

LICENSING SECURITY OFFICERS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: David H. Steele

AN ACT RELATING TO PUBLIC SAFETY; REVISING THE PRIVATE SECURITY OFFICER AND ALARM RESPONSE RUNNER LICENSURE PROVISIONS; ADDING CERTAIN DEFINITIONS; AMENDING THE BOARD MEMBERSHIP, ESTABLISHING A DATE FOR NEW LICENSURE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-63-102, as last amended by Chapters 79 and 228, Laws of Utah 1996

58-63-201, as last amended by Chapter 228, Laws of Utah 1996

58-63-301, as last amended by Chapter 228, Laws of Utah 1996

58-63-302, as last amended by Chapter 375, Laws of Utah 1997

58-63-304, as last amended by Chapter 228, Laws of Utah 1996

58-63-305, as enacted by Chapter 215, Laws of Utah 1995

58-63-306, as enacted by Chapter 215, Laws of Utah 1995

58-63-307, as enacted by Chapter 215, Laws of Utah 1995

58-63-308, as enacted by Chapter 215, Laws of Utah 1995

58-63-309, as enacted by Chapter 215, Laws of Utah 1995

58-63-310, as enacted by Chapter 228, Laws of Utah 1996

58-63-401, as enacted by Chapter 215, Laws of Utah 1995

58-63-501, as last amended by Chapter 228, Laws of Utah 1996

58-63-502, as last amended by Chapter 228, Laws of Utah 1996

58-63-601, as enacted by Chapter 215, Laws of Utah 1995

ENACTS:

58-63-311, Utah Code Annotated 1953

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

29 Section 1. Section **58-63-102** is amended to read:

30 **58-63-102. Definitions.**

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

32 (1) ~~(a)~~ "Alarm response runner" means an individual:

33 ~~[(a)] (i)~~ employed by a ~~[contract]~~ security company;

34 ~~[(b)] (ii)~~ whose primary responsibility is to respond to security system signals of that
35 company; and

36 ~~[(c)] (iii)~~ whose ~~[sole function is not to maintain]~~ responsibility does not include
37 maintaining or ~~[repair]~~ repairing security systems.

38 (b) "Alarm response runner" includes persons licensed as armed alarm response runners
39 and as unarmed alarm response runners.

40 (2) "Armed alarm response runner" means an individual employed as an alarm response
41 runner and who wears, carries, possesses, or has immediate access to a firearm at any time in the
42 performance of the individual's employment duties.

43 ~~[(2)] (3)~~ "Armed courier service" means a person engaged in business as a ~~[contract]~~
44 security company who transports or offers to transport tangible personal property from one place
45 or point to another under the control of an armed private security officer employed by that service.

46 ~~[(3)] (4)~~ "Armed private security officer" means an individual:

47 ~~(a)~~ employed ~~[by a contract security company]~~ as a private security officer; and

48 ~~[(b)]~~ whose primary duty is that of guarding personal or real property, or providing
49 protection or security to the life and well being of humans or animals; and]

50 ~~[(c)] (b)~~ who wears, carries, possesses, or has immediate access to a firearm at any time
51 in the performance of the individual's duties.

52 ~~[(4)] (5)~~ "Armored car service" means a person engaged in business as a ~~[contract]~~ security
53 company who transports or offers to transport tangible personal property from one place or point
54 to another under the control of an armed or unarmed private security officer employed by the
55 company using a specially equipped motor vehicle offering a high degree of security.

56 ~~[(5)] (6)~~ "Board" means the Security Services Licensing Board created in Section
57 58-63-201.

58 ~~[(6)]~~ "Contract security company" means a person engaged in business to provide security

59 or guard services to another person for the purpose of protecting tangible personal property, real
60 property, or the life and well being of human or animal life by assignment of security officers
61 employed by the company and the use of specialized resources, motor vehicles, or equipment.]

62 (7) "Conviction" means criminal conduct regarding which the filing of a criminal charge
63 has resulted in:

64 (a) a finding of guilt based on evidence presented to a judge or jury;

65 (b) a plea of guilty;

66 (c) a plea of nolo contendere;

67 (d) a plea of guilty or nolo contendere which is held in abeyance pending the successful
68 completion of probation;

69 (e) a pending diversion agreement; or

70 (f) a conviction which has been reduced pursuant to Section 76-3-402.

71 ~~[(7)]~~ (8) "Identification card" means a personal pocket or wallet size card issued by the
72 division to each security officer licensed under this chapter.

73 ~~[(8)]~~ (9) "Officer" means a president, vice president, secretary, treasurer, or other officer
74 of a corporation or limited liability company listed as an officer in the files with the Division of
75 Corporations and Commercial Code.

76 ~~[(9)]~~ (10) "Owner" means a proprietor or general partner of a proprietorship or partnership.

77 ~~[(10)]~~ (11) "Peace officer" means a person who:

78 (a) is a certified peace officer as defined in Title 53, Chapter 6, Peace Officer Standards
79 and Training Act; and

80 (b) derives total or special law enforcement powers from, and is an employee of the federal
81 government, the state, or any political subdivision, agency, department, branch, or service of either,
82 of any municipality, or of any other unit of local government.

83 (12) (a) "Private security officer" means an individual who is not a peace officer and who
84 is employed to perform principally one or more of the following functions within the state:

85 (i) protection of individuals or property from harm, theft, or other unlawful activity;

86 (ii) deterrence, observation, detection, or reporting of incidents in order to prevent any
87 unlawful or unauthorized activity, including intrusion or entry, larceny, vandalism, abuse, arson,
88 or trespass on property;

89 (iii) street patrol service; or

90 (iv) response to, but not installation or service of, a security system alarm installed or used
91 to:

92 (A) prevent or detect unauthorized intrusion, robbery, burglary, theft, or other losses; or

93 (B) maintain security of a protected premises.

94 (b) "Private security officer" does not include a security officer who is providing services
95 listed under this Subsection (12)(a) and is:

96 (i) currently subject to regulation regarding registration and training in the performance
97 of these services by the federal government; or

98 (ii) an unarmed security officer providing these services on a voluntary basis.

99 (c) "Private security officer" includes persons licensed as armed private security officers
100 and as unarmed private security officers.

101 (13) "Proprietary business or entity" means a business or entity that has employees who
102 provide to the business services as private security officers as part of the employees' scope of
103 employment.

104 ~~[(H)] (14) "Regular basis" means 20 or more hours per month.~~

105 ~~[(12)(a) "Security officer" means an individual who:]~~

106 ~~[(i) is employed by a contract security company securing, guarding, or otherwise protecting~~
107 ~~tangible personal property, real property, or the life and well being of human or animal life~~
108 ~~against:]~~

109 ~~[(A) trespass or other unlawful intrusion or entry;]~~

110 ~~[(B) larceny;]~~

111 ~~[(C) vandalism or other abuse;]~~

112 ~~[(D) arson or any other criminal activity; or]~~

113 ~~[(E) personal injury caused by another person or as a result of acts or omissions by another~~
114 ~~person;]~~

115 ~~[(ii) is controlling, regulating, or directing the flow of movements of individuals or~~
116 ~~vehicles; or]~~

117 ~~[(iii) providing street patrol service.]~~

118 ~~[(b) "Security officer" does not include an individual whose duties are limited to custodial~~
119 ~~or other services even though the presence of that individual may act to provide some of the~~
120 ~~services set forth under Subsection (12)(a).]~~

121 (15) "Security company" means an individual, partnership, corporation, or other entity:

122 (a) engaged in business to provide security or guard services to a third party person or
123 entity for the purpose of protecting tangible personal property, real property, or the life and well
124 being of a human or animal by assignment of private security officers employed by the company
125 and the use of specialized resources, motor vehicles, or equipment; and

126 (b) subject to licensure under this chapter.

127 [(13)] (16) "Security system" means equipment, devices, or instruments installed for the
128 purpose of:

129 (a) detecting and signaling entry or intrusion by some individual into or onto, or exit from
130 the premises protected by the system; or

131 (b) signaling the commission of a robbery or other criminal activity at the election of an
132 individual having control of the features of the security system.

133 [(14)] (17) "Street patrol service" means a person engaged in business as a [contract]
134 security company who provides patrols by means of foot, vehicle, or other method of
135 transportation using public streets, thoroughfares, or property in the performance of [their] his
136 duties and responsibilities.

137 (18) "Unarmed alarm response runner" means an individual:

138 (a) employed as an alarm response runner; and

139 (b) who never wears, carries, possesses, or has immediate access to a firearm at any time
140 in the performance of the individual's duties.

141 [(15)] (19) "Unarmed private security officer" means an individual:

142 (a) employed [by a contract security company] as a private security officer; and

143 [(b) whose primary duty is that of guarding personal or real property, or providing
144 protection or security to the life and well being of humans or animals;]

145 [(c)] (b) who never wears, carries, possesses, or has immediate access to a firearm at any
146 time in the performance of his duties[; and].

147 [(d) who wears clothing of distinctive design or fashion bearing any symbol, badge,
148 emblem, insignia, or other device that identifies or tends to identify the wearer as a security
149 officer.]

150 [(16)] (20) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-63-501.

151 [(17)] (21) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-63-502

152 and as may be further defined by rule.

153 Section 2. Section **58-63-201** is amended to read:

154 **58-63-201. Board -- Duties.**

155 (1) There is created the Security Services Licensing Board consisting of:

156 (a) ~~[three]~~ two individuals who are officers or owners of licensed ~~[contract]~~ security
157 companies, one of whom employs armed private security officers;

158 (b) one individual from among nominees of the Utah ~~[Sheriff's]~~ Peace Officer's
159 Association;

160 ~~[(c) one individual from among nominees of the Utah Chiefs of Police Association; and]~~

161 (c) two individuals who are managers or administrators of a proprietary business or entity,
162 and one of whom represents a proprietary business or entity which employs armed private security
163 officers;

164 (d) two individuals who are licensed private security officers, and one of whom is
165 employed by a licensed security company; and

166 ~~[(d) one individual]~~ (e) two individuals representing the general public.

167 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

168 (3) The duties and responsibilities of the board ~~[shall be]~~ are in accordance with Sections
169 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent
170 or rotating basis to:

171 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
172 conduct of a licensee; and

173 (b) advise the division in its investigation of these complaints.

174 (4) A board member who~~[-]~~ under Subsection (3) has reviewed a complaint or advised in
175 its investigation is disqualified from participating with the board when the board serves as a
176 presiding officer in an adjudicative proceeding concerning the complaint.

177 Section 3. Section **58-63-301** is amended to read:

178 **58-63-301. Licensure required -- License classifications.**

179 (1) A license is required to engage in the practice as a ~~[contract]~~ security company, alarm
180 response runner, ~~[armed]~~ or private security officer, ~~[or unarmed private security officer,]~~ except
181 as specifically provided in Section 58-63-304, 58-63-310, or 58-1-307.

182 (2) The division shall issue to a person who qualifies under this chapter a license in the

183 [classifications] classification:

- 184 (a) [contract] security company;
- 185 (b) armed private security officer;
- 186 (c) unarmed private security officer; [or]
- 187 (d) armed alarm response runner[-]; or
- 188 unarmed alarm response runner.

189 Section 4. Section **58-63-302** is amended to read:

190 **58-63-302. Qualifications for licensure -- Security company, private security officer,**
191 **alarm response runner.**

192 (1) Each applicant for licensure as a [contract] security company shall:

- 193 (a) submit an application in a form prescribed by the division;
- 194 (b) pay a fee determined by the department under Section 63-38-3.2;
- 195 (c) have a qualifying agent who is a resident of the state and an officer, director, partner,
- 196 proprietor, or manager of the applicant who:

197 (i) passes an examination component established by rule by the division in collaboration
198 with the board; and

199 (ii) (A) demonstrates 6,000 hours of experience as a manager, supervisor, or administrator
200 of a [contract] security company; or

201 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
202 collaboration with the board with a federal, United States military, state, county, or municipal law
203 enforcement agency;

204 (d) if a corporation, provide:

205 (i) the names, addresses, dates of birth, and social security numbers of all corporate
206 officers, directors, and those responsible management personnel employed within the state or
207 having direct responsibility for managing operations of the applicant within the state; and

208 (ii) the names, addresses, dates of birth, and social security numbers, of all shareholders
209 owning 5% or more of the outstanding shares of the corporation, except this may not be required
210 if the stock is publicly listed and traded;

211 (e) if a limited liability company, provide:

212 (i) the names, addresses, dates of birth, and social security numbers of all company
213 officers, and those responsible management personnel employed within the state or having direct

214 responsibility for managing operations of the applicant within the state; and

215 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
216 owning 5% or more of the equity of the company;

217 (f) if a partnership, the names, addresses, dates of birth, and social security numbers of all
218 general partners, and those responsible management personnel employed within the state or having
219 direct responsibility for managing operations of the applicant within the state;

220 (g) if a proprietorship, the names, addresses, dates of birth, and social security numbers
221 of the proprietor, and those responsible management personnel employed within the state or having
222 direct responsibility for managing operations of the applicant within the state;

223 (h) be of good moral character in that officers, directors, shareholders described in
224 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not been
225 convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when
226 considered with the duties and responsibilities of a [contract] security company is considered by
227 the division and the board to indicate that the best interests of the public are not served by granting
228 the applicant a license;

229 (i) document that none of the applicant's officers, directors, shareholders described in
230 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

231 (i) have been declared by any court of competent jurisdiction incompetent by reason of
232 mental defect or disease and not been restored; and

233 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

234 (j) file and maintain with the division evidence of:

235 (i) comprehensive general liability insurance in form and in amounts to be established by
236 rule by the division in collaboration with the board;

237 (ii) workers' compensation insurance that covers employees of the applicant in accordance
238 with applicable Utah law;

239 (iii) registration with the Division of Corporations and Commercial Code; and

240 (iv) registration as required by applicable law with the:

241 (A) Division of Workforce Information and Payment Services in the Department of
242 Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

243 (B) State Tax Commission; and

244 (C) Internal Revenue Service; and

- 245 (k) meet with the division and board if requested by the division or board.
- 246 (2) Each applicant for licensure as an armed private security officer shall:
 - 247 (a) submit an application in a form prescribed by the division;
 - 248 (b) pay a fee determined by the department under Section 63-38-3.2;
 - 249 (c) be of good moral character in that the applicant has not been convicted of a felony, a
250 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
251 and responsibilities of an armed private security officer is considered by the division and the board
252 to indicate that the best interests of the public are not served by granting the applicant a license;
 - 253 (d) not have been declared by any court of competent jurisdiction incompetent by reason
254 of mental defect or disease and not been restored;
 - 255 (e) not be currently suffering from habitual drunkenness or from drug addiction or
256 dependence;
 - 257 (f) successfully complete basic education and training requirements established by rule by
258 the division in collaboration with the board;
 - 259 (g) successfully complete firearms training requirements established by rule by the division
260 in collaboration with the board;
 - 261 (h) pass the examination requirement established by rule by the division in collaboration
262 with the board; and
 - 263 (i) meet with the division and board if requested by the division or the board.
- 264 (3) Each applicant for licensure as an unarmed private security officer shall:
 - 265 (a) submit an application in a form prescribed by the division;
 - 266 (b) pay a fee determined by the department under Section 63-38-3.2;
 - 267 (c) be of good moral character in that the applicant has not been convicted of a felony, a
268 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
269 and responsibilities of an unarmed private security officer is considered by the division and the
270 board to indicate that the best interests of the public are not served by granting the applicant a
271 license;
 - 272 (d) not have been declared by any court of competent jurisdiction incompetent by reason
273 of mental defect or disease and not been restored;
 - 274 (e) not be currently suffering from habitual drunkenness or from drug addiction or
275 dependence;

276 (f) successfully complete basic education and training requirements established by rule by
277 the division in collaboration with the board;

278 (g) pass the examination requirement established by rule by the division in collaboration
279 with the board; and

280 (h) meet with the division and board if requested by the division or board.

281 (4) Each applicant for licensure as an armed alarm response runner shall:

282 (a) submit an application in a form prescribed by the division;

283 (b) pay a fee determined by the department under Section 63-38-3.2;

284 (c) be of good moral character in that the applicant has not been convicted of a felony, a
285 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
286 and responsibilities of an armed alarm response runner is considered by the division and board to
287 indicate that the best interests of the public are not served by granting the applicant a license;

288 (d) not have been declared by any court of competent jurisdiction incompetent by reason
289 of mental defect or disease and not been restored;

290 (e) not be currently suffering from habitual drunkenness or from drug addiction or
291 dependence; [and]

292 (f) successfully complete basic education and training requirements established by rule by
293 the division in collaboration with the board; and

294 [(f)] (g) meet with the division and board if requested by the division or board.

295 (5) Each applicant for licensure as an unarmed alarm response runner officer shall:

296 (a) submit an application in a form prescribed by the division;

297 (b) pay a fee determined by the department under Section 63-38-3.2;

298 (c) be of good moral character in that the applicant has not been convicted of a felony, a
299 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
300 and responsibilities of an unarmed alarm response runner is considered by the division and the
301 board to indicate that the best interests of the public are not served by granting the applicant a
302 license;

303 (d) not have been declared by any court of competent jurisdiction incompetent by reason
304 of mental defect or disease and not been restored;

305 (e) not be currently suffering from habitual drunkenness or from drug addiction or
306 dependence;

307 (f) successfully complete basic education and training requirements established by rule by
308 the division in collaboration with the board;

309 (g) pass the examination requirement established by rule by the division in collaboration
310 with the board; and

311 (h) meet with the division and board if requested by the division or board.

312 [(5)] (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
313 the division may make rules establishing when Federal Bureau of Investigation records shall be
314 checked for applicants.

315 [(6)] (7) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
316 (3)(c), [and] (4)(c), and (5)(c), the division shall provide an appropriate number of copies of
317 fingerprint cards to the Department of Public Safety with the division's request to:

318 (a) conduct a search of records of the Department of Public Safety for criminal history
319 information relating to each applicant for licensure under this chapter and each applicant's officers,
320 directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible
321 management personnel; and

322 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
323 requiring a check of records of the F.B.I. for criminal history information under this section.

324 [(7)] (8) The Department of Public Safety shall send to the division:

325 (a) a written record of criminal history, or certification of no criminal history record, as
326 contained in the records of the Department of Public Safety in a timely manner after receipt of a
327 fingerprint card from the division and a request for review of Department of Public Safety records;
328 and

329 (b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt
330 of information from the F.B.I.

331 [(8)] (9) (a) The division shall charge each applicant a fee, in accordance with Section
332 63-38-3.2, equal to the cost of performing the records reviews under this section.

333 (b) The division shall pay the Department of Public Safety the costs of all records reviews,
334 and the Department of Public Safety shall pay the F.B.I. the costs of records reviews under this
335 chapter.

336 [(9)] (10) Information obtained by the division from the reviews of criminal history records
337 of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division

338 only for the purpose of determining if an applicant for licensure under this chapter is qualified for
339 licensure.

340 Section 5. Section **58-63-304** is amended to read:

341 **58-63-304. Exemptions from licensure.**

342 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
343 individuals may engage in acts regulated under this chapter without being licensed under this
344 chapter:

345 (a) a peace officer employed by or licensed as a [~~contract~~] security company; [~~and~~]

346 (b) a peace officer employed as a private security officer;

347 ~~[(b)]~~ (c) a person employed [by a contract security company] for the sole purpose of
348 operating or staffing security apparatus, including a magnetometer, x-ray viewing device, or other
349 device approved by rule of the division[-]; and

350 (d) a person employed to provide services as an unarmed private security officer for a
351 postsecondary educational institution that:

352 (i) is accredited by a regional or national accrediting agency recognized by the United
353 States Department of Education;

354 (ii) maintains a law enforcement agency that employs law enforcement officers, as defined
355 in Section 53-13-103; and

356 (iii) ensures that law enforcement officers under Subsection (1)(d)(ii) are responsible for
357 the training and supervision of the person employed as an unarmed private security officer.

358 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
359 division may make rules approving security apparatus under Subsection (1)~~[(b)]~~(c).

360 Section 6. Section **58-63-305** is amended to read:

361 **58-63-305. Status of licenses held on the effective date of this chapter.**

362 (1) (a) An individual [holding a valid Utah license as a contract security company, armed
363 private security officer, unarmed private security officer, or alarm response runner under Title 53,
364 Chapter 5, Part 4, Security Personnel Licensing and Regulation Act, on July 1, 1995, is:] working
365 or employed as a private security officer or an alarm response runner prior to July 1, 2000, may
366 continue to work as a private security officer or alarm response runner through June 30, 2001.

367 (b) On and after July 1, 2001, these prior licenses are not valid, and the license holders
368 must be licensed as of this date respectively as:

369 ~~[(1)] (i) [on or after July 1, 1995, considered to hold a current license under this chapter]~~
 370 ~~a private security officer in the comparable classification of [contract security company,] armed~~
 371 ~~or unarmed private security officer[, unarmed private security officer, or alarm response runner];~~
 372 ~~[and] or~~

373 ~~[(2) subject to this chapter.]~~

374 (ii) an alarm response runner in the comparable classification of armed or unarmed alarm
 375 response runner.

376 (2) An applicant seeking licensure under Subsection (1) shall submit a form as provided
 377 by the division and pay to the division an application fee as established by the division through the
 378 process under Section 63-38-3.2.

379 Section 7. Section **58-63-306** is amended to read:

380 **58-63-306. Replacement of qualifying agent.**

381 If the qualifying agent of a ~~[contract]~~ security company ceases to perform the agent's duties
 382 on a regular basis, the licensee shall:

383 (1) notify the division within 15 days by registered or certified mail~~[-]~~; and ~~[shall]~~

384 (2) replace the qualifying agent within 30 days after the time required for notification to
 385 the division.

386 Section 8. Section **58-63-307** is amended to read:

387 **58-63-307. Use of firearms.**

388 (1) An individual licensed as an armed private security officer may carry a firearm only
 389 while acting as an armed private security officer in accordance with this chapter and rules made
 390 under this chapter.

391 (2) An individual licensed as an armed private security officer is exempt from the
 392 provisions of Subsection 76-10-504(1), and Sections 76-10-505 and [53-5-704] 76-10-505.5 while
 393 acting as an armed private security officer in accordance with this chapter and rules made under
 394 this chapter.

395 (3) An individual licensed as an armed private security officer may not carry a firearm,
 396 concealed or otherwise, into:

397 (a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and
 398 notice of the prohibition is posted;

399 (b) any airport secure area as provided in Section 76-10-529;

400 (c) any area designated by the division or the department by rule; or

401 (d) any other area where firearms are specifically prohibited by state or federal law.

402 Section 9. Section **58-63-308** is amended to read:

403 **58-63-308. Evidence of licensure.**

404 An individual licensed as [~~an armed~~] a private security officer[~~, unarmed private security~~
405 ~~officer, and~~] or an alarm response runner shall:

406 (1) carry a copy of the individual's license on the individual's person at all times while
407 acting as a licensee; and

408 (2) display the license upon the request of a peace officer, a representative of the division,
409 or a member of the public.

410 Section 10. Section **58-63-309** is amended to read:

411 **58-63-309. Operating standards -- Rulemaking.**

412 The division in collaboration with the board shall establish by rule operating standards that
413 [~~shall~~] apply to the conduct of licensees under this chapter, including rules relating to use of
414 uniforms, badges, insignia, designations, and representations used by or associated with a
415 [~~licensees~~] licensee's practice under this chapter.

416 Section 11. Section **58-63-310** is amended to read:

417 **58-63-310. Interim permits.**

418 (1) Upon receipt of a complete application for licensure in accordance with Section
419 58-63-302, an applicant for licensure as [~~an armed~~] a security company, private security officer,
420 [~~unarmed private security officer,~~] or alarm response runner may be issued an interim permit.

421 (2) (a) Each interim permit [~~shall expire~~] expires 90 days after it is issued or on the date
422 on which the applicant is issued a license, whichever [~~is~~] occurs earlier.

423 (b) The division may reissue an interim permit if the delay in approving a license is beyond
424 the control or influence of the interim permit holder.

425 (3) An interim permit holder may engage in the scope of practice defined for the license
426 classification that the interim permit holder is seeking.

427 Section 12. Section **58-63-311** is enacted to read:

428 **58-63-311. Temporary function as a private security officer within the state.**

429 (1) A person licensed and in current good standing as a private security officer in another
430 state under standards essentially similar to the licensure standards of Utah may function as a

431 private security officer in Utah without being licensed in Utah if the person is employed:

432 (a) as a private security officer in this state for not more than 14 consecutive days of any
433 30-day period;

434 (b) by a proprietary business as a private security officer; and

435 (c) to provide security services for one or more individuals, but only if the individual or
436 individuals are not participating as performers in a performance, special event, or other public
437 event during the time the private security officer is employed to provide security services.

438 Section 13. Section **58-63-401** is amended to read:

439 **58-63-401. Grounds for denial of license -- Disciplinary proceedings.**

440 Grounds for the following actions are in accordance with Section 58-1-401:

441 (1) refusing to issue a license to an applicant[, for];

442 (2) refusing to renew the license of a licensee[~~for~~];

443 (3) revoking, suspending, restricting, or placing on probation the license of a licensee[~~for~~];
444 for];

445 (4) issuing a public or private reprimand to a licensee[~~];~~ and [for]

446 (5) issuing a cease and desist order [shall be in accordance with Section 58-1-401].

447 Section 14. Section **58-63-501** is amended to read:

448 **58-63-501. Unlawful conduct.**

449 "Unlawful conduct" includes:

450 (1) employing as a [~~contract~~] security company the services of an unlicensed [~~armed~~]
451 private security officer[~~, unarmed private security officer,~~] or alarm response runner, except as
452 provided under Section 58-63-304 or 58-63-310; and

453 (2) filing with the division fingerprint cards for an applicant which are not those of the
454 applicant, or are in any other way false or fraudulent and intended to mislead the division in its
455 consideration of the qualifications of the applicant for licensure.

456 Section 15. Section **58-63-502** is amended to read:

457 **58-63-502. Unprofessional conduct.**

458 "Unprofessional conduct" includes:

459 (1) failing as a [~~contract~~] security company to notify the division of the cessation of
460 performance of its qualifying agent or failing to replace its qualifying agent, as required under
461 Section 58-63-306;

462 (2) failing as ~~[an armed]~~ a private security officer~~[-, unarmed private security officer,]~~ or
463 alarm response runner~~[-]~~ to carry or display a copy of the licensee's license as required under
464 Section 58-63-308;

465 (3) employment by a ~~[contract]~~ security company of a qualifying agent, ~~[armed]~~ private
466 security officer, ~~[unarmed private security officer,]~~ or alarm response runner knowing that the
467 individual has engaged in conduct that is inconsistent with the duties and responsibilities of a
468 licensee under this chapter; and

469 (4) failing to comply with operating standards established by rule.

470 Section 16. Section **58-63-601** is amended to read:

471 **58-63-601. State preemption of local regulation.**

472 (1) A political subdivision of this state may not enact any legislation, code, or ordinance,
473 or make any rules relating to the licensing, training, or regulation of ~~[contract]~~ security companies,
474 ~~[or persons functioning as armed or unarmed]~~ private security officers, or alarm response runners.

475 (2) Any legislation, code, ordinance, or rules made by any political subdivision of this
476 state, relating to the licensing, training, or regulation of ~~[contract]~~ security companies or
477 individuals functioning as ~~[an armed or unarmed]~~ private security officers or as alarm response
478 runner are superseded by this chapter.

479 Section 17. **Effective date.**

480 This act takes effect on July 1, 2000.

Legislative Review Note
as of 12-29-99 8:29 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel