

REFERENCE TITLE: ADOT; authorized third parties

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

HB 2249

Introduced by
Representative Gray

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 applicant who owns twenty ~~per-cent~~ PERCENT or more of an
7 entity, ~~and~~ each partner or stockholder who owns twenty ~~per-cent~~ PERCENT or
8 more of an entity, ~~and~~ EACH PERSON WHO IS AN EMPLOYEE OF AN AUTHORIZED THIRD
9 PARTY WHO HAS ACCESS TO MOTOR VEHICLE RECORDS, PERSONAL INFORMATION AS
10 DEFINED IN SECTION 28-440 OR MONIES COLLECTED ON BEHALF OF THIS STATE, AND
11 who seeks authorization or certification, or both, pursuant to this article
12 shall provide:

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

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

19 B. The director may deny an application for authorization or
20 certification, or both, if any individual included in the application has
21 either:

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

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

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

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

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

35 C. The director may approve an application for provisional
36 authorization or certification, or both, pending completion of the criminal
37 records check if the applicant meets all other requirements of this article.
38 The director may revoke a provisional authorization or certification, or
39 both, for a violation of this title. A provisional authorization or
40 certification, or both, is valid unless revoked by the director or until the
41 applicant receives approval or denial of the application for authorization or
42 certification, or both.

43 D. Within twenty days of completion of the criminal records check, the
44 director shall approve or deny the application. If the application is
45 denied, the director shall advise the applicant in writing of the denial and

1 the grounds for denial. The department or its employees are not liable for
2 any costs incurred by an applicant seeking authorization or certification, or
3 both, under this article.

4 E. Within thirty days after receipt of the notice of denial, the
5 applicant may petition the director in writing for a hearing on the
6 application pursuant to section 28-5107.

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

11 G. At the time of notification pursuant to subsection F of this
12 section, the third party shall submit to the department of transportation an
13 application and, if applicable, a full set of fingerprints and the fee to be
14 paid to the department of public safety for a criminal records check. On
15 completion of the investigation if the individual added or changed by the
16 authorized third party is found to be ineligible pursuant to subsection B of
17 this section, the director of the department of transportation shall advise
18 the authorized third party and the individual in writing of the grounds for
19 the action and that the authorization will be revoked unless the individual
20 is removed from the position.

21 H. The requirement for a criminal records check does not apply to an
22 applicant who is seeking third party authorization and who is:

- 23 1. A department, agency or political subdivision of this state.
- 24 2. An Arizona court.
- 25 3. An Arizona law enforcement agency or department.
- 26 4. A financial institution or enterprise under the jurisdiction of the
27 department of financial institutions or a federal monetary authority.
- 28 5. The federal government or any of its agencies.
- 29 6. A motor vehicle dealer that is licensed and bonded by the
30 department of transportation or a state organization of licensed and bonded
31 motor vehicle dealers.
- 32 7. A manufacturer, importer, factory branch or distributor licensed by
33 the department of transportation.
- 34 8. An insurer under the jurisdiction of the department of insurance.
- 35 9. An owner or registrant of a fleet of one hundred or more vehicles.
- 36 10. A public utility.
- 37 11. A tribal government.
- 38 12. An employer or association that has at least five hundred employees
39 or members.