

Effective 5/6/2026

13-49-204 Bonds -- Exemption -- Statements dependent on posting bond.

- (1) An immigration consultant shall maintain the following in a form the division approves, and in the amount of \$50,000:
 - (a) a surety bond issued by a surety authorized to transact security business in this state; or
 - (b) a certificate of deposit in a financial institution authorized under the laws of this state or the United States to accept deposits from the public.
- (2) A surety bond or certificate of deposit described in Subsection (1) shall be payable to the division for the benefit of any person damaged by a fraud, misstatement, misrepresentation, unlawful act, omission, or failure to provide services of an immigration consultant, or an agent, representative, or employee of an immigration consultant.
- (3)
 - (a) If a surety bond or certificate of deposit an immigration consultant posts under this section is canceled due to the immigration consultant's negligence, the division may assess a \$300 reinstatement fee.
 - (b) A person may not withdraw a part of a surety bond or certificate of deposit an immigration consultant posts in accordance with this section:
 - (i) during the one-year period the registration under this chapter is in effect; or
 - (ii) while a revocation proceeding is pending against the immigration consultant.
- (4)
 - (a) A surety bond or certificate of deposit an immigration consultant posts in accordance with this section may be forfeited if the immigration consultant's registration under this chapter is revoked.
 - (b) Notwithstanding Subsection (4)(a), the division may make a claim against a surety bond or certificate of deposit posted by an immigration consultant for money owed the division under this chapter without the division first revoking the immigration consultant's registration.
- (5) An individual may not disseminate by any means a statement indicating that the individual is an immigration consultant, engages in the business of an immigration consultant, or proposes to engage in the business of an immigration consultant, unless the individual posts a surety bond or certificate of deposit under this section that the individual maintains throughout the period covered by the statement.
- (6) An immigration consultant may not make or authorize the making of an oral or written reference to the immigration consultant's compliance with the bonding requirements of this section except as provided in this chapter.
- (7) The division may claim an immigration consultant's surety bond or certificate of deposit for the benefit of any client who incurs damages as the result of the immigration consultant's failure to comply with this chapter.
- (8) After the client recovers full damages, the division may recover from the surety bond or certificate of deposit any administrative fines, civil penalties, investigative costs, attorney fees, and other costs of collecting and distributing funds in accordance with this section.

Amended by Chapter 95, 2026 General Session