

1

Private Investigator Regulation Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Tyler Clancy

2

LONG TITLE**General Description:**

This bill modifies provisions related to licensure of private investigators.

Highlighted Provisions:

This bill:

▸ requires notice of the cancellation of a private investigator's license or disciplinary action against the licensee to an agent sponsoring the licensee;

▸ requires a licensee to complete 16 hours of continuing education to renew a license beginning in 2027;

▸ modifies the information that appears on a licensee's identification card and the circumstances under which a licensee shall provide identifying information to a person verifying validity of the license;

▸ requires the Bail Bond Recovery and Private Investigator Licensure Board to take action when the agent for a licensed agency is incapacitated or dies;

▸ modifies provisions related to disciplinary action against a licensee;

▸ provides the circumstances under which a member may serve more than one term on the Bail Bond Recovery and Private Investigator Licensure Board; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

53-9-111, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 18

53-9-112, as last amended by Laws of Utah 1998, Chapter 212

53-9-115, as last amended by Laws of Utah 2008, Chapter 382

30

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

34

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 [~~will~~] 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 -- Deposit in General Fund.**

- 65 (1) ~~[Fees]~~ The bureau shall set fees for individual and agency licensure and renewal ~~[shall~~
66 ~~be]~~ in accordance with Section 63J-1-504.
- 67 (2)(a) The bureau may renew a license granted under this chapter upon receipt of:
68 (i) a renewal application on forms as ~~[prescribed]~~ required by the bureau; and
69 (ii) the fees ~~[prescribed in]~~ required by Subsection (1).
- 70 (b)(i) The renewal of a license requires the filing of:
71 (A) all certificates of insurance or proof of surety bond as required by this chapter[-]
72 ; and
73 (B) beginning May 7, 2027, documentation of 16 hours of continuing education.
74 (ii) ~~[Renewal of a license may not be granted]~~ The bureau may not renew a license
75 more than 180 days after expiration.
- 76 (c) A licensee may not engage in activity subject to this chapter during the period
77 between the date of expiration of the license and the renewal of the license.
- 78 (3)(a) The bureau shall renew a suspended license if:
79 (i) the period of suspension ~~[has been completed]~~ is complete;
80 (ii) the bureau has received a renewal application from the applicant on forms [
81 ~~prescribed]~~ as required by the bureau; and
82 (iii) the applicant has:
83 (A) filed all certificates of insurance or proof of surety bond as required by this
84 chapter; and
85 (B) paid the fees required by this section for renewal, including a delinquency fee
86 if the bureau does not receive the application [is not received by the bureau]
87 within 30 days [of the termination of] after the day on which the bureau
88 terminates the suspension.
- 89 (b) Renewal of the license does not entitle the licensee, while the license remains
90 suspended and until ~~[it]~~ the license is reinstated, to engage in activity regulated by this
91 chapter, or in other activity or conduct in violation of the order or judgment by which
92 the license was suspended.
- 93 (4) The bureau may not reinstate a revoked license or accept an application for a license
94 from a person whose license has been revoked for at least one year ~~[from]~~ after the date
95 of revocation.
- 96 (5) ~~[AH]~~ The bureau shall deposit fees, except the fingerprint processing fee, collected by
97 the bureau under this section ~~[shall be deposited in]~~ into the General Fund.
- 98 Section 3. Section **53-9-112** is amended to read:

- 99 **53-9-112 . Issuance of license and identification card to applicant -- License**
100 **period -- Expiration of application -- Transfer of license prohibited.**
- 101 (1)(a) The commissioner shall issue a license to an applicant who complies with the
102 provisions of this chapter.
- 103 (b) Each license issued under this chapter shall:
- 104 ~~[(a)]~~ (i) contain the name and address of the licensee~~[-and the number of-] ,~~ the license, [
105 its] the license number, and the license's agency, registrant, or apprentice license
106 designation; and
- 107 ~~[(b)]~~ (ii) be issued for a period of two years.
- 108 (2) On the issuance of a license, an identification card shall:
- 109 (a) be issued without charge to the licensee; and
- 110 (b) state on ~~[its]~~ the identification card's face:
- 111 (i) whether the bearer holds an agency, registrant, or apprentice license~~[-]~~ ;
- 112 (ii) the license number;
- 113 (iii) the expiration date; and
- 114 (iv) a current photograph of the licensee.
- 115 (3)(a) A registrant identification card shall state that the licensee is under the direction of
116 a licensed agency and may not do investigative work independently for the public.
- 117 (b) An apprentice identification card shall state that the licensee is under the direct
118 supervision of a licensed agency and may not do investigative work independently
119 for the public.
- 120 (4) Upon request by~~[-any person]~~ a person having reasonable cause to verify the validity of
121 the license, the licensee shall immediately identify the agency name~~[-, business address,]~~
122 and the name and phone number of an agent of the licensed agency for which the
123 licensee is an employee or independent contractor.
- 124 (5)(a) On notification by the commissioner to an applicant that the license is not
125 complete, or is not ready for issuance pending additional information, the applicant
126 shall complete the application process and provide the additional information within
127 90 days.
- 128 (b) Failure to complete the process shall result in the application being cancelled and all
129 fees forfeited.
- 130 (c) Subsequent application by the same applicant requires the payment of all application
131 and license fees ~~[prescribed in]~~ required by Section 53-9-111.
- 132 (6)(a) A licensee shall notify the commissioner of any change in the name or address of [

133 his] the licensee's business within 60 days of the change[-and] .

134 ~~(b)(i) [failure to so notify will result in the automatic suspension of the license.] If~~
 135 there is evidence that the licensee knowingly failed to notify the commissioner,
 136 the bureau shall suspend the license.

137 (ii) To relieve the suspension, the licensee [must] shall apply for reinstatement and
 138 pay the fee [prescribed in] required by Section 53-9-111.

139 (7) A license issued under this chapter is not transferable or assignable.

140 Section 4. Section **53-9-115** is amended to read:

141 **53-9-115 . Business name and address -- Posting of license -- Advertising --**
 142 **Incapacitation, death of agent.**

143 (1) As used in this section, "no agent agency" means a licensed agency that has only one
 144 agent and for which the agent is incapacitated or dies.

145 ~~(2)~~(a) Subject to the provisions of this chapter, a licensee may conduct an investigative
 146 business under a name other than the licensee's by:

147 (i) complying with the requirements of Title 42, Chapter 2, Conducting Business
 148 Under Assumed Name; and

149 (ii) providing a copy of the filed certificate to the commissioner.

150 (b) Failure to comply with Subsection ~~[(1)(a)]~~ (2)(a) shall result in the suspension of the
 151 license.

152 ~~[(2)]~~ (3)(a) Each licensee shall have at least one physical location from which the agency
 153 conducts normal business[-of the agency is conducted].

154 (b) The address of this location shall be on file with the commissioner at all times and is
 155 not a public record ~~[pursuant to]~~ in accordance with Subsection 63G-2-301(2)(b)(ii).

156 ~~[(3)]~~ (4) ~~[The]~~ A licensee shall post the license certificate issued by the commissioner ~~[shall~~
 157 ~~be posted]~~ in a conspicuous place in the principal office of the licensee.

158 ~~[(4)]~~ (5) Subject to the provisions of this chapter, a licensee may solicit business through
 159 any accepted form of advertising.

160 (a) Any advertisement shall contain the licensee's name and license number as ~~[it appears]~~
 161 the name and license number appear on the license certificate.

162 (b) A licensee may not use false, deceptive, or misleading advertising.

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

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

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

171 **53-9-117 . Authority to investigate complaint -- Filing of complaints -- Response**
 172 **-- Retention of records -- Appeal -- Penalties collected.**

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

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

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

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

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

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

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

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

196 (i) during normal business hours or other time acceptable to the parties, make ~~[its]~~ the
 197 licensee's records available immediately to the bureau unless the bureau [
 198 ~~determines that]~~ grants an extension~~[-may be granted-]~~; and

199 (ii) provide copies of any business records ~~[requested by the bureau]~~ the bureau
 200 requests.

- 201 (5) Upon completion of the investigation, the bureau shall report [its] the bureau's findings
202 of fact to the board[-] and shall make a recommendation as to whether disciplinary
203 action is warranted under Section 53-9-118, including whether emergency action should
204 be taken under Subsection (8).
- 205 (6)(a) If the bureau recommends disciplinary action, the bureau shall send a notice of [
206 ~~the recommendations in~~] a recommendation required by Subsection (5) [~~shall be sent~~
207 ~~by the bureau~~] to the licensee by certified mail.
- 208 (b) The notice shall include the date and time of the meeting where the board will
209 consider the bureau's recommendation.
- 210 (c) The board shall give the licensee an opportunity at the meeting to present testimony
211 and evidence in response to the bureau's recommendation.
- 212 (7) If the board finds, based on the investigation or hearing, that a violation of Section
213 53-9-118 has occurred, the board shall send notice of the board's decision [~~shall be sent~~]
214 to:
- 215 (a) the licensee at the licensee's most recent address in the bureau's files by certified
216 mail, return receipt requested[-] ; and
- 217 (b) the licensee's sponsoring agent if the licensee is an apprentice or a registrant.
- 218 (8) Based on information the board receives from the investigation or during a hearing, the
219 board may:
- 220 (a) dismiss the complaint if the board finds [it] the compliant is without merit;
221 (b) take emergency action;
222 (c) issue a letter of concern, if applicable;
223 (d) impose a civil penalty not to exceed \$500;
224 (e) place the license on suspension for a period of not more than 12 months;
225 (f) revoke the license; and
226 (g) place all records, evidence findings, and conclusion, and any other information
227 pertinent to the investigation, in a confidential and protected records section of the
228 licensee's file maintained at the bureau.
- 229 (9) A letter of concern issued for a violation of Section 53-9-118 is a document that is
230 retained by the bureau and may be used in future disciplinary actions against a licensee.
- 231 (10)(a) Appeal of the board's decision shall be made in writing to the commissioner
232 within 15 days from the date the board mails the board's decision [~~is mailed~~] to the
233 licensee.
- 234 (b) The commissioner shall review the board's finding and may affirm, return to the

235 board for reconsideration, reverse, adopt, modify, supplement, amend, or reject the
236 recommendation of the board.

237 (11)(a) The commissioner shall issue a final written order within 30 days outlining the
238 decision on appeal.

239 (b) The final order is final agency action for purposes of judicial review under Section
240 63G-4-402.

241 (12)(a) If the board finds, based on the bureau's investigation, that the public health,
242 safety, or welfare requires emergency action, the board may order a summary
243 suspension of a license pending proceedings for revocation or other action.

244 (b)(i) If the board issues a summary suspension order, the board shall issue to the
245 licensee a written notice of the order and indicate the licensee's right to request a
246 formal hearing before the board.

247 (ii) The board shall mail notice [~~shall be mailed~~] to the licensee by certified mail,
248 return receipt requested.

249 (c) [~~The licensee's~~] A licensee shall request for a formal hearing [~~shall be~~] in writing and [
250 mailed] mail the request to the bureau within 30 working days of the date the board
251 mailed the summary suspension [~~was mailed~~] order to the licensee.

252 (13) All penalties collected under this section shall be deposited [~~in~~] into the General Fund.

253 Section 6. Section **53-9-118** is amended to read:

254 **53-9-118 . Grounds for disciplinary action.**

255 The board may suspend or revoke a licensee's license [~~or registration~~] or deny an
256 application for a license if a person [~~engages in~~]:

257 (1) engages in fraud or willful misrepresentation in applying for an original license or
258 renewal of an existing license;

259 (2) [~~using~~] uses any letterhead, advertising, or other printed matter in any manner
260 representing that the licensee is an instrumentality of the federal government, a state, or
261 any political subdivision of a state;

262 (3) [~~using~~] uses a name different from that under which the licensee is currently licensed for
263 any advertising, solicitation, or contract to secure business unless the name is an
264 authorized fictitious name;

265 (4) [~~impersonating, permitting, or aiding and abetting~~] impersonates, permits, or aids and
266 abets an employee or independent contractor to impersonate a peace officer or employee
267 of the United States, any state, or a political subdivision of a state;

268 (5) knowingly [~~violating, advising, encouraging, or assisting~~] violates, advises, encourages,

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

- 303 (21) [~~conducting~~] conducts private investigation services regulated by this chapter on a
 304 revoked or suspended license;
- 305 (22) [~~accepting employment, contracting~~] accepts employment, contracts, or in any way [
 306 engaging] engages in employment that has an adverse impact on investigations being
 307 conducted on behalf of clients;
- 308 (23) [~~advertising~~] advertises in a false, deceptive, or misleading manner;
- 309 (24) [~~refusing~~] refuses to display the identification card issued by the bureau to any person
 310 having reasonable cause to verify the validity of the license;
- 311 (25) [~~committing~~] commits any act of unprofessional conduct;
- 312 (26) [~~conviction~~] is convicted of any act of illegally obtaining or disseminating private,
 313 controlled, or protected records under Section 63G-2-801; [~~or~~]
- 314 (27) fails to notify the bureau of a change of name or address within 60 days of the change;
 315 or
- 316 [(27)] (28) engages in any other conduct prohibited by this chapter.

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

318 **53-11-104 . Board.**

- 319 (1) There is established under the Department of Public Safety a Bail Bond Recovery and
 320 Private Investigator Licensure Board consisting of eight members appointed by the
 321 commissioner.
- 322 (2) Each member of the board shall be a citizen of the United States and a resident of this
 323 state at the time of appointment:
- 324 (a) one member shall be a person who is qualified for and is licensed under this chapter;
- 325 (b) one member shall be a person who is qualified for and is licensed under [~~Title 53,~~]
 326 Chapter 9, Private Investigator Regulation Act;
- 327 (c) one member shall be [~~a~~]an attorney licensed to practice in the state;
- 328 (d) one member shall be a chief of police or sheriff;
- 329 (e) one member shall be a supervisory investigator from the commissioner's office;
- 330 (f) one member shall be an owner of a bail bond surety company;
- 331 (g) one member shall be an owner of a private investigator agency; and
- 332 (h) one member shall be a public member who:
- 333 (i) does not have a financial interest in a bail bond surety or bail bond recovery
 334 business;
- 335 (ii) does not have a financial interest in a private investigative agency; and
- 336 (iii) does not have an immediate family member or a household member, or a

337 personal or professional acquaintance, who is licensed or registered under this
338 chapter or ~~[Title 53,]~~Chapter 9, Private Investigator Regulation Act.

339 (3)(a) As terms of current board members expire, the commissioner shall appoint each
340 new member or reappointed member to a four-year term, except as required by
341 Subsection (3)(b).

342 (b) The commissioner shall, at the time of appointment or reappointment, adjust the
343 length of terms to ensure that the terms of board members are staggered so that
344 approximately half of the board is appointed every two years.

345 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
346 appointed for the unexpired term.

347 (5) At ~~[its]~~ the board's first meeting every year, the board shall elect a chair and vice chair
348 from ~~[its]~~ the board's membership.

349 (6) A member may not receive compensation or benefits for the member's service, but may
350 receive per diem and travel expenses in accordance with:

351 (a) Section 63A-3-106;

352 (b) Section 63A-3-107; and

353 (c) rules made by the Division of Finance ~~[pursuant to]~~ in accordance with Sections
354 63A-3-106 and 63A-3-107.

355 (7)(a) A member may not serve more than one consecutive term~~[-except that]~~ unless:

356 (i) there is no other qualified applicant; or

357 (ii) a member is appointed to fill a vacancy or appointed for an initial term of less
358 than four years under Subsection (3)~~[-may be reappointed for one additional full~~
359 term].

360 (b) The commissioner may reappoint a member described in Subsection (7)(a)(ii) for
361 one additional full term.

362 (8) The commissioner, after a board hearing and recommendation, may remove any
363 member of the board for misconduct, incompetency, or neglect of duty.

364 (9) Members of the board are immune from suit with respect to all acts done and actions
365 taken in good faith in carrying out the purposes of this chapter.

366 Section 8. **Effective Date.**

367 This bill takes effect on May 7, 2025.