

H.B. 37

CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 26, 2010 10:09 AM

Representative **Rebecca D. Lockhart** proposes the following amendments:

1. *Page 1, Line 18:*

18 ▶ requires every applicant for a motor vehicle ~~{dealer or}~~ salesperson license to submit

2. *Page 1, Line 20:*

20 Division;

 ▶ requires certain persons that renewed a motor vehicle salesperson license to submit fingerprints to the Motor Vehicle Enforcement Division;

3. *Page 1, Lines 24 through 27:*

- 24 • compare motor vehicle ~~{dealer and}~~ salesperson applicant fingerprints with certain
25 criminal databases and inform the Motor Vehicle Enforcement Division of its
26 findings; and
27 • maintain a separate file of motor vehicle ~~{dealer and}~~ salesperson fingerprints and

4. *Page 2, Lines 30 through 32:*

30 ▶ ~~{provides that}~~ requires the Motor Vehicle Enforcement Division ~~{shall pay the costs incurred~~

31 ~~by the Bureau of Criminal Identification from fees paid by those submitting~~

32 ~~fingerprints}~~ to:

 • impose the fees that the Bureau of Criminal Identification is authorized to collect for certain services ; and

 • remit the fees collected to the Bureau of Criminal Identification;

 ▶ requires the Motor Vehicle Enforcement Division to suspend the salesperson license of a salesperson who fails to submit the fingerprints as required;

5. *Page 2, Lines 50 through 51:*

50 41-3-205.5. Licenses -- Criminal background check required on ~~{dealer's and}~~

51 salesperson's licenses -- Payment of cost.

6. Page 2, Line 52:

52 (1) (a) Every applicant for a ~~{dealer's or}~~ salesperson's license shall submit fingerprints

7. Page 2, Lines 53 through 55:

53 with a completed application to the division.

(b) A person required to renew a salesperson license on or before June 30, 2010 shall submit fingerprints to the division on or before November 30, 2010.

54 ~~{ (b) For purposes of Subsection (1)(a), an applicant for a dealer's license includes every~~
55 ~~owner, partner, officer, or director of the dealer. }~~

8. Page 3, Lines 74 through 76:

74 ~~{ (5) The division shall pay the costs incurred by the Bureau of Criminal Identification~~
75 ~~under Subsections (3) and (4) from fees charged by the division to those submitting~~
76 ~~fingerprints. }~~ =

(5) In addition to any fees imposed under this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and

(b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.

9. Page 3, Line 84:

84 (2) (a) **On December 1, 2010, the administrator shall suspend the license of a salesperson who fails to submit to the division fingerprints as required under Subsection 41-3-205.5(1)(b) on or before November 30, 2010.**

(b) If the administrator finds that there is reasonable cause to deny, suspend, or

10. Page 3, Line 87:

87 ~~{(b)}~~ **(c)** Reasonable cause for denial, suspension, or revocation of a license includes, in

11. Page 4, Line 106:

106 ~~{(c)}~~ **(d)** Any action taken by the administrator under Subsection ~~{(2)(b)(ix)}~~
-} **(2)(c)(ix)** shall remain in

12. Page 6, Lines 175 through 179:

175 (14) check certain criminal records databases for information regarding motor vehicle
176 ~~{dealer and}~~ salesperson applicants, maintain a separate file of fingerprints for motor vehicle
177 ~~{dealers and}~~ salespersons, and inform the Motor Vehicle Enforcement Division when new

178 entries are made for certain criminal offenses for motor vehicle ~~{dealers and}~~ salespersons in
179 accordance with the requirements of Section 41-3-205.5.