

Effective 5/10/2016

58-63-302 Qualifications for licensure.

- (1) Each applicant for licensure as an armored car company or a contract security company shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) have a qualifying agent who:
 - (i) is a resident of the state and an officer, director, partner, proprietor, or manager of the applicant;
 - (ii) passes an examination component established by rule by the division in collaboration with the board; and
 - (iii)
 - (A) demonstrates 6,000 hours of compensated experience as a manager, supervisor, or administrator of an armored car company or a contract security company; or
 - (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in collaboration with the board with a federal, United States military, state, county, or municipal law enforcement agency;
 - (d) if a corporation, provide:
 - (i) the names, addresses, dates of birth, and social security numbers of all corporate officers, directors, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and
 - (ii) the names, addresses, dates of birth, and social security numbers, of all shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by the division if the stock is publicly listed and traded;
 - (e) if a limited liability company, provide:
 - (i) the names, addresses, dates of birth, and social security numbers of all company officers, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and
 - (ii) the names, addresses, dates of birth, and social security numbers of all individuals owning 5% or more of the equity of the company;
 - (f) if a partnership, provide the names, addresses, dates of birth, and social security numbers of all general partners, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;
 - (g) if a proprietorship, provide the names, addresses, dates of birth, and social security numbers of the proprietor, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;
 - (h) have good moral character in that officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not been convicted of:
 - (i) a felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) a crime that when considered with the duties and responsibilities of a contract security company or an armored car company by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
 - (i) document that none of the applicant's officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:
 - (i) have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; and
 - (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

- (j) file and maintain with the division evidence of:
 - (i) comprehensive general liability insurance in a form and in amounts established by rule by the division in collaboration with the board;
 - (ii) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law;
 - (iii) registration with the Division of Corporations and Commercial Code; and
 - (iv) registration as required by applicable law with the:
 - (A) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
 - (B) State Tax Commission; and
 - (C) Internal Revenue Service; and
 - (k) meet with the division and board if requested by the division or board.
- (2) Each applicant for licensure as an armed private security officer shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) have good moral character in that the applicant has not been convicted of:
 - (i) a felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) a crime that when considered with the duties and responsibilities of an armed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
 - (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);
 - (e) not have been declared incompetent by a court of competent jurisdiction by reason of mental defect or disease and not been restored;
 - (f) not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (g) successfully complete basic education and training requirements established by rule by the division in collaboration with the board;
 - (h) successfully complete firearms training requirements established by rule by the division in collaboration with the board;
 - (i) pass the examination requirement established by rule by the division in collaboration with the board; and
 - (j) meet with the division and board if requested by the division or the board.
- (3) Each applicant for licensure as an unarmed private security officer shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) have good moral character in that the applicant has not been convicted of:
 - (i) a felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) a crime that when considered with the duties and responsibilities of an unarmed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
 - (d) not have been declared incompetent by a court of competent jurisdiction by reason of mental defect or disease and not been restored;
 - (e) not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) successfully complete basic education and training requirements established by rule by the division in collaboration with the board;
 - (g) pass the examination requirement established by rule by the division in collaboration with the board; and

- (h) meet with the division and board if requested by the division or board.
- (4) Each applicant for licensure as an armored car security officer shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) have good moral character in that the applicant has not been convicted of:
 - (i) a felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) a crime that when considered with the duties and responsibilities of an armored car security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
 - (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);
 - (e) not have been declared incompetent by a court of competent jurisdiction by reason of mental defect or disease and not been restored;
 - (f) not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (g) successfully complete basic education and training requirements established by rule by the division in collaboration with the board;
 - (h) successfully complete firearms training requirements established by rule by the division in collaboration with the board;
 - (i) pass the examination requirements established by rule by the division in collaboration with the board; and
 - (j) meet with the division and board if requested by the division or the board.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make a rule establishing when the division shall request a Federal Bureau of Investigation records' review for an applicant.
- (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c), (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:
 - (a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure under this chapter and each applicant's officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel; and
 - (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the FBI for criminal history information under this section.
- (7) The Department of Public Safety shall send the division:
 - (a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and
 - (b) the results of the FBI review concerning an applicant in a timely manner after receipt of information from the FBI.
- (8)
 - (a) The division shall charge each applicant a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.
 - (b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews under this chapter.

- (9) The division shall use or disseminate the information it obtains from the reviews of criminal history records of the Department of Public Safety and the FBI only to determine if an applicant for licensure under this chapter is qualified for licensure.

Amended by Chapter 238, 2016 General Session