

Effective 5/3/2023

58-63-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Agreement for services" means a written and signed agreement between a security service provider and a client that:
 - (a) contains clear language that addresses and assigns financial responsibility;
 - (b) describes the length, duties, and scope of the security services that will be provided; and
 - (c) describes the compensation that will be paid by the client for the security services, including the compensation for each security officer.
- (2) "Armed courier service" means a person engaged in business as a contract security company who transports or offers to transport tangible personal property from one place or point to another under the control of an armed security officer employed by that service.
- (3) "Armed private security officer" means an individual:
 - (a) employed by a contract security company;
 - (b) whose primary duty is:
 - (i) guarding personal or real property; or
 - (ii) providing protection or security to the life and well being of humans or animals; and
 - (c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.
- (4) "Armored car company" means a person engaged in business under contract to others who transports or offers to transport tangible personal property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that require secured delivery from one place to another under the control of an armored car security officer employed by the company using a specially equipped motor vehicle offering a high degree of security.
- (5) "Armored car security officer" means an individual:
 - (a) employed by an armored car company;
 - (b) whose primary duty is to guard the tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another; and
 - (c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.
- (6) "Board" means the Security Services Licensing Board created in Section 58-63-201.
- (7) "Client" means a person, company, or entity that contracts for and receives security services from a contract security company or an armored car company.
- (8) "Contract security company" means a company that is engaged in business to provide security services to another person, business, or entity on a contractual basis by assignment of an armed or unarmed private security officer.
- (9) "Company officer" means:
 - (a) a governing person, as defined in Section 48-3a-102, of an armored car company or contract security company;
 - (b) an individual appointed as an officer of an armored car company or contract security company that is a corporation in accordance with Section 16-10a-830;
 - (c) a general partner, as defined in Section 48-2e-102, of an armored car company or contract security company; or
 - (d) a partner, as defined in Section 48-1d-102, of an armored car company or contract security company.
- (10) "Company owner" means:

- (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an armored car company or contract security company that:
 - (i) is a corporation; and
 - (ii) is not publicly listed or traded; or
- (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an armored car company or contract security company that is not a corporation.
- (11) "Company proprietor" means the sole proprietor of an armored car company or contract security company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
- (12) "Company trustee" means an individual with control of or power of administration over property held in trust.
- (13) "Financial responsibility," when referring to a contract security company, means that a contract security company may only provide security services to a client if the contract security company:
 - (a) enters into an agreement for services with the client;
 - (b) maintains a current general liability insurance policy with:
 - (i) at least an annual \$1,000,000 per occurrence limit;
 - (ii) at least an annual \$2,000,000 aggregate limit; and
 - (iii) the following riders:
 - (A) general liability;
 - (B) assault and battery;
 - (C) personal injury;
 - (D) false arrest;
 - (E) libel and slander;
 - (F) invasion of privacy;
 - (G) broad form property damage;
 - (H) damage to property in the care, custody, or control of the security service provider; and
 - (I) errors and omissions;
 - (c) maintains a workers' compensation insurance policy with at least a \$1,000,000 per occurrence limit and that covers each security officer employed by the contract security company; and
 - (d) maintains a federal employer identification number and an unemployment insurance employer account as required under state and federal law.
- (14) "Identification card" means a personal pocket or wallet size card issued by the division to each armored car and armed or unarmed private security officer licensed under this chapter.
- (15) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (16) "Peace officer" means a person who:
 - (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications; and
 - (b) derives total or special law enforcement powers from, and is an employee of, the federal government, the state, or a political subdivision, agency, department, branch, or service of either, of a municipality, or a unit of local government.
- (17) "Regular basis" means at least 20 hours per month.
- (18) "Responsible management personnel" means:
 - (a) a qualifying agent;
 - (b) an operations manager; or

- (c) a site manager.
- (19)
- (a) "Security officer" means an individual who is licensed as an armed or unarmed private security officer under this chapter and who:
 - (i) is employed by a contract security company securing, guarding, or otherwise protecting tangible personal property, real property, or the life and well being of human or animal life against:
 - (A) trespass or other unlawful intrusion or entry;
 - (B) larceny;
 - (C) vandalism or other abuse;
 - (D) arson or other criminal activity; or
 - (E) personal injury caused by another person or as a result of an act or omission by another person;
 - (ii) is controlling, regulating, or directing the flow of movements of an individual or vehicle; or
 - (iii) providing street patrol service.
 - (b) "Security officer" does not include an individual whose duties include taking admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other materials of individuals who are entering a sports venue, concert venue, theatrical venue, convention center, fairgrounds, public assembly facility, or mass gathering location if:
 - (i) the individual carries out these duties without the use of specialized equipment;
 - (ii) the authority of the individual is limited to denying entry or passage of another individual into or within the facility; and
 - (iii) the individual is not authorized to use physical force in the performance of the individual's duties under this Subsection (19)(b).
- (20) "Security service provider" means a contract security company or an armored car company licensed under this chapter.
- (21) "Security system" means equipment, a device, or an instrument installed for:
 - (a) detecting and signaling entry or intrusion by an individual into or onto, or exit from the premises protected by the system; or
 - (b) signaling the commission of criminal activity at the election of an individual having control of the features of the security system.
- (22) "Specialized resource, motor vehicle, or equipment" means an item of tangible personal property specifically designed for use in law enforcement or in providing security or guard services, or that is specially equipped with a device or feature designed for use in providing law enforcement, security, or guard services, but does not include:
 - (a) standardized clothing, whether or not bearing a company name or logo, if the clothing does not bear the words "security" or "guard"; or
 - (b) an item of tangible personal property, other than a firearm or nonlethal weapon, that may be used without modification in providing security or guard services.
- (23) "Street patrol service" means a contract security company that provides patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of the company's duties and responsibilities.
- (24) "Unarmed private security officer" means an individual:
 - (a) employed by a contract security company;
 - (b) whose primary duty is guarding personal or real property or providing protection or security to the life and well being of humans or animals;
 - (c) who does not wear, carry, possess, or have immediate access to a firearm in the performance of the individual's duties; and

- (d) who wears clothing of distinctive design or fashion bearing a symbol, badge, emblem, insignia, or other device that identifies the individual as a security officer.
- (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-501.
- (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

Amended by Chapter 223, 2023 General Session