

PRIVATE INVESTIGATOR LICENSE QUALIFICATIONS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies provisions of the Private Investigator Regulation Act.

Highlighted Provisions:

This bill:

- ▶ removes the state residency requirements related to obtaining or renewing a license under the Private Investigator Regulation Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-9-108, as last amended by Laws of Utah 2018, Chapter 287

53-9-111, as last amended by Laws of Utah 2018, Chapter 417

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

Section 1. Section **53-9-108** is amended to read:

53-9-108. Qualifications for licensure.

(1) (a) An applicant under this chapter shall be [~~a legal resident of the state and~~] at least:

- (i) 21 years of age to apply for an agency license or a registrant license; or
- (ii) 18 years of age to apply for an apprentice license.

(b) An applicant may not have been:

- (i) convicted of a felony;
- (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous

weapon;

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

34 (iv) convicted of an act constituting dishonesty or fraud;

35 (v) convicted of an act involving moral turpitude within the past 10 years unless the
36 conviction has been expunged under the provisions of Title 77, Chapter 40, Utah Expungement
37 Act;

38 (vi) placed on probation or parole;

39 (vii) named in an outstanding arrest warrant; or

40 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected records
41 as provided in Section 63G-2-801.

42 (c) If previously or currently licensed in another state or jurisdiction, the applicant shall be
43 in good standing within that state or jurisdiction.

44 (2) In assessing if an applicant meets the requirements under Subsection (1)(b), the board
45 shall consider mitigating circumstances presented by an applicant.

46 (3) (a) An applicant for an agency license shall have:

47 (i) a minimum of 5,000 hours of investigative experience that consists of actual work
48 performed as a licensed private investigator, an investigator in the private sector, an investigator
49 for the federal government, or an investigator for a state, county, or municipal government; or

50 (ii) if the applicant held a registrant license or an apprentice license under this chapter on
51 or before May 1, 2010, a minimum of 2,000 hours of investigative experience that consists of
52 actual work performed as a licensed private investigator, an investigator in the private sector, an
53 investigator for the federal government, or an investigator for a state, county, or municipal
54 government.

55 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of
56 investigative experience that consists of actual investigative work performed as a licensed private
57 investigator, an investigator in the private sector, an investigator for the federal government, an
58 investigator for a state, county, or municipal government, or a process server.

59 (c) At least 1,000 hours of the investigative experience required under this Subsection (3)
60 shall have been performed within 10 years immediately prior to the application.

61 (d) An applicant shall substantiate investigative work experience required under this
62 Subsection (3) by providing:

63 (i) the exact details as to the character and nature of the investigative work on a form
64 prescribed by the bureau and certified by the applicant's employers; or

65 (ii) if the applicant is applying for the reinstatement of an agency license, internal records
66 of the applicant that demonstrate the investigative work experience requirement has previously
67 been met.

68 (e) (i) The applicant shall prove completion of the investigative experience required under
69 this Subsection (3) to the satisfaction of the board and the board may independently verify the
70 certification offered on behalf of the applicant.

71 (ii) The board may independently confirm the claimed investigative experience and the
72 verification of the applicant's employers.

73 (4) An applicant for an apprentice license, lacking the investigative experience required
74 for a registrant license, shall meet all of the qualification standards in Subsection (1), and shall
75 complete an apprentice application.

76 (5) An applicant for an agency or registrant license may receive credit toward the hours
77 of investigative experience required under Subsection (3) as follows:

78 (a) an applicant may receive credit for 2,000 hours of investigative experience if the
79 applicant:

80 (i) has an associate's degree in criminal justice or police science from an accredited
81 college or university; or

82 (ii) is certified as a peace officer; and

83 (b) an applicant may receive credit for 4,000 hours of investigative experience if the
84 applicant has a bachelor's degree in criminal justice or police science from an accredited college
85 or university.

86 (6) The board shall determine if the applicant may receive credit under Subsection (5)
87 toward the investigative and educational experience requirements under Subsection (3).

88 [~~(7) An applicant for the renewal of a license under this chapter shall be a legal resident~~
89 ~~of this state.~~]

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

91 **53-9-111. License and registration fees -- Deposit in General Fund.**

92 (1) Fees for individual and agency licensure and renewal shall be in accordance with

93 Section 63J-1-504.

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

95 [~~(i) to a resident of the state;~~]

96 [~~(ii) upon receipt of~~] (i) a renewal application on forms as prescribed by the bureau; and

97 [~~(iii) upon receipt of~~] (ii) the fees prescribed in Subsection (1).

98 (b) (i) The renewal of a license requires the filing of all certificates of insurance or proof
99 of surety bond as required by this chapter.

100 (ii) Renewal of a license may not be granted more than 180 days after expiration.

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

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

104 (i) the period of suspension has been completed;

105 (ii) the bureau has received a renewal application from the applicant on forms prescribed
106 by the bureau; and

107 (iii) the applicant has:

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

110 (B) paid the fees required by this section for renewal, including a delinquency fee if the
111 application is not received by the bureau within 30 days of the termination of the suspension.

112 (b) Renewal of the license does not entitle the licensee, while the license remains
113 suspended and until it is reinstated, to engage in activity regulated by this chapter, or in other
114 activity or conduct in violation of the order or judgment by which the license was suspended.

115 (4) The bureau may not reinstate a revoked license or accept an application for a license
116 from a person whose license has been revoked for at least one year from the date of revocation.

117 (5) All fees, except the fingerprint processing fee, collected by the bureau under this
118 section shall be deposited in the General Fund.

119 Section 3. **Effective date.**

120 If approved by two-thirds of all the members elected to each house, this bill takes effect
121 upon approval by the governor, or the day following the constitutional time limit of Utah

122 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the
123 date of veto override.

