

1 **ADMINISTRATIVE SECURITY AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: A. Cory Maloy

7 **LONG TITLE**

8 **General Description:**

9 This bill amends security provisions for the tax commission.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires that a motor vehicle enforcement administrator provide security for the
13 State Tax Commission in an area that restricts certain persons from transporting any
14 firearm, ammunition, dangerous weapon, or explosive; and

15 ▶ adds the State Tax Commission to the list of entities that may establish secure areas.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-3-105**, as last amended by Laws of Utah 2018, Chapter 387

23 **76-8-311.1**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8

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

26 Section 1. Section **41-3-105** is amended to read:

27 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
28 **to be law enforcement officers.**

29 (1) The administrator may make rules to carry out the purposes of this chapter and

30 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
31 63G, Chapter 3, Utah Administrative Rulemaking Act.

32 (2) (a) The administrator may employ clerks, deputies, and assistants necessary to
33 discharge the duties under this chapter and may designate the duties of those clerks, deputies,
34 and assistants.

35 (b) The administrator, assistant administrator, and all investigators shall be law
36 enforcement officers certified by peace officer standards and training as required by Section
37 53-13-103.

38 (3) (a) The administrator may investigate any suspected or alleged violation of:

- 39 (i) this chapter;
- 40 (ii) Title 41, Chapter 1a, Motor Vehicle Act;
- 41 (iii) any law concerning motor vehicle fraud; or
- 42 (iv) any rule made by the administrator.

43 (b) The administrator may bring an action in the name of the state against any person to
44 enjoin a violation found under Subsection (3)(a).

45 (4) (a) The administrator may prescribe forms to be used for applications for licenses.

46 (b) The administrator may require information from the applicant concerning the
47 applicant's fitness to be licensed.

48 (c) Each application for a license shall contain:

49 (i) if the applicant is an individual, the name and residence address of the applicant and
50 the trade name, if any, under which the applicant intends to conduct business;

51 (ii) if the applicant is a partnership, the name and residence address of each partner,
52 whether limited or general, and the name under which the partnership business will be
53 conducted;

54 (iii) if the applicant is a corporation, the name of the corporation, and the name and
55 residence address of each of its principal officers and directors;

56 (iv) a complete description of the principal place of business, including:

57 (A) the municipality, with the street and number, if any;

58 (B) if located outside of any municipality, a general description so that the location can
59 be determined; and

60 (C) any other places of business operated and maintained by the applicant in
61 conjunction with the principal place of business;

62 (v) if the application is for a new motor vehicle dealer's license, the name of each
63 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
64 the manufacturer or distributor who has enfranchised the applicant, and the name and address
65 of each individual who will act as a salesperson under authority of the license;

66 (vi) at least five years of business history;

67 (vii) the federal tax identification number issued to the dealer;

68 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter
69 12, Sales and Use Tax Act; and

70 (ix) if the application is for a direct-sale manufacturer's license:

71 (A) the name of each line-make the applicant will sell, display for sale, or offer for sale
72 or exchange;

73 (B) the name and address of each individual who will act as a direct-sale manufacturer
74 salesperson under authority of the license;

75 (C) a complete description of the direct-sale manufacturer's authorized service center,
76 including the address and any other place of business the applicant operates and maintains in
77 conjunction with the authorized service center;

78 (D) a sworn statement that the applicant complies with each qualification for a
79 direct-sale manufacturer under this chapter;

80 (E) a sworn statement that if at any time the applicant fails to comply with a
81 qualification for a direct-sale manufacturer under this chapter, the applicant will inform the
82 division in writing within 10 business days after the day on which the noncompliance occurs;
83 and

84 (F) an acknowledgment that if the applicant fails to comply with a qualification for a
85 direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the

86 applicant's direct-sale manufacturer license in accordance with Section 41-3-209.

87 (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement
88 Administrator, State of Utah," to authenticate the acts of the administrator's office.

89 (6) (a) The administrator may require that a licensee erect or post signs or devices on
90 the licensee's principal place of business and any other sites, equipment, or locations operated
91 and maintained by the licensee in conjunction with the licensee's business.

92 (b) The signs or devices shall state the licensee's name, principal place of business,
93 type and number of licenses, and any other information that the administrator considers
94 necessary to identify the licensee.

95 (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah
96 Administrative Rulemaking Act, determining allowable size and shape of signs or devices,
97 lettering and other details of signs or devices, and location of signs or devices.

98 (7) (a) The administrator shall provide for quarterly meetings of the advisory board and
99 may call special meetings.

100 (b) Notices of all meetings shall be sent to each member not fewer than five days
101 before the meeting.

102 (8) The administrator, the officers and inspectors of the division designated by the
103 commission, and peace officers shall:

104 (a) make arrests upon view and without warrant for any violation committed in their
105 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

106 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
107 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
108 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
109 issued for the vehicle, and submit to an inspection of the vehicle, the license plates, and
110 registration card;

111 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
112 motor vehicles, trailers, and semitrailers;

113 (d) investigate traffic accidents and secure testimony of any witnesses or persons

114 involved; and

115 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

116 (9) The administrator shall provide security for an area within the commission
117 designated as a secure area under Section 76-8-311.1.

118 [~~9~~] (10) The administrator may contract with a public prosecutor to provide
119 additional prosecution of this chapter.

120 Section 2. Section 76-8-311.1 is amended to read:

121 **76-8-311.1. Secure areas -- Items prohibited -- Penalty.**

122 (1) In addition to the definitions in Section 76-10-501, as used in this section:

123 (a) "Correctional facility" has the same meaning as defined in Section 76-8-311.3.

124 (b) "Explosive" has the same meaning as defined for "explosive, chemical, or
125 incendiary device" defined in Section 76-10-306.

126 (c) "Law enforcement facility" means a facility which is owned, leased, or operated by
127 a law enforcement agency.

128 (d) "Mental health facility" has the same meaning as defined in Section 62A-15-602.

129 (e) (i) "Secure area" means any area into which certain persons are restricted from
130 transporting any firearm, ammunition, dangerous weapon, or explosive.

131 (ii) A "secure area" may not include any area normally accessible to the public.

132 (2) (a) A person in charge of the State Tax Commission or a correctional, law
133 enforcement, or mental health facility may establish secure areas within the facility and may
134 prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

135 (b) Subsections (2)(a), (3), (4), (5), and (6) apply to higher education secure area
136 hearing rooms referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

137 (3) At least one notice shall be prominently displayed at each entrance to an area in
138 which a firearm, ammunition, dangerous weapon, or explosive is restricted.

139 (4) (a) Provisions shall be made to provide a secure weapons storage area so that
140 persons entering the secure area may store their weapons prior to entering the secure area.

141 (b) The entity operating the facility shall be responsible for weapons while they are

142 stored in the storage area.

143 (5) It is a defense to any prosecution under this section that the accused, in committing
144 the act made criminal by this section, acted in conformity with the facility's rule or policy
145 established pursuant to this section.

146 (6) (a) Any person who knowingly or intentionally transports into a secure area of a
147 facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony.

148 (b) Any person violates Section [76-10-306](#) who knowingly or intentionally transports,
149 possesses, distributes, or sells any explosive in a secure area of a facility.