

SB0149S02 compared with SB0149S01

~~{Omitted text}~~ shows text that was in SB0149S01 but was omitted in SB0149S02

inserted text shows text that was not in SB0149S01 but was inserted into SB0149S02

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1

Licensing Modifications
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd Weiler
House Sponsor: Tyler Clancy



2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to licensing.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ repeals Title 53, Chapter 9, Private Investigator Regulation Act;
- 9 ▶ repeals Title 53, Chapter 11, Bail Bond Recovery Act;
- 10 ▶ enacts Title 58, Chapter 92, Private Investigation Licensing Act, and Title 58, Chapter 93, Bail
Bond Licensing Act;
- 12 ▶ defines terms;
- 13 ▶ provides that the Division of Professional Licensing (division) administers Title 58, Chapter 92,
Private Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;
- 16 ▶ adds members to the Security Services Licensing Board;
- 17 ▶ provides license classifications and qualifications for licensure for a private investigator agent, a
private investigator apprentice, and a private investigator registrant;
- 19 ▶ provides the requirements for a private investigation agency;

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- 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;
- 26 ▶ provides that the division may establish operating standards for Title 58, Chapter 92, Private Investigation Licensing Act;
- 28 ▶ provides that the division may establish grounds for the denial of a license and disciplinary proceedings;
- 30 ▶ provides requirements for a private investigator agent establishing a private investigation agency;
- 32 ▶ provides what constitutes unlawful conduct and unprofessional conduct under Title 58, Chapter 92, Private Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;
- 35 ▶ provides for penalties under Title 58, Chapter 92, Private Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;
- 37 ▶ provides that the division may use money collected under Title 58, Chapter 93, Bail Bond 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 ▶ provides requirements for a bail bond enforcement agent or bail bond recovery agent to maintain identification cards;
- 50 ▶ provides badge and clothing requirements for a licensee under Title 58, Chapter 93, Bail Bond Licensing Act;
- 52 ▶

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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;

- 55 ▶ provides that the provisions this bill enacts supersede a contrary legislation, code, or ordinance enacted by a political subdivision of this state;
- 57 ▶ amends provisions relating to a private investigator agent, a private investigator registrant, or a private investigator apprentice serving process; and
- 59 ▶ 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)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2016,
Chapter 234
- 67 **31A-35-601** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2016,
Chapter 234
- 68 **53-1-104** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapter 208
- 69 **53-10-202.5** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapter 208
- 70 **58-1-301.5** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapter 236
- 71 **58-63-103** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2011,
Chapters 303, 342
- 73 **58-63-201** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2013,
Chapter 436
- 74 **63I-1-253** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
First Special Session, Chapter 9
- 76 **76-5-106.5** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapters 173, 238

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78 **76-12-305** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as renumbered and amended by Laws of
Utah 2025, Chapter 173

80 **77-20-503** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as renumbered and amended by Laws of
Utah 2021, Second Special Session, Chapter 4

82 **78B-6-812** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapter 275

83 **78B-8-302** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as last amended by Laws of Utah 2025,
Chapter 291

84 **78B-8-303** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, as renumbered and amended by Laws of
Utah 2008, Chapter 3

86 ENACTS:

87 **58-92-101** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

88 **58-92-301** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

89 **58-92-302** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

90 **58-92-303** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

91 **58-92-304** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

92 **58-92-305** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

93 **58-92-306** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

94 **58-92-307** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

95 **58-92-308** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

96 **58-92-309** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

97 **58-92-310** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

98 **58-92-311** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

99 **58-92-312** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

100 **58-92-313** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

101 **58-92-314** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

102 **58-92-401** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

103 **58-92-501** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

104 **58-92-502** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

105 **58-92-503** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

106 **58-92-601** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}, Utah Code Annotated 1953

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107 58-93-101 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
108 58-93-102 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
109 58-93-201 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
110 58-93-301 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
111 58-93-302 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
112 58-93-303 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
113 58-93-304 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
114 58-93-305 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
115 58-93-306 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
116 58-93-307 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
117 58-93-308 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
118 58-93-309 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
119 58-93-310 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
120 58-93-311 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
121 58-93-312 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
122 58-93-401 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
123 58-93-501 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
124 58-93-502 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
125 58-93-503 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
126 58-93-504 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
127 58-93-505 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953
128 58-93-601 ~~Effective 01/01/27~~ Effective 09/01/26, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

130 58-92-201 ~~Effective 01/01/27~~ Effective 09/01/26, (Renumbered from 53-9-103, as last
amended by Laws of Utah 2014, Chapter 378)

REPEALS:

133 53-9-101 (Effective 09/01/26), as enacted by Laws of Utah 1995, Chapter 314
134 53-9-102 (Effective 09/01/26), as last amended by Laws of Utah 2025, First Special Session,
Chapter 9
136 53-9-107 (Effective 09/01/26), as last amended by Laws of Utah 2021, Chapter 211
137 53-9-108 (Effective 09/01/26), as last amended by Laws of Utah 2024, Chapter 194

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- 138 **53-9-109 (Effective 09/01/26)**, as last amended by Laws of Utah 2011, Chapter 432
- 139 **53-9-110 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 359
- 140 **53-9-111 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 359
- 141 **53-9-112 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapters 302, 359
- 142 **53-9-113 (Effective 09/01/26)**, as last amended by Laws of Utah 2011, Chapter 432
- 143 **53-9-115 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 359
- 144 **53-9-116 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
- 145 **53-9-117 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 359
- 146 **53-9-118 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 359
- 147 **53-9-119 (Effective 09/01/26)**, as last amended by Laws of Utah 1998, Chapter 212
- 148 **53-9-121 (Effective 09/01/26)**, as enacted by Laws of Utah 2013, First Special Session, Chapters 3,
3
- 150 **53-9-122 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 438
- 151 **53-11-101 (Effective 09/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
- 152 **53-11-102 (Effective 09/01/26)**, as last amended by Laws of Utah 2024, Chapter 506
- 153 **53-11-103 (Effective 09/01/26)**, as last amended by Laws of Utah 2008, Chapter 382
- 154 **53-11-104 (Effective 09/01/26) (Repealed 07/01/29)**, as last amended by Laws of Utah 2025,
Chapter 359
- 156 **53-11-105 (Effective 09/01/26)**, as last amended by Laws of Utah 2024, Chapter 506
- 157 **53-11-106 (Effective 09/01/26)**, as last amended by Laws of Utah 2024, Chapter 506
- 158 **53-11-107 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
- 159 **53-11-108 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapters 208, 302
- 161 **53-11-109 (Effective 09/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
- 162 **53-11-110 (Effective 09/01/26)**, as last amended by Laws of Utah 2015, Chapter 170
- 163 **53-11-111 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
- 164 **53-11-112 (Effective 09/01/26)**, as last amended by Laws of Utah 2014, Chapter 155
- 165 **53-11-113 (Effective 09/01/26)**, as last amended by Laws of Utah 2015, Chapter 170
- 166 **53-11-114 (Effective 09/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
- 167 **53-11-115 (Effective 09/01/26)**, as last amended by Laws of Utah 2018, Chapter 417
- 168 **53-11-116 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
- 169 **53-11-116.5 (Effective 09/01/26)**, as enacted by Laws of Utah 1999, Chapter 266

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- 170 **53-11-117 (Effective 09/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
171 **53-11-118 (Effective 09/01/26)**, as last amended by Laws of Utah 2008, Chapter 382
172 **53-11-119 (Effective 09/01/26)**, as last amended by Laws of Utah 2008, Chapter 382
173 **53-11-120 (Effective 09/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
174 **53-11-121 (Effective 09/01/26)**, as last amended by Laws of Utah 2013, Chapter 396
175 **53-11-122 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
176 **53-11-123 (Effective 09/01/26)**, as last amended by Laws of Utah 2025, Chapter 302
177 **53-11-124 (Effective 09/01/26)**, 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. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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.
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)
195 (i) is the agent of a surety insurer that sells a bail bond in connection with judicial proceedings;
196 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail bond in
197 connection with judicial proceedings; or
198 (iii) pledges personal or real property, or both, as security for a bail bond in connection with judicial
199 proceedings; and
200 (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;

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- 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:
- 224 (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. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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.

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(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. ~~{(Effective 01/01/27)}~~(Effective 09/01/26)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.~~]

257 (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.

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- 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.

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

277 **53-10-202.5. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} 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.

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

289 **58-1-301.5. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} 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;

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- 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;
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
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- (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:
- 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)

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(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)

(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. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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

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394 (b) providing legal representation to the division when [it] the division takes legal action against a
395 person charged with unprofessional or unlawful conduct.

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

397 **58-63-201.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**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)

(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:

422 **58-92-101.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**Definitions.**

92. Private Investigation Licensing Act

1. General Provisions

As used in this chapter:

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

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- 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)
- (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;

SB0149S01 compared with SB0149S02

- 457 (viii) the business of "skip tracing" a person that has become delinquent in the person's lawful
460 debts, either when hired by an individual, collection agency, or through the direct purchase of
461 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
469 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
- 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
- 474 (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.
- 476 (b) "Private investigation agency" includes an entity that contracts with or employs a private
479 investigator agent, a private investigator registrant, or a private investigator apprentice.
- 481 (7) "Private investigator agent" means an individual that holds a private investigator agent license under
481 Section 58-92-303.
- 481 (8) "Private investigator apprentice" means an individual who holds a private investigator apprentice
483 license under Section 58-92-305.
- 483 (9) "Private investigator registrant" means an individual who holds a private investigator registrant
485 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 01/01/27)}~~**(Effective 09/01/26)** **Division to administer --**
488 **Division to issue licenses -- Records -- Bonds -- Rulemaking.**

490 (1) ~~[The commissioner]~~ On or after May 6, 2026, the division shall administer this chapter.

491 (2)

SB0149S01 compared with SB0149S02

(a) The ~~[bureau, 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.

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

497 ~~[(c)]~~ (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.

500 (3)

(a) The ~~[bureau]~~ division shall keep records of:

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

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

504 (b) The ~~[records]~~ division shall include in the record described in Subsection (3)(a) statements as to whether the division has issued a license or renewal license ~~[has been issued]~~ for each application.

507 (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 division revokes, suspends, or denies a license, the division shall include the date of filing the order for revocation, suspension, or denial in the records.

512 (5) The ~~[bureau]~~ division shall maintain:

513 (a) a list of all licensees whose license ~~[has been revoked, suspended, placed on probation, or canceled]~~ the division revokes, suspends, or denies;~~[- and]~~

515 (b) a written record of complaints filed against licensees~~[-]~~ ; and

516 (c) records of board actions.

517 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[commissioner]~~ division may make rules governing the administration of the provisions of this chapter.

520 Section 10. Section 10 is enacted to read:

522 **58-92-301. ~~{(Effective 01/01/27)}~~{Effective 09/01/26}Licensure required -- License classifications.**

3. Licensing

523

SB0149S01 compared with SB0149S02

(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.** ~~{(Effective 01/01/27)}~~**(Effective 09/01/26)** **General qualifications for licensure.**

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)(a) 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;

SB0149S01 compared with SB0149S02

- 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)(b) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or
565 (d)(c) have been previously found or presently be in violation of this chapter.

563 Section 12. Section 12 is enacted to read:

564 **58-92-303. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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

SB0149S01 compared with SB0149S02

(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.

593 (3) A private investigator agent may not supervise or employ a private investigator agent, a private investigator registrant, or a private investigator apprentice unless the private investigator agent creates a private investigation agency and receives a private investigation agency license.

597 (4) The division may further define the scope of the private investigator agent license by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

599 Section 13. Section 13 is enacted to read:

600 **58-92-304. ~~{(Effective 01/01/27)}~~{Effective 09/01/26}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:

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 } who:

SB0149S01 compared with SB0149S02

- 618 (i) creates a private investigation agency and receives a private investigation agency license; and
620 (ii) maintains a valid and current private investigator agent license; or
615 (b) while under contract and supervision of a private investigator agent {with a valid and current
license;} who:
622 (i) creates a private investigation agency and receives a private investigation agency license; and
624 (ii) maintains a valid and current private investigator agent license.
625 (3) The division may further define the scope of the private investigator registrant license by rule in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

627 Section 14. Section 14 is enacted to read:

628 **58-92-305. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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} who:
639 (i) creates a private investigation agency and receives a private investigation agency license; and
641 (ii) maintains a valid and current private investigator agent license; or
629 (b) while under contract and supervision of a private investigator agent {with a valid and current
license;} who:
643 (i) creates a private investigation agency and receives a private investigation agency license; and
645 (ii) maintains a valid and current private investigator agent license.
646 (3) The division may further define the scope of the private investigator apprentice license by rule in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

648 Section 15. Section 15 is enacted to read:

649 **58-92-306. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, an individual may

SB0149S01 compared with SB0149S02

engage in an act regulated by this chapter without being licensed under this chapter if the 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.

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

658 **58-92-307. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**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
644 5,000 hours of investigative experience; and

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

647 (2) An applicant for a private investigator apprentice is not required to demonstrate any hours of
648 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
656 been performed in the 10 years before the day on which the applicant submits an application for
657 licensure.

658 (5) If an applicant is unable to supply written certification of experience from an employer in whole or
659 in part, an applicant may offer written certification from a person other than an employer covering
660 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
662 may verify or reject any part of an applicant's certification under a rule the division makes in
663 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

683 **58-92-308. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**Examination requirements.

SB0149S01 compared with SB0149S02

An applicant for a new private investigator agent license shall successfully pass an examination the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

687 Section 18. Section 18 is enacted to read:

688 **58-92-309.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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).

697 Section 19. Section 19 is enacted to read:

698 **58-92-310.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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.

708 Section 20. Section 20 is enacted to read:

709 **58-92-311.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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

SB0149S01 compared with SB0149S02

- (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.
- 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 ~~agency~~ 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;and
- 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

SB0149S01 compared with SB0149S02

(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

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.

755 Section 21. Section 21 is enacted to read:

756 **58-92-312.** ~~{(Effective 01/01/27)}~~**{(Effective 09/01/26)}** **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.

777 Section 22. Section 22 is enacted to read:

778 **58-92-313.** ~~{(Effective 01/01/27)}~~**{(Effective 09/01/26)}** **Operating standards -- Rulemaking.**

SB0149S01 compared with SB0149S02

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.

784 Section 23. Section 23 is enacted to read:

785 **58-92-314.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Status of license held on effective date of this chapter.**

On or after ~~{January}~~ September 1, ~~{2027}~~ 2026, a person that holds a valid license under Title 53, ~~{Chapter 9.}~~

Chapter 9, Private Investigator Regulation Act:

773 (1) is subject to the following:

774 (a) if the license the person holds on ~~{January}~~ September 1, ~~{2027}~~ 2026, 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.}~~ :

792 (i) if the person is an entity, the person is considered to have a private investigation agency license under this chapter; or

794 (ii) if the person is an individual, the person is considered to have a private investigator agent license under this chapter;

777 (b) if the license the person holds on ~~{January}~~ September 1, ~~{2027}~~ 2026, 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}~~ September 1, ~~{2027}~~ 2026, 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.

803 Section 24. Section 24 is enacted to read:

805 **58-92-401.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Grounds for denial of license -- Disciplinary proceedings.**

4. License Denial and Discipline

Grounds for refusing to issue a license to an applicant, for refusing to renew the license

SB0149S01 compared with SB0149S02

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.

811 Section 25. Section 25 is enacted to read:

813 **58-92-501. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Unlawful conduct.**

5. Unlawful Conduct -- Unprofessional Conduct -- Penalties

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:

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.

838 Section 26. Section 26 is enacted to read:

839 **58-92-502. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Unprofessional conduct.**

Unprofessional conduct under this chapter includes:

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- 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
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.

864 Section 27. Section 27 is enacted to read:

865 **58-92-503. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} 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

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- (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);
- 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

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- 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)
- (a) The director or the director's designee may assess a fine under this section as follows:
- 902 (i) for a first offense under Subsection (3), a fine of up to \$1,000;
- 903 (ii) for a second offense under Subsection (3), a fine of up to \$2,000; and
- 904 (iii) for a subsequent offense under Subsection (3), a fine of up to \$2,000 for each day of continued
violation.
- 906 (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:
- 908 (i) the division previously issued a final order determining that a person committed a first or second
offense by violating Section 58-92-501 or 58-92-502; or
- 910 (ii)
- (A) the division initiated an action for a first or second offense;
- 911 (B) the division has not issued a final order in an action initiated under Subsection (8)(b)(ii)(A);
- 913 (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
58-92-501 or 58-92-502; and
- 917 (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).
- 920 (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.
- 922 (9)

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(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.

925 (b) The director may collect a fine that a person does not pay by:

926 (i) referring the matter to a collection agency; or

927 (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.

930 (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.

932 (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).

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

955 **58-92-601.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Preemption of local regulation.**

6. Regulatory Jurisdiction

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.

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

965 **58-93-101.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Definitions.**

93. Bail Bond Licensing Act

1. General Provisions

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

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- (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.
- 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)

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(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.

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.

1027 Section 30. Section 30 is enacted to read:

1028 **58-93-102. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} 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

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

1039 Section 31. Section 31 is enacted to read:

1041 **58-93-201.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Board.

2. 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.

1044 Section 32. Section 32 is enacted to read:

1046 **58-93-301.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Licensure required -- License classifications.

3. Licensing

1028 (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.

1055 Section 33. Section 33 is enacted to read:

1056 **58-93-302.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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

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(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)~~(i)~~ 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;

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

1072 (iv)~~(iii)~~ have been previously found or presently be in violation of this chapter; or

1073 (v)~~(iv)~~ 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.

1091 Section 34. Section **34** is enacted to read:

1092 **58-93-303.** ~~{(Effective 01/01/27)}~~**(Effective 09/01/26)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:

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- 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 (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;
- 1099 (ii) workers' compensation insurance that covers employees of the applicant in accordance with
applicable Utah law;
- 1101 (iii) registration with the Division of Corporations and Commercial Code; and
- 1102 (iv) registration as required by applicable law with the:
- 1103 (A) Unemployment Insurance Division in the Department of Workforce Services, in accordance with
Title 35A, Chapter 4, Employment Security Act;
- 1105 (B) State Tax Commission; and
- 1106 (C) Internal Revenue Service.
- 1107 (2) An application described in Subsection (1) shall include an affidavit that:
- 1108 (a) lists each of the applicant's officers, owners, proprietors, trustees, and responsible management
personnel; and
- 1110 (b) a representative of the applicant signs and states under penalty of perjury that none of the listed
parties:
- 1112 (i) have been convicted of:
- 1113 (A) a felony;

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- 1114 (B) an act involving illegally using, carrying, or possessing a dangerous weapon;
1115 (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;
1117 (D) an act constituting dishonesty or fraud;
1118 (E) impersonating a peace officer; or
1119 (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;
1123 (ii) have been named in an outstanding arrest warrant; or
1124 (iii) are currently on probation, parole, community supervision, or named in an outstanding arrest
warrant.

1141 Section 35. Section 35 is enacted to read:

1142 **58-93-304. ~~{(Effective 01/01/27)}~~(Effective 09/01/26)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.

1160 Section 36. Section 36 is enacted to read:

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1161 **58-93-305. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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.

1170 Section 37. Section 37 is enacted to read:

1171 **58-93-306. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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:

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.

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(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.

1193 Section 38. Section **38** is enacted to read:

1194 **58-93-307. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}** **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.

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.

1216 Section 39. Section **39** is enacted to read:

1217 **58-93-308. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}** **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:

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- 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.
- 1228 Section 40. Section **40** is enacted to read:
1229 **58-93-309.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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).
- 1236 Section 41. Section **41** is enacted to read:
1237 **58-93-310.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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 (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.

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1241 (7) A licensee shall display the license upon the request of a peace officer, a representative of the
1242 division, or a member of the public.

1258 Section 42. Section **42** is enacted to read:

1259 **58-93-311.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**Operating standards -- Rulemaking.**
1260 The division, in collaboration with the board, shall establish by rule in accordance with
1261 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall
1262 apply to the conduct of a licensee under this chapter, including rules relating to use of
1263 uniforms, badges, insignia, designations, and representations used by or associated with a
1264 licensee's practice under this chapter.

1265 Section 43. Section **43** is enacted to read:

1266 **58-93-312.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}**Status of license held on effective date**
1267 **of this chapter.**

On or after {January} ~~September~~ 1, {2027} ~~2026~~, a person that holds a valid license under Title
1268 53, {Chapter}

~~Chapter~~ 11, Bail Bond Recovery Act:

1255 (1) is subject to the following:

1256 (a) if the license the person holds on {January} ~~September~~ 1, {2027} ~~2026~~, is a bail bond agency
1257 license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail
1258 bond agency license under this chapter;

1259 (b) if the license the person holds on {January} ~~September~~ 1, {2027} ~~2026~~, is a bail enforcement agent
1260 license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail
1261 enforcement agent license under this chapter;

1262 (c) if the license the person holds on {January} ~~September~~ 1, {2027} ~~2026~~, is a bail recovery agent
1263 license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail
1264 recovery agent license under this chapter; and

1265 (d) if the license the person holds on {January} ~~September~~ 1, {2027} ~~2026~~, is a bail recovery
1266 apprentice license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to
1267 have a bail recovery apprentice license under this chapter; and

1268 (2) is subject to this chapter.

1284 Section 44. Section **44** is enacted to read:

1286

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58-93-401. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Grounds for denial of license --**

Disciplinary proceedings.

4. License Denial and Discipline

- 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.

1299 Section 45. Section **45** is enacted to read:

1301 **58-93-501.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **Unlawful conduct.**

5. Unlawful Conduct -- Unprofessional Conduct -- Penalties

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
- 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

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(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.

1324 Section 46. Section 46 is enacted to read:

1325 **58-93-502. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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;

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

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- 1338 (h) if the person is a bail bond agency, failing to pay bail funds to a court upon entry of a final judgment
1340 against the bail bond agency;
- 1342 (10) being placed on probation, parole, compensatory service, or named in an outstanding arrest
warrant;
- 1346 (11) failing or refusing to cooperate with, failing to provide truthful information to, or refusing access
1348 to an authorized representative of the division engaged in an official investigation including the
1349 wrongful withholding of materials sought by the division through a subpoena duces tecum;
- 1351 (12) failure to maintain in full force the insurance and surety bond requirements of this chapter;
- 1353 (13) advertising in a false, deceptive, or misleading manner;
- 1372 (14) failing to identify the name, business address, and telephone number of the bail bond agency for
1373 which the licensee is an employee or an independent contractor;
- 1373 (15) failing to adhere to the licensee representation, badge, and identifying clothing requirements under
1359 Section 58-93-504;
- 1363 (16) failing to adhere to the requirements during search and seizure and notification of law enforcement
1367 agency provisions of Section 58-93-505; and
- 1373 (17) aiding, incentivizing, encouraging, or offering material aid to any person to violate this chapter.
- 1373 Section 47. Section 47 is enacted to read:
- 1359 **58-93-503. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Penalties.**
- 1363 (1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under Subsection
1367 58-1-501(1) or Section 58-93-501 or who fails to comply with a citation issued under this section
1373 after the citation becomes final is guilty of a class A misdemeanor.
- 1373 (2) The division may immediately suspend a license issued under this chapter of a person who is given
1367 a citation for engaging in unlawful acts under Subsection 58-1-501(1) or Section 58-93-501 upon
1373 determination that the nature of the action presents a reasonable ongoing threat to public health,
1373 safety, or welfare.
- 1373 (3) If, upon inspection or investigation, the division determines that a person has violated Section
1367 58-1-501, 58-93-501, or 58-93-502, a rule the division makes, or an order the division issues under
1373 Section 58-93-501 or 58-93-502, and that disciplinary action is warranted, the director or the
1373 director's designee within the division shall promptly issue a citation to the person and:
- 1373 (a) attempt to negotiate a stipulated settlement with the person; or

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- (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.
- 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.

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- 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 (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

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(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).

1462 Section 48. Section 48 is enacted to read:

1463 **58-93-504. ~~{(Effective 01/01/27)}~~{Effective 09/01/26}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:

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

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(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).

1507 Section 49. Section 49 is enacted to read:

1508 **58-93-505. ~~{(Effective 01/01/27)}~~(Effective 09/01/26)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 (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

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(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.

1529 Section 50. Section **50** is enacted to read:

1531 **58-93-601.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **State preemption of local regulation.**

6. Regulatory Jurisdiction

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.

1538 Section 51. Section **63I-1-253** is amended to read:

1539 **63I-1-253.** ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} **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.

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.

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- 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.
- 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

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- (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 (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.

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- 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.
- 1633 Section 52. Section **76-5-106.5** is amended to read:
- 1634 **76-5-106.5. ~~{(Effective 01/01/27)}~~(Effective 09/01/26) 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;
- 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

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(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:

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:

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- 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).
- 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.

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- 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 (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

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- 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.
- 1771 Section 53. Section **76-12-305** is amended to read:
- 1772 **76-12-305. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}Unlawful installation of a tracking
device.**
- 1758 (1)
- (a) As used in this section:
- 1759 (i) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 1761 [(i)] (ii) "Motor vehicle" means the same as that term is defined in Subsection 41-12a-103(4).
- 1763 [(ii)] (iii) "Private investigator" means an individual who is:
- 1764 (A) licensed as a private investigator under [~~Title 53, Chapter 9, Private Investigator Regulation
Act~~] Title 58, Chapter 92, Private Investigation Licensing Act; and
- 1767 (B) acting in the capacity of a private investigator.
- 1768 [(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.
- 1770 [(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.

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- 1773 (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.
- 1777 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
- 1779 (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.
- 1783 (3) A violation of Subsection (2) is a class A misdemeanor.
- 1784 (4) An actor does not commit a violation of Subsection (2) if the actor:
- 1785 (a)
- (i) is a licensed private investigator installing the tracking device for a legitimate business purpose; and
- 1787 (ii) installs the tracking device on a motor vehicle that is not:
- 1788 (A) owned or leased by an individual under the protection of a protective order; or
- 1789 (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
- 1792 (b) installs the tracking device ~~[pursuant to]~~ in accordance with a court order.
- 1793 (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.
- 1796 (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:
- 1800 (a) the owner or lessee of the vehicle is not under the protection of a protective order; and
- 1801 (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.
- 1803 (7) On request from a licensed private investigator, a state entity, including a law enforcement agency,
the Bureau of Criminal 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.
- 1808 (8) A private investigator may not disclose the information obtained under Subsection (7) to any person,
except as permitted by law.

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- 1810 (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.
- 1814 (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.
- 1816 (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.
- 1819 (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.
- 1822 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.
- 1824 (e) Exemplary damages may be awarded when the violation is found to be malicious.
- 1840 Section 54. Section **77-20-503** is amended to read:
- 1841 **77-20-503. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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 (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.

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- 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.
- 1869 Section 55. Section **78B-6-812** is amended to read:
- 1870 **78B-6-812. ~~{(Effective 01/01/27)}~~(Effective 09/01/26)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;
- 1866 (C) goats;
- 1867 (D) swine;
- 1868 (E) poultry;
- 1869 (F) ratites;
- 1870 (G) equines;
- 1871 (H) domestic cervidae;
- 1872 (I) cameliadae;

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- 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.
- 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)

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- (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 (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

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- (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.
- 1968 Section 56. Section **78B-8-302** is amended to read:
- 1969 **78B-8-302. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)}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.
- 1962 [(1)] (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:

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- 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 [~~(c)~~] (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.]~~
- 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:

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- 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.

2034 Section 57. Section **78B-8-303** is amended to read:

2035 **78B-8-303. ~~{(Effective 01/01/27)}~~{(Effective 09/01/26)} 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.

2040 Section 58. **Repealer.**

This Bill Repeals:

2041 This bill repeals:

2042 Section **53-9-101, Title.**

2043 Section **53-9-102, Definitions.**

2044 Section **53-9-107, Classification of licenses -- License required to act.**

2045 Section **53-9-108, Qualifications for licensure.**

2046 Section **53-9-109, Application for agency license -- Liability insurance -- Workers'**
2047 **compensation.**

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- 2048 Section 53-9-110, Application for registrant or apprentice license.
- 2049 Section 53-9-111, License fees -- Renewal, reinstatement of license -- Deposit of fees in
- 2050 **General Fund.**
- 2051 Section 53-9-112, Issuance of license and identification card to applicant -- License
- 2052 **period -- Expiration of application -- Transfer of license prohibited.**
- 2053 Section 53-9-113, Grounds for denial of a license -- Appeal.
- 2054 Section 53-9-115, Business name and address -- Posting of license -- Advertising --
- 2055 **Incapacitation, death of agent.**
- 2056 Section 53-9-116, Divulging investigative information -- False reports prohibited.
- 2057 Section 53-9-117, Authority to investigate complaint -- Filing of complaints -- Response
- 2058 **-- Retention of records -- Appeal -- Penalties collected.**
- 2059 Section 53-9-118, Grounds for disciplinary action.
- 2060 Section 53-9-119, Violation -- Penalty.
- 2061 Section 53-9-121, Limited-use license.
- 2062 Section 53-9-122, Exemptions from licensure.
- 2063 Section 53-11-101, Title.
- 2064 Section 53-11-102, Definitions.
- 2065 Section 53-11-103, Commissioner of Public Safety administers -- Licensure --
- 2066 **Rulemaking.**
- 2067 Section 53-11-104, Board.
- 2068 Section 53-11-105, Powers and duties of board.
- 2069 Section 53-11-106, Board meetings and hearings -- Quorum.
- 2070 Section 53-11-107, Licenses -- Classifications -- Prohibited acts.
- 2071 Section 53-11-108, Licensure -- Basic qualifications.
- 2072 Section 53-11-109, Licensure -- Bail enforcement agent.
- 2073 Section 53-11-110, Bail enforcement agent as agency -- Surety bond -- Workers'
- 2074 **compensation.**
- 2075 Section 53-11-111, Licensure -- Bail recovery agent -- Requirements and limitations.
- 2076 Section 53-11-112, Licensure -- Bail recovery apprentices -- Requirements and
- 2077 **limitations.**
- 2078 Section 53-11-113, Bail recovery agent and bail recovery apprentice licensure -- Surety

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- 2079 **bond -- Fee -- Workers' compensation.**
- 2080 Section **53-11-114, Licensure -- Qualification credit for specified training.**
- 2081 Section **53-11-115, License fees -- Deposit in General Fund.**
- 2082 Section **53-11-116, Issuance of license and card to applicant -- License period --**
- 2083 **Expiration of application -- Transfer of license prohibited.**
- 2084 Section **53-11-116.5, Identification cards.**
- 2085 Section **53-11-117, Workers' compensation requirements for employees' licensure.**
- 2086 Section **53-11-118, Grounds for denial of license -- Appeal.**
- 2087 Section **53-11-119, Grounds for disciplinary action.**
- 2088 Section **53-11-120, Requirement to identify employing agency.**
- 2089 Section **53-11-121, False representation as a licensee -- Badge -- Identifying clothing.**
- 2090 Section **53-11-122, Requirements during search and seizure -- Notification of law**
- 2091 **enforcement agency.**
- 2092 Section **53-11-123, Notification of local law enforcement.**
- 2093 Section **53-11-124, Penalties.**
- 2094 Section 59. **Effective date.**
- Effective Date.
- This bill takes effect on {~~January~~} ~~September~~ 1, {~~2027~~} 2026.

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