

**PRIVATE INVESTIGATORS QUALIFICATION**

**AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Margaret Dayton**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code regarding regulation of private investigators.

**Highlighted Provisions:**

This bill:

▸ requires the Bureau of Criminal Investigation to notify licensed private investigators of the pending expiration of their licenses 90 days prior to the expiration;

▸ requires the Commissioner of Public Safety to provide a list of licensed private investigators to a private investigation agency licensed in Utah upon request, including names and telephone numbers;

▸ provides that an applicant to be licensed as an apprentice or a registrant shall be 18 years of age or older, rather than 21 years of age or older;

▸ provides that an applicant for a Utah private investigator license shall be a resident of Utah and that the applicant shall surrender any licenses issued by other states;

▸ provides that a person who is not a resident of Utah may not apply for a Utah private investigator license;

▸ reduces the number of hours required for an agency license from 10,000 hours to 6,000 hours;

▸ provides that a licensed private investigator applying for an agency license who has been licensed in Utah prior to July 1, 2010, is required to complete 2,000 hours;



- 28           ▶ removes the requirement that required investigative experience be performed within
- 29 10 years immediately prior to the application for a license; and
- 30           ▶ increases license and renewal fees.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           None

35 **Utah Code Sections Affected:**

36 AMENDS:

37           **53-9-103**, as last amended by Laws of Utah 2011, Chapter 432

38           **53-9-108**, as last amended by Laws of Utah 2011, Chapter 432

39           **53-9-111**, as last amended by Laws of Utah 2011, Chapter 432



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

42           Section 1. Section **53-9-103** is amended to read:

43           **53-9-103. Commissioner of Public Safety to administer -- Bureau to issue licenses**  
44 **-- Records -- Bonds -- Rulemaking.**

45           (1) The commissioner shall administer this chapter.

46           (2) (a) The bureau, acting at the direction of the commissioner, shall issue a private  
47 investigator license to any applicant whom the board finds meets the qualifications for  
48 licensure under this chapter.

49           (b) The bureau shall issue a license to an apprentice applicant who meets the  
50 qualifications for licensure under this chapter within five business days of receipt of the  
51 application.

52           (3) (a) The bureau shall keep records of:

53           (i) all applications for licenses under this chapter; and

54           (ii) all bonds and proof of certificates of liability and workers' compensation insurance  
55 required to be filed.

56           (b) The records shall include statements as to whether a license or renewal license has  
57 been issued for each application.

58           (c) The bureau shall notify all holders of private investigation licenses of upcoming

59 expiration of the license. The notification shall be made not fewer than 90 days prior to the  
60 expiration of the license.

61 (4) If a license is revoked, suspended, canceled, or denied or if a licensee is placed on  
62 probation, the date of filing the order for revocation, suspension, cancellation, denial, or  
63 probation shall be included in the records.

64 (5) The bureau shall maintain:

65 (a) a list of all licensees whose license has been revoked, suspended, placed on  
66 probation, or canceled; and

67 (b) a written record of complaints filed against licensees.

68 (6) The commissioner shall provide a list of licensed private investigators to any  
69 private investigation agency licensed in Utah upon request of the agency. The list shall include  
70 the name and telephone number for each private investigator on the list.

71 [~~(6)~~] (7) The commissioner may make rules in accordance with Title 63G, Chapter 3,  
72 Utah Administrative Rulemaking Act, as necessary to administer this chapter.

73 Section 2. Section **53-9-108** is amended to read:

74 **53-9-108. Qualifications for licensure.**

75 (1) (a) (i) An applicant under this chapter shall be at least 21 years of age and a legal  
76 resident of this state, except as provided under Subsection (1)(a)(ii).

77 (ii) An applicant for an apprentice or registrant license shall be at least 18 years of age.

78 (b) An applicant may not have been:

79 (i) convicted of a felony;

80 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous  
81 weapon;

82 (iii) convicted of an act of personal violence or force on any person or convicted of  
83 threatening to commit an act of personal violence or force against another person;

84 (iv) convicted of an act constituting dishonesty or fraud;

85 (v) convicted of an act involving moral turpitude;

86 (vi) placed on probation or parole;

87 (vii) named in an outstanding arrest warrant; or

88 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected  
89 records as provided in Section 63G-2-801.

90 (c) If previously or currently licensed in another state or jurisdiction, the applicant shall  
91 be in good standing within that state or jurisdiction.

92 (d) If a person is applying for a Utah private investigator license, the applicant shall be  
93 a resident of Utah and shall surrender any license granted to the applicant by any other state.

94 (e) A person who is not a resident of Utah may not apply for or renew a Utah private  
95 investigator license.

96 (f) If the holder of a Utah private investigator license is not a resident of Utah at the  
97 time the license is due for renewal, the license expires.

98 (2) In assessing if an applicant meets the requirements under Subsection (1)(b), the  
99 board shall consider mitigating circumstances presented by an applicant.

100 (3) (a) (i) An applicant for an agency license shall have completed a minimum of  
101 ~~[10,000]~~ 6,000 hours of investigative experience that consists of actual work performed as a  
102 licensed private investigator or as an investigator for the federal government, or for a state,  
103 county, or municipal government, except under Subsection (3)(a)(ii).

104 (ii) If a private investigator has been licensed in Utah prior to July 1, 2010, the private  
105 investigator is required to complete 2,000 hours to qualify for renewal of an agency license.

106 (b) An applicant for a registrant license shall have completed a minimum 2,000 hours  
107 of investigative experience that consists of actual work performed as a licensed private  
108 investigator or as an investigator for the federal government, or for a state, county, or municipal  
109 government.

110 ~~[(c) Investigative experience required under this Subsection (3) shall have been~~  
111 ~~performed within 10 years immediately prior to the application.]~~

112 ~~[(d)]~~ (c) An applicant shall substantiate investigative work experience required under  
113 this Subsection (3) by providing the exact details as to the character and nature of the  
114 investigative work on a form prescribed by the bureau and certified by the applicant's  
115 employers.

116 ~~[(e)]~~ (d) (i) The applicant shall prove completion of the experience required under this  
117 Subsection (3) to the satisfaction of the board and the board may independently verify the  
118 certification offered on behalf of the applicant.

119 (ii) The board may independently confirm the claimed investigative experience and the  
120 verification of the applicant's employers.

121 (4) An applicant for an apprentice license, lacking the experience required for a  
122 registrant license, shall meet all of the qualification standards in Subsection (1), and shall  
123 complete an apprentice application.

124 (5) An applicant for an agency or registrant license may receive credit toward the hours  
125 of investigative experience required under Subsection (3) as follows:

126 (a) an applicant may receive credit for 2,000 hours of investigative experience if the  
127 applicant:

128 (i) has an associate's degree in criminal justice or police science from an accredited  
129 college or university; or

130 (ii) is certified as a peace officer; and

131 (b) an applicant may receive credit for 4,000 hours of investigative experience if the  
132 applicant has a bachelor's degree in criminal justice or police science from an accredited  
133 college or university.

134 (6) The board shall determine if the applicant may receive credit under Subsection (5)  
135 toward the investigative experience requirements under Subsection (3).

136 Section 3. Section **53-9-111** is amended to read:

137 **53-9-111. License and registration fees -- Deposit in General Fund.**

138 (1) Fees for licensure and renewal shall be as follows:

139 (a) for an original agency license application and license, [~~\$200~~] \$215, plus an  
140 additional fee for the costs of fingerprint processing and background investigation;

141 (b) for the renewal of an agency license, [~~\$100~~] \$115;

142 (c) for an original registrant or apprentice license application and license, [~~\$100~~] \$115,  
143 plus an additional fee for the costs of fingerprint processing and background investigation;

144 (d) for the renewal of a registrant or apprentice license, [~~\$50~~] \$65;

145 (e) for filing an agency renewal application more than 30 days after the expiration date  
146 of the license, a delinquency fee of [~~\$50~~] \$65;

147 (f) for filing a registrant or apprentice renewal application more than 30 days after the  
148 expiration date of the registration, a delinquency fee of [~~\$30~~] \$45;

149 (g) for the reinstatement of any license, [~~\$50~~] \$65;

150 (h) for a duplicate identification card, \$10; and

151 (i) for the fingerprint processing fee, an amount that does not exceed the cost to the

152 bureau charged by the Federal Bureau of Investigation for fingerprint processing for the  
153 purpose of obtaining federal criminal history record information.

154 (2) (a) The bureau may renew a license granted under this chapter upon receipt of a  
155 renewal application on forms as prescribed by the bureau and upon receipt of the fees  
156 prescribed in Subsection (1).

157 (b) The renewal of a license requires the filing of all certificates of insurance or proof  
158 of surety bond as required by this chapter. Renewal of a license may not be granted more than  
159 90 days after expiration.

160 (c) A licensee may not engage in any activity subject to this chapter during any period  
161 between the date of expiration of the license and the renewal of the license.

162 (3) (a) The bureau shall renew a suspended license if:

163 (i) the period of suspension has been completed;

164 (ii) the bureau has received a renewal application from the applicant on forms  
165 prescribed by the bureau; and

166 (iii) the applicant has:

167 (A) filed all certificates of insurance or proof of surety bond as required by this  
168 chapter; and

169 (B) paid the fees required by this section for renewal, including a delinquency fee if the  
170 application is not received by the bureau within 30 days of the termination of the suspension.

171 (b) Renewal of the license does not entitle the licensee, while the license remains  
172 suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any  
173 other activity or conduct in violation of the order or judgment by which the license was  
174 suspended.

175 (4) The bureau may not reinstate a revoked license or accept an application for a  
176 license from a person whose license has been revoked for at least one year from the date of  
177 revocation.

178 (5) All fees, except the fingerprint processing fee, collected by the bureau under this  
179 section shall be deposited in the General Fund.

**Legislative Review Note**  
as of 2-4-13 11:23 AM

**Office of Legislative Research and General Counsel**