ requires the Criminal Investigations and Technical Services Division to:

35 • release to a city the results of a requested background check;

36 • perform a national criminal history background check if requested by the city;

37 • maintain a fingerprint file for requested background checks; and

38 • notify the city when a new background check request is made against a ground
39 transportation service provider whose fingerprints are on file;

40 ▶ requires a city requesting a criminal background check to pay to the Criminal
41 Investigations and Technical Services Division the cost of the criminal background
42 check including costs to maintain separate fingerprint files;

43 ▶ requires a city to:

44 • notify a ground transportation service provider of denial of the right to provide
45 ground transportation service to an airport; and

46 • allow the ground transportation service provider a chance to respond to a denial;

47 ~~H~~→ [and]

47a ▶ **provides that a denial or termination of a right to provide ground transportation**
47b **service does not affect the right of another ground transportation service provider who**
47c **provides ground transportation service for the same business;** ←~~H~~

48 ▶ makes technical changes.

49 **Monies Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 None

53 **Utah Code Sections Affected:**

54 AMENDS:

55 **53-10-104**, as last amended by Chapter 39, Laws of Utah 2003

56 ENACTS:

57 **72-10-601**, Utah Code Annotated 1953

58 **72-10-602**, Utah Code Annotated 1953

59 72-10-603, Utah Code Annotated 1953
60 72-10-604, Utah Code Annotated 1953



61
62 *Be it enacted by the Legislature of the state of Utah:*

63 Section 1. Section **53-10-104** is amended to read:

64 **53-10-104. Division duties.**

65 The division shall:

66 (1) provide and coordinate the delivery of support services to law enforcement
67 agencies;

68 (2) maintain and provide access to criminal records for use by law enforcement
69 agencies;

70 (3) publish law enforcement and statistical data;

71 (4) maintain dispatch and communications services for public safety communications
72 centers and provide emergency medical, fire suppression, highway maintenance, public works,
73 and law enforcement communications for municipal, county, state, and federal agencies;

74 (5) analyze evidence from crime scenes and crime-related incidents for criminal
75 prosecution;

76 (6) provide criminalistic laboratory services to federal, state, and local law enforcement
77 agencies, prosecuting attorneys' and agencies, and public defenders, with the exception of those
78 services provided by the state medical examiner in accordance with Title 26, Chapter 4, Utah
79 Medical Examiner Act;

80 (7) establish satellite laboratories as necessary to provide criminalistic services;

81 (8) safeguard the public through licensing and regulation of activities that impact
82 public safety, including concealed weapons, emergency vehicles, and private investigators;

83 (9) provide investigative assistance to law enforcement and other government agencies;

84 (10) collect and provide intelligence information to criminal justice agencies;

85 (11) investigate crimes that jeopardize the safety of the citizens, as well as the interests,
86 of the state;

87 (12) regulate and investigate laws pertaining to the sale and distribution of liquor;

88 (13) make rules to implement this chapter;

89 (14) perform the functions specified in this chapter; [~~and~~]

90 (15) comply with the requirements of Section 11-40-103[-]; and
 91 (16) comply with the requirements of Sections 72-10-602 and 72-10-603.

92 Section 2. Section **72-10-601** is enacted to read:

93 **Part 6. Airport Ground Transportation Security**

94 **72-10-601. Definitions.**

95 As used in this part:

96 (1) "City" means a municipality of the first class, as defined under Section 10-2-301,

97 that:

98 (a) is authorized by statute to operate an airport; and

99 (b) operates an airport with greater than ten million annual passengers.

100 (2) "Division" means the Criminal Investigation and Technical Services Division of the
 101 Department of Public Safety, established in Section 53-10-103.

102 (3) "Ground transportation service" means transporting passengers for hire ~~H→~~ or as a
 102a courtesy in connection with a business ~~←H~~ over public
 103 streets pursuant to a license with the city.

104 (4) (a) "Ground transportation service provider" means a ~~H→~~ [person] driver ~~←H~~ who
 104a provides ground
 105 transportation service where the pickup or drop-off of a passenger occurs at an airport under a
 106 city's authority.

107 (b) "Ground transportation service provider" includes:

108 (i) a taxicab driver;

109 (ii) a limousine or luxury car driver;

110 (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section
 111 17A-2-1004;

112 (iv) a courtesy vehicle or hotel vehicle driver;

113 (v) a special transportation vehicle driver who transports disabled persons; and

114 (vi) a van driver.

115 Section 3. Section **72-10-602** is enacted to read:

116 **72-10-602. Criminal background check authorized -- Written notice required.**

117 (1) A city may ~~H→~~ by ordinance ~~←H~~ require a ground transportation service provider to
 117a submit to a criminal
 118 background check as a condition of providing ground transportation service to an airport under
 119 the city's authority.

120 (2) (a) Each ground transportation service provider, if required to submit a background

121 check under Subsection (1), shall:

122 (i) submit a fingerprint card in a form acceptable to the division; and

123 (ii) consent to a fingerprint background check by:

124 (A) the Utah Bureau of Criminal Identification; and

125 (B) the Federal Bureau of Investigation.

126 (b) If requested by a city ~~H~~→ **that has adopted an ordinance in accordance with**

126a **Subsection (1) ~~H~~**, the division shall request the Department of Public Safety to

127 complete a Federal Bureau of Investigation criminal background check through a national

128 criminal history system for each background check requested by a city under this section.

129 (c) (i) ~~H~~→ **If a city has adopted an ordinance in accordance with Subsection (1),**

129a **the [A]~~H~~** city may make a ground transportation service provider's access to provide

130 ground transportation service to an airport conditional pending completion of a criminal

131 background check under this section.

132 (ii) If a criminal background check discloses that a ground transportation service

133 provider failed to disclose accurately a criminal history, the city may deny or, if conditionally

134 given, immediately terminate the ground transportation service provider's right to provide

135 ground transportation service to an airport.

136 (iii) If a ground transportation service provider accurately disclosed the relevant

137 criminal history and the criminal background check discloses that the ground transportation

138 service provider has been convicted of a crime that indicates a potential risk for the safety or

139 well-being of the patrons or employees of the airport under the city's authority, the city may

140 deny or, if conditionally given, immediately terminate the ground transportation service

141 provider's right to provide ground transportation service to an airport.

142 (3) Each city that requests a criminal background check under Subsection (1) shall

143 prepare criteria for which criminal activity will preclude ground transportation service to the

144 airport and shall provide written notice to the ground transportation service provider who is the

145 subject of the criminal background check that the background check has been requested.

145a **~~H~~→ (4) The legislative body of a city may by a majority vote of its members overrule a**

145b **decision made by the mayor or a city employee establishing the criteria for precluding the**

145c **right of a ground transportation service provider under Subsection (3). ~~H~~**

146 Section 4. Section **72-10-603** is enacted to read:

147 **72-10-603. Duties of the Criminal Investigation and Technical Services Division --**

148 **Costs of separate file and background check.**

149 (1) If a city requests the division to conduct a criminal background check under Section

150 72-10-602, the division shall:

151 (a) release to the city the full record of criminal convictions for the ground

152 transportation service provider who is the subject of the background check;

153 (b) if requested by the city, seek additional information from regional or national
 154 criminal data files in conducting the criminal background check;

155 (c) maintain a separate file of fingerprints submitted under Section 72-10-602; and

156 (d) notify the requesting city when a new entry is made against a ground transportation
 157 service provider whose fingerprints are held in the file.

158 (2) (a) Each city requesting a criminal background check shall pay to the division the
 159 cost of:

160 (i) maintaining the separate file of fingerprints under Subsection (1); and

161 (ii) conducting a criminal background check under Section 72-10-602, including costs
 162 charged by the Federal Bureau of Investigation or other entity for conducting a national
 163 criminal background check, if requested by a city.

164 (b) The cost borne by a city under Subsection (2)(a) may be covered by fees charged to
 165 a ground transportation service provider who is the subject of the background check.

166 Section 5. Section **72-10-604** is enacted to read:

167 **72-10-604. Written notice to ground transportation service provider whose access**
 168 **to airport is denied or terminated -- Right to respond and seek review.**

169 **Ĥ→ (1) ←Ĥ** If a city denies or terminates the right of a ground transportation service
 169a provider to
 170 provide ground transportation service to an airport because of information obtained through a
 171 criminal background check under this part, the city shall:

172 **Ĥ→ [(1)] (a) ←Ĥ** notify the ground transportation service provider in writing of the reasons
 172a for the
 173 denial or termination; and

174 **Ĥ→ [(2)] (b) ←Ĥ** give the ground transportation service provider an opportunity to respond
 174a to the
 175 reasons and to seek review of the denial or termination through administrative procedures
 176 established by the city.

176a **Ĥ→ (2) If a ground transportation service provider is denied access to provide ground**
 176b **transportation service to an airport, the denial shall not impact the right of another ground**
 176c **transportation service provider who provides ground transportation service for the same**
 176d **business. ←Ĥ**

Legislative Review Note

as of 1-16-06 9:10 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

It is estimated that approximately 2500 applicants per year could submit fingerprint cards to the Bureau of Criminal Identification for background checks allowed by this bill. An appropriation of \$108,000 from Dedicated Credits for one FTE would be required at the Bureau of Criminal Investigation to perform those background checks. The bill provides authority to charge fees to cover this cost. The fees collected are anticipated to be \$108,000.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Dedicated Credits	\$108,000	\$108,000	\$108,000	\$108,000
TOTAL	\$108,000	\$108,000	\$108,000	\$108,000

Individual and Business Impact

Individuals or businesses they represent as transportation service providers will be required to pay the fee required. The fee is estimated to be approximately \$44 per background check.
