

Senator Scott K. Jenkins proposes the following substitute bill:

WARRANT PROCESS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill creates an Outstanding Warrants Identification Database Program.

Highlighted Provisions:

This bill:

- ▶ requires specified additional information to be included in the statewide warrant system;
- ▶ requires the Department of Public Safety to share information in the expanded statewide warrant system with a designated agent;
- ▶ requires the designated agent to maintain and cross-reference information in the shared database to identify the most recent address and contact information for people with an outstanding warrant;
- ▶ requires the designated agent to send up to two written notices to each person with an outstanding warrant reminding the person that if the warrant is not paid or resolved within a specified period of time that the person's driver license will be suspended and the person will not be permitted to purchase a state hunting or fishing license;
- ▶ provides penalties to the designated agent for unauthorized disclosure of information in the database;



- 26 ▶ requires scheduled audits of the designated agent; and
- 27 ▶ provides the Office of State Debt Collection with access to outstanding warrant
- 28 records contained on the statewide warrants system.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **23-19-9.5**, as last amended by Laws of Utah 1995, Chapter 211
- 36 **53-3-220**, as last amended by Laws of Utah 2010, Chapters 276 and 374
- 37 **53-10-208**, as last amended by Laws of Utah 2009, Chapters 292 and 356
- 38 **63A-3-502**, as last amended by Laws of Utah 2011, Chapter 59 and renumbered and
- 39 amended by Laws of Utah 2011, Chapter 79

40 ENACTS:

- 41 **53-10a-101**, Utah Code Annotated 1953
- 42 **53-10a-102**, Utah Code Annotated 1953
- 43 **53-10a-103**, Utah Code Annotated 1953
- 44 **53-10a-104**, Utah Code Annotated 1953



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

47 Section 1. Section **23-19-9.5** is amended to read:

48 **23-19-9.5. Warrant outstanding or failure to comply with citation -- Person not**
49 **entitled to license, permit, tag, or certificate.**

50 (1) A person may not purchase a license, permit, tag, or certificate of registration if:

51 (a) there is an outstanding Utah warrant against him for failure to appear in answer to a
52 summons for a violation of:

53 (i) a provision of this title; or

54 (ii) a rule, proclamation, or order of the Wildlife Board; [or]

55 (b) [he] the person has failed to comply with a wildlife citation in a state which is a
56 party to the Wildlife Violator Compact set forth in Title 23, Chapter 25[-]; or

57 (c) the division receives a report from the designated agent in accordance with Section
58 53-10a-103 that a person has not paid or resolved a warrant within 120 days after the date the
59 warrant was issued.

60 (2) The division may allow a person referred to in Subsection (1) to purchase a license,
61 permit, tag, or certificate of registration if satisfactory proof is given that:

62 (a) the warrant is no longer outstanding; or

63 (b) ~~he~~ the person has complied with the wildlife citation.

64 Section 2. Section **53-3-220** is amended to read:

65 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
66 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
67 **Limited driving privileges.**

68 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
69 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
70 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
71 receiving a record of the person's conviction for:

72 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
73 automobile homicide under Section 76-5-207 or 76-5-207.5;

74 (ii) driving or being in actual physical control of a motor vehicle while under the
75 influence of alcohol, any drug, or combination of them to a degree that renders the person
76 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
77 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

78 (iii) driving or being in actual physical control of a motor vehicle while having a blood
79 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
80 that complies with the requirements of Subsection 41-6a-510(1);

81 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
82 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
83 regulating driving on highways;

84 (v) any felony under the motor vehicle laws of this state;

85 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

86 (vii) failure to stop and render aid as required under the laws of this state if a motor
87 vehicle accident results in the death or personal injury of another;

88 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
89 driving and impaired driving committed within a period of 12 months; but if upon a first
90 conviction of reckless driving or impaired driving the judge or justice recommends suspension
91 of the convicted person's license, the division may after a hearing suspend the license for a
92 period of three months;

93 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
94 required in Section 41-6a-210;

95 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
96 requires disqualification;

97 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
98 allowing the discharge of a firearm from a vehicle;

99 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
100 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

101 (xiii) operating or being in actual physical control of a motor vehicle while having any
102 measurable controlled substance or metabolite of a controlled substance in the person's body in
103 violation of Section 41-6a-517;

104 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
105 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

106 (xv) operating or being in actual physical control of a motor vehicle while having any
107 measurable or detectable amount of alcohol in the person's body in violation of Section
108 41-6a-530;

109 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
110 violation of Section 41-6a-606;

111 (xvii) operating or being in actual physical control of a motor vehicle in this state
112 without an ignition interlock system in violation of Section 41-6a-518.2; or

113 (xviii) custodial interference, under:

114 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless
115 the court provides the division with an order of suspension for a shorter period of time;

116 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless
117 the court provides the division with an order of suspension for a shorter period of time; or

118 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless

119 the court provides the division with an order of suspension for a shorter period of time.

120 (b) The division shall immediately revoke the license of a person upon receiving a
121 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

122 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
123 allowing the discharge of a firearm from a vehicle; or

124 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
125 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

126 (c) Except when action is taken under Section 53-3-219 for the same offense, the
127 division shall immediately suspend for six months the license of a person upon receiving a
128 record of conviction for:

129 (i) any violation of:

130 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

131 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

132 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

133 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

134 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

135 (ii) any criminal offense that prohibits:

136 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
137 that is prohibited under the acts described in Subsection (1)(c)(i); or

138 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
139 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

140 (d) (i) The division shall immediately suspend a person's driver license for conviction
141 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

142 (A) an order from the sentencing court requiring that the person's driver license be
143 suspended; and

144 (B) a record of the conviction.

145 (ii) An order of suspension under this section is at the discretion of the sentencing
146 court, and may not be for more than 90 days for each offense.

147 (e) (i) The division shall immediately suspend for one year the license of a person upon
148 receiving a record of:

149 (A) conviction for the first time for a violation under Section 32B-4-411; or

150 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
151 violation under Section 32B-4-411.

152 (ii) The division shall immediately suspend for a period of two years the license of a
153 person upon receiving a record of:

154 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

155 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
156 conviction for a violation under Section 32B-4-411; or

157 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
158 Act of 1996, for a violation under Section 32B-4-411; and

159 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior
160 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under
161 Section 32B-4-411.

162 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

163 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

164 (I) impose a suspension for one year beginning on the date of conviction; or

165 (II) if the person is under the age of eligibility for a driver license, impose a suspension
166 that begins on the date of conviction and continues for one year beginning on the date of
167 eligibility for a driver license; or

168 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

169 (I) impose a suspension for a period of two years; or

170 (II) if the person is under the age of eligibility for a driver license, impose a suspension
171 that begins on the date of conviction and continues for two years beginning on the date of
172 eligibility for a driver license.

173 (2) The division shall extend the period of the first denial, suspension, revocation, or
174 disqualification for an additional like period, to a maximum of one year for each subsequent
175 occurrence, upon receiving:

176 (a) a record of the conviction of any person on a charge of driving a motor vehicle
177 while the person's license is denied, suspended, revoked, or disqualified;

178 (b) a record of a conviction of the person for any violation of the motor vehicle law in
179 which the person was involved as a driver;

180 (c) a report of an arrest of the person for any violation of the motor vehicle law in

181 which the person was involved as a driver; or

182 (d) a report of an accident in which the person was involved as a driver.

183 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
184 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
185 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
186 or revocation originally imposed under Section 53-3-221.

187 (4) (a) The division may extend to a person the limited privilege of driving a motor
188 vehicle to and from the person's place of employment or within other specified limits on
189 recommendation of the judge in any case where a person is convicted of any of the offenses
190 referred to in Subsections (1) and (2) except:

191 (i) automobile homicide under Subsection (1)(a)(i);

192 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
193 (1)(c); and

194 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
195 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
196 41-6a-517, a local ordinance which complies with the requirements of Subsection
197 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
198 was charged with violating as a result of a plea bargain after having been originally charged
199 with violating one or more of these sections or ordinances, unless:

200 (A) the person has had the period of the first denial, suspension, revocation, or
201 disqualification extended for a period of at least three years;

202 (B) the division receives written verification from the person's primary care physician
203 that:

204 (I) to the physician's knowledge the person has not used any narcotic drug or other
205 controlled substance except as prescribed by a licensed medical practitioner within the last
206 three years; and

207 (II) the physician is not aware of any physical, emotional, or mental impairment that
208 would affect the person's ability to operate a motor vehicle safely; and

209 (C) for a period of one year prior to the date of the request for a limited driving
210 privilege:

211 (I) the person has not been convicted of a violation of any motor vehicle law in which

212 the person was involved as the operator of the vehicle;

213 (II) the division has not received a report of an arrest for a violation of any motor
214 vehicle law in which the person was involved as the operator of the vehicle; and

215 (III) the division has not received a report of an accident in which the person was
216 involved as an operator of a vehicle.

217 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
218 authorized in this Subsection (4):

219 (A) is limited to when undue hardship would result from a failure to grant the
220 privilege; and

221 (B) may be granted only once to any person during any single period of denial,
222 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
223 or disqualification.

224 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

225 (A) is limited to when the limited privilege is necessary for the person to commute to
226 school or work; and

227 (B) may be granted only once to any person during any single period of denial,
228 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
229 or disqualification.

230 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
231 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
232 denied under this chapter.

233 (5) (a) The division shall, upon receiving a report from the designated agent in
234 accordance with Section 53-10a-103, immediately suspend the driver license of each person
235 who has not paid or resolved a warrant within 120 days after the date the warrant was issued.

236 (b) The division shall reinstate a driver license under Subsection (5)(a) within two
237 business days after a person has paid the bail on all outstanding warrants in full, resolved all
238 warrants with the appropriate judicial authority, or obtained a court order.

239 Section 3. Section **53-10-208** is amended to read:

240 **53-10-208. Definition -- Offenses included on statewide warrant system --**
241 **Transportation fee to be included -- Statewide warrant system responsibility -- Quality**
242 **control -- Training -- Technical support -- Transaction costs.**

243 (1) "Statewide warrant system" means the portion of the state court computer system
244 that is accessible by modem from the state mainframe computer and contains:

245 (a) records of criminal warrant information; and

246 (b) after notice and hearing, records of protective orders issued pursuant to:

247 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or

248 (ii) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act.

249 (2) ~~(a)~~ The division shall include on the statewide warrant system:

250 (a) all warrants issued for felony offenses and class A, B, and C misdemeanor offenses
251 in the state[-];

252 ~~(b) [The division shall include on the statewide warrant system]~~ all warrants issued for
253 failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3)[-];

254 (c) vehicle registration records collected by the Motor Vehicle Division under Section
255 41-1a-202;

256 (d) driver license records collected by the Driver License Division under Section
257 53-3-205;

258 (e) hunting and fishing license, certificate of registration, tag, and permit records
259 collected by the Division of Wildlife Resources under Title 23, Chapter 19, Licenses, Permits,
260 and Tags; and

261 (f) any other record collected or maintained by a governmental entity or political
262 subdivision of this state if the sharing of the record is authorized by Section 63G-2-206 and the
263 record will assist the bureau to locate the address or contact information of an individual with a
264 warrant.

265 ~~(c)~~ (3) For each warrant, the division shall indicate whether the magistrate ordered
266 under Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in
267 court.

268 ~~(3)~~ (4) The division is the agency responsible for the statewide warrant system and
269 shall:

270 (a) ensure quality control of all warrants of arrest or commitment and protective orders
271 contained in the statewide warrant system by conducting regular validation checks with every
272 clerk of a court responsible for entering the information on the system;

273 (b) upon the expiration of the protective orders and in the manner prescribed by the

274 division, purge information regarding protective orders described in Subsection 53-10-208.1(4)
275 within 30 days of the time after expiration;

276 (c) establish system procedures and provide training to all criminal justice agencies
277 having access to information contained on the state warrant system;

278 (d) provide technical support, program development, and systems maintenance for the
279 operation of the system; [~~and~~]

280 (e) pay data processing and transaction costs for state, county, and city law
281 enforcement agencies and criminal justice agencies having access to information contained on
282 the state warrant system[;];

283 (f) prepare reports upon the request of the Legislature, a legislative committee, or a
284 state or local law enforcement agency regarding the number and dollar amount of outstanding
285 warrants in any specified geographical region within the state; and

286 (g) make recommendations as requested to the Judiciary, Law Enforcement, and
287 Criminal Justice Interim Committee to improve the collection of outstanding warrants through
288 use of the statewide warrant system.

289 [~~(4)~~] (5) (a) Any data processing or transaction costs not funded by legislative
290 appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal
291 year.

292 (b) This Subsection [~~(4)~~] (5) supersedes any conflicting provision in Subsection [~~(3)~~]
293 (4)(e).

294 Section 4. Section 53-10a-101 is enacted to read:

295 **CHAPTER 10a. OUTSTANDING WARRANT IDENTIFICATION DATABASE**
296 **PROGRAM.**

297 **53-10a-101. Title.**

298 This chapter is known as the "Outstanding Warrant Identification Database Program."

299 Section 5. Section 53-10a-102 is enacted to read:

300 **53-10a-102. Definitions.**

301 As used in this chapter:

302 (1) "Department" means the Department of Public Safety created in Section 53-1-103.

303 (2) "Designated agent" means a third party that the department contracts with under
304 Section 53-10a-103.

305 (3) "Outstanding warrant" means a warrant that has been issued for 60 days or more to
306 a person who has not:

307 (a) paid the bail on the warrant; or

308 (b) appeared before the appropriate judicial authority and resolved the warrant.

309 (4) "Outstanding warrant database" means a database maintained by the designated
310 agent and populated by merging information from other sources as described in Section
311 53-10a-103.

312 (5) "Program" means the Outstanding Warrant Identification Database Program created
313 in Section 53-10a-103.

314 Section 6. Section **53-10a-103** is enacted to read:

315 **53-10a-103. Program creation -- Administration -- Selection of designated agent --**
316 **Duties -- Rulemaking -- Audits.**

317 (1) There is created the Outstanding Warrant Database Program. The program shall:

318 (a) maintain an Outstanding Warrant Database to be used to encourage timely
319 compliance with the payment of bail and other provisions under this chapter;

320 (b) investigate and identify the economic loss to the state as a result of outstanding
321 warrants;

322 (c) encourage a person with an outstanding warrant to pay the bail on the warrant or
323 appear before the appropriate judicial authority and resolve the warrant;

324 (d) provide an explanation of the legal consequences of failure to pay or resolve an
325 outstanding warrant;

326 (e) identify the most current address and contact information in the outstanding warrant
327 database for each person who has been issued a warrant for 60 days or more; and

328 (f) prepare reports upon the request of the Legislature, a legislative committee, or a
329 state or local law enforcement agency regarding the program and the number and amount of
330 unpaid warrants in any specified geographical region within the state.

331 (2) The program shall be administered by the department with the assistance of the
332 designated agent, and in cooperation with the:

333 (a) Driver License Division;

334 (b) Motor Vehicle Division;

335 (c) Division of Purchasing and General Services, in conjunction with the Pawnshop

336 and Secondhand Merchandise Advisory Board;

337 (d) Bureau of Criminal Investigation and its statewide warrant system;

338 (e) Uninsured Motorist Program; and

339 (f) Division of Wildlife Resources.

340 (3) The department shall:

341 (a) contract in accordance with Title 63G, Chapter 6, Utah Procurement Code, with a
342 designated agent to maintain the Outstanding Warrant Identification Database Program for the
343 purposes established under this chapter;

344 (b) ensure that the designated agent is in compliance with Section 53-10a-104
345 regarding limitations on disclosure of information in the database;

346 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
347 make rules and procedures, with input from the state agencies in Subsection (2), to:

348 (i) govern the designated agent's administration of the program; and

349 (ii) provide that the return address on notices sent under this chapter shall be to the
350 department and that all returned letters under this section shall be used in updating the
351 statewide warrant system.

352 (4) The designated agent shall:

353 (a) in accordance with the administrative rules adopted by the department, maintain a
354 database created from the information provided by the following state sources:

355 (i) records of the statewide warrant system established under Section 53-10-208;

356 (ii) records of the central database for pawn and second hand merchandise established
357 in Section 13-32a-105; and

358 (iii) records of the uninsured motorist program established under Section 41-12a-804.

359 (b) archive computer data files at least semi-annually for auditing purposes;

360 (c) make reports available through the Internet regarding the number and dollar amount
361 of unpaid warrants within any geographical region of the state;

362 (d) within one business day of receiving information in accordance with this
363 subsection, compare the information with the Outstanding Warrant Database to identify the
364 most current address in the statewide warrant system for each person who has been issued a
365 warrant for 60 days or more and who has not:

366 (i) paid the bail on the warrant; or

367 (ii) appeared before the appropriate judicial authority and resolved the warrant;

368 (e) provide a written notice to the most current address in the Outstanding Warrant

369 Database reminding the person with an outstanding warrant to pay or resolve the warrant and

370 advising that the person's driver license will be suspended if the person does not pay or resolve

371 the warrant within 120 days of the date the warrant was issued;

372 (f) if a person to whom a written notice has been sent does not pay or resolve the

373 warrant within 15 days, send a second written notice informing the person that the person's

374 driver license will be suspended if the person does not pay or resolve the warrant within 120

375 days of the date the warrant was issued; and

376 (g) if a person to whom a second notice has been sent under Subsection (4)(g) does not

377 pay or resolve the warrant within 120 days of the date the warrant was issued, provide the

378 Driver License Division and the Division of Wildlife Resources a report containing

379 information about each person who has not paid or resolved a warrant within 120 days of the

380 date the warrant was issued.

381 (5) The report under Subsection (4)(g) shall include the name of the person to whom

382 the warrant was issued, the date the warrant was issued, the court that issued the warrant, the

383 name of the offense, the address to which the written notices were sent, and the dates they were

384 sent.

385 (6) (a) The internal audit unit of the Utah State Tax Commission created in Section

386 59-1-206 shall audit the program after the first full year of operation, and then at least every

387 three years.

388 (b) The audit under Subsection (5) shall include verification of:

389 (i) billings made by the designated agent;

390 (ii) any reduction in outstanding warrants in the state;

391 (iii) the amounts collected and paid to state agencies as result of the program;

392 (iv) the accuracy of the designated agent's matching of information with outstanding

393 warrant data; and

394 (v) the cost of the program and the benefit provided to the state.

395 Section 7. Section **53-10a-104** is enacted to read:

396 **53-10a-104. Disclosure of outstanding warrant information -- Penalty.**

397 (1) Information in the Outstanding Warrants Database established under Section

398 53-10a-103, may not be disclosed under Title 63G, Chapter 2, Government Records Access
399 and Management Act, except as required by this chapter or to assist a state or local government
400 agency or court locate a person with an outstanding warrant.

401 (2) The information provided by a person to the designated agent is considered to be
402 the property of the person providing the information.

403 (3) The designated agent shall, upon request, issue a document stating information
404 about an outstanding warrant to:

405 (a) any person who is the subject of an outstanding warrant;

406 (b) the parent or legal guardian of an individual who is the subject of an outstanding
407 warrant;

408 (c) a person who has power of attorney for an individual who is the subject of an
409 outstanding warrant;

410 (d) any state or local government agency or court for the purpose of investigation or
411 prosecution of crimes;

412 (e) any peace officer acting in an official capacity; and

413 (f) the state auditor, the legislative auditor general, or other auditor of the state or a
414 political subdivision who is conducting an audit of the program.

415 (4) A person who knowingly releases or discloses information from the database for a
416 purpose other than those authorized in this section or to a person who is not authorized by law
417 to receive the information is guilty of a third degree felony.

418 (5) Neither the state nor the department's designated agent is liable to any person for
419 gathering, managing, or using the information in the database in accordance with this chapter.

420 Section 8. Section **63A-3-502** is amended to read:

421 **63A-3-502. Office of State Debt Collection created -- Duties.**

422 (1) The state and each state agency shall comply with the requirements of this chapter
423 and any rules established by the Office of State Debt Collection.

424 (2) There is created the Office of State Debt Collection in the Division of Finance.

425 (3) The office shall:

426 (a) have overall responsibility for collecting and managing state receivables;

427 (b) assist the Division of Finance to develop consistent policies governing the
428 collection and management of state receivables;

- 429 (c) oversee and monitor state receivables to ensure that state agencies are:
- 430 (i) implementing all appropriate collection methods;
- 431 (ii) following established receivables guidelines; and
- 432 (iii) accounting for and reporting receivables in the appropriate manner;
- 433 (d) assist the Division of Finance to develop policies, procedures, and guidelines for
- 434 accounting, reporting, and collecting money owed to the state;
- 435 (e) provide information, training, and technical assistance to each state agency on
- 436 various collection-related topics;
- 437 (f) write an inclusive receivables management and collection manual for use by each
- 438 state agency;
- 439 (g) prepare quarterly and annual reports of the state's receivables;
- 440 (h) create or coordinate a state accounts receivable database that includes the most
- 441 recent name and address of individuals with warrants that have not been paid or resolved for
- 442 more than 120 days from date the warrant was issued as generated by the statewide warrant
- 443 system created under Section 53-10-208;
- 444 (i) develop reasonable criteria to gauge state agencies' efforts in maintaining an
- 445 effective accounts receivable program;
- 446 (j) identify any state agency that is not making satisfactory progress toward
- 447 implementing collection techniques and improving accounts receivable collections;
- 448 (k) coordinate information, systems, and procedures between each state agency to
- 449 maximize the collection of past-due accounts receivable;
- 450 (l) establish an automated cash receipt process between each state agency;
- 451 (m) assist the Division of Finance to establish procedures for writing off accounts
- 452 receivable for accounting and collection purposes;
- 453 (n) establish standard time limits after which an agency will delegate responsibility to
- 454 collect state receivables to the office or its designee;
- 455 (o) be a real party in interest for an account receivable referred to the office by any
- 456 state agency; and
- 457 (p) allocate money collected for judgments registered under Section 77-18-6 in
- 458 accordance with Sections 51-9-402, 63A-3-506, and 78A-5-110.
- 459 (4) The office may:

460 (a) recommend to the Legislature new laws to enhance collection of past-due accounts
461 by state agencies;

462 (b) collect accounts receivables for higher education entities, if the higher education
463 entity agrees;

464 (c) prepare a request for proposal for consulting services to:

465 (i) analyze the state's receivable management and collection efforts; and

466 (ii) identify improvements needed to further enhance the state's effectiveness in
467 collecting its receivables;

468 (d) contract with private or state agencies to collect past-due accounts;

469 (e) perform other appropriate and cost-effective coordinating work directly related to
470 collection of state receivables;

471 (f) obtain access to records and databases of any state agency that are necessary to the
472 duties of the office by following the procedures and requirements of Section 63G-2-206;

473 (g) collect interest and fees related to the collection of receivables under this chapter,
474 and establish, by following the procedures and requirements of Section 63J-1-504:

475 (i) a fee to cover the administrative costs of collection, on accounts administered by the
476 office;

477 (ii) a late penalty fee that may not be more than 10% of the account receivable on
478 accounts administered by the office;

479 (iii) an interest charge that is:

480 (A) the postjudgment interest rate established by Section 15-1-4 in judgments
481 established by the courts; or

482 (B) not more than 2% above the prime rate as of July 1 of each fiscal year for accounts
483 receivable for which no court judgment has been entered; and

484 (iv) fees to collect accounts receivable for higher education;

485 (h) collect reasonable attorney fees and reasonable costs of collection that are related to
486 the collection of receivables under this chapter;

487 (i) make rules that allow accounts receivable to be collected over a reasonable period
488 of time and under certain conditions with credit cards;

489 (j) file a satisfaction of judgment in the district court by following the procedures and
490 requirements of the Utah Rules of Civil Procedure;

491 (k) ensure that judgments for which the office is the judgment creditor are renewed, as
492 necessary;

493 (l) notwithstanding Section 63G-2-206, share records obtained under Subsection (4)(f)
494 with private sector vendors under contract with the state to assist state agencies in collecting
495 debts owed to the state agencies without changing the classification of any private, controlled,
496 or protected record into a public record; and

497 (m) enter into written agreements with other governmental agencies to obtain
498 information for the purpose of collecting state accounts receivable.

499 (5) The office shall ensure that:

500 (a) a record obtained by the office or a private sector vendor as referred to in
501 Subsection (4)(l):

502 (i) is used only for the limited purpose of collecting accounts receivable; and

503 (ii) is subject to federal, state, and local agency records restrictions; and

504 (b) any person employed by, or formerly employed by, the office or a private sector
505 vendor as referred to in Subsection (4)(l) is subject to:

506 (i) the same duty of confidentiality with respect to the record imposed by law on
507 officers and employees of the state agency from which the record was obtained; and

508 (ii) any civil or criminal penalties imposed by law for violations of lawful access to a
509 private, controlled, or protected record.

510 (6) (a) The office shall collect accounts receivable ordered by the district court as a
511 result of prosecution for a criminal offense that have been transferred to the office under
512 Subsection 76-3-201.1(5)(h) or (8).

513 (b) The office may not assess the interest charge established by the office under
514 Subsection (4) on an account receivable subject to the postjudgment interest rate established by
515 Section 15-1-4.

516 (7) The office shall require a state agency to:

517 (a) transfer collection responsibilities to the office or its designee according to time
518 limits established by the office;

519 (b) make annual progress towards implementing collection techniques and improved
520 accounts receivable collections;

521 (c) use the state's accounts receivable system or develop systems that are adequate to

522 properly account for and report their receivables;

523 (d) develop and implement internal policies and procedures that comply with the
524 collections policies and guidelines established by the office;

525 (e) provide internal accounts receivable training to staff involved in the management
526 and collection of receivables as a supplement to statewide training;

527 (f) bill for and make initial collection efforts of its receivables up to the time the
528 accounts must be transferred; and

529 (g) submit quarterly receivable reports to the office that identify the age, collection
530 status, and funding source of each receivable.

531 (8) The office shall use the information provided by the agencies and any additional
532 information from the office's records to compile a one-page summary report of each agency.

533 (9) The summary shall include:

534 (a) the type of revenue that is owed to the agency;

535 (b) any attempted collection activity; and

536 (c) any costs incurred in the collection process.

537 (10) The office shall annually provide copies of each agency's summary to the governor
538 and to the Legislature.