

Todd Weiler proposes the following substitute bill:

Licensing Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill amends provisions relating to licensing.

Highlighted Provisions:

This bill:

- ▶ repeals Title 53, Chapter 9, Private Investigator Regulation Act;
- ▶ repeals Title 53, Chapter 11, Bail Bond Recovery Act;
- ▶ enacts Title 58, Chapter 92, Private Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond Licensing Act;
- ▶ defines terms;
- ▶ 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;
- ▶ adds members to the Security Services Licensing Board;
- ▶ provides license classifications and qualifications for licensure for a private investigator agent, a private investigator apprentice, and a private investigator registrant;
- ▶ provides the requirements for a private investigation agency;
- ▶ provides general qualifications for licensure under Title 58, Chapter 92, Private Investigation Licensing Act;
- ▶ provides the licensing requirements for a private investigator apprentice, a private investigator registrant, and a private investigator agent;
- ▶ 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;
- ▶ provides that the division may establish operating standards for Title 58, Chapter 92, Private Investigation Licensing Act;
- ▶ provides that the division may establish grounds for the denial of a license and

- 29 disciplinary proceedings;
- 30 ▶ provides requirements for a private investigator agent establishing a private investigation
31 agency;
- 32 ▶ provides what constitutes unlawful conduct and unprofessional conduct under Title 58,
33 Chapter 92, Private Investigation Licensing Act, and Title 58, Chapter 93, Bail Bond
34 Licensing Act;
- 35 ▶ provides for penalties under Title 58, Chapter 92, Private Investigation Licensing Act,
36 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
38 Licensing Act, for certain purposes;
- 39 ▶ provides that the division may appoint certain individuals to the Security Services
40 Licensing Board;
- 41 ▶ provides license classifications and qualifications for licensure for a bail bond agency, a
42 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
44 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
47 requirements this bill enacts;
- 48 ▶ provides requirements for a bail bond enforcement agent or bail bond recovery agent to
49 maintain identification cards;
- 50 ▶ provides badge and clothing requirements for a licensee under Title 58, Chapter 93, Bail
51 Bond Licensing Act;
- 52 ▶ provides requirements for a bail enforcement agent, bail recovery agent, or bail recovery
53 apprentice when interacting with law enforcement or engaging in a search or
54 apprehension;
- 55 ▶ provides that the provisions this bill enacts supersede a contrary legislation, code, or
56 ordinance enacted by a political subdivision of this state;
- 57 ▶ amends provisions relating to a private investigator agent, a private investigator
58 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)**, as last amended by Laws of Utah 2016, Chapter 234

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

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

69 **53-10-202.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 208

70 **58-1-301.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 236

71 **58-63-103 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapters 303,
72 342

73 **58-63-201 (Effective 01/01/27)**, as last amended by Laws of Utah 2013, Chapter 436

74 **63I-1-253 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special
75 Session, Chapter 9

76 **76-5-106.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 173,
77 238

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

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

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

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

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

86 ENACTS:

87 **58-92-101 (Effective 01/01/27)**, Utah Code Annotated 1953

88 **58-92-301 (Effective 01/01/27)**, Utah Code Annotated 1953

89 **58-92-302 (Effective 01/01/27)**, Utah Code Annotated 1953

90 **58-92-303 (Effective 01/01/27)**, Utah Code Annotated 1953

91 **58-92-304 (Effective 01/01/27)**, Utah Code Annotated 1953

92 **58-92-305 (Effective 01/01/27)**, Utah Code Annotated 1953

93 **58-92-306 (Effective 01/01/27)**, Utah Code Annotated 1953

94 **58-92-307 (Effective 01/01/27)**, Utah Code Annotated 1953

95 **58-92-308 (Effective 01/01/27)**, Utah Code Annotated 1953

96 **58-92-309 (Effective 01/01/27)**, Utah Code Annotated 1953

97 **58-92-310 (Effective 01/01/27)**, Utah Code Annotated 1953
98 **58-92-311 (Effective 01/01/27)**, Utah Code Annotated 1953
99 **58-92-312 (Effective 01/01/27)**, Utah Code Annotated 1953
100 **58-92-313 (Effective 01/01/27)**, Utah Code Annotated 1953
101 **58-92-314 (Effective 01/01/27)**, Utah Code Annotated 1953
102 **58-92-401 (Effective 01/01/27)**, Utah Code Annotated 1953
103 **58-92-501 (Effective 01/01/27)**, Utah Code Annotated 1953
104 **58-92-502 (Effective 01/01/27)**, Utah Code Annotated 1953
105 **58-92-503 (Effective 01/01/27)**, Utah Code Annotated 1953
106 **58-92-601 (Effective 01/01/27)**, Utah Code Annotated 1953
107 **58-93-101 (Effective 01/01/27)**, Utah Code Annotated 1953
108 **58-93-102 (Effective 01/01/27)**, Utah Code Annotated 1953
109 **58-93-201 (Effective 01/01/27)**, Utah Code Annotated 1953
110 **58-93-301 (Effective 01/01/27)**, Utah Code Annotated 1953
111 **58-93-302 (Effective 01/01/27)**, Utah Code Annotated 1953
112 **58-93-303 (Effective 01/01/27)**, Utah Code Annotated 1953
113 **58-93-304 (Effective 01/01/27)**, Utah Code Annotated 1953
114 **58-93-305 (Effective 01/01/27)**, Utah Code Annotated 1953
115 **58-93-306 (Effective 01/01/27)**, Utah Code Annotated 1953
116 **58-93-307 (Effective 01/01/27)**, Utah Code Annotated 1953
117 **58-93-308 (Effective 01/01/27)**, Utah Code Annotated 1953
118 **58-93-309 (Effective 01/01/27)**, Utah Code Annotated 1953
119 **58-93-310 (Effective 01/01/27)**, Utah Code Annotated 1953
120 **58-93-311 (Effective 01/01/27)**, Utah Code Annotated 1953
121 **58-93-312 (Effective 01/01/27)**, Utah Code Annotated 1953
122 **58-93-401 (Effective 01/01/27)**, Utah Code Annotated 1953
123 **58-93-501 (Effective 01/01/27)**, Utah Code Annotated 1953
124 **58-93-502 (Effective 01/01/27)**, Utah Code Annotated 1953
125 **58-93-503 (Effective 01/01/27)**, Utah Code Annotated 1953
126 **58-93-504 (Effective 01/01/27)**, Utah Code Annotated 1953
127 **58-93-505 (Effective 01/01/27)**, Utah Code Annotated 1953
128 **58-93-601 (Effective 01/01/27)**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

130 **58-92-201 (Effective 01/01/27)**, (Renumbered from 53-9-103, as last amended by

131 Laws of Utah 2014, Chapter 378)

132 REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158 **53-11-107 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302

159 **53-11-108 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 208,
160 302

161 **53-11-109 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257

162 **53-11-110 (Effective 01/01/27)**, as last amended by Laws of Utah 2015, Chapter 170

163 **53-11-111 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302

164 **53-11-112 (Effective 01/01/27)**, as last amended by Laws of Utah 2014, Chapter 155

165 **53-11-113 (Effective 01/01/27)**, as last amended by Laws of Utah 2015, Chapter 170
 166 **53-11-114 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257
 167 **53-11-115 (Effective 01/01/27)**, as last amended by Laws of Utah 2018, Chapter 417
 168 **53-11-116 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302
 169 **53-11-116.5 (Effective 01/01/27)**, as enacted by Laws of Utah 1999, Chapter 266
 170 **53-11-117 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257
 171 **53-11-118 (Effective 01/01/27)**, as last amended by Laws of Utah 2008, Chapter 382
 172 **53-11-119 (Effective 01/01/27)**, as last amended by Laws of Utah 2008, Chapter 382
 173 **53-11-120 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257
 174 **53-11-121 (Effective 01/01/27)**, as last amended by Laws of Utah 2013, Chapter 396
 175 **53-11-122 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302
 176 **53-11-123 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 302
 177 **53-11-124 (Effective 01/01/27)**, as enacted by Laws of Utah 1998, Chapter 257

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). Definitions.**

182 As used in this chapter:

- 183 (1) "Bail bond" means a bail bond insurance product for a specified monetary amount that
 184 is:
 185 (a) executed by a bail bond producer licensed in accordance with Section 31A-35-401;
 186 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
 190 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)(i) is the agent of a surety insurer that sells a bail bond in connection with judicial
 194 proceedings;
 195 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail
 196 bond in connection with judicial proceedings; or
 197 (iii) pledges personal or real property, or both, as security for a bail bond in
 198 connection with judicial proceedings; and

- 199 (c) receives or is promised money or other things of value for a service described in
200 Subsection (2)(b).
- 201 (3) "Bail bond producer" means an individual who:
- 202 (a) is appointed by:
- 203 (i) a surety insurer that sells bail bonds; or
- 204 (ii) a bail bond agency licensed under this chapter;
- 205 (b) is appointed to execute or countersign undertakings of bail in connection with
206 judicial proceedings; and
- 207 (c) receives or is promised money or other things of value for engaging in an act
208 described in Subsection (3)(b).
- 209 (4) "Bail enforcement agent" means the same as that term is defined in Section [~~53-11-102~~]
210 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
213 insurer to operate as a surety insurer.
- 214 (7) "Indemnitor" means an entity or natural person that enters into an agreement with a bail
215 bond agency to hold the bail bond agency harmless from loss incurred as a result of
216 executing a bail bond.
- 217 (8) "Liquid assets" means financial holdings that can be converted into cash in a timely
218 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
225 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
229 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). Acts of producer or agent.**

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

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

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

243 (b) Bail enforcement agent, bail recovery agent, and bail recovery apprentice mean the
 244 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). 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
 249 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~~
 256 ~~53-11-104.]~~

257 (2) The Peace Officer Standards and Training Council, created in Section 53-6-106, is
 258 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
 265 53-10-103;

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

- 267 (g) the State Fire Marshal Division, created in Section 53-7-103; and
 268 (h) the Utah Highway Patrol Division, created in Section 53-8-103.
 269 (4) The Office of Executive Protection is created in Section 53-1-112.
 270 (5) The following are the bureaus within the department:
 271 (a) the Bureau of Emergency Medical Services, created in Section 53-2d-102;
 272 (b) the Bureau of Criminal Identification, created in Section 53-10-201;
 273 (c) the State Bureau of Investigation, created in Section 53-10-301;
 274 (d) the Bureau of Forensic Services, created in Section 53-10-401; and
 275 (e) the Bureau of Communications, created in Section 53-10-501.

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

277 **53-10-202.5 (Effective 01/01/27). Bureau services -- Fees.**

278 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). Division access to Bureau of Criminal**
 290 **Identification records. -- Criminal background check requirement.**

- 291 (1) As used in this section, "applicant" means an individual applying for licensure or
 292 certification, or with respect to a license or certification, applying for renewal,
 293 reinstatement, or relicensure or recertification, as required in:
 294 (a) Section 58-5a-302;
 295 (b) Section 58-16a-302;
 296 (c) Section 58-17b-303;
 297 (d) Section 58-17b-304;
 298 (e) Section 58-17b-305;
 299 (f) Section 58-17b-306;
 300 (g) Section 58-24b-302;

- 301 (h) Section 58-31b-302;
- 302 (i) Section 58-42a-302;
- 303 (j) Section 58-44a-302;
- 304 (k) Section 58-47b-302;
- 305 (l) Section 58-55-302;
- 306 (m) Section 58-47b-302.2;
- 307 (n) Section 58-60-205;
- 308 (o) Section 58-60-305;
- 309 (p) Section 58-60-405;
- 310 (q) Section 58-60-506;
- 311 (r) Section 58-61-304;
- 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
- 324 Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for
- 325 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
- 330 abeyance, dismissed charges, and charges without a known disposition; and
- 331 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2,
- 332 Bureau of Criminal Identification.
- 333 (4) The division may not disseminate outside of the division any criminal history record
- 334 information that the division obtains from the Bureau of Criminal Identification or the

- 335 Federal Bureau of Investigation under the criminal background check requirements of
336 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
339 a license application or a registration; and
- 340 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
341 Identification and the Federal Bureau of Investigation regarding the application.
- 342 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),
343 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
346 the services provided under Section 53-10-108; and
- 347 (B) the fee charged by the Federal Bureau of Investigation for fingerprint
348 processing for the purpose of obtaining federal criminal history record
349 information;
- 350 (ii) submit from each applicant the fingerprints and the fees described in Subsection
351 (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
353 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
355 this chapter.
- 356 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
357 Identification shall:
- 358 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
359 and regional criminal records databases;
- 360 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
361 history background check; and
- 362 (c) provide the results from the state, regional, and nationwide criminal history
363 background checks to the division.
- 364 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
365 criminal background check required under this section demonstrates, after the
366 applicant is licensed or registered, that the applicant failed to accurately disclose a
367 criminal history, the division may provide notice to the applicant that the license
368 or registration is immediately and automatically revoked.

369 (ii) If a massage establishment owner has a criminal conviction or pending criminal
370 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any
371 crime listed by rule made by the division in collaboration with the board in
372 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
373 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
375 (8)(a) is entitled to a hearing to challenge the revocation.

376 (ii) A registered massage establishment for which the registration has been revoked
377 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the
378 revocation.

379 (c) The division shall conduct the hearing described in this Subsection (8) in accordance
380 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). Use of money for education, training, and**
383 **enforcement.**

384 The director may, with the concurrence of the board, use the money collected under
385 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
387 Licensing Act, and Chapter 93, Bail Bond Licensing Act;

388 (2) educating and training the general public or other interested persons in matters
389 concerning the laws that govern the practices licensed under this chapter, Chapter 92,
390 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,
392 Bail Bond Licensing Act by:

393 (a) investigating unprofessional or unlawful conduct; and

394 (b) providing legal representation to the division when [it] the division takes legal action
395 against a 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). 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
 407 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
 410 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
 412 basis to:

413 (i) assist the division in reviewing a complaint concerning the unlawful or
 414 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]
 417 the board's investigation is disqualified from participating with the board when the board
 418 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

419 Section 8. Section **58-92-101** is enacted to read:

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

421 **Part 1. General Provisions**

422 **58-92-101 (Effective 01/01/27). Definitions.**

423 As used in this chapter:

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

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

427 (b) "Conviction" includes the following, regardless of whether the imposition of a
 428 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
 435 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
437 the United States;
- 438 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty,
439 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
440 movements, whereabouts, affiliations, associations, or transactions of an
441 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
454 criminal trial;
- 455 (vii) the prevention, detection, and removal of installed devices for eavesdropping or
456 observation;
- 457 (viii) the business of "skip tracing" a person that has become delinquent in the
458 person's lawful debts, either when hired by an individual, collection agency, or
459 through the direct purchase of the debt from a financial institution or entity
460 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
467 employee's behalf or on behalf of an employer if the employer is not a private
468 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
 471 58-26a-102.

472 (6)(a) "Private investigation agency" means an entity:

473 (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
 475 or the private investigator agent's employee's clients and cases.

476 (b) "Private investigation agency" includes an entity that contracts with or employs a
 477 private investigator agent, a private investigator registrant, or a private investigator
 478 apprentice.

479 (7) "Private investigator agent" means an individual that holds a private investigator agent
 480 license under Section 58-92-303.

481 (8) "Private investigator apprentice" means an individual who holds a private investigator
 482 apprentice license under Section 58-92-305.

483 (9) "Private investigator registrant" means an individual who holds a private investigator
 484 registrant license under Section 58-92-304.

485 Section 9. Section **58-92-201**, which is renumbered from Section 53-9-103 is renumbered
 486 and amended to read:

487 **Part 2. Board**

488 **[53-9-103] 58-92-201 (Effective 01/01/27). Division to administer -- Division to**
 489 **issue licenses -- Records -- Bonds -- Rulemaking.**

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

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

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

497 ~~[(e)]~~ (b) ~~The [bureau]~~ division shall notify each licensee under this chapter when a
 498 licensee's license is due for renewal in accordance with procedures [established by
 499 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
 503 insurance required to be filed.

- 504 (b) The ~~[records]~~ division shall include in the record described in Subsection (3)(a)
 505 statements as to whether the division has issued a license or renewal license ~~[has~~
 506 ~~been issued]~~ for each application.
- 507 (4) ~~[If a license is revoked, suspended, canceled, or denied or if a licensee is placed on~~
 508 ~~probation, the date of filing the order for revocation, suspension, cancellation, denial, or~~
 509 ~~probation shall be included in the records.]~~ If the division revokes, suspends, or denies a
 510 license, the division shall include the date of filing the order for revocation, suspension,
 511 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~~
 514 ~~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 [
 518 ~~commissioner]~~ division may make rules governing the administration of the provisions of
 519 this chapter.

520 Section 10. Section **58-92-301** is enacted to read:

521 **Part 3. Licensing**

522 **58-92-301 (Effective 01/01/27). Licensure required -- License classifications.**

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

530 Section 11. Section **58-92-302** is enacted to read:

531 **58-92-302 (Effective 01/01/27). General qualifications for licensure.**

532 An applicant for licensure for a private investigator license, private investigator
 533 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
 536 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
539 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
542 58-1-301.5;
- 543 (f) meet any other standard related to the criminal background check described in
544 Section 58-1-301.5, that the division establishes by rule in accordance with Title
545 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 546 (g) if currently licensed in another state or jurisdiction, be in good standing within that
547 state or jurisdiction; and
- 548 (2) may not:
- 549 (a) have an active impairment related to an illness, a mental or physical condition, a
550 substance use disorder or other behaviors listed in Subsection 58-1-501(2)(a)(v) that
551 would prevent the applicant from discharging the duties imposed by this chapter;
- 552 (b) have been convicted of:
- 553 (i) a felony;
- 554 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
- 555 (iii) an act of personal violence or force on another person;
- 556 (iv) threatening to commit an act of personal violence or force against another person;
- 557 (v) an act constituting dishonesty or fraud;
- 558 (vi) impersonating a peace officer; or
- 559 (vii) an act that, when considered with the functions and duties imposed by this title,
560 bears a substantial relationship to the individual's ability to safely or competently
561 perform the duties required under this chapter or indicates that the best interests of
562 the public are not served by granting the applicant a license;
- 563 (c) be on probation, parole, community supervision, or named in an outstanding arrest
564 warrant; or
- 565 (d) have been previously found or presently be in violation of this chapter.

566 Section 12. Section **58-92-303** is enacted to read:

567 **58-92-303 (Effective 01/01/27). Private investigator agent -- Qualifications for**

568 **licensure -- Scope of license.**

569 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a
570 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
 574 experience requirement for a private investigator agent under Sections 58-92-307 and
 575 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
 578 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
 581 bond is cancelled or expired; and
 582 (e) provide the division any other information the division requires by rule in accordance
 583 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
 586 a private investigation agency and receives a private investigation agency license in
 587 accordance with Section 58-92-311;
 588 (b) if the private investigator agent creates a private investigation agency and receives a
 589 private investigation agency license, supervise and employ a private investigator
 590 agent, a private investigator registrant, or a private investigator apprentice under the
 591 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
 595 and current license.

596 Section 13. Section **58-92-304** is enacted to read:

597 **58-92-304 (Effective 01/01/27). Private investigator registrant -- Qualifications**
 598 **for licensure -- Scope of license.**

- 599 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a
 600 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
 604 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
 607 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
 610 bond is cancelled or expired; and
 611 (e) provide the division any other information required by division rule in accordance
 612 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- 613 (2) A private investigator registrant may engage in private investigation only:
 614 (a) as the employee of a private investigator agent with a valid and current license; or
 615 (b) while under contract and supervision of a private investigator agent with a valid and
 616 current license.

617 Section 14. Section **58-92-305** is enacted to read:

618 **58-92-305 (Effective 01/01/27). Private investigator apprentice -- Qualifications**
 619 **for licensure -- Scope of license.**

- 620 (1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a
 621 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
 626 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 627 (2) A private investigator apprentice may engage in private investigation only:
 628 (a) as the employee of a private investigator agent with a valid and current license; or
 629 (b) while under contract and supervision of a private investigator agent with a valid and
 630 current license.

631 Section 15. Section **58-92-306** is enacted to read:

632 **58-92-306 (Effective 01/01/27). Exemptions from licensure.**

633 In addition to the exemptions from licensure in Section 58-1-307, an individual may
 634 engage in an act regulated by this chapter without being licensed under this chapter if the
 635 individual is an individual serving in the armed forces of the United States, the United States
 636 Public Health Service, the United States Department of Veterans Affairs, or any other federal
 637 agency while engaged in activities regulated under this title as a part of employment with that
 638 federal agency if the individual holds a valid license to practice the regulated occupation or
 639 profession issued by any other state or jurisdiction recognized by the department.

640 Section 16. Section **58-92-307** is enacted to read:

641 **58-92-307** (Effective 01/01/27). **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
644 a minimum of 5,000 hours of investigative experience; and

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

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

649 (3) An applicant may obtain the hours of investigative experience required under
650 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)
656 shall have been performed in the 10 years before the day on which the applicant submits
657 an application for licensure.

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

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

665 Section 17. Section **58-92-308** is enacted to read:

666 **58-92-308** (Effective 01/01/27). **Examination requirements.**

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

670 Section 18. Section **58-92-309** is enacted to read:

671 **58-92-309** (Effective 01/01/27). **Continuing education.**

672 (1) On or after May 6, 2027, before renewing a license under this chapter, a licensee shall
673 complete at least 16 hours of continuing instruction that the division defines by rule in

674 collaboration with the board in accordance with Title 63G, Chapter 3, Utah
 675 Administrative Rulemaking Act.

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

680 Section 19. Section **58-92-310** is enacted to read:

681 **58-92-310 (Effective 01/01/27). Qualification credit for specified training.**

682 In collaboration with the board, the division may adopt rules in accordance with Title
 683 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from meeting
 684 all or a portion of the experience requirements of Section 58-92-307 for licensure if the
 685 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
 688 Training basic training course provided under Section 53-6-202; or

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

691 Section 20. Section **58-92-311** is enacted to read:

692 **58-92-311 (Effective 01/01/27). Private investigation agency -- Licensure --**
 693 **Requirements.**

694 (1) A private investigator agent may create a private investigation agency that complies
 695 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
 698 agent;

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

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

703 (3) When applying for a private investigation agency license, a private investigator agent
 704 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

- 708 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
 712 required by applicable law with the:
 713 (A) Unemployment Insurance Division in the Department of Workforce Services,
 714 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
 718 establishes by rule in collaboration with the board and in accordance with Title
 719 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 720 (iii) workers' compensation insurance that covers any employee of the applicant in
 721 accordance with applicable laws of this state.
 722 (4)(a) The division shall issue a private investigation agency license to a private
 723 investigator agent that meets the requirements of this section.
 724 (b) A private investigation license the division issues under this Subsection (4):
 725 (i) may not transfer from the private investigator agent that receives the private
 726 investigation agency license to another private investigator agent;
 727 (ii) expires on the day on which the private investigator agent's license expires; and
 728 (iii) does not authorize a person to engage in private investigation.
 729 (5) On or after the day on which the division issues the private investigator agent a private
 730 investigation agency license, the private investigator agent:
 731 (a) may:
 732 (i) employ or contract with a private investigator agent, a private investigator
 733 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
 735 business; and
 736 (b) shall meet with the division and the board, if requested, and demonstrate that the
 737 private investigator agent's private investigation agency meets the requirements of
 738 this section.
 739 Section 21. Section **58-92-312** is enacted to read:
 740 **58-92-312 (Effective 01/01/27). 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
 743 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
 745 investigator agent, a private investigator registrant, or a private investigator
 746 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
 749 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
 751 in work regulated under this chapter.
- 752 (5) A licensee shall display the license upon the request of a peace officer or a
 753 representative of the division.
- 754 (6) Upon request by a person on whose property a licensee engaging in activities governed
 755 by this chapter, or a person acting under the authority of a person on whose property the
 756 licensee engages in activities governed by this chapter, if the licensee is employed by or
 757 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
 760 investigation agency.

761 Section 22. Section **58-92-313** is enacted to read:

762 **58-92-313 (Effective 01/01/27). Operating standards -- Rulemaking.**

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

768 Section 23. Section **58-92-314** is enacted to read:

769 **58-92-314 (Effective 01/01/27). Status of license held on effective date of this**
 770 **chapter.**

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

773 (1) is subject to the following:

- 774 (a) if the license the person holds on January 1, 2027, is an agency license under Title
 775 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a

- 776 private investigator agent license under this chapter;
 777 (b) if the license the person holds on January 1, 2027, is a registrant license under Title
 778 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a
 779 private investigator registrant license under this chapter; and
 780 (c) if the license the person holds on January 1, 2027, is an apprentice license under Title
 781 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a
 782 private investigator apprentice license under this chapter; and
 783 (2) is subject to this chapter.

784 Section 24. Section **58-92-401** is enacted to read:

785 **Part 4. License Denial and Discipline**

786 **58-92-401 (Effective 01/01/27). Grounds for denial of license -- Disciplinary**
 787 **proceedings.**

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

792 Section 25. Section **58-92-501** is enacted to read:

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

794 **58-92-501 (Effective 01/01/27). Unlawful conduct.**

795 Unlawful conduct under this chapter includes:

- 796 (1) a licensee employing the services of an unlicensed person to perform work requiring a
 797 license under this chapter;
 798 (2) an attempt to secure a license under this chapter through fraudulent or misleading
 799 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
 802 cards of the applicant; or
 803 (c) making a statement verbally or in written form that is false or fraudulent and
 804 intended to mislead the division in the division's consideration of the qualifications of
 805 the applicant for licensure;
 806 (3) practicing or engaging in, or attempting to practice or engage in, an activity for which a
 807 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,
- 811 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
- 815 enforcement officer or employee of the United States, a state, or a political subdivision
- 816 of a state; and
- 817 (6) violating, advising, encouraging, or assisting in the violation of a statute, a court order,
- 818 or an injunction when engaging in conduct regulated under this chapter.
- 819 Section 26. Section **58-92-502** is enacted to read:
- 820 **58-92-502 (Effective 01/01/27). Unprofessional conduct.**
- 821 Unprofessional conduct under this chapter includes:
- 822 (1) the use of any letterhead, advertising, or other printed matter in a manner representing
- 823 that the licensee is an instrumentality of the federal government, a state, or a political
- 824 subdivision of a state;
- 825 (2) the use of a name different from that under which the licensee is currently licensed for
- 826 an advertisement, a solicitation, or a contract to secure business unless the name is
- 827 authorized and registered as a D.B.A. with the Division of Corporations and
- 828 Commercial Code;
- 829 (3) tampering with or falsifying fingerprints, photographs, or other evidence while
- 830 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
- 833 licensee and client and for which the client pays or tenders compensation in accordance
- 834 with the agreement of the licensee and client unless the licensee chooses to withdraw
- 835 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
- 838 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
- 841 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

843 violate the requirements of this chapter regardless of whether the licensee is an
844 independent contractor and not under the authority of a private investigator agent.

845 Section 27. Section **58-92-503** is enacted to read:

846 **58-92-503 (Effective 01/01/27). Penalties.**

- 847 (1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under
848 Subsection 58-1-501(1) or Section 58-92-501 or who fails to comply with a citation
849 issued under this section after the citation becomes final is guilty of a class A
850 misdemeanor.
- 851 (2) The division may immediately suspend a license issued under this chapter of a person
852 who is given a citation for engaging in unlawful acts under Subsection 58-1-501(1) or
853 Section 58-92-501 upon determination that the nature of the action presents a reasonable
854 ongoing threat to public health, safety, or welfare.
- 855 (3) If, upon inspection or investigation, the division determines that a person has violated
856 Section 58-1-501, 58-92-501, or 58-92-502, or a rule the division makes or an order the
857 division issues under Section 58-92-501 or 58-92-502, and that disciplinary action is
858 warranted, the director or the director's designee within the division shall promptly issue
859 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
862 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
865 by an uncontested citation, a stipulated settlement, or a finding of a violation in an
866 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
870 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
873 statute, rule, or order;
- 874 (b) state that the recipient must notify the division in writing within 20 calendar days
875 after the day on which the division issues the citation if the recipient wants to contest
876 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
878 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
881 citation, upon an individual who is subject to service of a summons under the Utah
882 Rules of Civil Procedure.
- 883 (b) The division may serve an individual personally or serve the individual's agent.
884 (c) The division may serve the summons by:
885 (i) a division investigator;
886 (ii) a person designated by the director; or
887 (iii) mail.
- 888 (d) If within 20 days after the day on which the division serves a citation, the person to
889 whom the division issues the citation fails to request a hearing to contest the citation,
890 the citation becomes the final order of the division and is not subject to further
891 agency review.
- 892 (e) The division may grant an extension of the 20-day period described in Subsection
893 (7)(d) for cause.
- 894 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the
895 license of a licensee who fails to comply with a citation after the citation becomes
896 final.
- 897 (g) The division may not issue a citation for an alleged violation under this section after
898 the expiration of one year after the day on which the division receives a report of the
899 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
901 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
905 day of continued violation.
- 906 (b) For purposes of issuing a final order under this section and assessing a fine under
907 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
909 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
912 (8)(b)(ii)(A);

913 (C) the division determines during an investigation that occurred after the
914 initiation of the action under Subsection (8)(b)(ii)(A) that the person
915 committed a second or subsequent violation of Section 58-92-501 or 58-92-502;
916 and

917 (D) after determining that the person committed a second or subsequent offense
918 under Subsection (8)(b)(ii)(C), the division issues a final order on the action
919 initiated under Subsection (8)(b)(ii)(A).

920 (c) In issuing a final order for a second or subsequent offense under Subsection (8)(b),
921 the division shall comply with the requirements of this section.

922 (9)(a) The division shall deposit a fine the director imposes under Subsection (8)(a) into
923 the General Fund as a dedicated credit for use by the division for the purposes listed
924 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
928 whom the penalty is imposed resides or in the county where the office of the
929 director is located.

930 (c) A county attorney or the attorney general of the state shall provide legal assistance
931 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
933 action brought by the division to collect a penalty under this Subsection (9).

934 Section 28. Section **58-92-601** is enacted to read:

935 **Part 6. Regulatory Jurisdiction**

936 **58-92-601 (Effective 01/01/27). Preemption of local regulation.**

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

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

943 Section 29. Section **58-93-101** is enacted to read:

944

CHAPTER 93. Bail Bond Licensing Act**Part 1. General Provisions**

945

946

58-93-101 (Effective 01/01/27). Definitions.

947

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:

949

950

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

953

954

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

955

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;

959

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:

968

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:

973

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;

976

- 977 (c) may wear an article of clothing that conspicuously displays on the chest and the back
978 of the article of clothing lettering that clearly identifies the licensee as a bail
979 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
984 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
987 business entity regardless of form.
- 988 (8)(a) "Conviction" means an adjudication of guilt by a federal, state, or local court
989 resulting from a trial or plea.
- 990 (b) "Conviction" includes the following, regardless of whether the imposition of
991 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
997 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
1001 possessing all necessary training and experience;
- 1002 (c) meets any additional license requirements the division establishes by rule made in
1003 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
1005 chapter; and
- 1006 (ii) may be held fully responsible for a violation under this chapter, regardless of the
1007 liability of another person.

1008 Section 30. Section **58-93-102** is enacted to read:

1009 **58-93-102 (Effective 01/01/27). Use of money for education, training, and**
1010 **enforcement.**

1011 The division may, with the concurrence of the board, use the money collected under this
 1012 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
 1015 concerning the laws that govern the practices regulated by this chapter; and
 1016 (3) enforcing this chapter by:
 1017 (a) investigating unprofessional or unlawful conduct; and
 1018 (b) providing legal representation to the division when the division takes legal action
 1019 against a person charged with unprofessional or unlawful conduct.

1020 Section 31. Section **58-93-201** is enacted to read:

1021 **Part 2. Board**

1022 **58-93-201 (Effective 01/01/27). Board.**

1023 The division may appoint either a bail enforcement agent or a bail recovery agent to the
 1024 Security Services Licensing Board created under Section 58-63-201.

1025 Section 32. Section **58-93-301** is enacted to read:

1026 **Part 3. Licensing**

1027 **58-93-301 (Effective 01/01/27). Licensure required -- License classifications.**

- 1028 (1) A licensee is required to engage in an act regulated by this chapter. except as otherwise
 1029 provided in this chapter.
 1030 (2) The division shall issue to a person that qualifies under this chapter a license in the
 1031 following classifications:
 1032 (a) bail bond agency;
 1033 (b) bail enforcement agent;
 1034 (c) bail recovery agent; and
 1035 (d) bail recovery apprentice.

1036 Section 33. Section **58-93-302** is enacted to read:

1037 **58-93-302 (Effective 01/01/27). General qualifications for licensure.**

- 1038 (1) An applicant for licensure under this chapter, or the qualifier for an applicant if
 1039 applicable:
 1040 (a) shall:
 1041 (i) except for an applicant for a bail recovery apprentice license, be at least 21 years
 1042 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
1045 number, and fingerprints to the division;
- 1046 (iv) disclose any criminal history the division requests on a form the division
1047 approves;
- 1048 (v) consent to, and complete, a criminal background check, described in Section
1049 58-1-301.5; and
- 1050 (vi) meet any other standard related to the criminal background check described in
1051 Subsection (1)(a)(v), that the division establishes by rule in accordance with Title
1052 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
1055 substance use disorder or other behaviors listed in Subsection 58-1-501(2)(a)(v)
1056 that would prevent the applicant or qualifier from discharging the duties imposed
1057 by this chapter;
- 1058 (ii) have been convicted of:
- 1059 (A) a felony;
- 1060 (B) an act involving illegally using, carrying, or possessing a dangerous weapon;
- 1061 (C) an act of personal violence or force on a person or threatening to commit an
1062 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
1066 title, and that bears a substantial relationship to the individual's ability to safely
1067 or competently perform the duties expected of a person licensed under this
1068 chapter, indicates that the best interests of the public are not served by granting
1069 the applicant a license;
- 1070 (iii) be on probation, parole, community supervision, or named in an outstanding
1071 arrest warrant;
- 1072 (iv) have been previously found or presently be in violation of this chapter; or
- 1073 (v) be employed as a peace officer.
- 1074 (2) If currently licensed in another state or jurisdiction, the applicant or qualifier shall be in
1075 good standing within that state or jurisdiction.

1076 Section 34. Section **58-93-303** is enacted to read:

1077 **58-93-303** (Effective 01/01/27). **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
1079 bond agency shall:
- 1080 (a) submit an application in a form the division approves;
1081 (b) pay a fee determined by the department under Section 63J-1-504;
1082 (c) identify a qualifier for the applicant who:
- 1083 (i) meets with the division and the board, if requested, and demonstrates that the
1084 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
1087 agent under this chapter;
1088 (iv) exercises material day-to-day authority in the conduct of the applicant's business
1089 by making substantive technical and administrative decisions and whose primary
1090 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
1093 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
1097 establishes by rule in collaboration with the board and in accordance with Title
1098 63G, Chapter 3, Utah Administrative Rulemaking Act;
1099 (ii) workers' compensation insurance that covers employees of the applicant in
1100 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,
1104 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
1109 management personnel; and
1110 (b) a representative of the applicant signs and states under penalty of perjury that none
1111 of the listed parties:

- 1112 (i) have been convicted of:
- 1113 (A) a felony;
- 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
- 1116 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
- 1120 this chapter, bears a substantial relationship to the individual's ability to safely
- 1121 or competently perform the duties expected of a licensee or indicates that the
- 1122 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
- 1125 outstanding arrest warrant.

1126 Section 35. Section **58-93-304** is enacted to read:

1127 **58-93-304 (Effective 01/01/27). Qualifications for licensure -- Bail enforcement**

1128 **agent and bail recovery agent.**

1129 (1) In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail

1130 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
- 1135 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
- 1138 bond is cancelled or expires; and
- 1139 (d) provide proof to the division that the applicant has met each experience requirement
- 1140 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

1142 simultaneously acts as qualifier for a bail bond agency under Section 58-93-303, may

1143 fulfill the requirements of this section if the applicant is listed on the bail bond agency's

1144 surety bond.

1145 Section 36. Section **58-93-305** is enacted to read:

1146 **58-93-305 (Effective 01/01/27). Qualifications for licensure -- Bail recovery**
 1147 **apprentice.**

1148 In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail
 1149 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
 1154 under Section 58-93-303.

1155 Section 37. Section **58-93-306** is enacted to read:

1156 **58-93-306 (Effective 01/01/27). Initial and continuing training requirements.**

1157 (1) An applicant under this chapter shall complete a training program of at least 16 hours
 1158 the division approves in collaboration with the board and in accordance with Title 63G,
 1159 Chapter 3, Utah Administrative Rulemaking Act, that includes:

- 1160 (a) instruction on the duties and responsibilities of a licensee under this chapter,
 1161 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
 1165 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
 1170 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
 1173 in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
 1174 Administrative Rulemaking Act, including a minimum of 16 hours of training.

1175 (3) Before license renewal, a licensee shall have completed at least eight hours of
 1176 continuing education that the division defines by rule in collaboration with the board,
 1177 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1178 Section 38. Section **58-93-307** is enacted to read:

1179 **58-93-307 (Effective 01/01/27). Experience requirements.**

- 1180 (1) In addition to the requirements of Section 58-93-304, an applicant for licensure as a bail
 1181 enforcement agent shall have a minimum of 2,000 hours of experience consisting of
 1182 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
 1186 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
 1191 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
 1194 presents.
- 1195 (4) If an applicant is unable to supply written certification of experience from an employer
 1196 in whole or in part, an applicant may offer written certification from a person other than
 1197 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
 1199 division may verify or reject any part of an applicant's certification under division rule
 1200 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1201 Section 39. Section **58-93-308** is enacted to read:
 1202 **58-93-308 (Effective 01/01/27). Qualification credit for specified training.**
 1203 The division may adopt rules in collaboration with the board, and in accordance with
 1204 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from
 1205 meeting all or a portion of the training requirements of Section 58-93-306 or the experience
 1206 requirements of Section 58-93-307 for licensure if the applicant:
 1207 (1) holds a criminal justice bachelor's degree from an accredited college or university;
 1208 (2) is certified to have successfully completed the state Peace Officers Standards and
 1209 Training basic training course provided under Section 53-6-202; or
 1210 (3) provides adequate proof of having successfully completed a training or experience
 1211 substantially similar to the training and experience required under Section 58-93-306 or
 1212 58-93-307.
- 1213 Section 40. Section **58-93-309** is enacted to read:

1214 **58-93-309 (Effective 01/01/27). Replacement of qualifier.**

1215 If the qualifier of a bail bond agency ceases to perform the qualifier's duties on a regular
 1216 basis, the licensee shall:

- 1217 (1) notify the division in writing within 15 days after the day on which the qualifier ceases
 1218 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
 1220 the division under Subsection (1).

1221 Section 41. Section **58-93-310** is enacted to read:

1222 **58-93-310 (Effective 01/01/27). 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
 1225 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
 1227 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
 1231 agency.
 1232 (3) An identification card issued under this section is evidence the licensee and the
 1233 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
 1235 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
 1237 Subsection (2)(b) upon termination of the licensed or contract employee's work
 1238 relationship with the bail bond agency.
 1239 (6) A licensee shall carry the identification card issued under Subsection (1) while engaging
 1240 in an activity regulated under this chapter.
 1241 (7) A licensee shall display the license upon the request of a peace officer, a representative
 1242 of the division, or a member of the public.

1243 Section 42. Section **58-93-311** is enacted to read:

1244 **58-93-311 (Effective 01/01/27). Operating standards -- Rulemaking.**

1245 The division, in collaboration with the board, shall establish by rule in accordance with
 1246 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall
 1247 apply to the conduct of a licensee under this chapter, including rules relating to use of

1248 uniforms, badges, insignia, designations, and representations used by or associated with a
1249 licensee's practice under this chapter.

1250 Section 43. Section **58-93-312** is enacted to read:

1251 **58-93-312 (Effective 01/01/27). Status of license held on effective date of this**
1252 **chapter.**

1253 On or after January 1, 2027, a person that holds a valid license under Title 53, Chapter
1254 11, Bail Bond Recovery Act:

1255 (1) is subject to the following:

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

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

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

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

1268 (2) is subject to this chapter.

1269 Section 44. Section **58-93-401** is enacted to read:

1270 **Part 4. License Denial and Discipline**

1271 **58-93-401 (Effective 01/01/27). Grounds for denial of license -- Disciplinary**
1272 **proceedings.**

1273 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the license
1274 of a licensee, for revoking, suspending, restricting, or placing on probation the license of
1275 a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease
1276 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
1278 suspends or revokes the bail bond agency's license may obtain a reinstatement of the bail
1279 recovery apprentice's license without fee if:

1280 (a) the bail recovery apprentice did not engage in the conduct that led to the suspension
1281 or revocation; and

1282 (b) the bail recovery apprentice submits documentation that a new licensed agent
1283 supervises the bail recovery apprentice.

1284 Section 45. Section **58-93-501** is enacted to read:

1285 **Part 5. Unlawful Conduct -- Unprofessional Conduct -- Penalties**

1286 **58-93-501 (Effective 01/01/27). Unlawful conduct.**

1287 Unlawful conduct under this chapter includes:

1288 (1) a bail bond agency willfully or negligently employing the services of an unlicensed
1289 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
1291 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
1294 cards of the applicant;

1295 (c) making a statement verbally or in written form that is false or fraudulent and
1296 intended to mislead the division in the division's consideration of the qualifications of
1297 the applicant for licensure;

1298 (d) practicing or engaging in, or attempting to practice or engage in, activity regulated
1299 by this chapter;

1300 (e) impersonating, permitting, or aiding and abetting an employee to impersonate a law
1301 enforcement officer or employee of the United States, a state, or a political
1302 subdivision of a state;

1303 (f) knowingly violating, advising, encouraging, or assisting in the violation of a statute, a
1304 court order, or an injunction when engaging in conduct regulated under this chapter;
1305 or

1306 (g) knowingly employing another person to engage in or practice or attempt to engage in
1307 conduct regulated by this chapter, if the employee is not licensed to do so under this
1308 chapter.

1309 Section 46. Section **58-93-502** is enacted to read:

1310 **58-93-502 (Effective 01/01/27). Unprofessional conduct.**

1311 Unprofessional conduct under this chapter includes:

1312 (1)(a) failing, as a bail bond agency, to notify the division of the cessation of
1313 performance of the bail bond agency's qualifier; or

1314 (b) failing to replace the bail bond agency's qualifier, as required under Section
1315 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
1318 engaged in conduct that is inconsistent with the duties and responsibilities of a licensee
1319 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
1322 the licensee is an instrumentality of the federal government, a state, or any political
1323 subdivision of a state;
1324 (6) using a name different from that under which the licensee is currently licensed for an
1325 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
1333 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
1337 record under Section 63G-2-801; or
1338 (h) if the person is a bail bond agency, failing to pay bail funds to a court upon entry of a
1339 final judgment against the bail bond agency;
1340 (10) being placed on probation, parole, compensatory service, or named in an outstanding
1341 arrest warrant;
1342 (11) failing or refusing to cooperate with, failing to provide truthful information to, or
1343 refusing access to an authorized representative of the division engaged in an official
1344 investigation including the wrongful withholding of materials sought by the division
1345 through a subpoena duces tecum;
1346 (12) failure to maintain in full force the insurance and surety bond requirements of this
1347 chapter;
1348 (13) advertising in a false, deceptive, or misleading manner;
1349 (14) failing to identify the name, business address, and telephone number of the bail bond

- 1350 agency for which the licensee is an employee or an independent contractor;
1351 (15) failing to adhere to the licensee representation, badge, and identifying clothing
1352 requirements under Section 58-93-504;
1353 (16) failing to adhere to the requirements during search and seizure and notification of law
1354 enforcement agency provisions of Section 58-93-505; and
1355 (17) aiding, incentivizing, encouraging, or offering material aid to any person to violate this
1356 chapter.

1357 Section 47. Section **58-93-503** is enacted to read:

1358 **58-93-503 (Effective 01/01/27). Penalties.**

- 1359 (1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under
1360 Subsection 58-1-501(1) or Section 58-93-501 or who fails to comply with a citation
1361 issued under this section after the citation becomes final is guilty of a class A
1362 misdemeanor.
- 1363 (2) The division may immediately suspend a license issued under this chapter of a person
1364 who is given a citation for engaging in unlawful acts under Subsection 58-1-501(1) or
1365 Section 58-93-501 upon determination that the nature of the action presents a reasonable
1366 ongoing threat to public health, safety, or welfare.
- 1367 (3) If, upon inspection or investigation, the division determines that a person has violated
1368 Section 58-1-501, 58-93-501, or 58-93-502, a rule the division makes, or an order the
1369 division issues under Section 58-93-501 or 58-93-502, and that disciplinary action is
1370 warranted, the director or the director's designee within the division shall promptly issue
1371 a citation to the person and:
- 1372 (a) attempt to negotiate a stipulated settlement with the person; or
1373 (b) notify the person to appear for an adjudicative proceeding conducted in accordance
1374 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
1377 by an uncontested citation, a stipulated settlement, or a finding of a violation in an
1378 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
1382 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
1385 statute, rule, or order;
- 1386 (b) state that the recipient must notify the division in writing within 20 calendar days
1387 after the day on which the division issues the citation if the recipient wants to contest
1388 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
1390 payment of a fine assessed under the citation within the time specified in the citation;
1391 and
- 1392 (d) be in writing.
- 1393 (7)(a) The division may serve a citation issued under this section, or a copy of the
1394 citation, upon an individual who is subject to service of a summons under the Utah
1395 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
1402 whom the division issues the citation fails to request a hearing to contest the citation,
1403 the citation becomes the final order of the division and is not subject to further
1404 agency review.
- 1405 (e) The division may grant an extension of the 20-day period described in Subsection
1406 (7)(d) for cause.
- 1407 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the
1408 license of a licensee who fails to comply with a citation after the citation becomes
1409 final.
- 1410 (g) The division may not issue a citation for an alleged violation under this section after
1411 the expiration of one year after the day on which the division receives a report of the
1412 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
1414 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

1418 day of continued violation.

1419 (b) For purposes of issuing a final order under this section and assessing a fine under
 1420 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
 1422 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
 1425 (8)(b)(ii)(A);

1426 (C) the division determines during an investigation that occurred after the
 1427 initiation of the action under Subsection (8)(b)(ii)(A) that the person
 1428 committed a second or subsequent violation of Section 58-93-501 or 58-93-502;
 1429 and

1430 (D) after determining that the person committed a second or subsequent offense
 1431 under Subsection (8)(b)(ii)(C), the division issues a final order on the action
 1432 initiated under Subsection (8)(b)(ii)(A).

1433 (c) In issuing a final order for a second or subsequent offense under Subsection (8)(b),
 1434 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
 1436 the General Fund as a dedicated credit for use by the division for the purposes listed
 1437 in Section 58-63-103.

1438 (b) The director may collect a fine that a person does not pay by:

1439 (i) referring the matter to a collection agency; or

1440 (ii) bringing an action in the district court of the county where the person against
 1441 whom the penalty is imposed resides or in the county where the office of the
 1442 director is located.

1443 (c) A county attorney or the attorney general of the state shall provide legal assistance
 1444 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
 1446 action brought by the division to collect a penalty under this Subsection (9).

1447 Section 48. Section **58-93-504** is enacted to read:

1448 **58-93-504 (Effective 01/01/27). Licensee representations as a licensee -- Badge --**

1449 **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

- 1452 issues under this chapter; or
- 1453 (b) make a statement that would lead a reasonable person to believe the licensee is
1454 connected in any way with the federal government or a state or local governmental
1455 entity, unless the licensee has received authorization in writing from one of those
1456 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
1458 licensee.
- 1459 (3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the
1460 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
1463 displays on the chest and back of the article of clothing lettering that clearly identifies
1464 the licensee as a bail enforcement or recovery agent;
- 1465 (b) the licensee also displays the licensee's identification card described in Section
1466 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
1469 enforcement agent;
- 1470 (c) the licensee is making a planned apprehension of a defendant, and the licensee is also
1471 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
1473 circumstances, and the licensee is not wearing clothing described in Subsection (4)(a)
1474 or (5); or
- 1475 (e) the licensee is acting as a bail enforcement agent but is not engaged in a planned
1476 apprehension or in another situation that does not require that the agent be wearing
1477 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,
1479 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
1483 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
 1487 reasonable opportunity to wear clothing or a badge that identifies the licensee as a bail
 1488 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
 1491 bail enforcement agent or a badge described in Subsection (2).

1492 Section 49. Section **58-93-505** is enacted to read:

1493 **58-93-505 (Effective 01/01/27). Requirements during search and seizure --**

1494 **Notification of law enforcement agency.**

1495 (1) A bail enforcement agent, bail recovery agent, or bail recovery apprentice shall observe
 1496 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,
 1498 or bail recovery apprentice; and

1499 (b) the licensee shall notify the local law enforcement agency if the search or
 1500 apprehension was conducted in an occupied structure within that law enforcement
 1501 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
 1503 (1)(b) before taking action, but always within 4 hours after taking action.

1504 (b) When a bail enforcement agent or bail recovery agent is preparing to enter an
 1505 occupied structure to carry out an arrest, the bail enforcement agent or bail recovery
 1506 agent shall verbally advise the local law enforcement agency of the agent's location
 1507 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
 1510 enforcement agent, bail recovery agent, and bail recovery apprentice takes as a
 1511 licensee; and

1512 (b) make the document described in Subsection (3)(a) available to local law enforcement
 1513 agencies upon request.

1514 Section 50. Section **58-93-601** is enacted to read:

1515 **Part 6. Regulatory Jurisdiction**

1516 **58-93-601 (Effective 01/01/27). State preemption of local regulation.**

1517 (1) A political subdivision of this state may not enact any legislation, code, or ordinance, or
 1518 make any rules relating to the licensing, training, or regulation of a person engaging in
 1519 an activity regulated under this chapter.

- 1520 (2) Any legislation, code, ordinance, or rule made by any political subdivision of this state,
 1521 relating to the licensing, training, or regulation of a person engaging in an activity
 1522 regulated under this chapter is superseded by this chapter.
- 1523 Section 51. Section **63I-1-253** is amended to read:
- 1524 **63I-1-253 (Effective 01/01/27). Repeal dates: Titles 53 through 53G.**
- 1525 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is
 1526 repealed July 1, 2028.
- 1527 (2) Section 53-2a-105, Emergency Management Administration Council created --
 1528 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 1529 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,
 1530 is repealed July 1, 2030.
- 1531 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is
 1532 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 --
 1535 Expenses, is repealed July 1, 2029.
- 1536 (7) Section 53-2d-503, Establishment of maximum rates, is repealed July 1, 2027.
- 1537 (8) Section 53-5a-302, Concealed Firearm Review Board -- Membership -- Compensation
 1538 -- 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
 1541 July 1, 2027.
- 1542 (11) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land
 1543 Exchange Distribution Account to the Geological Survey for test wells and other
 1544 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,
 1546 is repealed July 1, 2027.
- 1547 (13) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of
 1548 governmental immunity, is repealed July 1, 2027.
- 1549 (14) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is
 1550 repealed July 1, 2027.
- 1551 (15) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is
 1552 repealed July 1, 2027.
- 1553 (16) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed

- 1554 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
1557 repealed July 1, 2033.
- 1558 (19) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental
1559 immunity, is repealed July 1, 2027.
- 1560 (20) Section 53F-5-215, Elementary teacher preparation assessment grant, is repealed July
1561 1, 2028.
- 1562 (21) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July
1563 1, 2026.
- 1564 (22) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1,
1565 2027.
- 1566 (23) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is
1567 repealed January 1, 2025.
- 1568 (24) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is
1569 repealed January 1, 2025.
- 1570 (25) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1571 (26) Subsection 53G-9-703(4), regarding the parental video presentation concerning student
1572 use of technology, is repealed January 1, 2030.
- 1573 (27) Subsection 53H-1-402(1)(j), regarding the Higher Education and Corrections Council,
1574 is repealed July 1, 2027.
- 1575 (28) Section 53H-1-604, Higher Education and Corrections Council, is repealed July 1,
1576 2027.
- 1577 (29) Subsection 53H-4-210(3), regarding the creation of the SafeUT and School Safety
1578 Commission, is repealed January 1, 2030.
- 1579 (30) Subsection 53H-4-210(4), regarding the appointment of the members of the SafeUT
1580 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
1582 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
1584 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
1586 Commission, is repealed January 1, 2030.
- 1587 (34) Subsection 53H-4-210(8), regarding compensation for members of the SafeUT and

- 1588 School Safety Commission, is repealed January 1, 2030.
- 1589 (35) Subsection 53H-4-210(9), regarding the support staff for the SafeUT and School
1590 Safety Commission, is repealed January 1, 2030.
- 1591 (36) Section 53H-4-306.1, Definitions -- Electrification of Transportation Infrastructure
1592 Research Center, is repealed July 1, 2028.
- 1593 (37) Section 53H-4-306.2, Electrification of Transportation Infrastructure Research Center
1594 -- Designation -- Duties, is repealed July 1, 2028.
- 1595 (38) Section 53H-4-306.3, Electrification of Transportation Infrastructure Research Center
1596 -- Steering committee, is repealed July 1, 2028.
- 1597 (39) Section 53H-4-306.4, Electrification of Transportation Infrastructure Research Center
1598 -- Industry advisory board, is repealed July 1, 2028.
- 1599 (40) Section 53H-4-306.5, Electrification of Transportation Infrastructure Research Center
1600 -- Duties of the project director, is repealed July 1, 2028.
- 1601 (41) Section 53H-4-306.6, Electrification of Transportation Infrastructure Research Center
1602 -- Project development and strategic objectives -- Reporting requirements, is repealed
1603 July 1, 2028.
- 1604 (42) Section 53H-4-307.1, Center for Civic Excellence, is repealed July 1, 2030.
- 1605 (43) Section 53H-4-307.2, Center for Civic Excellence -- Duties -- Authority, is repealed
1606 July 1, 2030.
- 1607 (44) Section 53H-4-307.3, Center for Civic Excellence -- Leadership, is repealed July 1,
1608 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,
1611 2030.
- 1612 (47) Section 53H-4-307.6, Center for Civic Excellence -- Oversight -- Reporting, is
1613 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
1617 1, 2028.
- 1618 Section 52. Section **76-5-106.5** is amended to read:
- 1619 **76-5-106.5 (Effective 01/01/27). Stalking -- Definitions -- Injunction -- Penalties**
1620 **-- 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
1623 individual, including:
- 1624 (A) acts in which the actor follows, monitors, observes, photographs, surveils,
1625 threatens, or communicates to or about an individual, or interferes with an
1626 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
1630 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
1633 or coworker;
1634 (III) appears at an individual's residence or contacts an individual's neighbor, or
1635 enters property owned, leased, or occupied by an individual;
1636 (IV) sends material by any means to the individual or for the purpose of
1637 obtaining or disseminating information about or communicating with the
1638 individual to a member of the individual's family or household, employer,
1639 coworker, friend, or associate of the individual;
1640 (V) places an object on or delivers an object to property owned, leased, or
1641 occupied by an individual, or to the individual's place of employment with
1642 the intent that the object be delivered to the individual; or
1643 (VI) uses a computer, the Internet, text messaging, or any other electronic
1644 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,
1646 whether or not medical or other professional treatment or counseling is
1647 required.
- 1648 (B) "Emotional distress" includes significant mental or psychological suffering
1649 resulting from harm to an animal.
- 1650 (iii) "Immediate family" means a spouse, parent, child, sibling, or any other
1651 individual who regularly resides in the household or who regularly resided in the
1652 household within the prior six months.
- 1653 (iv) "Private investigator" means the same as that term is defined in Section
1654 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
1658 or more electronic images sent by the actor from a telephone or computer to
1659 another individual's telephone or computer by addressing the communication to
1660 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
1664 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
1669 Injunctions; or
- 1670 (ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part
1671 9, Criminal Stalking Injunctions.
- 1672 (3)(a) A violation of Subsection (2) is a class A misdemeanor:
- 1673 (i) upon the actor's first violation of Subsection (2); or
1674 (ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part
1675 7, Civil Stalking Injunctions.
- 1676 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree
1677 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
1680 substantially similar to the offense of stalking;
1681 (iii) has been previously convicted of any felony offense in Utah or of any crime in
1682 another jurisdiction which if committed in Utah would be a felony, in which the
1683 victim of the stalking offense or a member of the victim's immediate family was
1684 also a victim of the previous felony offense;
- 1685 (iv) violated a permanent criminal stalking injunction issued under Title 78B,
1686 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
1688 78B-7-102, of the victim.
- 1689 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second

- 1690 degree felony if the actor:
- 1691 (i) used a dangerous weapon or used other means or force likely to produce death or
- 1692 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
- 1695 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
- 1697 Subsection (3)(b)(i), (ii), or (iii);
- 1698 (v) has been previously convicted two or more times of felony offenses in Utah or of
- 1699 crimes in another jurisdiction or jurisdictions which, if committed in Utah, would
- 1700 be felonies, in which the victim of the stalking was also a victim of the previous
- 1701 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
- 1707 one or more of the acts that is part of the course of conduct was initiated or caused an
- 1708 effect on the victim.
- 1709 (6)(a) Except as provided in Subsection (6)(b), an actor does not violate this section if:
- 1710 (i) the actor is acting:
- 1711 (A) in the actor's official capacity as a law enforcement officer, governmental
- 1712 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
- 1716 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
- 1718 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
- 1721 engages in conduct that would constitute a ground for ~~[disciplinary action]~~ the denial
- 1722 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

1724 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
1726 on the same act which is the basis for the violation of the stalking injunction issued
1727 under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or a permanent
1728 criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal
1729 Stalking Injunctions.

1730 (8)(a) A law enforcement officer who responds to an allegation of stalking shall use all
1731 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
1733 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
1736 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
1739 treatment; and

1740 (vi) arranging, facilitating, or providing the victim with immediate and adequate
1741 notice of the rights of victims and of the remedies and services available to
1742 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
1744 language, describing the rights and remedies available under this section and Title
1745 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
1748 available from the court clerk's office in the judicial district where the victim
1749 resides or is temporarily domiciled; and

1750 (B) a list of shelters, services, and resources available in the appropriate
1751 community, together with telephone numbers, to assist the victim in accessing
1752 any needed assistance.

1753 (c) If a weapon is confiscated under this Subsection (8), the law enforcement agency
1754 shall return the weapon to the individual from whom the weapon is confiscated if a
1755 stalking injunction is not issued or once the stalking injunction is terminated.

1756 Section 53. Section **76-12-305** is amended to read:

1757 **76-12-305 (Effective 01/01/27). 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
- 1760 78B-7-801.
- 1761 [(i)] (ii) "Motor vehicle" means the same as that term is defined in Subsection
- 1762 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~~
- 1765 ~~Investigator Regulation Act~~] Title 58, Chapter 92, Private Investigation
- 1766 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~~]
- 1769 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
- 1771 revealing the device's location or movement by the transmission or recording
- 1772 of an electronic signal.
- 1773 (B) "Tracking device" does not include location technology installed on a vehicle
- 1774 by the vehicle manufacturer or a commercial vehicle dealer that transmits
- 1775 electronic signals for the purpose of data collection, if the data collection is
- 1776 anonymized.
- 1777 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this
- 1778 section.
- 1779 (2) Except as provided in Subsection (4), an actor commits unlawful installation of a
- 1780 tracking device if the actor knowingly installs, or directs another to install, a tracking
- 1781 device on a motor vehicle owned or leased by another person, without the permission of
- 1782 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
- 1786 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
- 1790 resides with[~~, or is an immediate family member of,~~] the owner or lessee of the
- 1791 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
1794 capacity, who installs a tracking device on a motor vehicle in the course of a criminal
1795 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
1797 investigator shall request confirmation from a state entity, including a law enforcement
1798 agency, the Bureau of Criminal Identification, or a court, with access to [~~updated~~]
1799 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
1802 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
1804 enforcement agency, the Bureau of Criminal Identification, or a court, with access to
1805 protective order records shall confirm or deny the existence of a protective order,
1806 disclosing only whether an individual named by the private investigator is under the
1807 protection of a protective order issued in any jurisdiction.
- 1808 (8) A private investigator may not disclose the information obtained under Subsection (7) to
1809 any person, except as permitted by law.
- 1810 (9) On request from the [~~Bureau of Criminal Identification~~] Division of Professional
1811 Licensing, a private investigator who installs a tracking device on a motor vehicle shall
1812 disclose the purpose of the tracking device to the [~~Bureau of Criminal Identification~~]
1813 Division of Professional Licensing.
- 1814 (10)(a) A person, or the heirs of a deceased person, who has been injured by a violation
1815 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
1817 violating or has violated any of the provisions of this section, the court shall enjoin
1818 the defendant from a continued violation.
- 1819 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if
1820 damages are alleged and proved, the plaintiff in the action is entitled to recover from
1821 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
1823 award of reasonable attorney fees.
- 1824 (e) Exemplary damages may be awarded when the violation is found to be malicious.
- 1825 Section 54. Section **77-20-503** is amended to read:

1826 **77-20-503 (Effective 01/01/27). Surrender of defendant by surety -- Arrest of**
 1827 **defendant.**

1828 (1)(a)(i) A surety may at any time prior to a defendant's failure to appear, surrender
 1829 the defendant and obtain an exoneration of the bail bond by notifying the clerk of
 1830 the court in which the bail bond was posted of the defendant's surrender and
 1831 requesting exoneration.

1832 (ii) Notification shall be made immediately following the surrender by mail, email, or
 1833 fax.

1834 (b) To effect surrender of the defendant, a certified copy of the surety's bail bond from
 1835 the court in which the bail bond was posted or a copy of the bail bond agreement with
 1836 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
 1839 agreement.

1840 (c) The certified copy of the bail bond or copy of the bail bond agreement upon which
 1841 the acknowledgment of surrender is endorsed shall be filed with the court.

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

1843 (i) exonerate the bail bond; and

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

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

1846 (a) arrest the defendant:

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

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

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

1850 (3) An arrest under this section is not a basis for exoneration of the bail bond under Section
 1851 77-20-504.

1852 (4) A surety acting under this section is subject to [~~Title 53, Chapter 11, Bail Bond~~
 1853 ~~Recovery Act~~] Title 58, Chapter 93, Bail Bond Licensing Act.

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

1855 **78B-6-812 (Effective 01/01/27). Order of restitution -- Service -- Enforcement --**
 1856 **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
 1859 solely as a pet and is not a production animal.

- 1860 (b)(i) "Production animal" means a live, nonhuman vertebrate member of the
1861 biological kingdom Animalia used for the purpose of producing, or being sold to
1862 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;
 - 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
1879 property, and restore possession of the premises to the plaintiff, or be forcibly
1880 removed by a sheriff or constable;
 - 1881 (b) advise the defendant that the defendant has three calendar days after service of the
1882 order to vacate the premises, unless:
 - 1883 (i) a constable or sheriff of the county where the premises are located immediately
1884 returns possession of the property to the plaintiff as described in Subsection
1885 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
1889 order of restitution's enforcement.
- 1890 (3)(a) A person authorized to serve process under Subsection [78B-8-302(2)]
1891 78B-8-302(3) shall serve, in accordance with Section 78B-6-805, a copy of the order
1892 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

- 1894 restitution order unless:
- 1895 (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property
- 1896 bond to the clerk of the court in an amount approved by the court according to
- 1897 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
- 1900 the person's name, title, signature, and telephone number on the copy of the order and
- 1901 the form served on the defendant.
- 1902 (d) The person serving the order and the form shall file proof of service in accordance
- 1903 with Rule 4(e), Utah Rules of Civil Procedure.
- 1904 (4)(a) If the defendant fails to comply with the order within the time prescribed by the
- 1905 court, a sheriff or constable at the plaintiff's direction may enter the premises by force
- 1906 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
- 1908 property from the premises and transport the personal property to a suitable
- 1909 location for safe storage.
- 1910 (ii)(A) The sheriff or constable may delegate responsibility for inventory, moving,
- 1911 and storage to the plaintiff.
- 1912 (B) If the sheriff or constable delegates responsibility as described in this
- 1913 Subsection (4)(b)(ii), the plaintiff shall store the personal property in a suitable
- 1914 place and in a reasonable manner.
- 1915 (c) A tenant may not access the property until the tenant pays the removal and storage
- 1916 costs in full, except that the landlord, sheriff, or constable shall provide the tenant
- 1917 reasonable access to the property within five business days after the day on which the
- 1918 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
- 1922 or employment status;
- 1923 (iv) documents pertaining to receipt of public services; and
- 1924 (v) medical information, prescription medications, and any medical equipment
- 1925 required for maintenance of medical needs.
- 1926 (d) The personal property removed and stored is considered abandoned property and
- 1927 subject to Section 78B-6-816.

- 1928 (e) If a personal animal is on the premises, the sheriff or constable executing the order of
 1929 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
 1932 take custody of the personal animal;
- 1933 (ii) the animal control authority shall respond to take custody of the personal animal
 1934 within one business day after the day on which the sheriff, constable, or landlord
 1935 provides the notice described in Subsection (4)(f)(i);
- 1936 (iii) the animal control authority or organization where the personal animal is taken
 1937 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
 1939 known contact information of the tenant; and
- 1940 (v) the animal control authority shall post a notice at the premises in a visible place
 1941 with the name and contact information of the animal control authority or
 1942 organization where the personal animal is taken.
- 1943 (5)(a) In the event of a dispute concerning the manner of enforcement of the restitution
 1944 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
 1948 for a hearing; or
- 1949 (B) as soon as practicable, if the court is unable to set the matter within the time
 1950 described in Subsection (5)(b)(i)(A); and
- 1951 (ii) provide notice of the hearing to the parties.
- 1952 (6) The Judicial Council shall draft the forms necessary to implement this section.
- 1953 Section 56. Section **78B-8-302** is amended to read:
- 1954 **78B-8-302 (Effective 01/01/27). Process servers.**
- 1955 (1) As used in this section:
- 1956 (a) "Private investigator agent" means the same as that term is defined in Section
 1957 58-92-101.
- 1958 (b) "Private investigator apprentice" means the same as that term is defined in Section
 1959 58-92-101.
- 1960 (c) "Private investigator registrant" means the same as that term is defined in Section
 1961 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
- 1966 issued by the courts of this state:
- 1967 (a) a peace officer employed by a political subdivision of the state acting within the
- 1968 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
- 1973 apprentice licensed in accordance with ~~[Title 53, Chapter 9, Private Investigator~~
- 1974 ~~Regulation Act]~~ Title 58, Chapter 92, Private Investigation Licensing Act.
- 1975 ~~[(3)]~~ (4) A private investigator agent, private investigator registrant, or private investigator
- 1976 apprentice licensed in accordance with ~~[Title 53, Chapter 9, Private Investigator~~
- 1977 ~~Regulation Act]~~ Title 58, Chapter 92, Private Investigation Licensing Act, may not make
- 1978 an arrest pursuant to a bench warrant.
- 1979 ~~[(4)]~~ (5) While serving process, a private investigator agent, private investigator registrant,
- 1980 or private investigator apprentice shall:
- 1981 ~~[(a) have on the investigator's body a visible form of credentials and identification~~
- 1982 ~~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~~
- 1986 ~~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
- 1988 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
- 1991 private investigator apprentice's name and ~~[identification]~~ license number as a
- 1992 private investigator agent, private investigator registrant, or private investigator
- 1993 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

1996 authorized on the face of the document, or when a breach of the peace is imminent or
 1997 likely under the totality of the circumstances:

- 1998 (a) a law enforcement officer, as defined in Section 53-13-103; or
 1999 (b) a special function officer, as defined in Section 53-13-105, who is:
 2000 (i) employed as an appointed deputy sheriff by a county of the state; or
 2001 (ii) a constable.

2002 [(6)] (7) The following may not serve process issued by a court:

- 2003 (a) an individual convicted of a felony violation of an offense that would result in the
 2004 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,
 2006 Protective Orders and Stalking Injunctions, in which a court has granted the
 2007 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
 2010 being served;
 2011 (b) legibly print the process server's name, address, and telephone number on the return
 2012 of service;
 2013 (c) sign the return of service in substantial compliance with Title 78B, Chapter 18a,
 2014 Uniform Unsworn Declarations Act;
 2015 (d) if the process server is a peace officer, sheriff, or deputy sheriff, legibly print the
 2016 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
 2018 identification number on the return of service.

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

2020 **78B-8-303 (Effective 01/01/27). Recoverable rates.**

2021 If the rates charged by private process servers exceed the rates established by law for
 2022 service of process by persons under [~~Subsection 78B-8-302(1)] Section 78B-8-302, the excess
 2023 charge may be recovered as costs of an action only if the court determines the service and
 2024 charge were justifiable under the circumstances.~~

2025 Section 58. **Repealer.**

2026 This bill repeals:

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

2028 Section **53-9-102, Definitions.**

2029 Section **53-9-107, Classification of licenses -- License required to act.**

- 2030 Section 53-9-108, Qualifications for licensure.
- 2031 Section 53-9-109, Application for agency license -- Liability insurance -- Workers'
- 2032 **compensation.**
- 2033 Section 53-9-110, Application for registrant or apprentice license.
- 2034 Section 53-9-111, License fees -- Renewal, reinstatement of license -- Deposit of fees in
- 2035 **General Fund.**
- 2036 Section 53-9-112, Issuance of license and identification card to applicant -- License
- 2037 **period -- Expiration of application -- Transfer of license prohibited.**
- 2038 Section 53-9-113, Grounds for denial of a license -- Appeal.
- 2039 Section 53-9-115, Business name and address -- Posting of license -- Advertising --
- 2040 **Incapacitation, death of agent.**
- 2041 Section 53-9-116, Divulging investigative information -- False reports prohibited.
- 2042 Section 53-9-117, Authority to investigate complaint -- Filing of complaints -- Response
- 2043 **-- Retention of records -- Appeal -- Penalties collected.**
- 2044 Section 53-9-118, Grounds for disciplinary action.
- 2045 Section 53-9-119, Violation -- Penalty.
- 2046 Section 53-9-121, Limited-use license.
- 2047 Section 53-9-122, Exemptions from licensure.
- 2048 Section 53-11-101, Title.
- 2049 Section 53-11-102, Definitions.
- 2050 Section 53-11-103, Commissioner of Public Safety administers -- Licensure --
- 2051 **Rulemaking.**
- 2052 Section 53-11-104, Board.
- 2053 Section 53-11-105, Powers and duties of board.
- 2054 Section 53-11-106, Board meetings and hearings -- Quorum.
- 2055 Section 53-11-107, Licenses -- Classifications -- Prohibited acts.
- 2056 Section 53-11-108, Licensure -- Basic qualifications.
- 2057 Section 53-11-109, Licensure -- Bail enforcement agent.
- 2058 Section 53-11-110, Bail enforcement agent as agency -- Surety bond -- Workers'
- 2059 **compensation.**
- 2060 Section 53-11-111, Licensure -- Bail recovery agent -- Requirements and limitations.
- 2061 Section 53-11-112, Licensure -- Bail recovery apprentices -- Requirements and
- 2062 **limitations.**
- 2063 Section 53-11-113, Bail recovery agent and bail recovery apprentice licensure -- Surety

- 2064 **bond -- Fee -- Workers' compensation.**
- 2065 Section **53-11-114, Licensure -- Qualification credit for specified training.**
- 2066 Section **53-11-115, License fees -- Deposit in General Fund.**
- 2067 Section **53-11-116, Issuance of license and card to applicant -- License period --**
- 2068 **Expiration of application -- Transfer of license prohibited.**
- 2069 Section **53-11-116.5, Identification cards.**
- 2070 Section **53-11-117, Workers' compensation requirements for employees' licensure.**
- 2071 Section **53-11-118, Grounds for denial of license -- Appeal.**
- 2072 Section **53-11-119, Grounds for disciplinary action.**
- 2073 Section **53-11-120, Requirement to identify employing agency.**
- 2074 Section **53-11-121, False representation as a licensee -- Badge -- Identifying clothing.**
- 2075 Section **53-11-122, Requirements during search and seizure -- Notification of law**
- 2076 **enforcement agency.**
- 2077 Section **53-11-123, Notification of local law enforcement.**
- 2078 Section **53-11-124, Penalties.**
- 2079 Section **59. Effective Date.**
- 2080 This bill takes effect on January 1, 2027.