

1 **Private Investigator Regulation Modifications**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd Weiler
House Sponsor: Tyler Clancy

2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to licensure of private investigators.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ requires notice of the cancellation of a private investigator's license or disciplinary action
- 9 against the licensee to an agent sponsoring the licensee;
- 10 ▸ requires a licensee to complete 16 hours of continuing education to renew a license
- 11 beginning in 2027;
- 12 ▸ modifies the information that appears on a licensee's identification card and the
- 13 circumstances under which a licensee shall provide identifying information to a person
- 14 verifying validity of the license;
- 15 ▸ requires the Bail Bond Recovery and Private Investigator Licensure Board to take action
- 16 when the agent for a licensed agency is incapacitated or dies;
- 17 ▸ modifies provisions related to disciplinary action against a licensee;
- 18 ▸ provides the circumstances under which a member may serve more than one term on the
- 19 Bail Bond Recovery and Private Investigator Licensure Board; and
- 20 ▸ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53-9-110**, as last amended by Laws of Utah 2015, Chapter 170

- 28 **53-9-111**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 18
 29 **53-9-112**, as last amended by Laws of Utah 1998, Chapter 212
 30 **53-9-115**, as last amended by Laws of Utah 2008, Chapter 382
 31 **53-9-117**, as last amended by Laws of Utah 2011, Chapter 432
 32 **53-9-118**, as last amended by Laws of Utah 2011, Chapter 432
 33 **53-11-104**, as last amended by Laws of Utah 2024, Chapter 506

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

36 Section 1. Section **53-9-110** is amended to read:

37 **53-9-110 . Application for registrant or apprentice license.**

- 38 (1) Every application for a registrant or apprentice license shall provide to the bureau:
 39 (a) the full name and address of the applicant;
 40 (b) one passport-size color photograph of the applicant;
 41 (c) the name of the licensed agency for which the applicant will be an employee,
 42 apprentice, or contract registrant, if applicable;
 43 (d) authorization of the licensed agency or [its] licensed agency's designee to employ the
 44 apprentice or contract with the registrant, if applicable;
 45 (e) a verified statement of the applicant's experience and qualifications as provided in
 46 Section 53-9-108; and
 47 (f) the fee [~~prescribed in~~] required by Section 53-9-111.
- 48 (2) An application for a registrant or apprentice license or renewal shall [~~be accompanied by~~]
 49 include a surety bond in the amount of \$10,000.
- 50 (3) The surety bond required by this section shall:
 51 (a) be in effect throughout the entire licensing period; and
 52 (b) provide that the issuer of the surety bond [~~with~~] shall notify the bureau if the surety
 53 bond is cancelled or expired.
- 54 (4)(a) The bureau shall cancel a license when [~~it~~] the bureau receives notice from the [~~insurer~~]
 55 issuer that the surety bond required in Subsection (2) has expired or been
 56 cancelled.
 57 (b) The bureau shall notify the licensee [~~shall be notified by the bureau when a license~~
 58 ~~has been cancelled under this Subsection (4)] and the licensee's sponsoring agent
 59 when the bureau cancels a license under Subsection (4)(a).~~
- 60 (c) The bureau may reinstate a license [~~may be reinstated~~] when the licensee:
 61 (i) files proof of a surety bond for the remainder of the license period; and

62 (ii) pays the reinstatement fee [~~prescribed in~~] required by Section 53-9-111.

63 Section 2. Section **53-9-111** is amended to read:

64 **53-9-111 . License fees -- Renewal, reinstatement of license -- Deposit of fees in**
65 **General Fund.**

66 (1) [~~Fees~~] The bureau shall set fees for individual and agency licensure and renewal [~~shall~~
67 ~~be~~]in accordance with Section 63J-1-504.

68 (2)(a) The bureau may renew a license granted under this chapter upon receipt of:

69 (i) a renewal application on forms as [~~prescribed~~] required by the bureau; and

70 (ii) the fees [~~prescribed in~~] required by Subsection (1).

71 (b)(i) The renewal of a license requires the filing of:

72 (A) all certificates of insurance or proof of surety bond as required by this chapter[~~;~~]
73 ; and

74 (B) beginning May 7, 2027, documentation of 16 hours of continuing education.

75 (ii) [~~Renewal of a license may not be granted~~] The bureau may not renew a license
76 more than 180 days after expiration.

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

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

80 (i) the period of suspension [~~has been completed~~] is complete;

81 (ii) the bureau has received a renewal application from the applicant on forms [~~prescribed~~]
82 as required by the bureau; and

83 (iii) the applicant has:

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

86 (B) paid the fees required by this section for renewal, including a delinquency fee
87 if the bureau does not receive the application [~~is not received by the bureau~~]
88 within 30 days [~~of the termination of~~] after the day on which the bureau
89 terminates the suspension.

90 (b) Renewal of the license does not entitle the licensee, while the license remains
91 suspended and until [~~it~~] the license is reinstated, to engage in activity regulated by this
92 chapter, or in other activity or conduct in violation of the order or judgment by which
93 the license was suspended.

94 (4) The bureau may not reinstate a revoked license or accept an application for a license
95 from a person whose license has been revoked for at least one year [~~from~~] after the date

96 of revocation.

97 (5) [AH] The bureau shall deposit fees, except the fingerprint processing fee, collected by
98 the bureau under this section [~~shall be deposited in~~] into the General Fund.

99 Section 3. Section **53-9-112** is amended to read:

100 **53-9-112 . Issuance of license and identification card to applicant -- License**
101 **period -- Expiration of application -- Transfer of license prohibited.**

102 (1)(a) The commissioner shall issue a license to an applicant who complies with the
103 provisions of this chapter.

104 (b) Each license issued under this chapter shall:

105 [~~(a)~~] (i) contain the name and address of the licensee [~~and the number of~~] , the license, [
106 ~~its~~] the license number, and the license's agency, registrant, or apprentice license
107 designation; and

108 [~~(b)~~] (ii) be issued for a period of two years.

109 (2) On the issuance of a license, an identification card shall:

110 (a) be issued without charge to the licensee; and

111 (b) state on [~~its~~] the identification card's face:

112 (i) whether the bearer holds an agency, registrant, or apprentice license[-];

113 (ii) the license number;

114 (iii) the expiration date; and

115 (iv) a current photograph of the licensee.

116 (3)(a) A registrant identification card shall state that the licensee is under the direction of
117 a licensed agency and may not do investigative work independently for the public.

118 (b) An apprentice identification card shall state that the licensee is under the direct
119 supervision of a licensed agency and may not do investigative work independently
120 for the public.

121 (4) Upon request by [~~any person~~] a person having reasonable cause to verify the validity of
122 the license, the licensee shall immediately identify the agency name [~~, business address,~~]
123 and the name and phone number of an agent of the licensed agency for which the
124 licensee is an employee or independent contractor.

125 (5)(a) On notification by the commissioner to an applicant that the license is not
126 complete, or is not ready for issuance pending additional information, the applicant
127 shall complete the application process and provide the additional information within
128 90 days.

129 (b) Failure to complete the process shall result in the application being cancelled and all

- 130 fees forfeited.
- 131 (c) Subsequent application by the same applicant requires the payment of all application
132 and license fees [~~prescribed in~~] required by Section 53-9-111.
- 133 (6)(a) A licensee shall notify the commissioner of any change in the name or address of [
134 his] the licensee's business within 60 days of the change[~~and~~] .
- 135 (b)(i) [~~failure to so notify will result in the automatic suspension of the license.~~] If
136 there is evidence that the licensee knowingly failed to notify the commissioner,
137 the bureau shall suspend the license.
- 138 (ii) To relieve the suspension, the licensee [~~must~~] shall apply for reinstatement and
139 pay the fee [~~prescribed in~~] required by Section 53-9-111.
- 140 (7) A license issued under this chapter is not transferable or assignable.
- 141 Section 4. Section **53-9-115** is amended to read:
- 142 **53-9-115 . Business name and address -- Posting of license -- Advertising --**
143 **Incapacitation, death of agent.**
- 144 (1) As used in this section, "no agent agency" means a licensed agency that has only one
145 agent and for which the agent is incapacitated or dies.
- 146 (2)(a) Subject to the provisions of this chapter, a licensee may conduct an investigative
147 business under a name other than the licensee's by:
- 148 (i) complying with the requirements of Title 42, Chapter 2, Conducting Business
149 Under Assumed Name; and
- 150 (ii) providing a copy of the filed certificate to the commissioner.
- 151 (b) Failure to comply with Subsection [(1)(a)] (2)(a) shall result in the suspension of the
152 license.
- 153 [(2)] (3)(a) Each licensee shall have at least one physical location from which the agency
154 conducts normal business[~~of the agency is conducted~~].
- 155 (b) The address of this location shall be on file with the commissioner at all times and is
156 not a public record [~~pursuant to~~] in accordance with Subsection 63G-2-301(2)(b)(ii).
- 157 [(3)] (4) [~~The~~] A licensee shall post the license certificate issued by the commissioner [~~shall~~
158 ~~be posted~~]in a conspicuous place in the principal office of the licensee.
- 159 [(4)] (5) Subject to the provisions of this chapter, a licensee may solicit business through
160 any accepted form of advertising.
- 161 (a) Any advertisement shall contain the licensee's name and license number as [~~it appears~~]
162 the name and license number appear on the license certificate.
- 163 (b) A licensee may not use false, deceptive, or misleading advertising.

164 (6)(a) The bureau, after receiving notice, shall allow an agent for an agency licensed
 165 under this chapter to act as the agent for a no agent agency until the next scheduled or
 166 emergency board meeting, where the board shall consider mitigating circumstances
 167 for the no agent agency to remain operating permanently or temporarily.

168 (b) If the board allows the no agent agency to operate temporarily, the board shall allow
 169 sufficient time for the no agent agency to complete investigations that began before
 170 the incapacitation or death of the agent.

171 Section 5. Section **53-9-117** is amended to read:

172 **53-9-117 . Authority to investigate complaint -- Filing of complaints -- Response**
 173 **-- Retention of records -- Appeal -- Penalties collected.**

174 (1) The bureau or board may initiate an investigation of any person advertising services or
 175 engaged in performing services that require a license under this chapter and shall
 176 investigate if a licensee is engaged in activities that do not comply with or are prohibited
 177 by this chapter.

178 (2) The bureau shall enforce the provisions of this chapter without regard to the place or
 179 location in which a violation may have occurred, and on the complaint of any person,
 180 may investigate any alleged violation of this chapter or the business and business
 181 methods of any licensee or applicant for licensure under this chapter.

182 (3) ~~[Complaints]~~ A person shall file a complaint against any licensee ~~[shall be filed]~~ with the
 183 bureau in writing on forms ~~[prescribed]~~ approved by the bureau.

184 (a) Upon receipt of a complaint, or at the request of the board, the bureau shall assign
 185 the complaint to an investigator within the bureau.

186 (b) The bureau ~~[will]~~ shall provide a copy of the complaint to the licensee, who shall
 187 answer the complaint in writing within 15 working days ~~[of]~~ after the date on which
 188 the bureau sends the complaint ~~[is sent]~~ to the licensee by certified mail.

189 (4) In any investigation undertaken by the bureau, each licensee on request shall provide
 190 records and truthfully respond to questions concerning activities regulated under this
 191 chapter.

192 (a) ~~[These]~~ The licensee shall maintain the records ~~[shall be maintained]~~ for five years at:
 193 (i) the principal place of business of the licensee; or
 194 (ii) ~~[at]~~ another location ~~[approved by]~~ the board approves for a person whose license
 195 has been terminated, canceled, or revoked.

196 (b) On request by the bureau, the licensee shall:

197 (i) during normal business hours or other time acceptable to the parties, make ~~[its]~~ the

- 198 licensee's records available immediately to the bureau unless the bureau [
199 ~~determines that~~] grants an extension[~~may be granted~~]; and
- 200 (ii) provide copies of any business records [~~requested by the bureau~~] the bureau
201 requests.
- 202 (5) Upon completion of the investigation, the bureau shall report [~~its~~] the bureau's findings
203 of fact to the board[~~;~~] and shall make a recommendation as to whether disciplinary
204 action is warranted under Section 53-9-118, including whether emergency action should
205 be taken under Subsection (8).
- 206 (6)(a) If the bureau recommends disciplinary action, the bureau shall send a notice of [
207 ~~the recommendations in~~] a recommendation required by Subsection (5) [~~shall be sent~~
208 ~~by the bureau~~] to the licensee by certified mail.
- 209 (b) The notice shall include the date and time of the meeting where the board will
210 consider the bureau's recommendation.
- 211 (c) The board shall give the licensee an opportunity at the meeting to present testimony
212 and evidence in response to the bureau's recommendation.
- 213 (7) If the board finds, based on the investigation or hearing, that a violation of Section
214 53-9-118 has occurred, the board shall send notice of the board's decision [~~shall be sent~~]
215 to:
- 216 (a) the licensee at the licensee's most recent address in the bureau's files by certified
217 mail, return receipt requested[~~;~~] ; and
- 218 (b) the licensee's sponsoring agent if the licensee is an apprentice or a registrant.
- 219 (8) Based on information the board receives from the investigation or during a hearing, the
220 board may:
- 221 (a) dismiss the complaint if the board finds [~~it~~] the complaint is without merit;
222 (b) take emergency action;
223 (c) issue a letter of concern, if applicable;
224 (d) impose a civil penalty not to exceed \$500;
225 (e) place the license on suspension for a period of not more than 12 months;
226 (f) revoke the license; and
227 (g) place all records, evidence findings, and conclusion, and any other information
228 pertinent to the investigation, in a confidential and protected records section of the
229 licensee's file maintained at the bureau.
- 230 (9) A letter of concern issued for a violation of Section 53-9-118 is a document that is
231 retained by the bureau and may be used in future disciplinary actions against a licensee.

- 232 (10)(a) Appeal of the board's decision shall be made in writing to the commissioner
 233 within 15 days from the date the board mails the board's decision [~~is mailed~~] to the
 234 licensee.
- 235 (b) The commissioner shall review the board's finding and may affirm, return to the
 236 board for reconsideration, reverse, adopt, modify, supplement, amend, or reject the
 237 recommendation of the board.
- 238 (11)(a) The commissioner shall issue a final written order within 30 days outlining the
 239 decision on appeal.
- 240 (b) The final order is final agency action for purposes of judicial review under Section
 241 63G-4-402.
- 242 (12)(a) If the board finds, based on the bureau's investigation, that the public health,
 243 safety, or welfare requires emergency action, the board may order a summary
 244 suspension of a license pending proceedings for revocation or other action.
- 245 (b)(i) If the board issues a summary suspension order, the board shall issue to the
 246 licensee a written notice of the order and indicate the licensee's right to request a
 247 formal hearing before the board.
- 248 (ii) The board shall mail notice [~~shall be mailed~~] to the licensee by certified mail,
 249 return receipt requested.
- 250 (c) [~~The licensee's~~] A licensee shall request [~~for~~] a formal hearing [~~shall be~~] in writing
 251 and [~~mailed~~] mail the request to the bureau within 30 working days of the date the
 252 board mailed the summary suspension [~~was mailed~~] order to the licensee.
- 253 (13) All penalties collected under this section shall be deposited [~~in~~] into the General Fund.
 254 Section 6. Section **53-9-118** is amended to read:
 255 **53-9-118 . Grounds for disciplinary action.**
 256 The board may suspend or revoke a licensee's license [~~or registration~~] or deny an
 257 application for a license if a person [~~engages in~~]:
- 258 (1) engages in fraud or willful misrepresentation in applying for an original license or
 259 renewal of an existing license;
- 260 (2) [~~using~~] uses any letterhead, advertising, or other printed matter in any manner
 261 representing that the licensee is an instrumentality of the federal government, a state, or
 262 any political subdivision of a state;
- 263 (3) [~~using~~] uses a name different from that under which the licensee is currently licensed for
 264 any advertising, solicitation, or contract to secure business unless the name is an
 265 authorized fictitious name;

- 266 (4) ~~[impersonating, permitting, or aiding and abetting]~~ impersonates, permits, or aids and
267 abets an employee or independent contractor to impersonate a peace officer or employee
268 of the United States, any state, or a political subdivision of a state;
- 269 (5) knowingly ~~[violating, advising, encouraging, or assisting]~~ violates, advises, encourages,
270 or assists in the violation of any statute, court order, or injunction in the course of a
271 business regulated under this chapter;
- 272 (6) ~~[falsifying]~~ falsifies fingerprints or photographs while operating under this chapter;
- 273 (7) ~~[conviction]~~ is convicted of a felony;
- 274 (8) ~~[conviction]~~ is convicted of any act involving illegally using, carrying, or possessing a
275 dangerous weapon;
- 276 (9) ~~[conviction]~~ is convicted of any act involving moral turpitude;
- 277 (10) ~~[conviction]~~ is convicted of any act of personal violence or force against any person or
278 conviction of threatening to commit any act of personal violence or force against any
279 person;
- 280 (11) ~~[soliciting]~~ solicits business for an attorney in return for compensation;
- 281 (12) ~~[conviction]~~ is convicted of any act constituting dishonesty or fraud;
- 282 (13) ~~[being]~~ is placed on probation, parole, or named in an outstanding arrest warrant;
- 283 (14) ~~[committing or permitting]~~ commits or permits any employee or independent contractor
284 to commit any act during the period when the license is expired or suspended;
- 285 (15) willfully ~~[neglecting]~~ neglects to render to a client services or a report as agreed
286 between the parties and for which the client paid or tendered compensation ~~[has been~~
287 ~~paid or tendered]~~ in accordance with the agreement of the parties unless the licensee
288 chooses to withdraw from the case and returns the funds for work not yet completed;
- 289 (16) engages in the unauthorized release of information acquired on behalf of a client by a
290 licensee, or ~~[its]~~ the client's employee or contract agent, as a result of activities regulated
291 under this chapter;
- 292 (17) ~~[failing]~~ fails to cooperate with, ~~[misrepresenting to, or refusing]~~ misrepresents to, or
293 refuses access to business or investigative records requested by the board or an
294 authorized representative of the bureau engaged in an official investigation ~~[pursuant to]~~
295 in accordance with this chapter;
- 296 (18) ~~[employing or contracting]~~ employs or contracts with any unlicensed or improperly
297 licensed person or agency to conduct activities regulated under this chapter if the
298 licensure status was known or could have been ascertained by reasonable inquiry;
- 299 (19) ~~[permitting, authorizing, aiding]~~ permits, authorizes, aids, or in any way [assisting]

- 300 assists an employee to conduct services as described in this chapter on an independent
 301 contractor basis and not under the authority of the licensed agency;
- 302 (20) [~~failure~~] fails to maintain in full force and effect liability or workers' compensation
 303 insurance, or a surety bond, if applicable;
- 304 (21) [~~conducting~~] conducts private investigation services regulated by this chapter on a
 305 revoked or suspended license;
- 306 (22) [~~accepting employment, contracting~~] accepts employment, contracts, or in any way [
 307 ~~engaging~~] engages in employment that has an adverse impact on investigations being
 308 conducted on behalf of clients;
- 309 (23) [~~advertising~~] advertises in a false, deceptive, or misleading manner;
- 310 (24) [~~refusing~~] refuses to display the identification card issued by the bureau to any person
 311 having reasonable cause to verify the validity of the license;
- 312 (25) [~~committing~~] commits any act of unprofessional conduct;
- 313 (26) [~~conviction~~] is convicted of any act of illegally obtaining or disseminating private,
 314 controlled, or protected records under Section 63G-2-801; [~~or~~]
- 315 (27) fails to notify the bureau of a change of name or address within 60 days of the change;
 316 or
- 317 [~~(27)~~] (28) engages in any other conduct prohibited by this chapter.

318 Section 7. Section **53-11-104** is amended to read:

319 **53-11-104 . Board.**

- 320 (1) There is established under the Department of Public Safety a Bail Bond Recovery and
 321 Private Investigator Licensure Board consisting of eight members appointed by the
 322 commissioner.
- 323 (2) Each member of the board shall be a citizen of the United States and a resident of this
 324 state at the time of appointment:
- 325 (a) one member shall be a person who is qualified for and is licensed under this chapter;
- 326 (b) one member shall be a person who is qualified for and is licensed under [Title 53,]
 327 Chapter 9, Private Investigator Regulation Act;
- 328 (c) one member shall be [a-]an attorney licensed to practice in the state;
- 329 (d) one member shall be a chief of police or sheriff;
- 330 (e) one member shall be a supervisory investigator from the commissioner's office;
- 331 (f) one member shall be an owner of a bail bond surety company;
- 332 (g) one member shall be an owner of a private investigator agency; and
- 333 (h) one member shall be a public member who:

- 334 (i) does not have a financial interest in a bail bond surety or bail bond recovery
335 business;
- 336 (ii) does not have a financial interest in a private investigative agency; and
337 (iii) does not have an immediate family member or a household member, or a
338 personal or professional acquaintance, who is licensed or registered under this
339 chapter or ~~[Title 53,]~~Chapter 9, Private Investigator Regulation Act.
- 340 (3)(a) As terms of current board members expire, the commissioner shall appoint each
341 new member or reappointed member to a four-year term, except as required by
342 Subsection (3)(b).
- 343 (b) The commissioner shall, at the time of appointment or reappointment, adjust the
344 length of terms to ensure that the terms of board members are staggered so that
345 approximately half of the board is appointed every two years.
- 346 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
347 appointed for the unexpired term.
- 348 (5) At ~~[its]~~ the board's first meeting every year, the board shall elect a chair and vice chair
349 from ~~[its]~~ the board's membership.
- 350 (6) A member may not receive compensation or benefits for the member's service, but may
351 receive per diem and travel expenses in accordance with:
- 352 (a) Section 63A-3-106;
353 (b) Section 63A-3-107; and
354 (c) rules made by the Division of Finance ~~[pursuant to]~~ in accordance with Sections
355 63A-3-106 and 63A-3-107.
- 356 (7)(a) A member may not serve more than one consecutive term~~[, except that]~~ unless:
357 (i) there is no other qualified applicant; or
358 (ii) a member is appointed to fill a vacancy or appointed for an initial term of less
359 than four years under Subsection (3)~~[may be reappointed for one additional full~~
360 term].
- 361 (b) The commissioner may reappoint a member described in Subsection (7)(a)(ii) for
362 one additional full term.
- 363 (8) The commissioner, after a board hearing and recommendation, may remove any
364 member of the board for misconduct, incompetency, or neglect of duty.
- 365 (9) Members of the board are immune from suit with respect to all acts done and actions
366 taken in good faith in carrying out the purposes of this chapter.

367 Section 8. **Effective Date.**

368 This bill takes effect on May 7, 2025.