

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 by certain cities;
- ▶ 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 ▶ provides that a denial or termination of a right to provide ground transportation
- 48 service does not affect the right of another ground transportation service provider
- 49 who provides ground transportation service for the same business; and
- 50 ▶ makes technical changes.

51 **Monies Appropriated in this Bill:**

52 None

53 **Other Special Clauses:**

54 None

55 **Utah Code Sections Affected:**

56 AMENDS:

57 **53-10-104**, as last amended by Chapter 39, Laws of Utah 2003

- 58 ENACTS:
- 59 **72-10-601**, Utah Code Annotated 1953
- 60 **72-10-602**, Utah Code Annotated 1953
- 61 **72-10-603**, Utah Code Annotated 1953
- 62 **72-10-604**, Utah Code Annotated 1953

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

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

66 **53-10-104. Division duties.**

67 The division shall:

- 68 (1) provide and coordinate the delivery of support services to law enforcement
- 69 agencies;
- 70 (2) maintain and provide access to criminal records for use by law enforcement
- 71 agencies;
- 72 (3) publish law enforcement and statistical data;
- 73 (4) maintain dispatch and communications services for public safety communications
- 74 centers and provide emergency medical, fire suppression, highway maintenance, public works,
- 75 and law enforcement communications for municipal, county, state, and federal agencies;
- 76 (5) analyze evidence from crime scenes and crime-related incidents for criminal
- 77 prosecution;
- 78 (6) provide criminalistic laboratory services to federal, state, and local law enforcement
- 79 agencies, prosecuting attorneys' and agencies, and public defenders, with the exception of those
- 80 services provided by the state medical examiner in accordance with Title 26, Chapter 4, Utah
- 81 Medical Examiner Act;
- 82 (7) establish satellite laboratories as necessary to provide criminalistic services;
- 83 (8) safeguard the public through licensing and regulation of activities that impact
- 84 public safety, including concealed weapons, emergency vehicles, and private investigators;
- 85 (9) provide investigative assistance to law enforcement and other government agencies;

- 86 (10) collect and provide intelligence information to criminal justice agencies;
- 87 (11) investigate crimes that jeopardize the safety of the citizens, as well as the interests,
- 88 of the state;
- 89 (12) regulate and investigate laws pertaining to the sale and distribution of liquor;
- 90 (13) make rules to implement this chapter;
- 91 (14) perform the functions specified in this chapter; ~~and~~
- 92 (15) comply with the requirements of Section 11-40-103[-]; and
- 93 (16) comply with the requirements of Sections 72-10-602 and 72-10-603.

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

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

96 **72-10-601. Definitions.**

97 As used in this part:

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

99 that:

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

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

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

104 (3) "Ground transportation service" means transporting passengers for hire or as a
105 courtesy in connection with a business over public streets pursuant to a license with the city.

106 (4) (a) "Ground transportation service provider" means a driver who provides ground
107 transportation service where the pickup or drop-off of a passenger occurs at an airport under a
108 city's authority.

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

110 (i) a taxicab driver;

111 (ii) a limousine or luxury car driver;

112 (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section
113 17A-2-1004;

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

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

116 (vi) a van driver.

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

118 **72-10-602. Criminal background check authorized -- Written notice required.**

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

122 (2) (a) Each ground transportation service provider, if required to submit a background
123 check under Subsection (1), shall:

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

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

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

127 (B) the Federal Bureau of Investigation.

128 (b) If requested by a city that has adopted an ordinance in accordance with Subsection
129 (1), the division shall request the Department of Public Safety to complete a Federal Bureau of
130 Investigation criminal background check through a national criminal history system for each
131 background check requested by a city under this section.

132 (c) (i) If a city has adopted an ordinance in accordance with Subsection (1), the city
133 may make a ground transportation service provider's access to provide ground transportation
134 service to an airport conditional pending completion of a criminal background check under this
135 section.

136 (ii) If a criminal background check discloses that a ground transportation service
137 provider failed to disclose accurately a criminal history, the city may deny or, if conditionally
138 given, immediately terminate the ground transportation service provider's right to provide
139 ground transportation service to an airport.

140 (iii) If a ground transportation service provider accurately disclosed the relevant
141 criminal history and the criminal background check discloses that the ground transportation

142 service provider has been convicted of a crime that indicates a potential risk for the safety or
143 well-being of the patrons or employees of the airport under the city's authority, the city may
144 deny or, if conditionally given, immediately terminate the ground transportation service
145 provider's right to provide ground transportation service to an airport.

146 (3) Each city that requests a criminal background check under Subsection (1) shall
147 prepare criteria for which criminal activity will preclude ground transportation service to the
148 airport and shall provide written notice to the ground transportation service provider who is the
149 subject of the criminal background check that the background check has been requested.

150 (4) The legislative body of a city may by a majority vote of its members overrule a
151 decision made by the mayor or a city employee establishing the criteria for precluding the right
152 of a ground transportation service provider under Subsection (3).

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

154 **72-10-603. Duties of the Criminal Investigation and Technical Services Division --**
155 **Costs of separate file and background check.**

156 (1) If a city requests the division to conduct a criminal background check under Section
157 72-10-602, the division shall:

158 (a) release to the city the full record of criminal convictions for the ground
159 transportation service provider who is the subject of the background check;

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

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

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

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

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

168 (ii) conducting a criminal background check under Section 72-10-602, including costs
169 charged by the Federal Bureau of Investigation or other entity for conducting a national

170 criminal background check, if requested by a city.

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

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

174 **72-10-604. Written notice to ground transportation service provider whose access**
175 **to airport is denied or terminated -- Right to respond and seek review.**

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

179 (a) notify the ground transportation service provider in writing of the reasons for the
180 denial or termination; and

181 (b) give the ground transportation service provider an opportunity to respond to the
182 reasons and to seek review of the denial or termination through administrative procedures
183 established by the city.

184 (2) If a ground transportation service provider is denied access to provide ground
185 transportation service to an airport, the denial shall not impact the right of another ground
186 transportation service provider who provides ground transportation service for the same
187 business.