

SB0149 compared with SB0149S01

- 19 ▶ provides the requirements for a private investigation agency;
20 ▶ provides general qualifications for licensure under Title 58, Chapter 92, Private
Investigation Licensing Act;
22 ▶ provides the licensing requirements for a private investigator apprentice, a private
investigator registrant, and a private investigator agent;
24 ▶ enacts requirements related to evidence of licensure under Title 58, Chapter 92, Private
Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;
9 ▶ provides that the { ~~Bureau of Criminal Investigation (bureau) shall administer~~ } division may
establish operating standards for Title {53} 58, Chapter {9,} 92, Private { ~~Investigator Regulation~~ }
Investigation Licensing Act;
11 ▶ { ~~removes the requirement that the bureau act under the direction of the commissioner of
the Department of Public Safety (commissioner) when issuing a private investigator license;~~ }
14 ▶ { ~~renames the Bail Bond Recovery and Private Investigator Licensure Board to the Bureau
Licensing Review Board (board);~~ }
16 ▶ provides that the { ~~bureau shall maintain records~~ } division may establish grounds for the denial
of { ~~the board's actions~~ } a license and disciplinary proceedings;
17 ▶ { ~~provides that an applicant for licensure as a private investigator (applicant) pass a test the
bureau administers;~~ }
19 ▶ { ~~provides additional circumstances that would prevent an applicant from obtaining a
license as a private investigator;~~ }
21 ▶ { ~~provides that when reviewing an applicant, the board may consider mitigating
circumstances that the applicant presents;~~ }
23 ▶ { ~~amends terminology from "cancel" a private investigator license to "suspend" a private
investigator license;~~ }
25 ▶ provides { ~~that the bureau may approve continuing education~~ } requirements for { ~~the renewal of~~ }
a private investigator { ~~license~~ } agent establishing a private investigation agency;
27 ▶ { ~~provides that the bureau may charge a fee for approving an applicant's out-of-state
continuing education;~~ }
29 ▶ provides { ~~that if the bureau revokes a person's license twice~~ } what constitutes unlawful conduct
and unprofessional conduct under Title {53} 58, Chapter {9,} 92, Private { ~~Investigator Regulation~~ }

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Investigation Licensing Act, ~~{the bureau may not issue a license to that person}~~ and ~~{the board may not approve a license for that person}~~ Title 58, Chapter 93, Bail Bond Licensing Act;

32 ▶ provides ~~{that the bureau shall issue a license to an applicant that meets the requirements of}~~
for penalties under Title ~~{53}~~ 58, Chapter ~~{9,}~~ 92, Private ~~{Investigator Regulation}~~ Investigation
Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;

34 ▶ ~~{amends provisions to state that a person on whose property a licensee or a person acting~~
~~under the authority of the licensee engages in an activity regulated by Title 53, Chapter 9, Private~~
~~Investigator Regulation Act, may request that a licensee provide identification;}~~

37 ▶ ~~{provides that a licensee shall notify the bureau when the licensee's registration~~
~~information changes;}~~

39 ▶ ~~{amends appeal procedures for the denial of a license under Title 53, Chapter 9, Private~~
~~Investigator Regulation Act;}~~

41 ▶ ~~{repeals the board's ability to initiate an investigation of a person unlawfully engaging in~~
~~services regulated under Title 53, Chapter 9, Private Investigator Regulation Act;}~~

43 ▶ ~~{provides that the bureau may issue a summary suspension of a license if the bureau finds~~
~~that the public health, safety, or welfare requires the summary suspension;}~~

45 ▶ ~~{repeals the board's ability to take emergency action after an investigation or a hearing;}~~

46 ▶ ~~{provides that if the board suspends or revokes a licensee's license who supervises a~~
~~registrant or apprentice licensee, the board also suspends the registrant's or apprentice's license;}~~

49 ▶ provides that the ~~{bureau administers}~~ division may use money collected under Title ~~{53}~~ 58,
Chapter ~~{44}~~ 93, Bail Bond ~~{Recovery}~~ Licensing Act, for certain purposes;

39 ▶ provides that the division may appoint certain individuals to the Security Services
Licensing Board;

41 ▶ provides license classifications and qualifications for licensure for a bail bond agency, a bail
enforcement agent, a bail recovery agent, and a bail recovery apprentice;

43 ▶ provides general qualifications for licensure under Title 58, Chapter 93, Bail Bond
Licensing Act;

45 ▶ provides experience requirements for a bail bond agent and a bail recovery agent;

46 ▶ authorizes the division to adopt rules to exempt an applicant from certain training
requirements this bill enacts;

48 ▶

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provides requirements for a bail bond enforcement agent or bail bond recovery agent to maintain identification cards;

50 ▶ provides ~~{that a person applying}~~ badge and clothing requirements for a ~~{license}~~ licensee under Title ~~{53}~~ 58, Chapter ~~{11}~~ 93, Bail Bond ~~{Recovery}~~ Licensing Act~~{, may not have violated that chapter}~~ ;

52 ▶ provides requirements for a bail enforcement agent, bail recovery agent, or bail recovery apprentice when interacting with law enforcement or engaging in a search or apprehension;

52 ▶ provides that the ~~{bureau may not approve a license under Title 53}~~ provisions this bill enacts supersede a contrary legislation, ~~{Chapter 11, Bail Bond Recovery Act, if the bureau has revoked a license for that individual under that chapter}~~ code, or ordinance enacted by a political subdivision of this state;

54 ▶ amends provisions relating to ~~{the appeals procedures for}~~ a ~~{license issued under Title 53}~~ private investigator agent, ~~{Chapter 11, Bail Bond Recovery Act}~~ a private investigator registrant, or a private investigator apprentice serving process;and

56 ▶ ~~{amends provisions relating to disciplinary action for a person licensed under Title 53, Chapter 11, Bail Bond Recovery Act;}~~

58 ▶ ~~{amends provisions relating to the identifying clothing a bail bond licensee is required to wear;}~~

60 ▶ ~~{amends provisions relating to the unlawful installation of a tracking device; and}~~

61 ▶ makes technical changes.

60 Money Appropriated in this Bill:

61 None

62 Other Special Clauses:

63 This bill provides a special effective date.

64 Utah Code Sections Affected:

65 AMENDS:

66 31A-35-102 (Effective 01/01/27), as last amended by Laws of Utah 2016, Chapter 234

67 31A-35-601 (Effective 01/01/27), as last amended by Laws of Utah 2016, Chapter 234

68 53-1-104 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 208

68 ~~{53-9-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9}~~

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71 ~~{53-9-107 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 211}~~
72 ~~{53-9-108 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 194}~~
73 ~~{53-9-109 (Effective 05/06/26), as last amended by Laws of Utah 2011, Chapter 432}~~
74 ~~{53-9-110 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 359}~~
75 ~~{53-9-111 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 359}~~
76 ~~{53-9-112 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 302, 359}~~
77 ~~{53-9-113 (Effective 05/06/26), as last amended by Laws of Utah 2011, Chapter 432}~~
78 ~~{53-9-115 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 359}~~
79 ~~{53-9-116 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 302}~~
80 ~~{53-9-117 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 359}~~
81 ~~{53-9-118 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 359}~~
82 ~~{53-9-121 (Effective 05/06/26), as enacted by Laws of Utah 2013, First Special Session,
Chapters 3, 3}~~
69 **53-10-202.5 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 208**
84 ~~{53-11-102 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 506}~~
85 ~~{53-11-103 (Effective 05/06/26), as last amended by Laws of Utah 2008, Chapter 382}~~
86 ~~{53-11-104 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2025,
Chapter 359}~~
88 ~~{53-11-105 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 506}~~
89 ~~{53-11-108 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 208, 302}~~
91 ~~{53-11-109 (Effective 05/06/26), as enacted by Laws of Utah 1998, Chapter 257}~~
92 ~~{53-11-110 (Effective 05/06/26), as last amended by Laws of Utah 2015, Chapter 170}~~
93 ~~{53-11-111 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 302}~~
94 ~~{53-11-113 (Effective 05/06/26), as last amended by Laws of Utah 2015, Chapter 170}~~
95 ~~{53-11-115 (Effective 05/06/26), as last amended by Laws of Utah 2018, Chapter 417}~~
96 ~~{53-11-116 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 302}~~
97 ~~{53-11-116.5 (Effective 05/06/26), as enacted by Laws of Utah 1999, Chapter 266}~~
98 ~~{53-11-118 (Effective 05/06/26), as last amended by Laws of Utah 2008, Chapter 382}~~
99 ~~{53-11-119 (Effective 05/06/26), as last amended by Laws of Utah 2008, Chapter 382}~~
100 ~~{53-11-121 (Effective 05/06/26), as last amended by Laws of Utah 2013, Chapter 396}~~
101 ~~{53-11-123 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 302}~~

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- 70 **58-1-301.5 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 236**
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- 71 **58-63-103 (Effective 01/01/27), as last amended by Laws of Utah 2011, Chapters 303, 342**
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- 73 **58-63-201 (Effective 01/01/27), as last amended by Laws of Utah 2013, Chapter 436**
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- 74 **63I-1-253 (Effective 01/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9**
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- 76 **76-5-106.5 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 173, 238**
-
- 78 **76-12-305** ~~{(Effective 05/06/26)}~~ **(Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2025, Chapter 173
- 80 **77-20-503 (Effective 01/01/27), as renumbered and amended by Laws of Utah 2021, Second Special Session, Chapter 4**
-
- 82 **78B-6-812 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 275**
-
- 83 **78B-8-302 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 291**
-
- 84 **78B-8-303 (Effective 01/01/27), as renumbered and amended by Laws of Utah 2008, Chapter 3**
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- 86 ENACTS:
- 87 **58-92-101 (Effective 01/01/27), Utah Code Annotated 1953**
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- 88 **58-92-301 (Effective 01/01/27), Utah Code Annotated 1953**
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- 89 **58-92-302 (Effective 01/01/27), Utah Code Annotated 1953**
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- 90 **58-92-303 (Effective 01/01/27), Utah Code Annotated 1953**
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- 91 **58-92-304 (Effective 01/01/27), Utah Code Annotated 1953**
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- 92 **58-92-305 (Effective 01/01/27), Utah Code Annotated 1953**
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- 93 **58-92-306 (Effective 01/01/27), Utah Code Annotated 1953**
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- 94 **58-92-307 (Effective 01/01/27), Utah Code Annotated 1953**
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- 95 **58-92-308 (Effective 01/01/27), Utah Code Annotated 1953**
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- 96 **58-92-309 (Effective 01/01/27), Utah Code Annotated 1953**
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- 97 **58-92-310 (Effective 01/01/27), Utah Code Annotated 1953**
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- 98 **58-92-311 (Effective 01/01/27), Utah Code Annotated 1953**
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- 99 **58-92-312 (Effective 01/01/27), Utah Code Annotated 1953**
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- 100 **58-92-313 (Effective 01/01/27), Utah Code Annotated 1953**
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101	58-92-314 (Effective 01/01/27), Utah Code Annotated 1953
102	58-92-401 (Effective 01/01/27), Utah Code Annotated 1953
103	58-92-501 (Effective 01/01/27), Utah Code Annotated 1953
104	58-92-502 (Effective 01/01/27), Utah Code Annotated 1953
105	58-92-503 (Effective 01/01/27), Utah Code Annotated 1953
106	58-92-601 (Effective 01/01/27), Utah Code Annotated 1953
107	58-93-101 (Effective 01/01/27), Utah Code Annotated 1953
108	58-93-102 (Effective 01/01/27), Utah Code Annotated 1953
109	58-93-201 (Effective 01/01/27), Utah Code Annotated 1953
110	58-93-301 (Effective 01/01/27), Utah Code Annotated 1953
111	58-93-302 (Effective 01/01/27), Utah Code Annotated 1953
112	58-93-303 (Effective 01/01/27), Utah Code Annotated 1953
113	58-93-304 (Effective 01/01/27), Utah Code Annotated 1953
114	58-93-305 (Effective 01/01/27), Utah Code Annotated 1953
115	58-93-306 (Effective 01/01/27), Utah Code Annotated 1953
116	58-93-307 (Effective 01/01/27), Utah Code Annotated 1953
117	58-93-308 (Effective 01/01/27), Utah Code Annotated 1953
118	58-93-309 (Effective 01/01/27), Utah Code Annotated 1953
119	58-93-310 (Effective 01/01/27), Utah Code Annotated 1953
120	58-93-311 (Effective 01/01/27), Utah Code Annotated 1953
121	58-93-312 (Effective 01/01/27), Utah Code Annotated 1953
122	58-93-401 (Effective 01/01/27), Utah Code Annotated 1953
123	58-93-501 (Effective 01/01/27), Utah Code Annotated 1953
124	58-93-502 (Effective 01/01/27), Utah Code Annotated 1953
125	58-93-503 (Effective 01/01/27), Utah Code Annotated 1953
126	58-93-504 (Effective 01/01/27), Utah Code Annotated 1953
127	58-93-505 (Effective 01/01/27), Utah Code Annotated 1953
128	58-93-601 (Effective 01/01/27), Utah Code Annotated 1953

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129 RENUMBERS AND AMENDS:

130 **58-92-201** ~~{(Effective 05/06/26)}~~**(Effective 01/01/27)**, (Renumbered from 53-9-103, as last
131 amended by Laws of Utah 2014, Chapter {378} 378)

132 REPEALS:

133 **53-9-101 (Effective 01/01/27)**, as enacted by Laws of Utah 1995, Chapter 314

134 **53-9-102 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special Session,
135 **Chapter 9**

136 **53-9-107 (Effective 01/01/27)**, as last amended by Laws of Utah 2021, Chapter 211

137 **53-9-108 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 194

138 **53-9-109 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapter 432

139 **53-9-110 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 359

140 **53-9-111 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 359

141 **53-9-112 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 302, 359

142 **53-9-113 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapter 432

143 **53-9-115 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 359

144 **53-9-116 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302

145 **53-9-117 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 359

146 **53-9-118 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 359

147 **53-9-119 (Effective 01/01/27)**, as last amended by Laws of Utah 1998, Chapter 212

148 **53-9-121 (Effective 01/01/27)**, as enacted by Laws of Utah 2013, First Special Session,
149 **Chapters 3, 3**

150 **53-9-122 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 438

151 **53-11-101 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257

152 **53-11-102 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 506

153 **53-11-103 (Effective 01/01/27)**, as last amended by Laws of Utah 2008, Chapter 382

154 **53-11-104 (Effective 01/01/27) (Repealed 07/01/29)**, as last amended by Laws of Utah 2025,
155 **Chapter 359**

156 **53-11-105 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 506

157 **53-11-106 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 506

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- 158 **53-11-107 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 302**
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- 159 **53-11-108 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 208, 302**
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- 161 **53-11-109 (Effective 01/01/27), as enacted by Laws of Utah 1998, Chapter 257**
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- 162 **53-11-110 (Effective 01/01/27), as last amended by Laws of Utah 2015, Chapter 170**
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- 163 **53-11-111 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 302**
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- 164 **53-11-112 (Effective 01/01/27), as last amended by Laws of Utah 2014, Chapter 155**
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- 165 **53-11-113 (Effective 01/01/27), as last amended by Laws of Utah 2015, Chapter 170**
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- 166 **53-11-114 (Effective 01/01/27), as enacted by Laws of Utah 1998, Chapter 257**
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- 167 **53-11-115 (Effective 01/01/27), as last amended by Laws of Utah 2018, Chapter 417**
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- 168 **53-11-116 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 302**
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- 169 **53-11-116.5 (Effective 01/01/27), as enacted by Laws of Utah 1999, Chapter 266**
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- 170 **53-11-117 (Effective 01/01/27), as enacted by Laws of Utah 1998, Chapter 257**
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- 171 **53-11-118 (Effective 01/01/27), as last amended by Laws of Utah 2008, Chapter 382**
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- 172 **53-11-119 (Effective 01/01/27), as last amended by Laws of Utah 2008, Chapter 382**
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- 173 **53-11-120 (Effective 01/01/27), as enacted by Laws of Utah 1998, Chapter 257**
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- 174 **53-11-121 (Effective 01/01/27), as last amended by Laws of Utah 2013, Chapter 396**
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- 175 **53-11-122 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 302**
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- 176 **53-11-123 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 302**
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- 177 **53-11-124 (Effective 01/01/27), as enacted by Laws of Utah 1998, Chapter 257**
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179 *Be it enacted by the Legislature of the state of Utah:*

180 Section 1. Section **31A-35-102** is amended to read:

181 **31A-35-102. Definitions.**

As used in this chapter:

- 183 (1) "Bail bond" means a bail bond insurance product for a specified monetary amount that is:
- 185 (a) executed by a bail bond producer licensed in accordance with Section 31A-35-401; and
- 187 (b) issued to a court, magistrate, or authorized officer to secure:
- 188 (i) the release of a person from incarceration; and
- 189 (ii) the appearance of the released person at court hearings the person is required to attend.

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- 191 (2) "Bail bond agency" means any sole proprietor or entity that:
192 (a) is licensed under Subsection 31A-35-404(1) or (2);
193 (b)
(i) is the agent of a surety insurer that sells a bail bond in connection with judicial proceedings;
195 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail bond in
connection with judicial proceedings; or
197 (iii) pledges personal or real property, or both, as security for a bail bond in connection with judicial
proceedings; and
199 (c) receives or is promised money or other things of value for a service described in Subsection (2)(b).
- 201 (3) "Bail bond producer" means an individual who:
202 (a) is appointed by:
203 (i) a surety insurer that sells bail bonds; or
204 (ii) a bail bond agency licensed under this chapter;
205 (b) is appointed to execute or countersign undertakings of bail in connection with judicial proceedings;
and
207 (c) receives or is promised money or other things of value for engaging in an act described in
Subsection (3)(b).
- 209 (4) "Bail enforcement agent" means the same as that term is defined in Section ~~[53-11-102]~~ 58-93-101.
- 211 (5) "Board" means the Bail Bond Oversight Board created in Section 31A-35-201.
- 212 (6) "Certificate" means a certificate of authority issued under this chapter to allow an insurer to operate
as a surety insurer.
- 214 (7) "Indemnitor" means an entity or natural person that enters into an agreement with a bail bond
agency to hold the bail bond agency harmless from loss incurred as a result of executing a bail bond.
- 217 (8) "Liquid assets" means financial holdings that can be converted into cash in a timely manner without
the loss of principal.
- 219 (9) "Premium" means the specified monetary amount used to purchase a bail bond.
- 220 (10) "Principal" means a person that:
221 (a) guarantees the performance of a bail bond; or
222 (b) owns not less than 10% of the bail bond agency.
- 223 (11) "Surety insurer" means an insurer that:
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(a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;

226 (b) receives a certificate under this title; and

227 (c) sells bail bonds in connection with judicial proceedings.

228 (12) "Utah depository institution" means a depository institution, as defined in Section 7-1-103, that:

230 (a) has Utah as [its] the depository institution's home state; or

231 (b) operates a branch in Utah.

232 Section 2. Section 31A-35-601 is amended to read:

233 **31A-35-601. Acts of producer or agent.**

234 (1) The acts or conduct of any bail bond producer who acts within the scope of the authority delegated to the producer by the bail bond agency or surety insurer are considered to be the acts or conduct of the bail bond agency or surety insurer for which the bail bond producer is acting as agent.

238 (2) The acts or conduct of any bail bond agency that acts within the scope of the authority delegated to the bail bond agency by the surety insurer are considered to be the acts or conduct of the surety insurer.

241 (3)

(a) Bail bond agencies and surety insurers are not liable for the actions of bail enforcement agents, bail recovery agents, or bail recovery apprentices.

243 (b) Bail enforcement agent, bail recovery agent, and bail recovery apprentice mean the same as those terms are defined in Section [53-11-102] 58-93-101.

245 Section 3. Section 53-1-104 is amended to read:

246 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

247 (1) The following are the policymaking boards and committees within the department:

248 (a) the Trauma System and Emergency Medical Services Committee, created in Section 53-2d-104;

250 (b) the Air Ambulance Committee, created in Section 53-2d-107;

251 (c) the Driver License Medical Advisory Board, created in Section 53-3-303;

252 (d) the Concealed Firearm Review Board, created in Section 53-5a-302;

253 (e) the Utah Fire Prevention Board, created in Section 53-7-203; and

254 (f) the Liquified Petroleum Gas Board, created in Section 53-7-304[; ~~and~~].

255 [~~(g) the Bail Bond Recovery and Private Investigator Licensure Board created in Section 53-11-104.~~]

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(2) The Peace Officer Standards and Training Council, created in Section 53-6-106, is within the department.

259 (3) The following are the divisions within the department:

260 (a) the Administrative Services Division, created in Section 53-1-203;

261 (b) the Management Information Services Division, created in Section 53-1-303;

262 (c) the Division of Emergency Management, created in Section 53-2a-103;

263 (d) the Driver License Division, created in Section 53-3-103;

264 (e) the Criminal Investigations and Technical Services Division, created in Section 53-10-103;

266 (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;

267 (g) the State Fire Marshal Division, created in Section 53-7-103; and

268 (h) the Utah Highway Patrol Division, created in Section 53-8-103.

269 (4) The Office of Executive Protection is created in Section 53-1-112.

270 (5) The following are the bureaus within the department:

271 (a) the Bureau of Emergency Medical Services, created in Section 53-2d-102;

272 (b) the Bureau of Criminal Identification, created in Section 53-10-201;

273 (c) the State Bureau of Investigation, created in Section 53-10-301;

274 (d) the Bureau of Forensic Services, created in Section 53-10-401; and

275 (e) the Bureau of Communications, created in Section 53-10-501.

109 ~~{Section 1. Section 53-9-102 is amended to read: }~~

110 **53-9-102. Definitions.**

~~[In this chapter, unless otherwise stated]~~ As used in this chapter:

112 (1) "Adequate records" means records containing, at a minimum, sufficient information to identify the client, the dates of service, the fee for service, the payments for service, the type of service given, and copies of any reports that may have been made.

115 (2) "Advertising" means ~~[the submission of bids]~~ a person submitting a bid, contracting or making known by ~~[any]~~ a public notice, publication, or solicitation of business, directly or indirectly, that the person offers services regulated under this chapter~~[- are available for consideration].~~

119 (3) "Agency" means a person ~~[who]~~ that holds an agency license ~~[pursuant to]~~ in accordance with this chapter, and includes ~~[one who]~~ a person that:

121 (a) employs an individual for wages and salary, and withholds all legally required deductions and contributions[-]; ; or

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- 123 (b) contracts with a registrant or an apprentice on a part-time or case-by-case basis to conduct an
investigation on behalf of the agency.
- 125 (4) "Applicant" means ~~[any]~~ a person ~~[who has submitted]~~ that submits a completed application and all
required fees.
- 127 (5) "Apprentice" means ~~[a person who]~~ a person that:
- 128 (a) holds an apprentice license ~~[pursuant to]~~ in accordance with this chapter[;] ;
- 129 (b) has not met the requirements ~~[for registration,]~~ to qualify as a registrant; and
- 130 (c) works under the direct supervision and guidance of an agency.
- 131 (6) "Board" means the ~~[Bail Bond Recovery and Private Investigator Licensure]~~ Bureau Licensing
Review Board created in Section 53-11-104.
- 133 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 134 (8) "Commissioner" means the commissioner of the Department of Public Safety or the commissioner's
designee.
- 136 (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from trial or
plea, including a plea of no contest, regardless of whether the imposition of sentence was suspended.
- 139 (10) "Department" means the Department of Public Safety.
- 140 (11) "Direct supervision" means that the agency or employer:
- 141 (a) is responsible for, and authorizes, the type and extent of work assigned;
- 142 (b) reviews and approves all work ~~[produced by-]~~the apprentice produces before [it] the work the
apprentice produces goes to the client;
- 144 (c) closely supervises and provides direction and guidance to the apprentice in the performance of
[his] the apprentice's assigned work; and
- 146 (d) is immediately available to the apprentice for verbal contact, including by electronic means.
- 148 (12) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
- 149 (13) "Emergency action" means a summary suspension of a license pending revocation[;] or
suspension~~[, or probation]~~ in order to protect the public health, safety, or welfare.
- 151 (14)
- (a) "Employee" means an individual who:
- 152 (i) works for an agency or other employer[;] ;
- 153 (ii) is listed on the agency's or employer's payroll records[;] ; and
- 154

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(iii) is under the agency's or employer's direction and control.~~[An employee is not an independent contractor.]~~

156 (b) "Employee" does not include an independent contractor.

157 (15) "Identification card" means a card ~~[issued by]~~the commissioner issues to a qualified applicant for an agency, registrant, or apprentice license.

159 (16) "Letter of concern" means an advisory letter to notify a licensee that while ~~[there is insufficient]~~ the department does not have evidence to support ~~[probation,]~~ the suspension~~[,]~~ or revocation of a license, the department ~~[informs the licensee of the need to modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the department may result in further disciplinary action against the licensee.]~~ believes:

165 (a) the licensee should modify or eliminate certain practices; or

166 (b) continuation of the activities that led to the information being submitted to the department may result in further disciplinary action against the licensee.

168 (17) "Licensee" means a person to whom the department issues an agency, registrant, or apprentice license~~[is issued by the department]~~.

170 (18)

(a) "Private investigator or private detective" means ~~[any]~~ a person, except a collection ~~[agencies and]~~ agency or a credit reporting ~~[agencies, who]~~ agency, that, for consideration, engages in business or accepts employment to conduct ~~[any]~~ an investigation for the purpose of obtaining information with reference to:

174 (i) crime, wrongful acts, or threats against the United States or ~~[any]~~ a state or territory of the United States;

176 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of any person or group of persons;

180 (iii) the credibility of witnesses or other persons;

181 (iv) the whereabouts of missing persons or owners of abandoned property;

182 (v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an accident, damage, or an injury to real or personal property;

184 (vi) the business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the trial preparation;

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- 187 (vii) the prevention, detection, and removal of installed devices for eavesdropping or observation;
- 189 (viii) the business of "skip tracing" [~~persons who have~~] a person that has become delinquent in
[~~their~~] the person's lawful debts, either when hired by an individual, collection agency, or
through the direct purchase of the debt from a financial institution or entity owning the debt or
judgment; or
- 193 (ix) serving civil process.
- 194 (b) "Private investigator or private detective" does not include:
- 195 (i) [~~any~~] a person or an employee conducting an investigation on the person's or employee's [~~own~~
]behalf or on behalf of the employer if the employer is not a private investigator under this chapter;
- 198 (ii) an employee of an attorney licensed to practice law in this state; or
- 199 (iii) a currently licensed certified public accountant or CPA as that term is defined in Section
58-26a-102.
- 201 (19) "Qualifying party" means the individual meeting the qualifications under this chapter for a private
investigator license.
- 203 (20) "Registrant" means [~~any~~] a person [~~who~~] that:
- 204 (a) holds a registrant license [~~pursuant to~~] in accordance with this chapter[~~. The registrant~~] ; and
- 206 (b) performs private investigative work either as an employee on an employer's payroll or, on a contract
with an agency, part-time, or case-by-case basis, with a minimum amount of direction.
- 209 (21) "Restructuring" means [~~any~~] a change in the legal status of a business.
- 210 (22) "Unprofessional conduct" means [~~any of the following~~]:
- 211 (a) engaging or offering to engage by fraud or misrepresentation in [~~any activities~~] an activity regulated
by this chapter;
- 213 (b) aiding or abetting a person [~~who~~] that is not licensed [~~pursuant to~~] in accordance with this chapter in
representing that person as a private investigator or registrant in this state;
- 216 (c) gross negligence in the practice of a private investigator [~~or~~] agency, registrant, or apprentice;
- 218 (d) failing or refusing to maintain adequate records and investigative findings on a subject of
investigation or a client;
- 220 (e) committing a felony or a misdemeanor involving [~~any~~] a crime that is grounds for denial,
suspension, or revocation of an agency, registrant, or apprentice license[~~. In all cases,~~] where
conviction by a court [~~of competent~~] with jurisdiction or a plea of no contest is conclusive evidence
of the commission of the crime; or

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224 (f) making a fraudulent or untrue statement to the bureau, board, department, or ~~[its investigators, staff,~~
~~or consultants.]~~ an investigator, a staff member, or a consultant employed by the bureau, board, or
261 department.

259 ~~{Section 3. Section 53-9-107 is amended to read: }~~

260 **53-9-107. Classification of licenses -- License required to act.**

261 (1)

(a) ~~[Every person]~~ A person applying for a license under this chapter shall indicate on the application
264 the license for which the applicant applies.~~[which of the following licenses the applicant is applying~~
265 ~~for:]~~

264 ~~[(a)]~~ (b) The bureau shall issue:

265 (i) an agency license ~~[shall be issued]~~ to an applicant ~~[who]~~ that meets the agency requirements of
Sections 53-9-108 and 53-9-109;

267 ~~[(b)]~~ (ii) a registrant license ~~[shall be issued]~~ to an applicant ~~[who]~~ that meets the registrant
requirements of Sections 53-9-108 and 53-9-110; ~~[or]~~ and

269 ~~[(c)]~~ (iii) an apprentice license ~~[shall be issued]~~ to an applicant ~~[who]~~ that meets the apprentice
requirements of Sections 53-9-108 and 53-9-110.

271 (2) Unless licensed under this chapter, a person may not:

272 (a) act or assume to act as, or represent ~~[himself to be]~~ the person as:

273 (i) a licensee; or

274 (ii) a private investigator or private detective~~[- as defined in Section 53-9-102]~~ ;~~[- or]~~

275 (b) ~~[-]~~conduct ~~[any]~~ an investigation as described in the definition of private investigator or private
detective; or

277 ~~[(b)]~~ (c) falsely represent to be employed by or for an independent contractor for an agency.

279 (3) A licensed registrant~~[- as defined in Section 53-9-102,]~~ may only work as an employee of, or as an
independent contractor for, an agency licensed under this chapter, and may not:

282 (a) advertise the licensed registrant's services or conduct investigations for the general public; or

284 (b) employ ~~[other private investigators]~~ another private investigator or hire ~~[them as independent~~
~~contractors]~~ another private investigator as an independent contractor.

286 (4)

(a) A licensed apprentice~~[- as defined in Section 53-9-102,]~~ may only work under the direct supervision
and guidance of an agency licensed under this chapter, and may not:

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- 289 (i) advertise the licensed apprentice's services or conduct investigations for the general public;
- 291 (ii) employ ~~[other private investigators]~~ another private investigator; ~~[-or]~~
- 292 (iii) obtain information from the Utah State Tax Commission Motor Vehicle Division or Driver License Division within the Department of Public Safety, except the apprentice may utilize information from ~~[these agencies]~~ the Utah State Tax Commission Motor Vehicle Division or Driver License Division within the Department of Public Safety for a legitimate business need and under the direct supervision and guidance of a licensed agency ~~[-]~~ ; or
- 298 (iv) sign contracts to secure business with clients seeking services described in this chapter.
- 300 (b) [A] If the bureau suspends or revokes a registrant's or apprentice's license, the registrant or apprentice ~~[whose license has been suspended or revoked]~~ shall immediately notify the agency ~~[which]~~ that supervises the registrant or apprentice of the action.

304 ~~{Section 4. Section 53-9-108 is amended to read: }~~

305 **53-9-108. Qualifications for licensure.**

- 306 (1)
- ~~[(a) An]~~ Subject to Subsection (2), to obtain an initial license or renew an existing license, an applicant
under this chapter: ~~[-]~~
- 308 (a) shall be at least:
- 309 (i) 21 years old to apply for an agency license or a registrant license; or
- 310 (ii) 18 years old to apply for an apprentice license ~~[-]~~ ;
- 311 (b) ~~[An applicant]~~ may not have been:
- 312 (i) convicted of a felony;
- 313 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous weapon;
- 315 (iii) convicted of an act of personal violence or force on any person or convicted of threatening to
commit an act of personal violence or force against another person;
- 317 (iv) convicted of an act constituting dishonesty or fraud;
- 318 (v) convicted of an act involving moral turpitude within the past 10 years unless the conviction has been
expunged under the provisions of Title 77, Chapter 40a, Expungement of Criminal Records;
- 321 (vi) ~~[placed on probation or parole]~~ convicted of the act of impersonating a peace officer;
- 323 (vii) ~~[named in an outstanding arrest warrant]~~ convicted of a violation of this chapter; or
- 325 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected records as provided
in Section 63G-2-801 ~~[-]~~ ;

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- 327 (c) may not currently be:
- 328 (i) on probation or parole, except for a traffic offense as that term is defined in Section 77-40a-101; or
- 330 (ii) named in an outstanding arrest warrant; and
- 331 ~~[(e)] (d) [H-]~~ if previously or currently licensed in [another] this state or other state or jurisdiction, [the
applicant shall] be in good standing within [that] this state or another state or jurisdiction.
- 334 (2) In addition to the requirements described in Subsection (1), to obtain an initial license, an applicant
shall pass a test the bureau administers.
- 336 ~~[(2)] (3)~~ In assessing if an applicant meets the requirements under Subsection (1)(b), the board
[shall] may consider mitigating circumstances presented by an applicant.
- 338 ~~[(3)] (4)~~
- (a) An applicant for an agency license shall have:
- 339 (i) a minimum of 5,000 hours of investigative experience that consists of actual work performed
- as a licensed private investigator, an investigator in the private sector, an investigator for the
- federal government, or an investigator for a state, county, or municipal government; or
- 343 (ii) if the applicant held a registrant license or an apprentice license under this chapter on or before
- May 1, 2010, a minimum of 2,000 hours of investigative experience that consists of actual work
- performed as a licensed private investigator, an investigator in the private sector, an investigator
- for the federal government, or an investigator for a state, county, or municipal government.
- 348 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of investigative
- experience that consists of actual investigative work performed as a licensed private investigator,
- an investigator in the private sector, an investigator for the federal government, an investigator for a
- state, county, or municipal government, or a process server.
- 353 (c) At least 1,000 hours of the investigative experience required under this Subsection ~~[(3)] (4)~~ shall
- have been performed within 10 years immediately ~~[prior to]~~ before the application.
- 356 (d) An applicant shall substantiate investigative work experience required under this Subsection
- ~~[(3)] (4)~~ by providing:
- 358 (i) the exact details as to the character and nature of the investigative work on a form prescribed by the
- bureau and certified by the applicant's employers; or
- 360 (ii) if the applicant is applying for the reinstatement of an agency license, internal records of the
- applicant that demonstrate the investigative work experience requirement has previously been met.
- 363 (e)

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- (i) The applicant shall prove completion of the investigative experience required under this Subsection [(3)] (4) to the satisfaction of the board and the board may independently verify the certification offered on behalf of the applicant.
- 366 (ii) The board may independently confirm the claimed investigative experience and the verification of
the applicant's employers.
- 368 [(4)] (5) An applicant for an apprentice license, lacking the investigative experience required for a
registrant license, shall meet all of the qualification standards in Subsection (1), and shall complete
an apprentice application.
- 371 [(5)] (6) An applicant for an agency or registrant license may receive credit toward the hours of
investigative experience required under Subsection [(3)] (4) as follows:
- 373 (a) an applicant may receive credit for 2,000 hours of investigative experience if the applicant:
- 375 (i) has an associate's degree in criminal justice or police science from an accredited college or
university; or
- 377 (ii) is certified as a peace officer; and
- 378 (b) an applicant may receive credit for 4,000 hours of investigative experience if the applicant has a
bachelor's degree in criminal justice or police science from an accredited college or university.
- 381 [(6)] (7) The board shall determine if the applicant may receive credit under Subsection [(5)] (6) toward
the investigative and educational experience requirements under Subsection (3).
- 384 ~~{Section 5. Section 53-9-109 is amended to read: }~~
- 385 **53-9-109. Application for agency license -- Liability insurance -- Workers' compensation.**
- 387 (1) Every application for an agency license to engage in the private investigative business shall provide
to the bureau:
- 389 (a) the full name and business address of the applicant;
- 390 (b) one passport-size color photograph of the applicant;
- 391 (c) the name under which the applicant intends to do business;
- 392 (d) a statement that the applicant intends to engage in the private investigative business;
- 393 (e) a verified statement of the applicant's experience and qualifications as provided in Section 53-9-108;
and
- 395 (f) the fee prescribed in Section 53-9-111.
- 396 (2) Before the issuance or renewal of an agency license, the applicant shall provide to the bureau:
- 398 (a) a certificate of liability insurance; and

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- 399 (b) a certificate of workers' compensation insurance, if applicable.
- 400 (3) The liability insurance required by this section shall:
- 401 (a) protect against liability to third persons;
- 402 (b) contain a limit of liability in an amount of not less than \$500,000;
- 403 (c) be continuous in form and run concurrently with the license period; and
- 404 (d) provide for notice to the bureau in the event of cancellation of the liability insurance.
- 405 (4)
- (a) The bureau shall ~~[cancel]~~ suspend a license when ~~[it]~~ the bureau receives notice from the insurer that liability insurance required under Subsection (2) has expired or been canceled.
- 408 (b) The licensee shall be notified by the bureau when ~~[a license has been cancelled]~~ the bureau suspends a license under this Subsection (4).
- 410 (c) The license may be reinstated when the licensee:
- 411 (i) files proof of liability insurance for the remainder of the license period; and
- 412 (ii) pays the reinstatement fee prescribed in Section 53-9-111.
- 413 ~~{Section 6. Section 53-9-110 is amended to read: }~~
- 414 **53-9-110. Application for registrant or apprentice license.**
- 415 (1) ~~[Every application-]~~ An applicant for a registrant or apprentice license shall provide to the bureau in the applicant's application:
- 417 (a) the full name and address of the applicant;
- 418 (b) one passport-size color photograph of the applicant;
- 419 (c) the name of the licensed agency for which the applicant will be an employee, apprentice, or contract registrant, if applicable;
- 421 (d) authorization of the licensed agency ~~[or licensed agency's designee-]~~ to employ the apprentice or contract with the registrant, if applicable;
- 423 (e) a verified statement of the applicant's experience and qualifications as provided in Section 53-9-108; and
- 425 (f) the fee required by Section 53-9-111.
- 426 (2) An application for a registrant or apprentice license or renewal shall include a surety bond in the amount of \$10,000.
- 428 (3) The surety bond required by this section shall:
- 429 (a) be in effect throughout the entire licensing period; and

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- 430 (b) provide that the issuer of the surety bond shall notify the bureau if the surety bond is cancelled or
expired.
- 432 (4)
- (a) The bureau shall [~~cancel~~] suspend a license when the bureau receives notice from the issuer that the
surety bond required in Subsection (2) has expired or been cancelled.
- 435 (b) The bureau shall notify the licensee and the licensee's sponsoring agent when the bureau
[~~cancel~~s] suspends a license under Subsection (4)(a).
- 437 (c) The bureau may reinstate a license when the licensee:
- 438 (i) files proof of a surety bond for the remainder of the license period; and
- 439 (ii) pays the reinstatement fee required by Section 53-9-111.
- 440 ~~{Section 7. Section 53-9-111 is amended to read: }~~
- 441 **53-9-111. License fees -- Renewal, reinstatement of license -- Deposit of fees into General
Fund.**
- 443 (1) The bureau shall set fees for individual and agency licensure and renewal in accordance with
Section 63J-1-504.
- 445 (2)
- (a) The bureau may renew a license granted under this chapter upon receipt of:
- 446 (i) a renewal application on forms as required by the bureau; and
- 447 (ii) the fees required by Subsection (1).
- 448 (b)
- (i) The renewal of a license requires the filing of:
- 449 (A) all certificates of insurance or proof of surety bond as required by this chapter; and
- 451 (B) beginning May 7, 2027, documentation of 16 hours of continuing education that the bureau
approves by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act.
- 454 (ii) The bureau may not renew a license more than 180 days after expiration.
- 455 (iii) The bureau may charge a fee for approving an applicant's out-of-state continuing education for
the time the bureau spends determining the out-of-state continuing education's similarity to the
education the bureau approves in accordance with Subsection (2)(b)(i)(B).
- 459 (c) A licensee may not engage in activity subject to this chapter during the period between the date of
expiration of the license and the renewal of the license.

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- 461 (3)
- 462 (a) The bureau shall [~~renew~~] reinstate a suspended license if:
- 463 (i) the period of suspension is complete;
- 464 (ii) the bureau has received a [~~renewal~~] reinstatement application from the applicant on forms as
465 required by the bureau; and
- 466 (iii) the applicant has:
- 467 (A) filed all certificates of insurance or proof of surety bond as required by this chapter; and
- 468 (B) paid the fees required by this section for renewal, including a delinquency fee if the bureau does not
469 receive the application within 30 days after the day on which the bureau terminates the suspension.
- 470 (b) A licensee may not, during the time in which the licensee's license is suspended and before the
471 bureau reinstates the licensee's license, engage in:
- 472 (i) activity regulated by this chapter; or
- 473 (ii) any other activity or conduct that violates the order or judgment that suspended the licensee's
474 license.
- 475 [~~(b) Renewal of the license does not entitle the licensee, while the license remains suspended and
476 until the license is reinstated, to engage in activity regulated by this chapter, or in other activity or
477 conduct in violation of the order or judgment by which the license was suspended.]~~
- 478 (4) The bureau may not reinstate a revoked license or accept an application for a license from a person
479 [~~whose license has been revoked for at least one year after the date of revocation~~] for at least one
480 year after the day on which the bureau revokes the person's license.
- 481 (5) The bureau shall deposit fees, except the fingerprint processing fee[~~, collected by~~] that the bureau
482 collects, under this section into the General Fund.
- 483 (6) If the bureau revokes a person's license twice under this chapter:
- 484 (a) the bureau may not issue a license to the person; and
- 485 (b) the board may not approve a license for the person.
- 486 {Section 8. ~~Section 53-9-112 is amended to read: }~~
- 487 **53-9-112. Issuance of license and identification card to applicant -- License period --**
- 488 **Expiration of application -- Transfer of license prohibited.**
- 489 (1)
- 490 (a) The [~~commissioner~~] bureau shall issue a license to an applicant who complies with the provisions of
491 this chapter.

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- 494 (b) Each license issued under this chapter shall:
- 495 (i) contain the name and address of the licensee, the license, the license number, and the license's
agency, registrant, or apprentice license designation; and
- 497 (ii) be issued for a period of two years.
- 498 (2) On the issuance of a license, an identification card shall:
- 499 (a) be issued without charge to the licensee; and
- 500 (b) state on the identification card's face:
- 501 (i) whether the bearer holds an agency, registrant, or apprentice license;
- 502 (ii) the license number;
- 503 (iii) the expiration date; and
- 504 (iv) a current photograph of the licensee.
- 505 (3)
- (a) A registrant identification card shall state that the licensee is under the direction of a licensed agency
and may not do investigative work independently for the public.
- 507 (b) An apprentice identification card shall state that the licensee is under the direct supervision of a
licensed agency and may not do investigative work independently for the public.
- 510 (4) Upon request by a person [~~having reasonable cause to verify the validity of the license~~] on whose
property the licensee engages in activities governed by this chapter or a person acting under the
authority of a person on whose property the licensee engages in activities governed by this chapter,
the licensee shall immediately identify the agency name and the name and phone number of an
agent of the licensed agency for which the licensee is an employee or independent contractor.
- 516 (5)
- (a) On notification by the [~~commissioner~~] bureau to an applicant that the license is not complete, or is
not ready for issuance pending additional information, the applicant shall complete the application
process and provide the additional information within 90 days.
- 520 (b) Failure to complete the process shall result in the application being [~~cancelled~~] denied and all fees
forfeited.
- 522 (c) Subsequent application by the same applicant requires the payment of all application and license
fees required by Section 53-9-111.
- 524 (6)

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(a) A licensee shall notify the [eommissioner] bureau of [any] a change in the name or address of the licensee's business within [60] 10 days [of] after the day on which the change occurs.

527

(b)

(i) If [there is] the bureau obtains evidence that the licensee [knowingly] failed to notify the [eommissioner] bureau, the bureau shall suspend the license.

529

(ii) To relieve the suspension, the licensee shall apply for reinstatement and pay the fee required by Section 53-9-111.

531

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

532

~~{Section 9. Section 53-9-113 is amended to read: }~~

533

53-9-113. Grounds for denial of a license -- Appeal.

534

(1) The board may deny a license or the renewal of a license if the applicant has:

535

(a) committed an act that, if committed by a licensee, would be grounds for [~~probation,~~] suspension[;] or revocation of a license under this chapter;

537

(b) employed or contracted with a person who has been refused a license under this chapter or who has had a license revoked in any state;

539

(c) while not licensed under this chapter, committed, or aided and abetted the commission of, any act for which a license is required by this chapter; or

541

(d) knowingly made a material misstatement in connection with an application for a license or renewal of a license.

543

(2)

(a) The board's denial of a license under this chapter shall:

544

(i) be in writing;

545

(ii) describe the basis for the denial; and

546

(iii) inform the applicant that if the applicant desires a hearing to contest the denial, the applicant shall submit a request in writing to the board within 30 days after the denial has been sent by certified mail to the applicant.

549

(b) The board shall schedule a hearing on the denial for the next board meeting after the board receives the applicant's request for a hearing [~~has been received by the board~~].

551

(3) If the board denies an applicant's application and holds a hearing in accordance with Subsection (2) (b), an applicant may appeal the board's decision to the commissioner.

553

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(4) If an applicant appeals the board's decision to the commissioner in accordance with Subsection (3), the commissioner may:

- 555 (a) return the case to the board for reconsideration;
556 (b) affirm the board's decision to deny the license; or
557 (c) reverse the board's decision and approve the license.

558 [~~(3) The decision of the board may be appealed to the commissioner, who may:]~~

559 [~~(a) return the case to the board for reconsideration;~~]

560 [~~(b) modify the board's decision; or]~~

561 [~~(c) reverse the board's decision.]~~

562 [~~(4)~~] (5) The commissioner shall [promptly] issue a final order and send the order by mail to the applicant within 30 business days after the day on which the commissioner makes a final decision in accordance with Subsection (4).

565 [~~(5)~~] (6) [~~Decisions of the commissioner are]~~ A decision the commissioner makes in accordance with this section is a final agency action and is subject to judicial review [pursuant to] in accordance with Section 63G-4-402.

568 {Section 10. ~~Section 53-9-115 is amended to read: }~~

569 **53-9-115. Business name and address -- Posting of license -- Advertising -- Incapacitation, death of agency.**

571 (1) As used in this section, [~~"no agent"~~] "vacant agency" means a licensed agency [~~that has only one agent and for which the agent is]~~ comprised of one individual who becomes incapacitated or dies.

574 (2)

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

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

578 (ii) providing a copy of the filed certificate to the [~~commissioner]~~ bureau.

579 (b) Failure to comply with Subsection (2)(a) shall result in the [~~suspension of]~~ bureau immediately suspending the license.

581 (3)

(a) [~~Each~~] A licensee shall have at least one physical location from which the agency conducts normal business.

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- 583 (b) A licensee shall keep the location described in Subsection (3)(a) on file with the commissioner at all
times.
- 585 (c) A licensee shall maintain the address described in Subsection (3)(a) current at all times.
- 587 (d) The address described in Subsection (3)(a) is not a public record in accordance with Subsection
63G-2-301(2)(b)(ii).
- 589 [~~(b) The address of this location shall be on file with the commissioner at all times and is not a public~~
~~record in accordance with Subsection 63G-2-301(2)(b)(ii).]~~
- 591 (4) A licensee shall post the license certificate issued by the [commissioner] bureau in a conspicuous
place in the principal office of the licensee.
- 593 (5) Subject to the provisions of this chapter, a licensee may solicit business through any accepted form
of advertising.
- 595 (a) Any advertisement shall contain the licensee's name and license number as the name and license
number appear on the license certificate.
- 597 (b) A licensee may not use false, deceptive, or misleading advertising.
- 598 (6)
- (a) The bureau, after receiving notice, shall allow [~~an agent for an agency~~] an agency licensed under this
chapter to act [~~as the agent for a no agent~~] on behalf of the vacant agency until the next scheduled
or emergency board meeting, where the board shall consider mitigating circumstances for the [~~no~~
~~agent~~] vacant agency to remain operating permanently or temporarily.
- 603 (b) If the board allows the [~~no agent~~] vacant agency to operate temporarily, the board shall allow
sufficient time for the [~~no agent~~] vacant agency to complete investigations that began before the
incapacitation or death of the [agent] individual.
- 606 {~~Section 11. Section 53-9-116 is amended to read:~~ }
- 607 **53-9-116. Divulging investigative information -- False reports prohibited.**
- 609 (1)
- (a) Except as otherwise provided by this chapter, a licensee may not divulge or release to anyone other
than the licensee's client or employer:
- 611 (i) [~~-~~]the contents of an investigative file [~~acquired~~] the licensee acquires in the course of licensed
investigative activity; or
- 613 (ii) a client's personal information.
- 614

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- (b) ~~[However]~~ Notwithstanding Subsection (1)(a)(i), the ~~[board]~~ bureau shall have access to investigative files if~~[-]~~ :
- 616 (i) the client for whom the ~~[information was acquired]~~ the licensee acquired information, ~~[or]~~ the client's lawful representative, or an involved party alleges a violation of this chapter by the licensee; or~~[-if]~~
- 619 (ii) the bureau obtains prior written consent ~~[of]~~ from the client to divulge or release the information~~[has been obtained]~~.
- 621 (2) A licensee may not willfully make a false statement or report to a client, employer, the board, or any authorized representative of the department, concerning information acquired in the course of activities regulated by this chapter.
- 624 (3) The licensee shall submit investigative reports to a client at times and in the manner agreed upon between the licensee and the client.
- 626 (4) Upon demand by the client, the licensee shall divulge to the client the results of an investigation if payment in full has been tendered for the charges levied.
- 628 (5) The licensee has full right to withdraw from any case and refund any portion of a retainer for which investigative work has not been completed.

630 ~~{Section 12. Section 53-9-117 is amended to read: }~~

631 **53-9-117. Authority to investigate complaint -- Filing of complaints -- Response -- Retention of records -- Appeal -- Penalties collected.**

- 633 (1) The bureau~~[or board]~~ may initiate an investigation of any person advertising services or engaged in performing services that require a license under this chapter and shall investigate if a licensee is engaged in activities that do not comply with or are prohibited by this chapter.
- 637 (2) The bureau shall enforce the provisions of this chapter without regard to the place or location in which a violation may have occurred, and on the complaint of any person, may investigate any alleged violation of this chapter or the business and business methods of any licensee or applicant for licensure under this chapter.
- 641 (3)
- (a) A person shall file a complaint against any licensee with the bureau in writing on forms ~~[approved by]~~ the bureau approves.
- 643 ~~[(a)]~~ (b) Upon receipt of a complaint~~[-, or at the request of the board,]~~ the bureau shall assign the complaint to an investigator within the bureau.

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- 645 ~~[(b)]~~ (c) The bureau shall provide a copy of the complaint to the licensee, who shall answer the
complaint in writing within 15 ~~[working]~~ business days after the ~~[date]~~ day on which the bureau
sends the complaint to the licensee by certified mail.
- 648 (4) In any investigation ~~[undertaken by]~~ the bureau undertakes, each licensee on request shall provide
records and truthfully respond to questions concerning activities regulated under this chapter.
- 651 (a) The licensee shall maintain the records for five years at:
- 652 (i) the principal place of business of the licensee; or
- 653 (ii) another location the board approves for a person whose license has been terminated,
~~[eanceled]~~ suspended, or revoked.
- 655 (b) On request by the bureau, the licensee shall:
- 656 (i) during normal business hours or other time acceptable to the parties, make the licensee's records
available immediately to the bureau unless the bureau grants an extension; and
- 659 (ii) provide copies of any business records the bureau requests.
- 660 (5) Upon completion of the investigation, the bureau shall:
- 661 (a) report the bureau's findings of fact to the board; and
- 662 (b) ~~[shall]~~ make a recommendation as to whether disciplinary action is warranted under Section
53-9-118~~[- including whether emergency action should be taken under Subsection (8)]~~.
- 665 (6)
- (a) If the bureau recommends disciplinary action, the bureau shall send a notice of a recommendation
required by Subsection (5) to the licensee by certified mail, with return receipt requested.
- 668 (b) The notice shall include the date and time of the meeting where the board will consider the bureau's
recommendation.
- 670 (c) The board shall give the licensee an opportunity at the meeting to present testimony and evidence in
response to the bureau's recommendation.
- 672 (7) If the board finds, based on the investigation or hearing, that a violation of Section 53-9-118 has
occurred, the board shall send notice of the board's decision to:
- 674 (a) the licensee at the licensee's most recent address in the bureau's files by certified mail, return receipt
requested; and
- 676 (b) the licensee's sponsoring agent if the licensee is an apprentice or a registrant.
- 677 (8) Based on information the board receives from the investigation or during a hearing, the board may:
- 679 (a) dismiss the complaint if the board finds the complaint is without merit;

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- 680 [~~(b)~~] take emergency action;
- 681 [~~(e)~~] (b) issue a letter of concern, if applicable;
- 682 [~~(d)~~] (c) impose a civil penalty not to exceed \$500;
- 683 [~~(e)~~] (d) place the license on suspension for a period of not more than 12 months;
- 684 [~~(f)~~] (e) revoke the license; and
- 685 [~~(g)~~] (f) place all records, evidence findings, and conclusion, and any other information pertinent to the investigation, in a confidential and protected records section of the licensee's file maintained at the bureau.
- 688 (9) A letter of concern issued for a violation of Section 53-9-118 is a document that [~~is retained by the bureau~~] the bureau retains and may [~~be used~~] use in future disciplinary actions against a licensee.
- 691 (10)
- (a) If the board suspends or revokes the license of a licensee who supervises a registrant or apprentice licensee, the board also suspends the registrant's or apprentice's license.
- 694 (b) If the registrant or apprentice licensee was not involved in the conduct that resulted in the suspension or revocation, the board shall reinstate the registrant or apprentice licensee without a fee, if the registrant or apprentice licensee files a reinstatement application with the bureau within 30 days after the day on which the registrant or apprentice licensee receives documentation that a new licensed agency will supervise the registrant or apprentice licensee.
- 700 [~~(10)~~] (11)
- [~~(a) Appeal of~~] An applicant may appeal the board's decision [~~shall be made~~] in writing to the commissioner within [~~15~~] 30 days [~~from the date~~] after the day on which the board mails the board's decision to the licensee.
- 703 [~~(b)~~] (a) The commissioner;
- 704 (i) shall review the board's [~~finding~~] decision; and
- 705 (ii) [-]may;
- 706 (A) [-]affirm[-]; the board's action;
- 707 (B) [-]return the board's action to the board for reconsideration[~~, reverse, adopt, modify, supplement, amend, or~~] ; or
- 709 (C) reject the [~~recommendation of the board~~] board's action.
- 710 [~~(11)~~] (12)
- (a) The commissioner shall issue a final written order within 30 days outlining the decision on appeal.

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712 (b) The final order is the final agency action for purposes of judicial review under Section 63G-4-402.
714 [~~(12)~~] (13)

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

717 (b)

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

720 (ii) The board shall mail notice to the licensee by certified mail, return receipt requested.

722 [~~(e) A licensee shall request a formal hearing in writing and mail the request to the bureau within 30 working days of the date the board mailed the summary suspension order to the licensee.~~]

725 [~~(13)~~] (14) All penalties collected under this section shall be deposited into the General Fund.

727 {Section 13. Section 53-9-118 is amended to read: }

728 **53-9-118. Grounds for disciplinary action.**

The board may suspend or revoke a licensee's license or deny an application for a license if a person:

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

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

736 (3) uses a name different from that under which the licensee is currently licensed for any advertising, solicitation, or contract to secure business unless the name is an authorized fictitious name;

739 (4) impersonates, permits, or aids and abets an employee or independent contractor to impersonate a peace officer or employee of the United States, any state, or a political subdivision of a state;

742 (5) knowingly violates, advises, encourages, or assists in the violation of [~~any~~] a statute, a court order, or an injunction in the course of a business regulated under this chapter;

744 (6) falsifies fingerprints or photographs while operating under this chapter;

745 (7) is convicted of a felony;

746 (8) is convicted of [~~any~~] an act involving illegally using, carrying, or possessing a dangerous weapon;

748 (9) is convicted of [~~any~~] an act involving moral turpitude;

749

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- 752 (10) is convicted of ~~[any]~~ an act of personal violence or force against ~~[any]~~ a person or conviction of
threatening to commit ~~[any]~~ an act of personal violence or force against ~~[any]~~ a person;
- 753 (11) solicits business for an attorney in return for compensation;
- 754 (12) is convicted of ~~[any]~~ an act constituting dishonesty or fraud;
- 755 (13) is placed on probation, parole, or named in an outstanding arrest warrant;
- 757 (14) commits or permits ~~[any]~~ an employee or independent contractor to commit ~~[any]~~ an act during the
period when the license is expired,~~[or]~~ suspended, or revoked;
- 761 (15) willfully neglects to render to a client services or a report as agreed between the parties and for
which the client paid or tendered compensation in accordance with the agreement of the parties
unless the licensee chooses to withdraw from the case and returns the funds for work not yet
completed;
- 764 (16) engages in the unauthorized release of information acquired on behalf of a client by a licensee, or
the client's employee or contract agent, as a result of activities regulated under this chapter;
- 767 (17) fails to cooperate with, misrepresents to, or refuses access to business or investigative records
~~[requested by]~~the board requests or an authorized representative of the bureau engaged in an
official investigation in accordance with this chapter;
- 771 (18) employs or contracts with ~~[any]~~ an unlicensed or improperly licensed person or agency to conduct
activities regulated under this chapter if the licensee knew or could have ascertained by reasonable
inquiry the person's or agency's licensure status~~[-was known or could have been ascertained by
reasonable inquiry]~~;
- 774 (19) permits, authorizes, aids, or in any way assists an employee to conduct ~~[services]~~ a service as
described in this chapter on an independent contractor basis and not under the authority of the
licensed agency;
- 776 (20) fails to maintain in full force and effect liability or workers' compensation insurance, or a surety
bond, if applicable;
- 778 (21) conducts private investigation services regulated by this chapter on a revoked or suspended license;
- 780 (22) accepts employment, contracts, or in any way engages in employment that has an adverse impact
on investigations being conducted on behalf of clients;
- 781 (23) advertises in a false, deceptive, or misleading manner;

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(24) refuses to display the identification card [~~issued by~~] that the bureau issues to the licensee to
[~~any~~] a person [~~having reasonable cause to verify the validity of the license~~] that makes a request in
accordance with Subsection 53-9-112(4);

784 (25) commits [~~any~~] an act of unprofessional conduct;

785 (26) is convicted of [~~any~~] an act of illegally obtaining or disseminating private, controlled, or protected
records under Section 63G-2-801;

787 (27) fails to notify the bureau of a change of name or address within [~~60~~] 10 days of the change; or

789 (28) engages in any other conduct prohibited by this chapter.

790 ~~{Section 14. Section 53-9-121 is amended to read: }~~

791 **53-9-121. Limited-use license.**

792 (1) As used in this section:

793 (a) "Legislative body" means:

794 (i) the Legislature;

795 (ii) the Utah House of Representatives;

796 (iii) the Utah Senate;

797 (iv) a special investigative committee; or

798 (v) a staff office of the Legislature.

799 (b) "Special investigative committee" is as defined in Subsection 36-12-9(1).

800 (2) Notwithstanding any provision of this chapter, a person is qualified to receive a limited-use license
if the person:

802 (a) is licensed, in good standing, by another state, district, or territory of the United States to provide the
services of a private investigator or private detective; and

804 (b) is retained by a legislative body to provide the services of a private investigator or private detective
for:

806 (i) a special investigative committee; or

807 (ii) a purpose relating to impeachment.

808 (3) A person holding a limited-use license may only provide the services described in Subsection (2)(b).

810 (4) The bureau shall issue a limited-use license to a person within five days after the day on which the
bureau receives notice from a legislative body that:

812 (a) the person meets the qualifications described in Subsection (2)(a); and

813 (b) the legislative body has retained the person to provide the services described in Subsection (2)(b).

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- 815 (5) The bureau may not:
- 816 (a) impose a qualification for the receipt of a limited-use license other than the qualifications described
in Subsection (2)(a); or
- 818 (b) charge a fee to issue a limited-use license.
- 819 (6) A limited-use license expires when the legislative body no longer retains the person to [whom it is
issued is no longer retained by a legislative body] which the bureau issues the limited-use license to
provide a service described in Subsection (2)(b).

276 Section 4. Section 53-10-202.5 is amended to read:

277 **53-10-202.5. Bureau services -- Fees.**

The bureau shall collect fees for the following services:

- 279 (1) applicant fingerprint card as determined by Section 53-10-108;
- 280 [~~(2) bail enforcement licensing as determined by Section 53-11-115;~~]
- 281 [~~(3)~~] (2) concealed firearm permit as determined by Section 53-5a-307;
- 282 [~~(4)~~] (3) provisional concealed firearm permit as determined by Section 53-5a-308;
- 283 [~~(5)~~] (4) a certificate of eligibility for expungement as described in Section 77-40a-304;
- 284 [~~(6)~~] (5) firearm purchase background check as determined by Section 53-5a-602;
- 285 [~~(7)~~] (6) name check as determined by Section 53-10-108; and
- 286 [~~(8) private investigator licensing as determined by Section 53-9-111; and~~]
- 287 [~~(9)~~] (7) right of access as determined by Section 53-10-108.

822 ~~{Section 15. Section 53-11-102 is amended to read: }~~

823 **53-11-102. Definitions.**

As used in this chapter:

- 825 (1) "Applicant" means a person who has submitted to the department a completed application and all
required application and processing fees.
- 827 (2) "Bail bond agency" means a bail enforcement agent licensed under this chapter who operates a
business to carry out the functions of a bail enforcement agent, and to conduct this business:
- 830 (a) employs one or more persons licensed under this chapter for wages or salary, and withholds all
legally required deductions and contributions; or
- 832 (b) contracts with a bail recovery agent or bail recovery apprentice on a part-time or case-by-case basis.
- 834 (3) "Bail enforcement agent" means an individual licensed under this chapter as a bail enforcement
agent to enforce the terms and conditions of a defendant's release on bail in a civil or criminal

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proceeding, to apprehend a defendant or surrender a defendant to custody, or both, as is appropriate, and who:

- 838 (a) is appointed by a bail bond surety; and
- 839 (b) receives or is promised money or other things of value for this service.
- 840 (4) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:
- 843 (a) presenting a defendant for required court appearances;
- 844 (b) apprehending or surrendering a defendant to a court; or
- 845 (c) keeping the defendant under necessary surveillance.
- 846 (5) "Bail recovery apprentice" means any individual licensed under this chapter as a bail recovery apprentice, and who:
- 848 (a) has not met the requirements for licensure as a bail recovery agent or bail enforcement agent; and
- 850 (b) is employed by a bail enforcement agent, and works under the direct supervision of a bail enforcement agent or bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that under this chapter do not require direct supervision.
- 855 (6) "Board" means the [~~Bail Bond Recovery and Private Investigator Licensure~~] Bureau Licensing Review Board created under Section 53-11-104.
- 857 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- 859 (8) "Commissioner" means the commissioner of public safety as defined under Section 53-1-107, or [~~his~~] the commissioner's designee.
- 861 (9) "Contract employee" or "independent contractor" means a person who works for an agency as an independent contractor.
- 863 (10) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from a trial or plea, including a plea of no contest or nolo contendere, regardless of whether the imposition of sentence was suspended.
- 866 (11) "Department" means the Department of Public Safety.
- 867 (12) "Direct supervision" means a bail enforcement agent employing or contracting with a bail recovery apprentice, or a bail recovery agent employed by or contracting with that bail enforcement agent who:

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- 870 (a) takes responsibility for and assigns the work a bail recovery apprentice may conduct; and
872 (b) closely supervises, within close physical proximity, and provides direction and guidance to the bail
recovery apprentice regarding the assigned work.
- 874 (13) "Emergency action" means a summary suspension of a license issued under this chapter pending
revocation[;] or suspension[; ~~or probation~~], in order to protect the public health, safety, or welfare.
- 877 (14) "Identification card" means a card issued by the commissioner to an applicant qualified for
licensure under this chapter.
- 879 (15) "Letter of concern" means an advisory letter to notify a licensee that while there is insufficient
evidence to support [~~probation,~~]suspension[;] or revocation of a license, the department believes:
- 882 (a) the licensee should modify or eliminate certain practices; [~~and~~] or
883 (b) continuation of the activities that led to the information being submitted to the department may
result in further disciplinary action against the license.
- 885 (16) "Occupied structure" means any edifice, including residential and public buildings, vehicles, or any
other structure that could reasonably be expected to house or shelter persons.
- 888 (17) "Private investigator or private detective" means the same as that term is defined in Section
53-9-102.
- 890 (18) "Supervision" means the employing bail enforcement agent is responsible for and authorizes the
type and extent of work assigned to a bail recovery agent who is his employee or contract employee.
- 893 (19) "Unprofessional conduct" means:
- 894 (a) engaging or offering to engage by fraud or misrepresentation in any activities regulated by this
chapter;
- 896 (b) aiding or abetting a person who is not licensed [~~pursuant to~~] in accordance with this chapter in
representing that person as a bail recovery agent in this state;
- 898 (c) gross negligence in the practice of a bail recovery agent;
- 899 (d) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension, or
revocation of a bail recovery license, and conviction by a court [~~of competent~~] with jurisdiction or a
plea of no contest is conclusive evidence of the commission; or
- 903 (e) making a fraudulent or untrue statement to the board, department, [~~its~~] the department's
investigators, or staff.

905 ~~{Section 16. Section 53-11-103 is amended to read: }~~

906 **53-11-103. Bureau administers -- Licensure -- Rulemaking.**

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- 907 (1) The ~~[commissioner]~~ bureau administers this chapter, including keeping records of:
- 908 (a) all applications for licenses under this chapter; and
- 909 (b) proof of workers' compensation required to be filed.
- 910 (2) Records shall include statements as to whether a license or renewal license has been issued for each application and bond.
- 912 (3) If ~~[a license is revoked, suspended, or canceled, or a license is denied or placed on probation]~~ the bureau revokes, suspends, or denies a licensee's license, the ~~[commissioner]~~ bureau shall ~~[ensure]~~ include the date of filing the order for revocation, suspension, or ~~[cancellation,] denial[, or probation is included]~~ in the records.
- 916 (4) The ~~[commissioner]~~ bureau shall maintain:
- 917 (a) a list of ~~[all individuals, firms, partnerships, associations, or corporations that have had a license revoked, suspended, placed on probation, or canceled and]~~ each individual, firm, partnership, association, or corporation whose license the bureau has revoked or denied;
- 921 (b) a written record of complaints filed against licensees~~[-]~~ ; and
- 922 (c) records of board actions.
- 923 (5)
- (a) The ~~[commissioner]~~ bureau may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer this chapter.
- 925 (b) These rules shall include a requirement that ~~[all providers]~~ a provider offering instruction or continuing instruction required for licensure under this chapter shall offer the courses to all applicants at the same course fees, in order to be qualified by the board.
- 929 (6) All records referred to under this section are open to the public under Title 63G, Chapter 2, Government Records Access and Management Act, except licensees' residential addresses and telephone numbers.

932 ~~{Section 17. Section 53-11-104 is amended to read: }~~

933 **53-11-104. Bureau Licensing Review Board.**

- 935 (1) There is established under the Department of Public Safety ~~[a Bail Bond Recovery and Private Investigator Licensure]~~ the Bureau Licensing Review Board consisting of eight members appointed by the commissioner.
- 938 (2) Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment:

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- 940 (a) one member shall be a person who is qualified for and is licensed under this chapter;
- 941 (b) one member shall be a person who is qualified for and is licensed under Chapter 9, Private
Investigator Regulation Act;
- 943 (c) one member shall be an attorney licensed to practice in the state;
- 944 (d) one member shall be a chief of police or sheriff;
- 945 (e) one member shall be a supervisory investigator from the commissioner's office;
- 946 (f) one member shall be an owner of a bail bond surety company;
- 947 (g) one member shall be an owner of a private investigator agency; and
- 948 (h) one member shall be a public member who:
- 949 (i) does not have a financial interest in a bail bond surety or bail bond recovery business;
- 951 (ii) does not have a financial interest in a private investigative agency; and
- 952 (iii) does not have an immediate family member or a household member, or a personal or professional
acquaintance, who is licensed or registered under this chapter or Chapter 9, Private Investigator
Regulation Act.
- 955 (3)
- (a) As terms of current board members expire, the commissioner shall appoint each new member or
reappointed member to a four-year term, except as required by Subsection (3)(b).
- 958 (b) The commissioner shall, at the time of appointment or reappointment, adjust the length of terms
to ensure that the terms of board members are staggered so that approximately half of the board is
appointed every two years.
- 961 (4) When a vacancy occurs in the membership for any reason, the commissioner shall appoint a
replacement [~~shall be appointed~~] for the unexpired term.
- 963 (5) At the board's first meeting every year, the board shall elect a chair and vice chair from the board's
membership.
- 965 (6) A member may not receive compensation or benefits for the member's service, but may receive per
diem and travel expenses in accordance with:
- 967 (a) Section 63A-3-106;
- 968 (b) Section 63A-3-107; and
- 969 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 971 (7)
- (a) A member may not serve more than one consecutive term unless:

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- 972 (i) there is no other qualified applicant; or
973 (ii) a member is appointed to fill a vacancy or appointed for an initial term of less than four years
under Subsection (3).
- 975 (b) The commissioner may reappoint a member described in Subsection (7)(a)(ii) for one additional full
term.
- 977 (8) The commissioner, after a board hearing and recommendation, may remove any member of the
board for misconduct, incompetency, or neglect of duty.
- 979 (9) Members of the board are immune from suit with respect to all acts done and actions taken in good
faith in carrying out the purposes of this chapter.

981 ~~{Section 18. Section 53-11-105 is amended to read: }~~

982 **53-11-105. Powers and duties of board.**

983 (1) The board shall:

984 (a)

(i) review ~~[all applications]~~ each application for licensing and ~~[renewals]~~ renewal of ~~[licenses submitted
by the bureau]~~ a license the bureau submits under this chapter and ~~[Title 53,]~~ Chapter 9, Private
Investigator Regulation Act; and

987 (ii) approve or ~~[disapprove]~~ deny the ~~[applications]~~ application;

988 (b) review ~~[all complaints]~~ each investigation the bureau conducts and take disciplinary action; and

990 (c) establish standards for and approve providers of courses required for licensure under this section.

992 (2) The board may:

993 (a) take and hear evidence~~[;]~~ ;

994 (b) administer oaths and affirmations~~[;]~~ ; and

995 (c) ~~[-]~~compel by subpoena:

996 (i) the attendance of witnesses; and

997 (ii) the production of books, papers, records, documents, and other information relating to:

999 ~~[(a)]~~ (A) investigation of an applicant for licensure under this chapter or ~~[Title 53,]~~ Chapter 9, Private
Investigator Regulation Act;~~[-or]~~

1001 ~~[(b)]~~ (B) a ~~[formal]~~complaint against a licensee or department or law enforcement investigation of [a
bail enforcement agent, bail recovery agent, bail recovery apprentice, or a private investigator] a
person who is or was licensed under this chapter; or

1005 (C) a duty described in Chapter 9, Private Investigator Regulation Act.

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1006 ~~{Section 19. Section 53-11-108 is amended to read: }~~

1007 **53-11-108. Licensure -- Basic qualifications.**

An applicant for licensure under this chapter shall meet the following qualifications:

1009 (1) An applicant shall be:

1010 (a) at least 21 years old;

1011 (b) a citizen or legal resident of the United States; and

1012 (c) of good moral character.

1013 (2) An applicant may not:

1014 (a) have been convicted of:

1015 (i) a felony;

1016 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;

1017 (iii) any act of personal violence or force on any person or convicted of threatening to commit any act
of personal violence or force against another person;

1019 (iv) any act constituting dishonesty or fraud;

1020 (v) impersonating a peace officer;~~[-or]~~

1021 (vi) any act involving moral turpitude;or

1022 (vii) a violation of this chapter;

1023 (b) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or

1025 (c) be employed as a peace officer.

1026 (3) If previously or currently licensed in [~~another~~] this state or another state or jurisdiction, the applicant
shall be in good standing within that state or jurisdiction.

1028 (4)

(a) The applicant shall also have completed a training program of not less than 16 hours that is
approved by the board and includes:

1030 (i) instruction on the duties and responsibilities of a licensee under this chapter, including:

1032 (A) search, seizure, and arrest procedure;

1033 (B) pursuit, arrest, detainment, and transportation of a bail bond suspect; and

1034 (C) specific duties and responsibilities regarding entering an occupied structure to carry out functions
under this chapter;

1036 (ii) the laws and rules relating to the bail bond business;

1037 (iii) the rights of the accused; and

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- 1038 (iv) ethics.
- 1039 (b) The program may be completed after the licensure application is submitted, but shall be completed before a license may be issued under this chapter.
- 1041 (5) If the applicant desires to carry a firearm as a licensee, the applicant shall:
- 1042 (a) successfully complete a course regarding the specified types of weapons the applicant plans to carry. The course shall:
- 1044 (i) be not less than 16 hours;
- 1045 (ii) be conducted by any national, state, or local firearms training organization approved by the Criminal Investigations and Technical Services Division created in Section 53-10-103; and
- 1048 (iii) provide training regarding general familiarity with the types of firearms to be carried, including:
- 1050 (A) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
- 1052 (B) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of deadly force, transportation, and concealment; and
- 1054 (b) shall hold a valid license to carry a concealed weapon, issued under Section 53-5a-303.
- 1056 ~~{Section 20. Section 53-11-109 is amended to read: }~~
- 1057 **53-11-109. Licensure -- Bail enforcement agent.**
- 1058 (1)
- 1062 (a) In addition to the requirements in Sections 53-11-108 and 53-11-110, an applicant for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.
- 1064 (b) The applicant shall substantiate the experience claimed under Subsection [(+) (1)(a)] as qualifying experience and shall provide:
- 1066 (i) the exact details as to the character and nature of the experience on a form prescribed by the [department] bureau; and
- 1068 (ii) certification by the applicant's employers, which is subject to independent verification by the board.
- 1072 (c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.
- 1073 (d) The burden of proving completion of the required experience is on the applicant.

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(2) An applicant for license renewal shall have completed not less than eight hours of continuing [classroom instruction] education during the preceding license period.

1075 {Section 21. Section 53-11-110 is amended to read: }

1076 **53-11-110. Bail enforcement agent as agency -- Surety bond -- Workers' compensation.**

1078 (1) An applicant for licensure as a bail enforcement agent who will operate a bail bond recovery agency shall provide the following information as part of the application:

1080 (a) the full name and business address of the applicant;

1081 (b) two passport-size color photographs of the applicant;

1082 (c) the name under which the applicant intends to conduct the business;

1083 (d) a statement that the applicant intends to engage in the bail bond recovery business;

1084 (e) a notarized statement of the applicant's qualifications as required by Sections 53-11-108 and 53-11-109;

1086 (f) the fee required by Section 53-11-115;

1087 (g) a certificate of workers' compensation insurance, if applicable; and

1088 (h) proof of completion of a training program approved by the board.

1089 (2) An applicant for licensure, or renewal of licensure, as a bail enforcement agent shall include with the application a surety bond:

1091 (a) in the amount of \$10,000;

1092 (b) that is in effect throughout the entire licensing period; and

1093 (c) that provides that the issuer of the surety bond will notify the bureau if the bond is cancelled or expired.

1095 (3) The license for a bail enforcement agent shall indicate on [its] the license's face if the holder is licensed to act as a bail bond recovery agency.

1097 (4) The bureau shall:

1098 (a) [~~cancel~~] suspend a license if the bureau receives notice that the surety bond described in Subsection (2) is cancelled or expired;

1100 (b) notify a licensee when the bureau [~~cancel~~] suspends a license under Subsection (4)(a); and

1102 (c) reinstate a license [~~that has been cancelled~~] the bureau suspends under Subsection (4)(a), and has not otherwise been revoked, when the person whose license [~~was cancelled~~] the bureau suspends:

1105 (i) files a surety bond described in Subsection (2) that is in effect for the remainder of the licensing period; and

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1107 (ii) pays the [~~Heensing~~] reinstatement fee described in Section 53-11-115.

1108 ~~{Section 22. Section 53-11-111 is amended to read: }~~

1109 **53-11-111. Licensure -- Bail recovery agent -- Requirements and limitations.**

1111 (1)

(a) In addition to the requirements in Sections 53-11-108 and 53-11-113, an applicant for licensure as a bail recovery agent shall meet all of the requirements under Section 53-11-109, but instead of the experience requirement under Subsection 53-11-109(1)(a), a bail recovery agent applicant shall have a minimum of 1,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.

1117 (b) The applicant shall substantiate the experience claimed under Subsection ~~[(+)]~~ (1)(a) as qualifying experience and shall provide:

1119 (i) the exact details as to the character and nature of the experience on a form prescribed by the department; and

1121 (ii) certification by the applicant's employers, which is subject to independent verification by the board.

1123 (c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.

1127 (d) The burden of proving completion of the required experience is on the applicant.

1128 (2) An applicant for license renewal shall have completed not less than eight hours of continuing ~~[classroom instruction]~~ education during the preceding licensing period.

1130 (3) A bail recovery agent may work as a licensee under this chapter only as an employee of or as an independent contractor with a bail bond agency.

1132 ~~(4)~~ A bail recovery agent may not:

1133 (a) advertise the ~~[agent's]~~ liaison's services;

1134 (b) provide services as a licensee under this chapter directly for members of the public; or

1136 (c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

1138 ~~{Section 23. Section 53-11-113 is amended to read: }~~

1139 **53-11-113. Bail recovery agent and bail recovery apprentice licensure -- Surety bond -- Fee -- Workers' compensation.**

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- (1) An applicant for licensure as a bail recovery agent or as a bail recovery apprentice shall provide as part of the application:
- 1143 (a) the full name and address of the applicant;
- 1144 (b) two passport-size color photographs of the applicant;
- 1145 (c) the name of the bail bond recovery agency for which the applicant will be an employee or with which the applicant will be an independent contractor;
- 1147 (d) written indication by a bail bond recovery agency [~~or its designee~~]that [it] the bail bond recovery agency intends to employ or contract with the applicant; and
- 1149 (e) a notarized statement of the applicant's experience and qualifications required under Section 53-11-111 or 53-11-112, as appropriate.
- 1151 (2) The licensure application or renewal shall be accompanied by the fee required under Section 53-11-115.
- 1153 (3) An applicant for licensure, or renewal of licensure, as a bail recovery agent or a bail recovery apprentice shall include with the application a surety bond:
- 1155 (a) in the amount of \$10,000;
- 1156 (b) that is in effect throughout the entire licensing period; and
- 1157 (c) that provides that the issuer of the surety bond will notify the bureau if the bond is cancelled or expired.
- 1159 (4) The bureau shall:
- 1160 (a) [~~cancel~~] suspend a license if the bureau receives notice that the surety bond described in Subsection (3) is cancelled or expired;
- 1162 (b) notify a licensee when the bureau [~~cancels~~] suspends a license under Subsection (4)(a); and
- 1164 (c) reinstate a license that [~~has been cancelled~~] the bureau suspends under Subsection (4)(a), and has not otherwise been revoked, when the person whose license [~~was cancelled~~] the bureau suspends:
- 1167 (i) files a surety bond described in Subsection (3) that is in effect for the remainder of the licensing period; and
- 1169 (ii) pays the [~~licensing~~] reinstatement fee described in Section 53-11-115.
- 1170 (5)
- (a) A license or a license renewal for a bail recovery agent or a bail recovery apprentice may not be granted to an applicant unless the employing bail bond recovery agency has on file with the department evidence of current workers' compensation coverage.

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- 1174 (b) A bail recovery agent or bail recovery apprentice license may not be reinstated without providing verification of the reinstatement of the workers' compensation coverage and payment of the reinstatement fee required in Section 53-11-115.
- 1177 (c) The provisions of this Subsection (5) do not apply to a bail recovery agent or bail recovery apprentice who is working for a bail bond recovery agency as an independent contractor.
- 1180 ~~{Section 24. Section 53-11-115 is amended to read: }~~
- 1181 **53-11-115. License fees -- Deposit into General Fund.**
- 1182 (1) Fees for individual and agency licensure, registration, and renewal shall be set in accordance with Section 63J-1-504.
- 1184 (2)
- (a) The bureau may renew a license granted under this chapter upon receipt of an application on forms [as prescribed by the board] the bureau approves and upon receipt of the applicable fees if the licensee's application meets all the requirements for renewal.
- 1188 (b) If the bureau determines the license renewal application does not meet all the requirements for renewal, the bureau shall submit the renewal application to the board for review and action.
- 1191 (c) A license may not be renewed more than 90 days after ~~[its expiration]~~ the day on which the license expires.
- 1193 (d) A licensee may not engage in any activity subject to this chapter during any period between the date of expiration of the license and the renewal of the license.
- 1195 (3)
- (a) The ~~[board]~~ bureau may reinstate a suspended license upon completion of the term of suspension~~[-]~~ , if the licensee completes a reinstatement application and pays a reinstatement fee.
- 1198 (b) Renewal of the license does not entitle the licensee, while the license remains suspended and until ~~[it is reinstated]~~ the bureau reinstates the license, to engage in any activity regulated by this chapter, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.
- 1202 (4) The board may not reinstate a revoked license or accept an application for a license from a person whose license has been revoked for at least one year after the date of revocation.
- 1205 (5) The bureau may not issue, nor may the board approve a license to a person from whom the bureau revokes a license twice in accordance with this chapter.

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~~[(5)] (6) [All] The bureau shall deposit all fees, except the fingerprint processing fee, [collected by] the [department] bureau collects under this section [shall be deposited in] into the General Fund.~~

1210 ~~{Section 25. Section 53-11-116 is amended to read: }~~

1211 **53-11-116. Issuance of license and card to applicant -- License period -- Expiration of application -- Transfer of license prohibited.**

1213 (1)

(a) The ~~[board]~~ bureau shall issue a license to an applicant who complies with the provisions of this chapter.

1215 (b) Each license shall:

1216 (i) contain the name and address of the licensee, the classification of license, and the number of the license; and

1218 (ii) be issued for a period of two years.

1219 (2)

(a) When the board issues the license, ~~[it] the board~~ shall also issue an identification card the design of which ~~the bureau shall [be approved by the commissioner in accordance with Section 53-11-116.5]~~ approve.

1222 (b) The identification card shall be issued without charge to the licensee if an individual, or if the licensee is an agency, to each of ~~[its] the licensee's~~ licensed employees and contract employees, and is evidence the licensee and the licensee's employees and contract employees are licensed under this chapter.

1226 (3)

(a) If an identification card issued to a person states on ~~[it] the identification card~~ any bail bond agencies for which the cardholder works, that person shall return the card to the employer upon termination of the person's work relationship with the bail bond agency licensee.

1230 (b) Within five days the licensee shall mail or deliver the card to the ~~[commissioner]~~ bureau for cancellation.

1232 (4)

(a) When the ~~[commissioner]~~ bureau notifies an applicant that licensure as a bail bond recovery agency is ~~[ready for issuance]~~ incomplete, the applicant shall complete the application process within 90 days.

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- (b) Failure to complete the process results in [~~cancellation~~] denial of the application and forfeiture of all fees paid to that point.
- 1237 (c) Subsequent application by the same applicant requires the payment of all application and license fees prescribed in Section 53-11-115.
- 1239 (5)
- (a) A bail bond agency licensee shall notify the [~~commissioner~~] bureau of any change in the name or address of the bail bond agency licensee's business and of any change of employees or contract employees within 30 days after the change.
- 1242 (b) If a bail bond agency licensee fails to notify the bureau as required in Subsection (5)(a), the bail bond agency's license is immediately suspended.
- 1244 (c) If a bail bond agency's license is suspended for failure to comply with this Subsection (5), the licensee shall apply for reinstatement and pay the fee described in Section 53-11-115.
- 1247 (6)
- (a) All new employees and contract employees of an agency who are licensed under this chapter shall submit applications on forms [~~prescribed by the board~~] the bureau approves.
- 1250 (b) Upon board approval, identification cards shall be issued without charge.
- 1251 (7) A license issued under this chapter is not transferable or assignable.
- 1252 {~~Section 26. Section 53-11-116.5 is amended to read:~~ }
- 1253 **53-11-116.5. Identification cards.**
- 1254 [(1)] A person licensed under this chapter as a bail enforcement agent or a bail recovery agent shall carry an identification card issued under this section while conducting an activity regulated under this chapter.
- 1257 [(2)]
- (a) ~~Bail bond agencies may submit designs for an identification card that shall be used for identification purposes by bail enforcement agents and bail recovery agents licensed under this chapter.]~~
- 1260 [(b) ~~The commissioner shall establish a procedure for the submitting of identification card designs and shall select one design to be used for all identification cards issued under this section.]~~
- 1263 [(c) ~~The identification card design:]~~
- 1264 [(i) ~~may not resemble any identification card currently in use by a law enforcement agency within the state; and]~~
- 1266 [(ii) ~~shall include:]~~

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- 1267 [(A) the licensee's classification of licensure;]
- 1268 [(B) the license number; and]
- 1269 [(C) a current photo of the licensee.]
- 1270 [(d) The department of public safety shall issue identification cards, upon notification by the board that
a license has been issued.]
- 1272 ~~{Section 27. Section 53-11-118 is amended to read: }~~
- 1273 **53-11-118. Grounds for denial of license -- Appeal.**
- 1274 (1) The board may deny a license application or a license renewal if the applicant has:
- 1275 (a) committed an act that, if committed by a licensee, would be grounds for ~~[probation,]~~suspension~~[,]~~
or revocation of a license under this chapter;
- 1277 (b) employed as a bail recovery agent or bail recovery apprentice employee or contract employee a
person who has been refused a license under this chapter or who has had a license revoked in any
state;
- 1280 (c) committed, or aided and abetted the commission of, any act for which a license is required by this
chapter, while not licensed under this chapter; or
- 1282 (d) knowingly made a material misstatement in connection with an application for a license or renewal
of a license under this chapter.
- 1284 (2) The issuance of an identification card shall be denied to an applicant if the applicant fails to meet the
required licensure qualifications.
- 1286 (3)
- 1288 (a) The denial of the issuance of a license under this chapter shall be in writing and describe the basis
for the denial.
- 1288 (b) The board's denial shall inform the applicant in writing that if the applicant desires a hearing to
contest the denial, the applicant shall submit a request in writing to the ~~[commissioner]~~ board within
30 days after ~~[the issuance of]~~ the day on which the board issues the denial.
- 1292 (c) ~~The [hearing shall be scheduled not later than 60 days after receipt of the request]~~ board shall
conduct the hearing at the first board meeting after the board receives the applicant's written request.
- 1295 (4) ~~[The]~~ After a hearing described in Subsection (3), an applicant may appeal the board's denial of a
license to the commissioner ~~[shall hear the appeal, and]~~ who may:
- 1297 (a) return the case to the board for reconsideration;
- 1298 ~~[(b) modify the board's decision; or]~~

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- 1299 (b) affirm the board's decision; or
- 1300 (c) reverse the board's decision and approve the applicant's license.
- 1301 (5) The commissioner shall:
- 1302 (a) issue a final order on an appeal brought in accordance with Subsection (4) within 30 days after the
day on which the applicant appeals to the commissioner; and
- 1304 (b) send the final order by certified mail to the applicant.
- 1305 [~~(5)~~] (6) Decisions of the commissioner are subject to judicial review [~~pursuant to~~] in accordance with
Section 63G-4-402.
- 1307 ~~{Section 28. Section 53-11-119 is amended to read: }~~
- 1308 **53-11-119. Grounds for disciplinary action.**
- 1309 (1) The board may take disciplinary action [~~under Subsection (2), (4), or (5)~~] regarding a license
granted under this chapter if the board finds, in an investigation, that the licensee commits any of the
following while engaged in activities regulated under this chapter:
- 1312 (a) fraud or willful misrepresentation in applying for an original license or renewal of an existing
license;
- 1314 (b) using any letterhead, advertising, or other printed matter in any manner representing that the
licensee is an instrumentality of the federal government, a state, or any political subdivision of a
state;
- 1317 (c) using a name different from that under which the licensee is currently licensed for any advertising,
solicitation, or contract to secure business unless the name is an authorized fictitious name;
- 1320 (d) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement
officer or employee of the United States, any state, or a political subdivision of a state;
- 1323 (e) knowingly violating, advising, encouraging, or assisting in the violation of any statute, court order,
or injunction in the course of conducting an agency regulated under this chapter;
- 1326 (f) falsifying fingerprints or photographs while operating under this chapter;
- 1327 (g) has a conviction for:
- 1328 (i) a felony;
- 1329 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
- 1330 (iii) any act involving moral turpitude;
- 1331 (iv) any act of personal violence or force against any person or conviction of threatening to commit any
act of personal violence or force against any person;

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- 1333 (v) any act constituting dishonesty or fraud;
- 1334 (vi) impersonating a peace officer; or
- 1335 (vii) any act of illegally obtaining or disseminating private, controlled, or protected records under
Section 63G-2-801;
- 1337 (h) soliciting business for an attorney in return for compensation;
- 1338 (i) being placed on probation, parole, compensatory service, or named in an outstanding arrest warrant;
- 1340 (j) committing, or permitting any employee or contract employee to commit any act during the period
between the expiration of a license for failure to renew within the time fixed by this chapter, and the
reinstatement of the license, that would be cause for the suspension or revocation of the license or
grounds for denial of the application for the license;
- 1345 (k) willfully neglecting to render to a client services or a report as agreed between the parties and for
which compensation has been paid or tendered in accordance with the agreement of the parties, but
if the investigator chooses to withdraw from the case and returns the funds for work not yet done, no
violation of this section exists;
- 1349 (l) failing or refusing to cooperate with, failing to provide truthful information to, or refusing access to
an authorized representative of the [department] bureau engaged in an official investigation;
- 1352 (m) employing or contracting with any unlicensed or improperly licensed person or agency to conduct
activities regulated under this chapter if the licensure status was known or could have been
ascertained by reasonable inquiry;
- 1355 (n) permitting, authorizing, aiding, or in any way assisting a licensed employee to conduct services
as described in this chapter on an independent contractor basis and not under the authority of the
licensed agency;
- 1358 (o) failure to maintain in full force and effect workers' compensation insurance, if applicable;
- 1360 (p) advertising in a false, deceptive, or misleading manner;
- 1361 (q) refusing to display the identification card issued by the [department] bureau to any person having
reasonable cause to verify the validity of the license;
- 1363 (r) committing any act of unprofessional conduct;
- 1364 (s) failure, when the licensee makes an introduction as an agent to include the words "bail enforcement"
or "bail recovery"; or
- 1366 [(s)] (t) engaging in any other conduct prohibited by this chapter.
- 1367

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- (2) ~~[On completion of an investigation, the board may]~~ After the board completes an investigation described in Subsection (1):
- 1369 ~~[(a) dismiss the case;]~~
- 1370 ~~[(b) take emergency action;]~~
- 1371 ~~[(c) issue a letter of concern, if applicable;]~~
- 1372 ~~[(d) impose a civil penalty not to exceed \$500;]~~
- 1373 ~~[(e) place all records, evidence, findings, and conclusions and any other information pertinent to the investigation in the confidential and protected records section of the file maintained at the department; or]~~
- 1376 ~~[(f) if the board finds, based on the investigation, that a violation of Subsection (1) has occurred, notice shall be sent to the licensee of the results of the hearing by mailing a true copy to the licensee's last-known address in the department's files by certified mail, return receipt requested.]~~
- 1380 (a) if the bureau recommends disciplinary action, the bureau shall send a notice of the recommendation to the licensee by certified mail that includes the date and time of the meeting where the board will hear the results of the investigation and consider the bureau's recommendation; and
- 1384 (b) the board shall give the licensee an opportunity at the meeting to present testimony and evidence in response to the bureau's recommendation.
- 1386 ~~(3) [A letter of concern shall be retained by the commissioner and may be used in future disciplinary actions against a licensee]~~ The commissioner shall retain a letter of concern and may use the letter of concern in a future disciplinary action against a licensee.
- 1389 (4)
- (a) If the ~~[board]~~ bureau finds, based on ~~[its]~~ the bureau's investigation under Subsection (1), that the public health, safety, or welfare requires emergency action, the ~~[board]~~ bureau may ~~[order]~~ issue a summary suspension of a license pending proceedings for revocation or other action.
- 1393 (b) If the ~~[board]~~ bureau issues~~[-an order of]~~ a summary suspension, the ~~[board]~~ bureau shall ~~[issue]~~ mail to the licensee a written notice of complaint~~[-and formal hearing, setting forth]~~ to the licensee's last-known address describing the charges made against the licensee and informing the licensee of the licensee's right to:
- 1397 (i) appear at a formal hearing before the board within 60 days[-] ; and
- 1398 (ii) present evidence at the hearing before the board.
- 1399 (5) Based on information the board receives during a hearing ~~[it]~~ the board may:

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- 1400 (a)
- (i) dismiss the complaint if the board believes ~~[it]~~ the complaint is without merit;
- 1401 (ii) fix a period and terms of probation best adapted to educate the licensee;
- 1402 (iii) place the license on suspension for a period of not more than 12 months; or
- 1403 (iv) revoke the license; and
- 1404 (b) impose a civil penalty not to exceed \$500.
- 1405 (6) The board shall mail the outcome of the hearing described in Subsection (5) to the licensee at the licensee's last-known address by first class mail.
- 1407 ~~[(6)]~~ (7)
- (a) ~~[On a finding by the board]~~ If the board finds that a [bail recovery agency] licensee committed a violation of Subsection (1), the [probation,] suspension[;] or revocation terminates the employment of all licensees employed or employed by contract by the bail bond agency.
- 1411 (b) If a licensee who is an employee or contract employee of a bail bond agency committed a violation of Subsection (1), the ~~[probation,] suspension[;]~~ or revocation applies only to the license ~~[held by]~~ that individual holds under this chapter.
- 1414 (c) An apprentice employed by a bail bond agency at the time of the suspension or revocation described in Subsection (7)(a) may obtain a reinstatement of the apprentice's license without fee if:
- 1417 (i) the apprentice did not engage in the conduct that led to the suspension or revocation; and
- 1419 (ii) the apprentice submits documentation that a new licensed agent supervises the apprentice.
- 1421 ~~[(7)]~~ (8)
- (a) ~~[Appeal of the board's decision shall be made in writing to]~~ A licensee may appeal the board's decision to the commissioner within 30 days after the [date of issuance of the board's decision] day on which the board issues the board's decision.
- 1424 ~~[(b) The hearing shall be scheduled not later than 60 days after receipt of the request.]~~
- 1425 ~~[(e)]~~ (b) The commissioner:
- 1426 (i) shall review the ~~[finding by the board]~~ board's finding; and
- 1427 (ii) may:
- 1428 (A) ~~[-]~~ affirm the board's finding[;] ;
- 1429 (B) ~~[-]~~ return the action to the board for reconsideration[~~, reverse, adopt, modify, supplement, amend,~~] ;
- or
- 1431 (C) ~~[-]~~ reject the [recommenda~~tion~~] action of the board and approve the license.

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- 1432 ~~[(8)]~~ (9)
- (a) ~~[A person may appeal the commissioner's decision to the district court pursuant to Section 63G-4-402]~~ The commissioner shall issue a final written order no later than 30 days after the day on which the commissioner takes an action described in Subsection (8)(b)(ii).
- 1436 (b) The commissioner's final written order under this Subsection (9) is considered the final agency action for purposes of judicial review under Section 63G-4-402.
- 1438 ~~[(9)]~~ (10) ~~[All penalties collected under]~~ The bureau shall deposit each penalty the bureau collects under this section [shall be deposited in] into the General Fund.
- 1440 ~~{Section 29. Section 53-11-121 is amended to read: }~~
- 1441 **53-11-121. False representation as a licensee -- Identifying clothing.**
- 1443 (1) A licensee under this chapter may not wear a uniform, or use a title or identification card other than the one issued under this chapter, or make any statement that would lead a reasonable person to believe the licensee is connected in any way with the federal government or any state or local governmental entity, unless the licensee has received authorization in writing by one of those governmental authorities to do so.
- 1448 ~~[(2) A licensee may possess a badge of a design approved by the board for use by a licensee.]~~
- 1449 ~~[(3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the accidental or inadvertent display of the badge to persons in the presence of the licensee.]~~
- 1451 ~~[(4)]~~ (2) ~~[The]~~ A licensee~~[may display the badge under Subsection (2) only if:]~~
- 1452 ~~[(a) the licensee is also at the same time wearing]~~ , while acting in accordance with this chapter, shall:
- 1454 (a) ~~[an article]~~ wear one or more articles of clothing that conspicuously displays on the chest and back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent;
- 1457 (b) ~~[the licensee also displays]~~ display the licensee's identification card described in Section 53-11-116.5, either:
- 1459 (i) upon request, while acting as a bail enforcement agent; or
- 1460 (ii) as necessary for the licensee to demonstrate authority while acting as a bail enforcement agent;
- 1462 ~~[(c) the licensee is making a planned apprehension of a defendant, and the licensee is also wearing an article of clothing described in Subsection (4)(a) or Subsection (5);]~~
- 1464 ~~[(d) the licensee is making an apprehension that is unplanned and under exigent circumstances, and the licensee is not wearing clothing described in Subsection (4)(a) or Subsection (5); or]~~

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- 1467 ~~[(e)] (c) if the licensee [is acting] acts as a bail enforcement agent [but is not engaged in a planned apprehension or in another situation that does not require that the agent be wearing clothing as described in Subsection (4)(a) or (5) in order to display the badge] for an immediate apprehension and does not have a reasonable opportunity to wear clothing that identifies the licensee as a bail enforcement agent:~~
- 1472 ~~(i) identify the licensee as required in Section 53-11-122; and~~
- 1473 ~~(ii) wear clothing that identifies the licensee as a bail enforcement agent as soon as reasonably possible.~~
- 1475 ~~[(5)] (3) A licensee may wear a jacket of a distinctive design or style that bears a printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:~~
- 1477 ~~(a) clearly identifies the wearer as a bail enforcement or recovery agent; and~~
- 1478 ~~(b) [is approved by the board] the board approves.~~
- 1479 ~~[(6)] (4) When a licensee [is acting] acts as a bail enforcement agent and interacts with a law enforcement officer, the licensee shall, at the first opportunity[-] :~~
- 1481 ~~(a) identify [him or herself-] the licensee as a bail enforcement agent to the law enforcement officer; and~~
- 1483 ~~(b) [shall provide] present to the law enforcement officer bureau-issued identification as a bail enforcement agent.~~
- 1485 ~~(5) Each time a licensee conducts an activity governed by this chapter or interacts with a person in accordance with this chapter, the licensee shall state that the licensee:~~
- 1487 ~~(a) holds a current license under this chapter by using the words "bail enforcement" as required in Section 53-11-122; and~~
- 1489 ~~(b) is not a peace officer and is not affiliated with any federal, state, or local government.~~
- 1490 ~~{Section 30. Section 53-11-123 is amended to read: }~~
- 1491 **53-11-123. Notification of local law enforcement.**
- 1492 (1)
- 1496 ~~(a) A bail enforcement agent or bail recovery agent who is searching for or planning to apprehend a person shall notify the local law enforcement agency if the search or apprehension will be conducted in an occupied structure within that law enforcement agency's jurisdiction.~~
- ~~(b) When possible, notification shall be provided before taking action, but [always within 24 hours of taking] no later than four hours after the time at which the bail enforcement agent or bail recovery agent takes action.~~

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- 1499 (c) When a bail enforcement agent or bail recovery agent [~~is preparing~~] prepares to enter an occupied
structure to carry out an arrest, the agent shall verbally advise the local law enforcement agency of
the agent's location and intended action [~~prior to~~] before acting.
- 1503 (2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall:
- 1504 (a) [~~each~~] carry a written document providing proof and cause for the actions the agent or apprentice [~~is~~
~~taking~~] takes as a licensee[~~,~~] ; and
- 1506 (b) [~~shall~~] make the written document available to local law enforcement agencies [~~upon request~~].

288 Section 5. Section 58-1-301.5 is amended to read:

289 **58-1-301.5. Division access to Bureau of Criminal Identification records. -- Criminal
background check requirement.**

- 291 (1) As used in this section, "applicant" means an individual applying for licensure or certification,
or with respect to a license or certification, applying for renewal, reinstatement, or relicensure or
recertification, as required in:
- 294 (a) Section 58-5a-302;
- 295 (b) Section 58-16a-302;
- 296 (c) Section 58-17b-303;
- 297 (d) Section 58-17b-304;
- 298 (e) Section 58-17b-305;
- 299 (f) Section 58-17b-306;
- 300 (g) Section 58-24b-302;
- 301 (h) Section 58-31b-302;
- 302 (i) Section 58-42a-302;
- 303 (j) Section 58-44a-302;
- 304 (k) Section 58-47b-302;
- 305 (l) Section 58-55-302;
- 306 (m) Section 58-47b-302.2;
- 307 (n) Section 58-60-205;
- 308 (o) Section 58-60-305;
- 309 (p) Section 58-60-405;
- 310 (q) Section 58-60-506;
- 311 (r) Section 58-61-304;

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- 312 (s) Section 58-63-302;
- 313 (t) Section 58-64-302;
- 314 (u) Section 58-67-302;
- 315 (v) Section 58-68-302;
- 316 (w) Section 58-69-302;
- 317 (x) Section 58-70a-302;
- 318 (y) Section 58-70b-302;
- 319 (z) Section 58-71-302;~~[-or]~~
- 320 (aa) Section 58-73-302~~[-]~~ ;
- 321 (bb) Section 58-92-302; or
- 322 (cc) Section 58-93-302.
- 323 (2) The division shall have direct access to local files maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of an applicant.
- 326 (3) The division's access to criminal background information under this section:
- 327 (a) shall meet the requirements of Section 53-10-108; and
- 328 (b) includes:
- 329 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition; and
- 331 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 333 (4) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.
- 337 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
- 338 (a) submit fingerprints in a form acceptable to the division at the time the applicant files a license application or a registration; and
- 340 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- 342 (6)
- (a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:

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- 344 (i) collect from each applicant submitting fingerprints in accordance with this section:
- 345 (A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided
under Section 53-10-108; and
- 347 (B) the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
obtaining federal criminal history record information;
- 350 (ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the
Bureau of Criminal Identification; and
- 352 (iii) obtain and retain in division records a signed waiver approved by the Bureau of Criminal
Identification in accordance with Section 53-10-108 for each applicant.
- 354 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by this chapter.
- 356 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification
shall:
- 358 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional
criminal records databases;
- 360 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history
background check; and
- 362 (c) provide the results from the state, regional, and nationwide criminal history background checks to
the division.
- 364 (8)
- (a)
- (i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal
background check required under this section demonstrates, after the applicant is licensed or
registered, that the applicant failed to accurately disclose a criminal history, the division may
provide notice to the applicant that the license or registration is immediately and automatically
revoked.
- 369 (ii) If a massage establishment owner has a criminal conviction or pending criminal charges for
any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made
by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, the division shall deny an application for registration of a
massage establishment.
- 374 (b)

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- (i) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
- 376 (ii) A registered massage establishment for which the registration has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
- 379 (c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

381 Section 6. Section 58-63-103 is amended to read:

382 **58-63-103. Use of money for education, training, and enforcement.**

The director may, with the concurrence of the board, use the money collected under Section 58-63-503, 58-92-503, or 58-93-503 for the following purposes:

- 386 (1) educating and training licensees under this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act;
- 388 (2) educating and training the general public or other interested persons in matters concerning the laws that govern the practices licensed under this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act; and
- 391 (3) enforcing this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act by:
- 393 (a) investigating unprofessional or unlawful conduct; and
- 394 (b) providing legal representation to the division when [it] the division takes legal action against a person charged with unprofessional or unlawful conduct.

396 Section 7. Section 58-63-201 is amended to read:

397 **58-63-201. Board -- Duties.**

- 398 (1) There is created the Security Services Licensing Board consisting of:
- 399 (a) two individuals who are officers or owners of a licensed contract security company;
- 400 (b) one individual who is an officer or owner of a licensed armored car company;
- 401 (c) one individual from among nominees of the Utah Sheriffs' Association;
- 402 (d) one individual from among nominees of the Utah Chiefs of Police Association;[~~and~~]
- 403 (e) one individual who is licensed under Chapter 92, Private Investigation Licensing Act;
- 404 (f) one individual who is an owner of a private investigation agency; and
- 405 [~~e~~] (g) two individuals representing the general public.
- 406 (2)

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(a) The executive director shall appoint board members in accordance with Section 58-1-201.

408 (b) A board member serves in accordance with Section 58-1-201.

409 (3)

(a) The board shall carry out [its] the board's duties and responsibilities in accordance with Sections 58-1-202 and 58-1-203.

411 (b) The board shall designate one of [its] the board's members on a permanent or rotating basis to:

413 (i) assist the division in reviewing a complaint concerning the unlawful or unprofessional conduct of a person licensed under this chapter; and

415 (ii) advise the division in [its] the board's investigation of the complaint.

416 (4) A board member who, under Subsection (3), has reviewed a complaint or advised in [its] the board's investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

419 Section 8. Section 8 is enacted to read:

420 **CHAPTER 92. Private Investigation Licensing Act**

421 **Part 1. General Provisions**

422 **58-92-101. Definitions.**

As used in this chapter:

424 (1) "Board" means the Security Services Licensing Board created in Section 58-63-201.

425 (2)

(a) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from trial or plea.

427 (b) "Conviction" includes the following, regardless of whether the imposition of a sentence was suspended:

429 (i) a plea of no contest;

430 (ii) a plea in abeyance; or

431 (iii) an Alford plea.

432 (3) "D.B.A." means the same as that term is defined in Section 42-2-101.

433 (4) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

434 (5)

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- (a) "Private investigation" means engaging in business or accepting employment to conduct an investigation for the purpose of obtaining information about:
- 436 (i) crime, wrongful acts, or threats against the United States or a state or territory of the United States;
- 438 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of an individual or group of individuals;
- 442 (iii) the credibility of witnesses or other individuals;
- 443 (iv) the whereabouts of a missing person or the owner of abandoned property;
- 444 (v) the causes and origin of, or responsibility for:
- 445 (A) a fire;
- 446 (B) libel;
- 447 (C) slander;
- 448 (D) a loss;
- 449 (E) an accident; or
- 450 (F) damage or an injury to real or personal property;
- 451 (vi) the business of securing evidence to be used:
- 452 (A) before investigating committees or boards; or
- 453 (B) in a civil trial or criminal trial and in the preparation for the civil trial or criminal trial;
- 455 (vii) the prevention, detection, and removal of installed devices for eavesdropping or observation;
- 457 (viii) the business of "skip tracing" a person that has become delinquent in the person's lawful debts, either when hired by an individual, collection agency, or through the direct purchase of the debt from a financial institution or entity owning the debt or judgment; or
- 461 (ix) serving civil process.
- 462 (b) "Private investigation" does not include:
- 463 (i) a person engaging in activities that are exempt under Section 58-92-306;
- 464 (ii) a person operating as a collection agency;
- 465 (iii) a person operating as a credit reporting agency;
- 466 (iv) a person or an employee conducting an investigation on the person's or employee's behalf or on behalf of an employer if the employer is not a private investigator under this chapter;
- 469 (v) an employee of an attorney licensed to practice law in this state; or

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- 470 (vi) a currently licensed certified public accountant as that term is defined in Section 58-26a-102.
472 (6)
473 (a) "Private investigation agency" means an entity:
474 (i) under the control of a private investigator agent; and
475 (ii) created by a private investigator agent to manage the private investigator agent's or the private
476 investigator agent's employee's clients and cases.
477 (b) "Private investigation agency" includes an entity that contracts with or employs a private
478 investigator agent, a private investigator registrant, or a private investigator apprentice.
479 (7) "Private investigator agent" means an individual that holds a private investigator agent license under
480 Section 58-92-303.
481 (8) "Private investigator apprentice" means an individual who holds a private investigator apprentice
482 license under Section 58-92-305.
483 (9) "Private investigator registrant" means an individual who holds a private investigator registrant
484 license under Section 58-92-304.

485 Section 9. Section **58-92-201** is renumbered and amended to read:

487

Part 2. Board

488 ~~[53-9-103]~~ **58-92-201.** ~~{(Effective 05/06/26)}~~ {Effective 01/01/27} ~~{Bureau}~~ Division to
489 **administer -- {Bureau} Division to issue licenses -- Records -- Bonds -- Rulemaking.**

230 (1) ~~[The {f} commissioner]~~ {bureau} On or after May 6, 2026, the division shall administer this
231 chapter.

232 (2)

(a) The [bureau {f}], ~~acting at the direction of the commissioner,~~ division shall issue a [private
investigator] license to an applicant [whom the board finds] who meets the qualifications for
licensure under this chapter.

234 [b) ~~The bureau shall issue a license to an apprentice applicant who meets the qualifications for~~
~~licensure under this chapter within five business days {f} of receipt of {f} after the day on which the~~
bureau receives ~~] the application.]~~

237 [e)] (b) The [bureau] division shall notify each licensee under this chapter when a licensee's license is
due for renewal in accordance with procedures [established by rule] the division establishes by rule.

238 (3)

(a) The [bureau] division shall keep {records{f}} a record of:

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- 240 (i) all applications for licenses under this chapter; and
- 241 (ii) all bonds and proof of certificates of liability and workers' compensation insurance required to
be filed.
- 243 (b) The [records] division { shall include {} } ~~bureau shall include in the record described in Subsection~~
(3)(a) } in the record described in Subsection (3)(a) statements as to whether the { bureau issues }
division has issued a license or renewal license [has been issued] for each application.
- 246 (4) [If a license is revoked, suspended, canceled, or denied or if a licensee is placed on probation,
the date of filing the order for revocation, suspension, cancellation, denial, or probation shall be
included in the records.] If the { bureau } division revokes, suspends, or denies a license, the { bureau
} division shall include the date of filing the order for revocation, suspension, or denial in the
records.
- 251 (5) The [bureau] division shall maintain:
- 252 (a) a list of all licensees whose license [has been revoked, suspended, placed on probation, or
canceled] the { bureau } division revokes, suspends, or denies; [and]
- 254 (b) a written record of complaints filed against licensees [-] ; and
- 255 (c) records of board actions.
- 256 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
[commissioner] { bureau } division may make rules governing the administration of the provisions of
this chapter.

520 Section 10. Section **10** is enacted to read:

521

Part 3. Licensing

522 **58-92-301. Licensure required -- License classifications.**

- 523 (1) Except as otherwise provided in this chapter, a license is required to engage in an act regulated
under this chapter.
- 525 (2) The division shall issue to a person that qualifies under this chapter, a license in the following
classifications:
- 527 (a) private investigator agent;
- 528 (b) private investigator registrant; or
- 529 (c) private investigator apprentice.

530 Section 11. Section **11** is enacted to read:

531

58-92-302. General qualifications for licensure.

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An applicant for licensure for a private investigator license, private investigator registrant, or private investigator apprentice under this chapter:

- 534 (1) shall:
- 535 (a) except for an applicant for a private investigator apprentice license, be at least 21 years old;
- 537 (b) be a citizen or legal resident of the United States;
- 538 (c) provide the applicant's name, address, date of birth, social security number, and fingerprints to the
division;
- 540 (d) disclose any criminal history the division requests on a form the division approves;
- 541 (e) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 543 (f) meet any other standard related to the criminal background check described in Section 58-1-301.5,
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act; and
- 546 (g) if currently licensed in another state or jurisdiction, be in good standing within that state or
jurisdiction; and
- 548 (2) may not:
- 549 (a) have an active impairment related to an illness, a mental or physical condition, a substance use
disorder or other behaviors listed in Subsection 58-1-501(2)(a)(v) that would prevent the applicant
from discharging the duties imposed by this chapter;
- 552 (b) have been convicted of:
- 553 (i) a felony;
- 554 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
- 555 (iii) an act of personal violence or force on another person;
- 556 (iv) threatening to commit an act of personal violence or force against another person;
- 557 (v) an act constituting dishonesty or fraud;
- 558 (vi) impersonating a peace officer; or
- 559 (vii) an act that, when considered with the functions and duties imposed by this title, bears a substantial
relationship to the individual's ability to safely or competently perform the duties required under this
chapter or indicates that the best interests of the public are not served by granting the applicant a
license;
- 563 (c) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or
- 565 (d) have been previously found or presently be in violation of this chapter.

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566 Section 12. Section 12 is enacted to read:

567 **58-92-303. Private investigator agent -- Qualifications for licensure -- Scope of license.**

- 569 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private
investigator agent shall:
- 571 (a) submit an application in a form the division approves;
- 572 (b) pay a fee determined by the department under Section 63J-1-504;
- 573 (c) provide proof to the division that the applicant meets each examination and experience requirement
for a private investigator agent under Sections 58-92-307 and 58-92-308;
- 576 (d) file and maintain with the division evidence of a surety bond:
- 577 (i) in the amount the division establishes by rule in collaboration with the board and in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 579 (ii) that shall remain in effect throughout the applicant's entire licensing period; and
- 580 (iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or
expired; and
- 582 (e) provide the division any other information the division requires by rule in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act.
- 584 (2) A private investigator agent may:
- 585 (a) engage in private investigation independently if the private investigator agent creates a private
investigation agency and receives a private investigation agency license in accordance with Section
58-92-311;
- 588 (b) if the private investigator agent creates a private investigation agency and receives a private
investigation agency license, supervise and employ a private investigator agent, a private
investigator registrant, or a private investigator apprentice under the private investigation agency;
and
- 592 (c) engage in private investigation:
- 593 (i) as the employee of a private investigator agent with a valid and current license; or
- 594 (ii) while under contract and supervision of a private investigator agent with a valid and current license.

596 Section 13. Section 13 is enacted to read:

597 **58-92-304. Private investigator registrant -- Qualifications for licensure -- Scope of license.**

- 599 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private
investigator registrant shall:

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- 601 (a) submit an application in a form the division approves;
602 (b) pay a fee determined by the department under Section 63J-1-504;
603 (c) provide proof to the division that the applicant meets the experience requirement for a private
investigator registrant under Section 58-92-307;
605 (d) file and maintain with the division evidence of a surety bond:
606 (i) in the amount the division establishes by rule in collaboration with the board and in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
608 (ii) that shall remain in effect throughout the applicant's entire licensing period; and
609 (iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or
expired; and
611 (e) provide the division any other information required by division rule in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.

613 (2) A private investigator registrant may engage in private investigation only:

- 614 (a) as the employee of a private investigator agent with a valid and current license; or
615 (b) while under contract and supervision of a private investigator agent with a valid and current license.

617 Section 14. Section **14** is enacted to read:

618 **58-92-305. Private investigator apprentice -- Qualifications for licensure -- Scope of license.**

620 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private
investigator apprentice shall:

- 622 (a) be at least 18 years old;
623 (b) submit an application in a form the division approves;
624 (c) pay a fee determined by the department under Section 63J-1-504; and
625 (d) provide the division any other information the division requires by rule in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act.

627 (2) A private investigator apprentice may engage in private investigation only:

- 628 (a) as the employee of a private investigator agent with a valid and current license; or
629 (b) while under contract and supervision of a private investigator agent with a valid and current license.

631 Section 15. Section **15** is enacted to read:

632 **58-92-306. Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, an individual may
engage in an act regulated by this chapter without being licensed under this chapter if the

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individual is an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department.

640 Section 16. Section **16** is enacted to read:

641 **58-92-307. Experience requirements.**

642 (1) In addition to the requirements of Sections 58-92-303 and 58-92-304 an applicant for:

643 (a) a private investigator agent license shall demonstrate in a form the division approves a minimum of 5,000 hours of investigative experience; and

645 (b) a private investigator registrant license shall demonstrate in a form the division approves a minimum of 2,000 hours of investigative experience.

647 (2) An applicant for a private investigator apprentice is not required to demonstrate any hours of investigative experience.

649 (3) An applicant may obtain the hours of investigative experience required under Subsection (1) as:

651 (a) a licensed private investigator registrant or private investigator apprentice;

652 (b) an investigator in the private sector;

653 (c) an investigator for an agency or branch of the federal government; or

654 (d) an investigator for the state, county, or municipal government.

655 (4) At least 1,000 hours of the investigative experience required under Subsection (1)(b) shall have been performed in the 10 years before the day on which the applicant submits an application for licensure.

658 (5) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from a person other than an employer covering the same subject matter for consideration by the division.

661 (6) The burden of proving completion of the required experience is on the applicant and the division may verify or reject any part of an applicant's certification under a rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

665 Section 17. Section **17** is enacted to read:

666 **58-92-308. Examination requirements.**

An applicant for a new private investigator agent license shall successfully pass an

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examination the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

670 Section 18. Section **18** is enacted to read:

671 **58-92-309. Continuing education.**

672 (1) On or after May 6, 2027, before renewing a license under this chapter, a licensee shall complete at least 16 hours of continuing instruction that the division defines by rule in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

676 (2) The division may charge a fee for approving an applicant's out-of-state continuing education for the time the division spends determining the out-of-state continuing education's similarity to the continuing instruction the division defines by rule in Subsection (1).

680 Section 19. Section **19** is enacted to read:

681 **58-92-310. Qualification credit for specified training.**

In collaboration with the board, the division may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from meeting all or a portion of the experience requirements of Section 58-92-307 for licensure if the applicant:

686 (1) holds a criminal justice bachelor's degree from an accredited college or university;

687 (2) is certified to have successfully completed the state Peace Officers Standards and Training basic training course provided under Section 53-6-202; or

689 (3) provides adequate proof of having successfully completed a training or experience substantially similar to the training and experience required under this chapter.

691 Section 20. Section **20** is enacted to read:

692 **58-92-311. Private investigation agency -- Licensure -- Requirements.**

694 (1) A private investigator agent may create a private investigation agency that complies with the requirements of this section.

696 (2) If a private investigator agent creates a private investigation agency:

697 (a) the private investigation agency may not transfer to another private investigator agent;

699 (b) the private investigation agency is considered to be under the control of the private investigator agent; and

701 (c) the private investigator agent shall file an application with the division for a private investigation agency license.

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- 703 (3) When applying for a private investigation agency license, a private investigator agent shall:
705 (a) state in the application that the private investigator agent:
706 (i) is licensed and in good standing as a private investigator agent under this chapter;
707 (ii) is not involved in an activity that would conflict with the private investigator agent's duties and
responsibilities under this chapter; and
709 (iii) is not an employee of a government agency; and
710 (b) file with the application evidence of:
711 (i) registration with the Division of Corporations and Commercial Code and as required by applicable
law with the:
713 (A) Unemployment Insurance Division in the Department of Workforce Services, in accordance with
Title 35A, Chapter 4, Employment Security Act;
715 (B) State Tax Commission; and
716 (C) Internal Revenue Service; and
717 (ii) comprehensive general liability insurance in a form and in an amount the division establishes
by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
720 (iii) workers' compensation insurance that covers any employee of the applicant in accordance with
applicable laws of this state.
722 (4)
(a) The division shall issue a private investigation agency license to a private investigator agent that
meets the requirements of this section.
724 (b) A private investigation license the division issues under this Subsection (4):
725 (i) may not transfer from the private investigator agent that receives the private investigation agency
license to another private investigator agent;
727 (ii) expires on the day on which the private investigator agent's license expires; and
728 (iii) does not authorize a person to engage in private investigation.
729 (5) On or after the day on which the division issues the private investigator agent a private investigation
agency license, the private investigator agent:
731 (a) may:
732 (i) employ or contract with a private investigator agent, a private investigator registrant, or private
investigator apprentice to engage in private investigation; and

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- 734 (ii) employ other employees as necessary to carry out the private investigator agent's business; and
736 (b) shall meet with the division and the board, if requested, and demonstrate that the private investigator agent's private investigation agency meets the requirements of this section.

739 Section 21. Section **21** is enacted to read:

740 **58-92-312. Evidence of licensure -- Identity cards.**

741 (1) When the division issues a license under this chapter, the division shall:

742 (a) issue an identification card, the design of which the division shall approve by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

744 (b) indicate on the identification card's face that the holder is licensed to act as a private investigator agent, a private investigator registrant, or a private investigator apprentice.

747 (2) The division shall issue the identification card without charge to the licensee.

748 (3) Within five days after the day on which a license terminates for any reason, the licensee shall mail or deliver a card issued under Subsection (1) to the division for cancellation.

750 (4) A licensee shall carry the identification card issued under Subsection (1) while engaging in work regulated under this chapter.

752 (5) A licensee shall display the license upon the request of a peace officer or a representative of the division.

754 (6) Upon request by a person on whose property a licensee engaging in activities governed by this chapter, or a person acting under the authority of a person on whose property the licensee engages in activities governed by this chapter, if the licensee is employed by or contracted with a private investigation agency the licensee shall immediately identify:

758 (a) the private investigation agency's name; and

759 (b) the name and phone number of the private investigator agent in control of the private investigation agency.

761 Section 22. Section **22** is enacted to read:

762 **58-92-313. Operating standards -- Rulemaking.**

The division, in collaboration with the board, shall establish by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall apply to the conduct of a licensee under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensee's practice under this chapter.

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768 Section 23. Section **23** is enacted to read:

769 **58-92-314. Status of license held on effective date of this chapter.**

On or after January 1, 2027, a person that holds a valid license under Title 53, Chapter 9, Private Investigator Regulation Act:

773 (1) is subject to the following:

774 (a) if the license the person holds on January 1, 2027, is an agency license under Title 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a private investigator agent license under this chapter;

777 (b) if the license the person holds on January 1, 2027, is a registrant license under Title 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a private investigator registrant license under this chapter; and

780 (c) if the license the person holds on January 1, 2027, is an apprentice license under Title 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a private investigator apprentice license under this chapter; and

783 (2) is subject to this chapter.

784 Section 24. Section **24** is enacted to read:

785

Part 4. License Denial and Discipline

786 **58-92-401. Grounds for denial of license -- Disciplinary proceedings.**

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

792 Section 25. Section **25** is enacted to read:

793

Part 5. Unlawful Conduct -- Unprofessional Conduct -- Penalties

794 **58-92-501. Unlawful conduct.**

Unlawful conduct under this chapter includes:

796 (1) a licensee employing the services of an unlicensed person to perform work requiring a license under this chapter;

798 (2) an attempt to secure a license under this chapter through fraudulent or misleading means, including by:

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- 800 (a) omission of material facts or evidence;
801 (b) filing with the division fingerprint cards for an applicant that are not the fingerprint cards of the
applicant; or
803 (c) making a statement verbally or in written form that is false or fraudulent and intended to mislead the
division in the division's consideration of the qualifications of the applicant for licensure;
806 (3) practicing or engaging in, or attempting to practice or engage in, an activity for which a license is
required under this chapter, unless the individual:
808 (a) holds the appropriate license under this chapter; or
809 (b) is exempted from licensure as provided under Section 58-92-306;
810 (4) employing another person to engage in or practice, or attempt to engage in or practice, an
occupation or profession licensed under this chapter, if the employee:
812 (a) is not licensed to do so under this chapter; or
813 (b) is not exempt from licensure;
814 (5) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement
officer or employee of the United States, a state, or a political subdivision of a state; and
817 (6) violating, advising, encouraging, or assisting in the violation of a statute, a court order, or an
injunction when engaging in conduct regulated under this chapter.

819 Section 26. Section **26** is enacted to read:

820 **58-92-502. Unprofessional conduct.**

Unprofessional conduct under this chapter includes:

- 822 (1) the use of any letterhead, advertising, or other printed matter in a manner representing that the
licensee is an instrumentality of the federal government, a state, or a political subdivision of a state;
825 (2) the use of a name different from that under which the licensee is currently licensed for an
advertisement, a solicitation, or a contract to secure business unless the name is authorized and
registered as a D.B.A. with the Division of Corporations and Commercial Code;
829 (3) tampering with or falsifying fingerprints, photographs, or other evidence while operating under this
chapter;
831 (4) soliciting business for an attorney in return for compensation;
832 (5) willfully neglecting to render to a client services or a report as agreed between the licensee and
client and for which the client pays or tenders compensation in accordance with the agreement of the

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licensee and client unless the licensee chooses to withdraw from the case and returns the funds for work the licensee has not yet completed;

- 836 (6) engaging in the unauthorized release of:
837 (a) information acquired on behalf of a client by a licensee, or the client's employee or contract agent, as
a result of activities regulated under this chapter; or
839 (b) a client's personal information;
840 (7) misrepresents, refuses, or fails to cooperate with access to business or investigative records that the
division requests through an investigator or a subpoena duces tecum; and
842 (8) permitting, authorizing, aiding, or in any way assisting or incentivizing a person to violate the
requirements of this chapter regardless of whether the licensee is an independent contractor and not
under the authority of a private investigator agent.

845 Section 27. Section 27 is enacted to read:

846 **58-92-503. Penalties.**

- 847 (1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under Subsection
58-1-501(1) or Section 58-92-501 or who fails to comply with a citation issued under this section
after the citation becomes final is guilty of a class A misdemeanor.
851 (2) The division may immediately suspend a license issued under this chapter of a person who is given
a citation for engaging in unlawful acts under Subsection 58-1-501(1) or Section 58-92-501 upon
determination that the nature of the action presents a reasonable ongoing threat to public health,
safety, or welfare.
855 (3) If, upon inspection or investigation, the division determines that a person has violated Section
58-1-501, 58-92-501, or 58-92-502, or a rule the division makes or an order the division issues
under Section 58-92-501 or 58-92-502, and that disciplinary action is warranted, the director or the
director's designee within the division shall promptly issue a citation to the person and:
860 (a) attempt to negotiate a stipulated settlement with the person; or
861 (b) notify the person to appear for an adjudicative proceeding conducted in accordance with Title 63G,
Chapter 4, Administrative Procedures Act.
863 (4) The division may:
864 (a) fine a person who violates Sections 58-1-501, 58-92-501, or 58-92-502, as evidenced by an
uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding
held under Subsection (3)(b);

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- 867 (b) order the person to cease and desist from the violation; or
- 868 (c) take both actions described in Subsections (4)(a) and (b).
- 869 (5) Except for a cease and desist order, the division may not impose the licensure sanctions listed in
Section 58-1-401 by issuing a citation under this section.
- 871 (6) A citation under this section shall:
- 872 (a) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or
order;
- 874 (b) state that the recipient must notify the division in writing within 20 calendar days after the day on
which the division issues the citation if the recipient wants to contest the citation at the adjudicative
proceeding described in Subsection (3)(b);
- 877 (c) explain the consequences of failure to timely contest the citation or to make payment of a fine
assessed under the citation with the time specified in the citation; and
- 879 (d) be in writing.
- 880 (7)
- (a) The division may serve a citation issued under this section, or a copy of the citation, upon an
individual who is subject to service of a summons under the Utah Rules of Civil Procedure.
- 883 (b) The division may serve an individual personally or serve the individual's agent.
- 884 (c) The division may serve the summons by:
- 885 (i) a division investigator;
- 886 (ii) a person designated by the director; or
- 887 (iii) mail.
- 888 (d) If within 20 days after the day on which the division serves a citation, the person to whom the
division issues the citation fails to request a hearing to contest the citation, the citation becomes the
final order of the division and is not subject to further agency review.
- 892 (e) The division may grant an extension of the 20-day period described in Subsection (7)(d) for cause.
- 894 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a
licensee who fails to comply with a citation after the citation becomes final.
- 897 (g) The division may not issue a citation for an alleged violation under this section after the expiration
of one year after the day on which the division receives a report of the violation that is the subject of
the citation.
- 900 (8)

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- 902 (a) The director or the director's designee may assess a fine under this section as follows:
903 (i) for a first offense under Subsection (3), a fine of up to \$1,000;
904 (ii) for a second offense under Subsection (3), a fine of up to \$2,000; and
905 (iii) for a subsequent offense under Subsection (3), a fine of up to \$2,000 for each day of continued
906 violation.
- 907 (b) For purposes of issuing a final order under this section and assessing a fine under Subsection (8)(a),
908 an offense is a second or subsequent offense if:
- 909 (i) the division previously issued a final order determining that a person committed a first or second
910 offense by violating Section 58-92-501 or 58-92-502; or
- 911 (ii)
- 912 (A) the division initiated an action for a first or second offense;
- 913 (B) the division has not issued a final order in an action initiated under Subsection (8)(b)(ii)(A);
- 914 (C) the division determines during an investigation that occurred after the initiation of the action under
915 Subsection (8)(b)(ii)(A) that the person committed a second or subsequent violation of Section
916 58-92-501 or 58-92-502; and
- 917 (D) after determining that the person committed a second or subsequent offense under Subsection (8)(b)
918 (ii)(C), the division issues a final order on the action initiated under Subsection (8)(b)(ii)(A).
- 919 (c) In issuing a final order for a second or subsequent offense under Subsection (8)(b), the division shall
920 comply with the requirements of this section.
- 921 (9)
- 922 (a) The division shall deposit a fine the director imposes under Subsection (8)(a) into the General Fund
923 as a dedicated credit for use by the division for the purposes listed in Section 58-63-103.
- 924 (b) The director may collect a fine that a person does not pay by:
- 925 (i) referring the matter to a collection agency; or
- 926 (ii) bringing an action in the district court of the county where the person against whom the penalty is
927 imposed resides or in the county where the office of the director is located.
- 928 (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the
929 director in an action to collect a penalty.
- 930 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought
931 by the division to collect a penalty under this Subsection (9).

934 Section 28. Section **28** is enacted to read:

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935

Part 6. Regulatory Jurisdiction

936

58-92-601. Preemption of local regulation.

937

(1) A political subdivision of this state may not enact any legislation, code, or ordinance, or make any rules relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter.

940

(2) Any legislation, code, ordinance, or rule made by a political subdivision of this state, relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter is superseded by this chapter.

943

Section 29. Section **29** is enacted to read:

944

CHAPTER 93. Bail Bond Licensing Act

945

Part 1. General Provisions

946

58-93-101. Definitions.

As used in this chapter:

948

(1) "Bail bond agency" means an entity licensed under this chapter that operates a business to carry out the functions of a bail enforcement agent or bail recovery agent, and to conduct this business, the entity:

951

(a) employs a qualifier;

952

(b) employs one or more persons licensed under this chapter for wages or salary, and withholds all legally required deductions and contributions; or

954

(c) contracts with a bail enforcement agent, bail recovery agent, or bail recovery apprentice on a part-time or case-by-case basis.

956

(2) "Bail enforcement agent" means an individual:

957

(a) licensed under this chapter as a bail enforcement agent to:

958

(i) enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding;

960

(ii) apprehend a defendant or surrender a defendant to custody; or

961

(iii) conduct an act described in Subsection (2)(a)(i) or (ii), as appropriate; and

962

(b) who:

963

(i) is appointed by a bail bond surety; and

964

(ii) receives or is promised consideration for the individual's service.

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- 965 (3) "Bail enforcement professional" means a person licensed under this chapter.
- 966 (4) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail
enforcement agent regarding civil or criminal defendants released on bail by:
- 969 (a) presenting a defendant for required court appearances;
- 970 (b) apprehending or surrendering a defendant to a court; or
- 971 (c) keeping the defendant under necessary surveillance.
- 972 (5) "Bail recovery apprentice" means an individual licensed under this chapter as a bail recovery
apprentice who:
- 974 (a) is an employee of a licensed bail enforcement agent or bail recovery agent;
- 975 (b) is adequately supervised by rules the division makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act;
- 977 (c) may wear an article of clothing that conspicuously displays on the chest and the back of the article
of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent; and
- 980 (d) may not:
- 981 (i) advertise bail recovery services;
- 982 (ii) provide bail recovery services directly to a member of the public; or
- 983 (iii) employ or hire a bail enforcement agent, a bail recovery agent, or a bail recovery apprentice.
- 985 (6) "Board" means the Security Services Licensing Board created under Section 58-63-201.
- 986 (7) "Control position" means an individual that exercises direct or indirect control over a business entity
regardless of form.
- 988 (8)
- (a) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from a trial or
plea.
- 990 (b) "Conviction" includes the following, regardless of whether the imposition of sentence was
suspended:
- 992 (i) a plea of no contest or nolo contendere;
- 993 (ii) a plea in abeyance; or
- 994 (iii) an Alford plea.
- 995 (9) "D.B.A." means the same as that term is defined in Section 42-2-101.
- 996 (10) "Occupied structure" means a building, vehicle, or other structure that could reasonably be
expected to house or shelter persons.

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998 (11) "Qualifier" means an individual who:

999 (a) holds a control position of a licensee under this chapter;

1000 (b) has satisfied the requirements to obtain a license under this chapter including possessing all necessary training and experience;

1002 (c) meets any additional license requirements the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1004 (d)

(i) is collectively and individually liable with the licensee for compliance with this chapter; and

1006 (ii) may be held fully responsible for a violation under this chapter, regardless of the liability of another person.

1008 Section 30. Section **30** is enacted to read:

1009 **58-93-102. Use of money for education, training, and enforcement.**

The division may, with the concurrence of the board, use the money collected under this chapter for the following purposes:

1013 (1) educating and training licensees under this chapter;

1014 (2) educating and training the general public or other interested persons in matters concerning the laws that govern the practices regulated by this chapter; and

1016 (3) enforcing this chapter by:

1017 (a) investigating unprofessional or unlawful conduct; and

1018 (b) providing legal representation to the division when the division takes legal action against a person charged with unprofessional or unlawful conduct.

1020 Section 31. Section **31** is enacted to read:

1021 **Part 2. Board**

1022 **58-93-201. Board.**

The division may appoint either a bail enforcement agent or a bail recovery agent to the Security Services Licensing Board created under Section 58-63-201.

1025 Section 32. Section **32** is enacted to read:

1026 **Part 3. Licensing**

1027 **58-93-301. Licensure required -- License classifications.**

1028

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(1) A licensee is required to engage in an act regulated by this chapter, except as otherwise provided in this chapter.

1030 (2) The division shall issue to a person that qualifies under this chapter a license in the following classifications:

1032 (a) bail bond agency;

1033 (b) bail enforcement agent;

1034 (c) bail recovery agent; and

1035 (d) bail recovery apprentice.

1036 Section 33. Section **33** is enacted to read:

1037 **58-93-302. General qualifications for licensure.**

1038 (1) An applicant for licensure under this chapter, or the qualifier for an applicant if applicable:

1040 (a) shall:

1041 (i) except for an applicant for a bail recovery apprentice license, be at least 21 years old;

1043 (ii) be a citizen or legal resident of the United States;

1044 (iii) provide the applicant's or qualifier's name, address, date of birth, social security number, and fingerprints to the division;

1046 (iv) disclose any criminal history the division requests on a form the division approves;

1048 (v) consent to, and complete, a criminal background check, described in Section 58-1-301.5; and

1050 (vi) meet any other standard related to the criminal background check described in Subsection (1)(a)(v), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1053 (b) may not:

1054 (i) have an active impairment related to an illness, a mental or physical condition, a substance use disorder or other behaviors listed in Subsection 58-1-501(2)(a)(v) that would prevent the applicant or qualifier from discharging the duties imposed by this chapter;

1058 (ii) have been convicted of:

1059 (A) a felony;

1060 (B) an act involving illegally using, carrying, or possessing a dangerous weapon;

1061 (C) an act of personal violence or force on a person or threatening to commit an act of personal violence or force against another person;

1063 (D) an act constituting dishonesty or fraud;

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- 1064 (E) impersonating a peace officer; or
- 1065 (F) an act that, when considered with the functions and duties imposed by this title, and that bears a substantial relationship to the individual's ability to safely or competently perform the duties expected of a person licensed under this chapter, indicates that the best interests of the public are not served by granting the applicant a license;
- 1070 (iii) be on probation, parole, community supervision, or named in an outstanding arrest warrant;
- 1072 (iv) have been previously found or presently be in violation of this chapter; or
- 1073 (v) be employed as a peace officer.
- 1074 (2) If currently licensed in another state or jurisdiction, the applicant or qualifier shall be in good standing within that state or jurisdiction.
- 1076 Section 34. Section **34** is enacted to read:
- 1077 **58-93-303. Qualifications for licensure -- Bail bond agency.**
- 1078 (1) In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail bond agency shall:
- 1080 (a) submit an application in a form the division approves;
- 1081 (b) pay a fee determined by the department under Section 63J-1-504;
- 1082 (c) identify a qualifier for the applicant who:
- 1083 (i) meets with the division and the board, if requested, and demonstrates that the applicant and the qualifier meet the requirements of this section;
- 1085 (ii) is a resident of the state;
- 1086 (iii) is licensed and in good standing as a bail enforcement agent or bail recovery agent under this chapter;
- 1088 (iv) exercises material day-to-day authority in the conduct of the applicant's business by making substantive technical and administrative decisions and whose primary employment is with the applicant;
- 1091 (v) is not concurrently acting as a qualifier or employee of another bail bond agency;
- 1092 (vi) is not involved in an activity that would conflict with the qualifier's duties and responsibilities under this chapter; and
- 1094 (vii) is not an employee of a government agency; and
- 1095 (d) file and maintain with the division evidence of:
- 1096

SB0149 compared with SB0149S01

- 1099 (i) comprehensive general liability insurance in a form and in an amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1101 (ii) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law;
- 1102 (iii) registration with the Division of Corporations and Commercial Code; and
- 1103 (iv) registration as required by applicable law with the:
- 1105 (A) Unemployment Insurance Division in the Department of Workforce Services, in accordance with Title 35A, Chapter 4, Employment Security Act;
- 1106 (B) State Tax Commission; and
- 1107 (C) Internal Revenue Service.
- 1108 (2) An application described in Subsection (1) shall include an affidavit that:
- 1110 (a) lists each of the applicant's officers, owners, proprietors, trustees, and responsible management personnel; and
- 1112 (b) a representative of the applicant signs and states under penalty of perjury that none of the listed parties:
- 1113 (i) have been convicted of:
- 1114 (A) a felony;
- 1115 (B) an act involving illegally using, carrying, or possessing a dangerous weapon;
- 1117 (C) an act of personal violence or force on a person or threatening to commit an act of personal violence or force against another person;
- 1118 (D) an act constituting dishonesty or fraud;
- 1119 (E) impersonating a peace officer; or
- 1123 (F) an act that, when considered with the functions and duties of a licensee under this chapter, bears a substantial relationship to the individual's ability to safely or competently perform the duties expected of a licensee or indicates that the best interests of the public are not served by granting the applicant a license;
- 1124 (ii) have been named in an outstanding arrest warrant; or
- 1126 (iii) are currently on probation, parole, community supervision, or named in an outstanding arrest warrant.
- 1126 Section 35. Section **35** is enacted to read:

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- 1127 **58-93-304. Qualifications for licensure -- Bail enforcement agent and bail recovery agent.**
- 1129 (1) In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail
enforcement agent or bail recovery agent shall:
- 1131 (a) submit an application in a form the division approves;
- 1132 (b) pay a fee determined by the division under Section 63J-1-504;
- 1133 (c) file and maintain with the division evidence of a surety bond:
- 1134 (i) in an amount the division establishes by rule in collaboration with the board and in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1136 (ii) that shall remain in effect throughout the applicant's entire licensing period; and
- 1137 (iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or
expires; and
- 1139 (d) provide proof to the division that the applicant has met each experience requirement for a bail
enforcement agent under Section 58-93-307.
- 1141 (2) An applicant for a bail enforcement agent or bail recovery agent license who simultaneously acts as
qualifier for a bail bond agency under Section 58-93-303, may fulfill the requirements of this section
if the applicant is listed on the bail bond agency's surety bond.

1145 Section 36. Section **36** is enacted to read:

1146 **58-93-305. Qualifications for licensure -- Bail recovery apprentice.**

In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail
recovery apprentice shall:

- 1150 (1) be at least 18 years old;
- 1151 (2) submit an application in a form the division approves;
- 1152 (3) pay a fee determined by the department under Section 63J-1-504; and
- 1153 (4) identify the bail bond agency employing and responsible for supervising the applicant under Section
58-93-303.

1155 Section 37. Section **37** is enacted to read:

1156 **58-93-306. Initial and continuing training requirements.**

- 1157 (1) An applicant under this chapter shall complete a training program of at least 16 hours the division
approves in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, that includes:
- 1160 (a) instruction on the duties and responsibilities of a licensee under this chapter, including:

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- 1162 (i) search, seizure, and arrest procedure;
1163 (ii) pursuit, arrest, detainment, and transportation of a bail bond suspect; and
1164 (iii) specific duties and responsibilities regarding entering an occupied structure to carry out functions
under this chapter;
1166 (b) the laws and rules relating to conduct regulated by this chapter;
1167 (c) the rights of the accused; and
1168 (d) ethics.
1169 (2) In addition to the training program described in Subsection (1), an applicant or licensee seeking to
carry a firearm as a licensee shall:
1171 (a) hold a valid license to carry a concealed weapon issued under Section 53-5a-303; and
1172 (b) successfully complete firearms training requirements the division establishes by rule in
collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, including a minimum of 16 hours of training.
1175 (3) Before license renewal, a licensee shall have completed at least eight hours of continuing education
that the division defines by rule in collaboration with the board, and in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.
1178 Section 38. Section **38** is enacted to read:
1179 **58-93-307. Experience requirements.**
1180 (1) In addition to the requirements of Section 58-93-304, an applicant for licensure as a bail
enforcement agent shall have a minimum of 2,000 hours of experience consisting of either:
1183 (a) actual bail recovery work; or
1184 (b) work as a law enforcement officer for a federal, state, or local governmental agency.
1185 (2) In addition to the requirements of Section 58-93-304, an applicant for licensure as a bail recovery
agent shall have a minimum of 1,000 hours of experience consisting of:
1187 (a) actual bail recovery work;
1188 (b) bail recovery work as a licensed bail recovery apprentice; or
1189 (c) work as a law enforcement officer for a federal, state, or local governmental agency.
1190 (3) An applicant shall substantiate the experience claimed under Subsection (1) or (2) in a form the
division approves that includes:
1192 (a) the exact details as to the character and nature of the experience; and
1193 (b) information that will allow the division to verify the information the applicant presents.

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1195 (4) If an applicant is unable to supply written certification of experience from an employer in whole or
in part, an applicant may offer written certification from a person other than an employer covering
the same subject matter for consideration by the division.

1198 (5) The burden of proving completion of the required experience is on the applicant and the division
may verify or reject any part of an applicant's certification under division rule under Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.

1201 Section 39. Section **39** is enacted to read:

1202 **58-93-308. Qualification credit for specified training.**

The division may adopt rules in collaboration with the board, and in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from
meeting all or a portion of the training requirements of Section 58-93-306 or the experience
requirements of Section 58-93-307 for licensure if the applicant:

1207 (1) holds a criminal justice bachelor's degree from an accredited college or university;

1208 (2) is certified to have successfully completed the state Peace Officers Standards and Training basic
training course provided under Section 53-6-202; or

1210 (3) provides adequate proof of having successfully completed a training or experience substantially
similar to the training and experience required under Section 58-93-306 or 58-93-307.

1213 Section 40. Section **40** is enacted to read:

1214 **58-93-309. Replacement of qualifier.**

If the qualifier of a bail bond agency ceases to perform the qualifier's duties on a regular
basis, the licensee shall:

1217 (1) notify the division in writing within 15 days after the day on which the qualifier ceases to perform
the qualifier's duties on a regular basis; and

1219 (2) replace the qualifying agent within 60 days after the day on which the licensee notifies the division
under Subsection (1).

1221 Section 41. Section **41** is enacted to read:

1222 **58-93-310. Identity cards -- Evidence of licensure.**

1223 (1) When the division issues a license under this chapter, the division shall:

1224 (a) issue an identification card the design of which the division shall approve by rule in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1226

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(b) indicate on the identification card's face that the holder is licensed to act as a bail bond enforcement agent or bail bond recovery agent.

1228 (2) The division shall issue an identification card under Section (1) without charge:

1229 (a) to the licensee if the licensee is an individual; or

1230 (b) to each licensed employee and contract employee if the licensee is a bail bond agency.

1232 (3) An identification card issued under this section is evidence the licensee and the licensee's employees and contract employees are licensed under this chapter.

1234 (4) Within five days after the day on which a license terminates for any reason, the licensee shall mail or deliver a card issued under Subsection (2)(a) to the division for cancellation.

1236 (5) A licensed or contract employee shall return the identification card issued under Subsection (2)(b) upon termination of the licensed or contract employee's work relationship with the bail bond agency.

1239 (6) A licensee shall carry the identification card issued under Subsection (1) while engaging in an activity regulated under this chapter.

1241 (7) A licensee shall display the license upon the request of a peace officer, a representative of the division, or a member of the public.

1243 Section 42. Section **42** is enacted to read:

1244 **58-93-311. Operating standards -- Rulemaking.**

The division, in collaboration with the board, shall establish by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall apply to the conduct of a licensee under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensee's practice under this chapter.

1250 Section 43. Section **43** is enacted to read:

1251 **58-93-312. Status of license held on effective date of this chapter.**

On or after January 1, 2027, a person that holds a valid license under Title 53, Chapter 11, Bail Bond Recovery Act:

1255 (1) is subject to the following:

1256 (a) if the license the person holds on January 1, 2027, is a bail bond agency license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail bond agency license under this chapter;

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(b) if the license the person holds on January 1, 2027, is a bail enforcement agent license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail enforcement agent license under this chapter;

1262 (c) if the license the person holds on January 1, 2027, is a bail recovery agent license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail recovery agent license under this chapter; and

1265 (d) if the license the person holds on January 1, 2027, is a bail recovery apprentice license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail recovery apprentice license under this chapter; and

1268 (2) is subject to this chapter.

1269 Section 44. Section **44** is enacted to read:

1270

Part 4. License Denial and Discipline

1271 **58-93-401. Grounds for denial of license -- Disciplinary proceedings.**

1273 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

1277 (2) A bail recovery apprentice employed by a bail bond agency at the time the division suspends or revokes the bail bond agency's license may obtain a reinstatement of the bail recovery apprentice's license without fee if:

1280 (a) the bail recovery apprentice did not engage in the conduct that led to the suspension or revocation; and

1282 (b) the bail recovery apprentice submits documentation that a new licensed agent supervises the bail recovery apprentice.

1284 Section 45. Section **45** is enacted to read:

1285

Part 5. Unlawful Conduct -- Unprofessional Conduct -- Penalties

1286 **58-93-501. Unlawful conduct.**

Unlawful conduct under this chapter includes:

1288 (1) a bail bond agency willfully or negligently employing the services of an unlicensed individual to engage in the work of a bail enforcement professional; and

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- 1290 (2) an attempt to secure a license under this chapter through fraudulent or misleading means, including
by:
- 1292 (a) omission of material facts or evidence;
- 1293 (b) filing with the division fingerprint cards for an applicant that are not the fingerprint cards of the
applicant;
- 1295 (c) making a statement verbally or in written form that is false or fraudulent and intended to mislead the
division in the division's consideration of the qualifications of the applicant for licensure;
- 1298 (d) practicing or engaging in, or attempting to practice or engage in, activity regulated by this chapter;
- 1300 (e) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement
officer or employee of the United States, a state, or a political subdivision of a state;
- 1303 (f) knowingly violating, advising, encouraging, or assisting in the violation of a statute, a court order, or
an injunction when engaging in conduct regulated under this chapter; or
- 1306 (g) knowingly employing another person to engage in or practice or attempt to engage in conduct
regulated by this chapter, if the employee is not licensed to do so under this chapter.
- 1309 Section 46. Section **46** is enacted to read:
- 1310 **58-93-502. Unprofessional conduct.**
- Unprofessional conduct under this chapter includes:
- 1312 (1)
- (a) failing, as a bail bond agency, to notify the division of the cessation of performance of the bail bond
agency's qualifier; or
- 1314 (b) failing to replace the bail bond agency's qualifier, as required under Section 58-93-309;
- 1316 (2) failing to carry or display a badge issued under Section 58-93-504;
- 1317 (3) employment, as a bail bond agency, or as a qualifier knowing that the individual has engaged in
conduct that is inconsistent with the duties and responsibilities of a licensee under this chapter;
- 1320 (4) failing to comply with operating standards established by rule;
- 1321 (5) using any letterhead, advertising, or other printed matter in a manner representing that the licensee is
an instrumentality of the federal government, a state, or any political subdivision of a state;
- 1324 (6) using a name different from that under which the licensee is currently licensed for an advertisement,
a solicitation, or a contract to secure business unless the name is a D.B.A.;
- 1326 (7) falsifying fingerprints or photographs while operating under this chapter;
- 1327 (8) soliciting business for an attorney in return for compensation;

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- 1328 (9) conviction for:
- 1329 (a) a felony;
- 1330 (b) an act involving illegally using, carrying, or possessing a dangerous weapon;
- 1331 (c) an act involving moral turpitude;
- 1332 (d) an act of personal violence or force against a person or threatening to commit an act of personal violence or force against a person;
- 1334 (e) an act constituting dishonesty or fraud;
- 1335 (f) impersonating a peace officer;
- 1336 (g) an act of illegally obtaining or disseminating a private, controlled, or protected record under Section 63G-2-801; or
- 1338 (h) if the person is a bail bond agency, failing to pay bail funds to a court upon entry of a final judgment against the bail bond agency;
- 1340 (10) being placed on probation, parole, compensatory service, or named in an outstanding arrest warrant;
- 1342 (11) failing or refusing to cooperate with, failing to provide truthful information to, or refusing access to an authorized representative of the division engaged in an official investigation including the wrongful withholding of materials sought by the division through a subpoena duces tecum;
- 1346 (12) failure to maintain in full force the insurance and surety bond requirements of this chapter;
- 1348 (13) advertising in a false, deceptive, or misleading manner;
- 1349 (14) failing to identify the name, business address, and telephone number of the bail bond agency for which the licensee is an employee or an independent contractor;
- 1351 (15) failing to adhere to the licensee representation, badge, and identifying clothing requirements under Section 58-93-504;
- 1353 (16) failing to adhere to the requirements during search and seizure and notification of law enforcement agency provisions of Section 58-93-505; and
- 1355 (17) aiding, incentivizing, encouraging, or offering material aid to any person to violate this chapter.
- 1357 Section 47. Section **47** is enacted to read:
- 1358 **58-93-503. Penalties.**
- 1359 (1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under Subsection 58-1-501(1) or Section 58-93-501 or who fails to comply with a citation issued under this section after the citation becomes final is guilty of a class A misdemeanor.

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- 1363 (2) The division may immediately suspend a license issued under this chapter of a person who is given a citation for engaging in unlawful acts under Subsection 58-1-501(1) or Section 58-93-501 upon determination that the nature of the action presents a reasonable ongoing threat to public health, safety, or welfare.
- 1367 (3) If, upon inspection or investigation, the division determines that a person has violated Section 58-1-501, 58-93-501, or 58-93-502, a rule the division makes, or an order the division issues under Section 58-93-501 or 58-93-502, and that disciplinary action is warranted, the director or the director's designee within the division shall promptly issue a citation to the person and:
- 1372 (a) attempt to negotiate a stipulated settlement with the person; or
- 1373 (b) notify the person to appear for an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1375 (4) The division may:
- 1376 (a) fine a person who violates Sections 58-1-501, 58-93-501, or 58-93-502, as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding held under Subsection (3)(b);
- 1379 (b) order the person to cease and desist from the violation; or
- 1380 (c) take both actions described in Subsections (4)(a) and (b).
- 1381 (5) Except for a cease and desist order, the division may not impose the licensure sanctions listed in Section 58-1-401 by issuing a citation under this section.
- 1383 (6) A citation under this section shall:
- 1384 (a) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or order;
- 1386 (b) state that the recipient must notify the division in writing within 20 calendar days after the day on which the division issues the citation if the recipient wants to contest the citation at the adjudicative proceeding described in Subsection (3)(b);
- 1389 (c) explain the consequences of failure to timely contest the citation or to make a payment of a fine assessed under the citation within the time specified in the citation; and
- 1392 (d) be in writing.
- 1393 (7)
- (a) The division may serve a citation issued under this section, or a copy of the citation, upon an individual who is subject to service of a summons under the Utah Rules of Civil Procedure.

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- 1396 (b) The division may serve an individual personally or serve the individual's agent.
- 1397 (c) The division may serve the summons by:
- 1398 (i) a division investigator;
- 1399 (ii) a person designated by the director; or
- 1400 (iii) mail.
- 1401 (d) If within 20 days after the day on which the division serves a citation, the person to whom the
division issues the citation fails to request a hearing to contest the citation, the citation becomes the
final order of the division and is not subject to further agency review.
- 1405 (e) The division may grant an extension of the 20-day period described in Subsection (7)(d) for cause.
- 1407 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a
licensee who fails to comply with a citation after the citation becomes final.
- 1410 (g) The division may not issue a citation for an alleged violation under this section after the expiration
of one year after the day on which the division receives a report of the violation that is the subject of
the citation.
- 1413 (8)
- (a) The director or the director's designee may assess a fine under this section as follows:
- 1415 (i) for a first offense under Subsection (3), a fine of up to \$1,000;
- 1416 (ii) for a second offense under Subsection (3), a fine of up to \$2,000; and
- 1417 (iii) for a subsequent offense under Subsection (3), a fine of up to \$2,000 for each day of continued
violation.
- 1419 (b) For purposes of issuing a final order under this section and assessing a fine under Subsection (8)(a),
an offense is a second or subsequent offense if:
- 1421 (i) the division previously issued a final order determining that a person committed a first or second
offense by violating Section 58-93-501 or 58-93-502; or
- 1423 (ii)
- (A) the division initiated an action for a first or second offense;
- 1424 (B) the division has not issued a final order in an action initiated under Subsection (8)(b)(ii)(A);
- 1426 (C) the division determines during an investigation that occurred after the initiation of the action under
Subsection (8)(b)(ii)(A) that the person committed a second or subsequent violation of Section
58-93-501 or 58-93-502; and
- 1430

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- (D) after determining that the person committed a second or subsequent offense under Subsection (8)(b)(ii)(C), the division issues a final order on the action initiated under Subsection (8)(b)(ii)(A).
- 1433 (c) In issuing a final order for a second or subsequent offense under Subsection (8)(b), the division shall
comply with the requirements of this section.
- 1435 (9)
- (a) The division shall deposit a fine the director imposes under Subsection (8)(a) into the General Fund
as a dedicated credit for use by the division for the purposes listed in Section 58-63-103.
- 1438 (b) The director may collect a fine that a person does not pay by:
- 1439 (i) referring the matter to a collection agency; or
- 1440 (ii) bringing an action in the district court of the county where the person against whom the penalty is
imposed resides or in the county where the office of the director is located.
- 1443 (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the
director in an action to collect a penalty.
- 1445 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought
by the division to collect a penalty under this Subsection (9).
- 1447 Section 48. Section **48** is enacted to read:
- 1448 **58-93-504. Licensee representations as a licensee -- Badge -- Identifying clothing.**
- 1450 (1) A licensee under this chapter may:
- 1451 (a) not wear a uniform, or use a title or identification card other than the one the division issues under
this chapter; or
- 1453 (b) make a statement that would lead a reasonable person to believe the licensee is connected in any
way with the federal government or a state or local governmental entity, unless the licensee has
received authorization in writing from one of those governmental authorities to do so.
- 1457 (2) A licensee may possess a badge of a design the division and board approve for use by a licensee.
- 1459 (3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the accidental or
inadvertent display of the badge to a person in the presence of the licensee.
- 1461 (4) The licensee may display the badge under Subsection (2) only if:
- 1462 (a) the licensee is also at the same time wearing an article of clothing that conspicuously displays on
the chest and back of the article of clothing lettering that clearly identifies the licensee as a bail
enforcement or recovery agent;
- 1465 (b) the licensee also displays the licensee's identification card described in Section 58-93-310;

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- 1467 (i) upon request, while acting as a bail enforcement agent; or
1468 (ii) as necessary for the licensee to demonstrate authority while acting as a bail enforcement agent;
1470 (c) the licensee is making a planned apprehension of a defendant, and the licensee is also wearing an
article of clothing described in Subsection (4)(a) or (5);
1472 (d) the licensee is making an apprehension that is unplanned and under exigent circumstances, and the
licensee is not wearing clothing described in Subsection (4)(a) or (5); or
1475 (e) the licensee is acting as a bail enforcement agent but is not engaged in a planned apprehension or in
another situation that does not require that the agent be wearing clothing as described in Subsection
(4)(a) or (5) in order to display the badge.
1478 (5) A licensee may wear a jacket of a distinctive design or style that bears a printed, embroidered, or
otherwise permanently attached symbol, emblem, or insignia that:
1480 (a) clearly identifies the wearer as a bail enforcement or recovery agent; and
1481 (b) the division and the board approve.
1482 (6) When a licensee is acting as a bail enforcement agent and interacts with a law enforcement officer,
the licensee shall, at the first opportunity:
1484 (a) identify the bail enforcement agent to the law enforcement officer; and
1485 (b) provide identification as a bail enforcement agent.
1486 (7) If a bail enforcement agent engages in an immediate apprehension and does not have a reasonable
opportunity to wear clothing or a badge that identifies the licensee as a bail enforcement agent, the
bail enforcement agent shall:
1489 (a) identify the bail enforcement agent as a bail enforcement agent; and
1490 (b) as soon as practicable, wear clothing that identifies the bail enforcement agent as a bail enforcement
agent or a badge described in Subsection (2).

1492 Section 49. Section 49 is enacted to read:

1493 **58-93-505. Requirements during search and seizure -- Notification of law enforcement**
agency.

- 1495 (1) A bail enforcement agent, bail recovery agent, or bail recovery apprentice shall observe the
following requirements when taking action authorized under this chapter:
1497 (a) a licensee shall identify the licensee as a bail enforcement agent, bail recovery agent, or bail
recovery apprentice; and

1499

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(b) the licensee shall notify the local law enforcement agency if the search or apprehension was conducted in an occupied structure within that law enforcement agency's jurisdiction as soon as reasonably possible in accordance with Subsection (2).

1502 (2)

(a) When possible, a licensee shall notify local law enforcement under Subsection (1)(b) before taking action, but always within 4 hours after taking action.

1504 (b) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied structure to carry out an arrest, the bail enforcement agent or bail recovery agent shall verbally advise the local law enforcement agency of the agent's location and intended action before acting.

1508 (3) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall:

1509 (a) carry a written document providing proof and cause for the actions the bail enforcement agent, bail recovery agent, and bail recovery apprentice takes as a licensee; and

1512 (b) make the document described in Subsection (3)(a) available to local law enforcement agencies upon request.

1514 Section 50. Section **50** is enacted to read:

1515

Part 6. Regulatory Jurisdiction

1516 **58-93-601. State preemption of local regulation.**

1517 (1) A political subdivision of this state may not enact any legislation, code, or ordinance, or make any rules relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter.

1520 (2) Any legislation, code, ordinance, or rule made by any political subdivision of this state, relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter is superseded by this chapter.

1523 **Section 51. Section **63I-1-253** is amended to read:**

1524 **63I-1-253. Repeal dates: Titles 53 through 53G.**

1525 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

1527 (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.

1529 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2030.

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- 1531 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- 1533 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 1534 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- 1536 (7) Section 53-2d-503, Establishment of maximum rates, is repealed July 1, 2027.
- 1537 (8) Section 53-5a-302, Concealed Firearm Review Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- 1539 (9) Section [~~53-11-104~~] 58-93-201, Board, is repealed July 1, 2029.
- 1540 (10) Title 53, Chapter 31, Department Interaction With Local Law Enforcement, is repealed July 1, 2027.
- 1542 (11) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1545 (12) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 1547 (13) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 1549 (14) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 1551 (15) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 1553 (16) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 1555 (17) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 1556 (18) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.
- 1558 (19) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 1560 (20) Section 53F-5-215, Elementary teacher preparation assessment grant, is repealed July 1, 2028.
- 1562 (21) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2026.
- 1564 (22) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.

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- 1566 (23) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 1568 (24) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 1570 (25) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1571 (26) Subsection 53G-9-703(4), regarding the parental video presentation concerning student use of technology, is repealed January 1, 2030.
- 1573 (27) Subsection 53H-1-402(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 1575 (28) Section 53H-1-604, Higher Education and Corrections Council, is repealed July 1, 2027.
- 1577 (29) Subsection 53H-4-210(3), regarding the creation of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1579 (30) Subsection 53H-4-210(4), regarding the appointment of the members of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1581 (31) Subsection 53H-4-210(5), regarding the attorney general designating the chair of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1583 (32) Subsection 53H-4-210(6), regarding the quorum requirements of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1585 (33) Subsection 53H-4-210(7), regarding a formal action of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1587 (34) Subsection 53H-4-210(8), regarding compensation for members of the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1589 (35) Subsection 53H-4-210(9), regarding the support staff for the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1591 (36) Section 53H-4-306.1, Definitions -- Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.
- 1593 (37) Section 53H-4-306.2, Electrification of Transportation Infrastructure Research Center -- Designation -- Duties, is repealed July 1, 2028.
- 1595 (38) Section 53H-4-306.3, Electrification of Transportation Infrastructure Research Center -- Steering committee, is repealed July 1, 2028.
- 1597

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(39) Section 53H-4-306.4, Electrification of Transportation Infrastructure Research Center -- Industry advisory board, is repealed July 1, 2028.

1599 (40) Section 53H-4-306.5, Electrification of Transportation Infrastructure Research Center -- Duties of the project director, is repealed July 1, 2028.

1601 (41) Section 53H-4-306.6, Electrification of Transportation Infrastructure Research Center -- Project development and strategic objectives -- Reporting requirements, is repealed July 1, 2028.

1604 (42) Section 53H-4-307.1, Center for Civic Excellence, is repealed July 1, 2030.

1605 (43) Section 53H-4-307.2, Center for Civic Excellence -- Duties -- Authority, is repealed July 1, 2030.

1607 (44) Section 53H-4-307.3, Center for Civic Excellence -- Leadership, is repealed July 1, 2030.

1609 (45) Section 53H-4-307.4, Center for Civic Excellence -- Faculty, is repealed July 1, 2030.

1610 (46) Section 53H-4-307.5, Center for Civic Excellence -- Curriculum, is repealed July 1, 2030.

1612 (47) Section 53H-4-307.6, Center for Civic Excellence -- Oversight -- Reporting, is repealed July 1, 2030.

1614 (48) Section 53H-4-313, Food Security Council, is repealed July 1, 2027.

1615 (49) Section 53H-8-305, Five-year performance goals, is repealed July 1, 2027.

1616 (50) Title 53H, Chapter 10, Part 4, Education Savings Incentive Program, is repealed July 1, 2028.

1618 Section 52. Section 76-5-106.5 is amended to read:

1619 **76-5-106.5. Stalking -- Definitions -- Injunction -- Penalties -- Duties of law enforcement officer.**

1621 (1)

(a) As used in this section:

1622 (i) "Course of conduct" means two or more acts directed at or toward a specific individual, including:

1624 (A) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property:

1627 (I) directly, indirectly, or through any third party; and

1628 (II) by any action, method, device, or means; or

1629 (B) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:

1631 (I) approaches or confronts an individual;

1632 (II) appears at the individual's workplace or contacts the individual's employer or coworker;

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- 1634 (III) appears at an individual's residence or contacts an individual's neighbor, or enters property owned,
leased, or occupied by an individual;
- 1636 (IV) sends material by any means to the individual or for the purpose of obtaining or disseminating
information about or communicating with the individual to a member of the individual's family or
household, employer, coworker, friend, or associate of the individual;
- 1640 (V) places an object on or delivers an object to property owned, leased, or occupied by an individual, or
to the individual's place of employment with the intent that the object be delivered to the individual;
or
- 1643 (VI) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that
is a part of the course of conduct.
- 1645 (ii)
- (A) "Emotional distress" means significant mental or psychological suffering, whether or not medical or
other professional treatment or counseling is required.
- 1648 (B) "Emotional distress" includes significant mental or psychological suffering resulting from harm to
an animal.
- 1650 (iii) "Immediate family" means a spouse, parent, child, sibling, or any other individual who
regularly resides in the household or who regularly resided in the household within the prior six
months.
- 1653 (iv) "Private investigator" means the same as that term is defined in Section 76-12-305.
- 1655 (v) "Reasonable person" means a reasonable person in the victim's circumstances.
- 1656 (vi) "Stalking" means an offense as described in Subsection (2).
- 1657 (vii) "Text messaging" means a communication in the form of electronic text or one or more
electronic images sent by the actor from a telephone or computer to another individual's
telephone or computer by addressing the communication to the recipient's telephone number.
- 1661 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1662 (2) An actor commits stalking if the actor intentionally or knowingly:
- 1663 (a) engages in a course of conduct directed at a specific individual and knows or is reckless as to
whether the course of conduct would cause a reasonable person:
- 1665 (i) to fear for the individual's own safety or the safety of a third individual; or
- 1666 (ii) to suffer other emotional distress; or
- 1667 (b) violates:

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- 1668 (i) a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions; or
1670 (ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal
Stalking Injunctions.
- 1672 (3)
- (a) A violation of Subsection (2) is a class A misdemeanor:
- 1673 (i) upon the actor's first violation of Subsection (2); or
1674 (ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil
Stalking Injunctions.
- 1676 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
1678 (i) has been previously convicted of an offense of stalking;
1679 (ii) has been previously convicted in another jurisdiction of an offense that is substantially similar to the
offense of stalking;
- 1681 (iii) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction
which if committed in Utah would be a felony, in which the victim of the stalking offense or a
member of the victim's immediate family was also a victim of the previous felony offense;
- 1685 (iv) violated a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9,
Criminal Stalking Injunctions; or
- 1687 (v) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7-102, of the victim.
- 1689 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second degree felony if
the actor:
- 1691 (i) used a dangerous weapon or used other means or force likely to produce death or serious bodily
injury, in the commission of the crime of stalking;
- 1693 (ii) has been previously convicted two or more times of the offense of stalking;
- 1694 (iii) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are
substantially similar to the offense of stalking;
- 1696 (iv) has been convicted two or more times, in any combination, of offenses under Subsection (3)(b)(i),
(ii), or (iii);
- 1698 (v) has been previously convicted two or more times of felony offenses in Utah or of crimes in another
jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of
the stalking was also a victim of the previous felony offenses; or
- 1702 (vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).

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- 1703 (4) In a prosecution under this section, it is not a defense that the actor:
- 1704 (a) was not given actual notice that the course of conduct was unwanted; or
- 1705 (b) did not intend to cause the victim fear or other emotional distress.
- 1706 (5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more
of the acts that is part of the course of conduct was initiated or caused an effect on the victim.
- 1709 (6)
- (a) Except as provided in Subsection (6)(b), an actor does not violate this section if:
- 1710 (i) the actor is acting:
- 1711 (A) in the actor's official capacity as a law enforcement officer, governmental investigator, or private
investigator; and
- 1713 (B) for a legitimate official or business purpose; or
- 1714 (ii)
- (A) the actor is the owner of a business;
- 1715 (B) the actor engages in a course of conduct that is reasonable and necessary to protect the actor's
ownership interest in the business;
- 1717 (C) the conduct is not directed at a cohabitant, as that term is defined in Section 78B-7-102; and
- 1719 (D) the actor's conduct does not violate any other provision of this code.
- 1720 (b) A private investigator is not exempt from this section if the private investigator engages in conduct
that would constitute a ground for ~~[disciplinary action]~~ the denial of a license under Section
~~[53-9-118]~~ 58-92-401.
- 1723 (7)
- (a) A permanent criminal stalking injunction limiting the contact between the actor and victim may be
filed in accordance with Section 78B-7-902.
- 1725 (b) This section does not preclude the filing of criminal information for stalking based on the same act
which is the basis for the violation of the stalking injunction issued under Title 78B, Chapter 7, Part
7, Civil Stalking Injunctions, or a permanent criminal stalking injunction issued under Title 78B,
Chapter 7, Part 9, Criminal Stalking Injunctions.
- 1730 (8)
- (a) A law enforcement officer who responds to an allegation of stalking shall use all reasonable means
to protect the victim and prevent further violence, including:
- 1732

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- (i) taking action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;
- 1734 (ii) confiscating the weapon or weapons involved in the alleged stalking;
- 1735 (iii) making arrangements for the victim and any child to obtain emergency housing or shelter;
- 1737 (iv) providing protection while the victim removes essential personal effects;
- 1738 (v) arranging, facilitating, or providing for the victim and any child to obtain medical treatment; and
- 1740 (vi) arranging, facilitating, or providing the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of stalking, in accordance with Subsection (8)(b).
- 1743 (b)
- (i) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this section and Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.
- 1746 (ii) The written notice shall also include:
- 1747 (A) a statement that the forms needed in order to obtain a stalking injunction are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled; and
- 1750 (B) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance.
- 1753 (c) If a weapon is confiscated under this Subsection (8), the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a stalking injunction is not issued or once the stalking injunction is terminated.
- 1756 Section 53. Section **76-12-305** is amended to read:
- 1757 **76-12-305. ~~{(Effective 05/06/26)}~~{(Effective 01/01/27)}Unlawful installation of a tracking device.**
- 1510 (1)
- (a) As used in this section:
- 1511 (i) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 1513 ~~[(i)]~~ (ii) "Motor vehicle" means the same as that term is defined in Subsection 41-12a-103(4).
- 1515 ~~[(ii)]~~ (iii) "Private investigator" means an individual who is:
- 1516 (A) licensed as a private investigator under ~~[Title 53, Chapter 9, Private Investigator Regulation Act]~~ Title 58, Chapter 92, Private Investigation Licensing Act; and

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- 1518 (B) acting in the capacity of a private investigator.
- 1519 [~~(iii)~~] (iv) "Protective order" means a protective order, stalking injunction, [~~or~~]restraining order, or
jail release court order issued by a court of any jurisdiction.
- 1521 [~~(iv)~~] (v)
- (A) "Tracking device" means a device used for the primary purpose of revealing the device's location or movement by the transmission or recording of an electronic signal.
- 1524 (B) "Tracking device" does not include location technology installed on a vehicle by the vehicle manufacturer or a commercial vehicle dealer that transmits electronic signals for the purpose of data collection, if the data collection is anonymized.
- 1528 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
- 1530 (2) Except as provided in Subsection (4), an actor commits unlawful installation of a tracking device if the actor knowingly installs, or directs another to install, a tracking device on a motor vehicle owned or leased by another person, without the permission of the owner or lessee of the vehicle.
- 1534 (3) A violation of Subsection (2) is a class A misdemeanor.
- 1535 (4) An actor does not commit a violation of Subsection (2) if the actor:
- 1536 (a)
- (i) is a licensed private investigator installing the tracking device for a legitimate business purpose; and
- 1538 (ii) installs the tracking device on a motor vehicle that is not:
- 1539 (A) owned or leased by an individual under the protection of a protective order; or
- 1540 (B) operated by an individual under the protection of a protective order who resides with], or is an immediate family member of,] the owner or lessee of the motor vehicle; or
- 1543 (b) installs the tracking device [~~pursuant to~~] in accordance with a court order.
- 1544 (5) This section does not apply to a peace officer, acting in the peace officer's official capacity, who installs a tracking device on a motor vehicle in the course of a criminal investigation or [~~pursuant to~~] in accordance with a court order.
- 1547 (6) Before installing a tracking device on a motor vehicle under Subsection (4), a private investigator shall request confirmation from a state entity, including a law enforcement agency, the Bureau of Criminal Identification, or a court, with access to [updated]protective order records, that:
- 1550 (a) the owner or lessee of the vehicle is not under the protection of a protective order; and
- 1551 (b) an individual who resides with], or is an immediate family member of,] the owner or lessee of the motor vehicle is not under the protection of a protective order.

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- 1553 (7) On request from a licensed private investigator, a state entity, including a law enforcement agency, the Bureau of Criminal ~~{Investigation}~~ Identification, or a court, with access to protective order records shall confirm or deny the existence of a protective order, disclosing only whether an individual named by the private investigator is under the protection of a protective order issued in any jurisdiction.
- 1558 (8) A private investigator may not disclose the information obtained under Subsection (7) to any person, except as permitted by law.
- 1560 (9) On request from the ~~[Bureau of Criminal Identification]~~ Division of Professional Licensing, a private investigator who installs a tracking device on a motor vehicle shall disclose the purpose of the tracking device to the ~~[Bureau of Criminal Identification]~~ Division of Professional Licensing.
- 1563 (10)
- (a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.
- 1565 (b) If in the action described in Subsection (10)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.
- 1568 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.
- 1571 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.
- 1573 (e) Exemplary damages may be awarded when the violation is found to be malicious.
- 1825 Section 54. Section 77-20-503 is amended to read:
- 1826 **77-20-503. Surrender of defendant by surety -- Arrest of defendant.**
- 1828 (1)
- (a)
- (i) A surety may at any time prior to a defendant's failure to appear, surrender the defendant and obtain an exoneration of the bail bond by notifying the clerk of the court in which the bail bond was posted of the defendant's surrender and requesting exoneration.
- 1832 (ii) Notification shall be made immediately following the surrender by mail, email, or fax.
- 1834

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(b) To effect surrender of the defendant, a certified copy of the surety's bail bond from the court in which the bail bond was posted or a copy of the bail bond agreement with the defendant shall be delivered to the on-duty jailer, who shall:

1837 (i) detain the defendant in the on-duty jailer's custody as upon a commitment; and

1838 (ii) in writing acknowledge the surrender upon the copy of the bail bond or bail bond agreement.

1840 (c) The certified copy of the bail bond or copy of the bail bond agreement upon which the acknowledgment of surrender is endorsed shall be filed with the court.

1842 (d) Upon a filing described in Subsection (1)(c), the court, upon proper application, may:

1843 (i) exonerate the bail bond; and

1844 (ii) order a refund of any paid premium, or part of a premium, as the court finds just.

1845 (2) For the purpose of surrendering the defendant, the surety may:

1846 (a) arrest the defendant:

1847 (i) at any time before the defendant is finally exonerated; and

1848 (ii) at any place within the state; and

1849 (b) surrender the defendant to any county jail booking facility in Utah.

1850 (3) An arrest under this section is not a basis for exoneration of the bail bond under Section 77-20-504.

1852 (4) A surety acting under this section is subject to [~~Title 53, Chapter 11, Bail Bond Recovery Act~~] Title 58, Chapter 93, Bail Bond Licensing Act.

1854 Section 55. Section 78B-6-812 is amended to read:

1855 **78B-6-812. Order of restitution -- Service -- Enforcement -- Disposition of personal property -- Hearing.**

1857 (1) As used in this section:

1858 (a) "Personal animal" means a domestic dog, cat, rabbit, bird, or other animal that is kept solely as a pet and is not a production animal.

1860 (b)

(i) "Production animal" means a live, nonhuman vertebrate member of the biological kingdom Animalia used for the purpose of producing, or being sold to another for the purpose of producing, food, fiber, or another commercial product.

1863 (ii) "Production animal" includes:

1864 (A) cattle;

1865 (B) sheep;

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- 1866 (C) goats;
- 1867 (D) swine;
- 1868 (E) poultry;
- 1869 (F) ratites;
- 1870 (G) equines;
- 1871 (H) domestic cervidae;
- 1872 (I) cameliadae;
- 1873 (J) a guard dog;
- 1874 (K) a stock dog;
- 1875 (L) a livestock guardian dog; and
- 1876 (M) a fur bearing animal kept for the purpose of commercial fur production.
- 1877 (2) An order of restitution shall:
- 1878 (a) direct the defendant to vacate the premises, remove the defendant's personal property, and restore possession of the premises to the plaintiff, or be forcibly removed by a sheriff or constable;
- 1881 (b) advise the defendant that the defendant has three calendar days after service of the order to vacate the premises, unless:
- 1883 (i) a constable or sheriff of the county where the premises are located immediately returns possession of the property to the plaintiff as described in Subsection 78B-6-810(3)(d);
- 1886 (ii) the plaintiff and defendant agree otherwise; or
- 1887 (iii) the court issues an order in accordance with Subsection 78B-6-810(4); and
- 1888 (c) advise the defendant of the defendant's right to a hearing to contest the manner of the order of restitution's enforcement.
- 1890 (3)
- (a) A person authorized to serve process under Subsection [~~78B-8-302(2)~~] 78B-8-302(3) shall serve, in accordance with Section 78B-6-805, a copy of the order of restitution and a form for the defendant to request a hearing as listed on the form.
- 1893 (b) A defendant's request for hearing or other pleading may not stay enforcement of the restitution order unless:
- 1895 (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property bond to the clerk of the court in an amount approved by the court according to Subsection 78B-6-808(4)(b); and
- 1898 (ii) the court orders that the restitution order be stayed.

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- 1899 (c) The person serving the order and the form shall legibly write the date of service and the person's name, title, signature, and telephone number on the copy of the order and the form served on the defendant.
- 1902 (d) The person serving the order and the form shall file proof of service in accordance with Rule 4(e), Utah Rules of Civil Procedure.
- 1904 (4)
- (a) If the defendant fails to comply with the order within the time prescribed by the court, a sheriff or constable at the plaintiff's direction may enter the premises by force using the least destructive means possible to remove the defendant.
- 1907 (b)
- (i) The sheriff or constable may remove personal property remaining in the leased property from the premises and transport the personal property to a suitable location for safe storage.
- 1910 (ii)
- (A) The sheriff or constable may delegate responsibility for inventory, moving, and storage to the plaintiff.
- 1912 (B) If the sheriff or constable delegates responsibility as described in this Subsection (4)(b)(ii), the plaintiff shall store the personal property in a suitable place and in a reasonable manner.
- 1915 (c) A tenant may not access the property until the tenant pays the removal and storage costs in full, except that the landlord, sheriff, or constable shall provide the tenant reasonable access to the property within five business days after the day on which the sheriff or constable removes the tenant to retrieve:
- 1919 (i) clothing;
- 1920 (ii) identification;
- 1921 (iii) financial documents, including all those related to the tenant's immigration status or employment status;
- 1923 (iv) documents pertaining to receipt of public services; and
- 1924 (v) medical information, prescription medications, and any medical equipment required for maintenance of medical needs.
- 1926 (d) The personal property removed and stored is considered abandoned property and subject to Section 78B-6-816.
- 1928

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- (e) If a personal animal is on the premises, the sheriff or constable executing the order of restitution shall give the personal animal to the tenant, if the tenant is present.
- 1930 (f) If the tenant is not present when the order of restitution is enforced:
- 1931 (i) the sheriff, constable, or landlord shall notify the local animal control authority to take custody of the personal animal;
- 1933 (ii) the animal control authority shall respond to take custody of the personal animal within one business day after the day on which the sheriff, constable, or landlord provides the notice described in Subsection (4)(f)(i);
- 1936 (iii) the animal control authority or organization where the personal animal is taken shall apply the same standards described in Section 11-46-103;
- 1938 (iv) the landlord shall provide the animal control authority with the name and last known contact information of the tenant; and
- 1940 (v) the animal control authority shall post a notice at the premises in a visible place with the name and contact information of the animal control authority or organization where the personal animal is taken.
- 1943 (5)
- (a) In the event of a dispute concerning the manner of enforcement of the restitution order, either party may file a request for a hearing.
- 1945 (b) The court shall:
- 1946 (i) set the matter for hearing:
- 1947 (A) within 10 calendar days after the day on which the defendant files the request for a hearing; or
- 1949 (B) as soon as practicable, if the court is unable to set the matter within the time described in Subsection (5)(b)(i)(A); and
- 1951 (ii) provide notice of the hearing to the parties.
- 1952 (6) The Judicial Council shall draft the forms necessary to implement this section.
- 1953 Section 56. Section 78B-8-302 is amended to read:
- 1954 **78B-8-302. Process servers.**
- 1955 (1) As used in this section:
- 1956 (a) "Private investigator agent" means the same as that term is defined in Section 58-92-101.
- 1958 (b) "Private investigator apprentice" means the same as that term is defined in Section 58-92-101.
- 1960 (c) "Private investigator registrant" means the same as that term is defined in Section 58-92-101.

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- 1962 [(4)] (2) A complaint, a summons, or a subpoena may be served by an individual who is:
- 1963 (a) 18 years old or older at the time of service; and
- 1964 (b) not a party to the action or a party's attorney.
- 1965 [(2)] (3) Except as provided in Subsection [(5)] (6), the following may serve all process issued by the courts of this state:
- 1967 (a) a peace officer employed by a political subdivision of the state acting within the scope and jurisdiction of the peace officer's employment;
- 1969 (b) a sheriff or appointed deputy sheriff employed by a county of the state;
- 1970 (c) a constable, or the constable's deputy, serving in compliance with applicable law;
- 1971 (d) an investigator employed by the state and authorized by law to serve civil process; or
- 1972 (e) a private investigator agent, private investigator registrant, or private investigator apprentice licensed in accordance with [~~Title 53, Chapter 9, Private Investigator Regulation Act~~] Title 58, Chapter 92, Private Investigation Licensing Act.
- 1975 [(3)] (4) A private investigator agent, private investigator registrant, or private investigator apprentice licensed in accordance with [~~Title 53, Chapter 9, Private Investigator Regulation Act~~] Title 58, Chapter 92, Private Investigation Licensing Act, may not make an arrest pursuant to a bench warrant.
- 1979 [(4)] (5) While serving process, a private investigator agent, private investigator registrant, or private investigator apprentice shall:
- 1981 [(a) have on the investigator's body a visible form of credentials and identification identifying:]
- 1983 [(i) the investigator's name;]
- 1984 [(ii) that the investigator is a licensed private investigator; and]
- 1985 [(iii) the name and address of the agency employing the investigator or, if the investigator is self-employed, the address of the investigator's place of business;]
- 1987 [(b)] (a) verbally communicate to the person being served that the investigator is acting as a process server; and
- 1989 [(e)] (b) print on the first page of each document served[:]
- 1990 [(i)] the [~~investigator's~~] private investigator agent's, private investigator registrant's, or private investigator apprentice's name and [identification] license number as a private investigator agent, private investigator registrant, or private investigator apprentice.[: and]
- 1994 [(ii) the address and phone number for the investigator's place of business.]

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- 1995 [(5)] (6) The following may only serve process under this section when the use of force is authorized on the face of the document, or when a breach of the peace is imminent or likely under the totality of the circumstances:
- 1998 (a) a law enforcement officer, as defined in Section 53-13-103; or
- 1999 (b) a special function officer, as defined in Section 53-13-105, who is:
- 2000 (i) employed as an appointed deputy sheriff by a county of the state; or
- 2001 (ii) a constable.
- 2002 [(6)] (7) The following may not serve process issued by a court:
- 2003 (a) an individual convicted of a felony violation of an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b); or
- 2005 (b) an individual who is a respondent in a proceeding described in Title 78B, Chapter 7, Protective Orders and Stalking Injunctions, in which a court has granted the petitioner a protective order.
- 2008 [(7)] (8) An individual serving process shall:
- 2009 (a) legibly document the date and time of service on the front page of the document being served;
- 2011 (b) legibly print the process server's name, address, and telephone number on the return of service;
- 2013 (c) sign the return of service in substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations Act;
- 2015 (d) if the process server is a peace officer, sheriff, or deputy sheriff, legibly print the badge number of the process server on the return of service; and
- 2017 (e) if the process server is a private investigator, legibly print the private investigator's identification number on the return of service.

2019 Section 57. Section 78B-8-303 is amended to read:

2020 **78B-8-303. Recoverable rates.**

If the rates charged by private process servers exceed the rates established by law for service of process by persons under [~~Subsection 78B-8-302(1)~~] Section 78B-8-302, the excess charge may be recovered as costs of an action only if the court determines the service and charge were justifiable under the circumstances.

2025 **Section 58. Repealer.**

This Bill Repeals:

2026 This bill repeals:

2027 Section **53-9-101, Title.**

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- 2028 Section 53-9-102, Definitions.
- 2029 Section 53-9-107, Classification of licenses -- License required to act.
- 2030 Section 53-9-108, Qualifications for licensure.
- 2031 Section 53-9-109, Application for agency license -- Liability insurance -- Workers'
- 2032 **compensation.**
- 2033 Section 53-9-110, Application for registrant or apprentice license.
- 2034 Section 53-9-111, License fees -- Renewal, reinstatement of license -- Deposit of fees in
- 2035 **General Fund.**
- 2036 Section 53-9-112, Issuance of license and identification card to applicant -- License
- 2037 **period -- Expiration of application -- Transfer of license prohibited.**
- 2038 Section 53-9-113, Grounds for denial of a license -- Appeal.
- 2039 Section 53-9-115, Business name and address -- Posting of license -- Advertising --
- 2040 **Incapacitation, death of agent.**
- 2041 Section 53-9-116, Divulging investigative information -- False reports prohibited.
- 2042 Section 53-9-117, Authority to investigate complaint -- Filing of complaints -- Response
- 2043 **-- Retention of records -- Appeal -- Penalties collected.**
- 2044 Section 53-9-118, Grounds for disciplinary action.
- 2045 Section 53-9-119, Violation -- Penalty.
- 2046 Section 53-9-121, Limited-use license.
- 2047 Section 53-9-122, Exemptions from licensure.
- 2048 Section 53-11-101, Title.
- 2049 Section 53-11-102, Definitions.
- 2050 Section 53-11-103, Commissioner of Public Safety administers -- Licensure --
- 2051 **Rulemaking.**
- 2052 Section 53-11-104, Board.
- 2053 Section 53-11-105, Powers and duties of board.
- 2054 Section 53-11-106, Board meetings and hearings -- Quorum.
- 2055 Section 53-11-107, Licenses -- Classifications -- Prohibited acts.
- 2056 Section 53-11-108, Licensure -- Basic qualifications.
- 2057 Section 53-11-109, Licensure -- Bail enforcement agent.
- 2058 Section 53-11-110, Bail enforcement agent as agency -- Surety bond -- Workers'

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- 2059 **compensation.**
- 2060 Section 53-11-111, **Licensure -- Bail recovery agent -- Requirements and limitations.**
- 2061 Section 53-11-112, **Licensure -- Bail recovery apprentices -- Requirements and**
- 2062 **limitations.**
- 2063 Section 53-11-113, **Bail recovery agent and bail recovery apprentice licensure -- Surety**
- 2064 **bond -- Fee -- Workers' compensation.**
- 2065 Section 53-11-114, **Licensure -- Qualification credit for specified training.**
- 2066 Section 53-11-115, **License fees -- Deposit in General Fund.**
- 2067 Section 53-11-116, **Issuance of license and card to applicant -- License period --**
- 2068 **Expiration of application -- Transfer of license prohibited.**
- 2069 Section 53-11-116.5, **Identification cards.**
- 2070 Section 53-11-117, **Workers' compensation requirements for employees' licensure.**
- 2071 Section 53-11-118, **Grounds for denial of license -- Appeal.**
- 2072 Section 53-11-119, **Grounds for disciplinary action.**
- 2073 Section 53-11-120, **Requirement to identify employing agency.**
- 2074 Section 53-11-121, **False representation as a licensee -- Badge -- Identifying clothing.**
- 2075 Section 53-11-122, **Requirements during search and seizure -- Notification of law**
- 2076 **enforcement agency.**
- 2077 Section 53-11-123, **Notification of local law enforcement.**
- 2078 Section 53-11-124, **Penalties.**
- 2079 Section 59. **Effective date.**
- Effective Date.
- This bill takes effect on {~~May 6, 2026~~} January 1, 2027.

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