

Conference Engrossed

**FILED  
MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 116

# **HOUSE BILL 2249**

AN ACT

AMENDING SECTION 28-5105, ARIZONA REVISED STATUTES; RELATING TO AUTHORIZED  
THIRD PARTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-5105, Arizona Revised Statutes, is amended to  
3 read:

4 28-5105. Criminal records check; denial of application;  
5 immunity from costs

6 A. ~~Each~~ EXCEPT AS PROVIDED BY SUBSECTION B OF THIS SECTION, EACH  
7 applicant who owns twenty ~~per-cent~~ PERCENT or more of an entity, and each  
8 partner or stockholder who owns twenty ~~per-cent~~ PERCENT or more of an  
9 entity, and EACH PERSON WHO IS AN EMPLOYEE OF AN AUTHORIZED THIRD PARTY WHO  
10 HAS ACCESS TO PERSONAL INFORMATION AS DEFINED IN SECTION 28-440 OBTAINED FROM  
11 THE DEPARTMENT OR A CUSTOMER OF THE DEPARTMENT OR MONIES COLLECTED ON BEHALF  
12 OF THIS STATE, AND who seeks authorization or certification, or both,  
13 pursuant to this article shall provide:

14 1. A full set of fingerprints to the department of transportation for  
15 the purpose of obtaining a state and federal criminal records check pursuant  
16 to section 41-1750 and Public Law 92-544. The department of public safety  
17 may exchange this fingerprint data with the federal bureau of investigation.

18 2. A nonrefundable fee to be paid to the department of public safety  
19 for the criminal records check.

20 B. EACH EMPLOYEE OF AN AUTHORIZED THIRD PARTY WHO CONDUCTS VEHICLE  
21 INSPECTIONS ON BEHALF OF THE STATE, SHALL PROVIDE:

22 1. A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF TRANSPORTATION FOR  
23 THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT  
24 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY  
25 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

26 2. A NONREFUNDABLE FEE TO BE PAID TO THE DEPARTMENT OF PUBLIC SAFETY  
27 FOR THE CRIMINAL RECORDS CHECK.

28 C. FOR THE PURPOSES OF THIS SECTION, PERSONAL INFORMATION DOES NOT  
29 INCLUDE INFORMATION RECEIVED PURSUANT TO SECTION 28-872.

30 ~~B-~~ D. The director may deny an application for authorization or  
31 certification, or both, if any individual included in the application has  
32 either:

33 1. Made a misrepresentation or misstatement in the application to  
34 conceal a matter that would cause the application to be denied.

35 2. Been convicted of fraud or an auto related felony in any state,  
36 territory or possession of the United States or any foreign country within  
37 the ten years immediately preceding the date the criminal records check is  
38 complete.

39 3. Been convicted of a felony, other than a felony described in  
40 paragraph 2 of this subsection, in a state, territory or possession of the  
41 United States or a foreign country within the five years immediately  
42 preceding the date the criminal records check is complete.

43 4. Violated a rule or policy of the department.

1           5. Been involved in any activity that the director determines to be  
2 inappropriate in relation to the authority granted.

3           ~~E.~~ E. The director may approve an application for provisional  
4 authorization or certification, or both, pending completion of the criminal  
5 records check if the applicant meets all other requirements of this article.  
6 The director may revoke a provisional authorization or certification, or  
7 both, for a violation of this title. A provisional authorization or  
8 certification, or both, is valid unless revoked by the director or until the  
9 applicant receives approval or denial of the application for authorization or  
10 certification, or both.

11           ~~D.~~ F. Within twenty days of completion of the criminal records check,  
12 the director shall approve or deny the application. If the application is  
13 denied, the director shall advise the applicant in writing of the denial and  
14 the grounds for denial. The department or its employees are not liable for  
15 any costs incurred by an applicant seeking authorization or certification, or  
16 both, under this article.

17           ~~E.~~ G. Within thirty days after receipt of the notice of denial, the  
18 applicant may petition the director in writing for a hearing on the  
19 application pursuant to section 28-5107.

20           ~~F.~~ H. If the authorized third party adds a partner or stockholder who  
21 owns twenty ~~per cent~~ PERCENT or more of the entity and who was not included  
22 in the criminal records check on a prior application, the authorized third  
23 party shall notify the department within thirty days of the change.

24           ~~G.~~ I. At the time of notification pursuant to subsection F of this  
25 section, the third party shall submit to the department of transportation an  
26 application and, if applicable, a full set of fingerprints and the fee to be  
27 paid to the department of public safety for a criminal records check. On  
28 completion of the investigation if the individual added or changed by the  
29 authorized third party is found to be ineligible pursuant to subsection B of  
30 this section, the director of the department of transportation shall advise  
31 the authorized third party and the individual in writing of the grounds for  
32 the action and that the authorization will be revoked unless the individual  
33 is removed from the position.

34           ~~H.~~ J. The requirement for a criminal records check does not apply to  
35 an applicant who is seeking third party authorization and who is:

- 36           1. A department, agency or political subdivision of this state.
- 37           2. An Arizona court.
- 38           3. An Arizona law enforcement agency or department.
- 39           4. A financial institution or enterprise under the jurisdiction of the  
40 department of financial institutions or a federal monetary authority.
- 41           5. The federal government or any of its agencies.
- 42           6. A motor vehicle dealer that is licensed and bonded by the  
43 department of transportation or a state organization of licensed and bonded  
44 motor vehicle dealers.

- 1           7. A manufacturer, importer, factory branch or distributor licensed by
- 2 the department of transportation.
- 3           8. An insurer under the jurisdiction of the department of insurance.
- 4           9. An owner or registrant of a fleet of one hundred or more vehicles.
- 5           10. A public utility.
- 6           11. A tribal government.
- 7           12. An employer or association that has at least five hundred employees
- 8 or members.

APPROVED BY THE GOVERNOR MAY 6, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2016.

Passed the House February 9, 2016

Passed the Senate March 24, 2016

by the following vote: 58 Ayes,

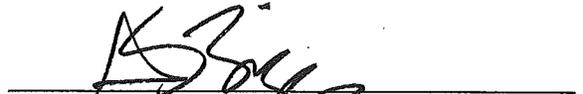
by the following vote: 23 Ayes,

0 Nays, 2 Not Voting

6 Nays, 1 Not Voting



Speaker of the House



President of the Senate

Pro Tempore



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20  

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20  

at            o'clock            M.

            
Secretary of State

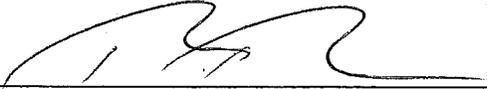
H.B. 2249

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 26, 2016

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House

Pro Tempore

  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

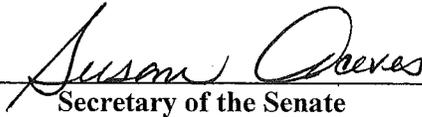
Passed the Senate May 4, 2016

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting



President of the Senate

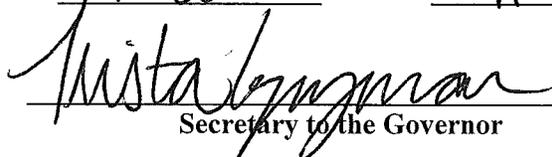
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

5<sup>th</sup> day of May, 20 16

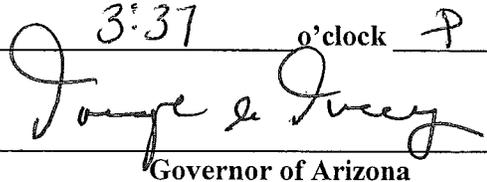
at 10:00 o'clock A. M.

  
Secretary to the Governor

Approved this 6<sup>th</sup> day of

May

at 3:37 o'clock P. M.

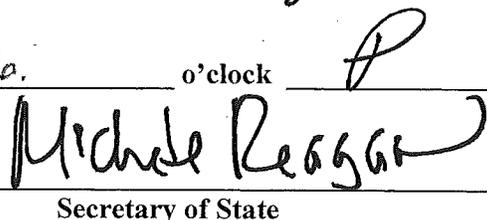
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6<sup>th</sup> day of May, 20 16

at 5:26 o'clock P. M.

  
Secretary of State

H.B. 2249