

1 **REPEAL OF LICENSING ALARM RESPONSE**

2 **RUNNERS**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Dan R. Eastman**

6 **This act modifies the Security Personnel Licensing Act by repealing the licensure**
7 **requirement for alarm response runners. The act makes other technical changes to correct**
8 **references to alarm response runners.**

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

10 AMENDS:

11 **58-63-102**, as last amended by Chapters 79 and 228, Laws of Utah 1996

12 **58-63-301**, as last amended by Chapter 228, Laws of Utah 1996

13 **58-63-302**, as last amended by Chapter 375, Laws of Utah 1997

14 **58-63-305**, as enacted by Chapter 215, Laws of Utah 1995

15 **58-63-308**, as enacted by Chapter 215, Laws of Utah 1995

16 **58-63-310**, as enacted by Chapter 228, Laws of Utah 1996

17 **58-63-501**, as last amended by Chapter 228, Laws of Utah 1996

18 **58-63-502**, as last amended by Chapter 228, Laws of Utah 1996

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

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

21 **58-63-102. Definitions.**

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

23 ~~[(1) "Alarm response runner" means an individual:]~~

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

25 ~~[(b) whose primary responsibility is to respond to security system signals of that company;~~

26 ~~and]~~

27 ~~[(c) whose sole function is not to maintain or repair security systems.]~~

28 ~~[(2)]~~ (1) "Armed courier service" means a person engaged in business as a contract security
29 company who transports or offers to transport tangible personal property from one place or point
30 to another under the control of an armed security officer employed by that service.

31 ~~[(3)]~~ (2) "Armed private security officer" means an individual:

32 (a) employed by a contract security company;

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

35 (c) who wears, carries, possesses, or has immediate access to a firearm at any time in the
36 performance of the individual's duties.

37 ~~[(4)]~~ (3) "Armored car service" means a person engaged in business as a contract security
38 company who transports or offers to transport tangible personal property from one place or point
39 to another under the control of an armed or unarmed private security officer employed by the
40 company using a specially equipped motor vehicle offering a high degree of security.

41 ~~[(5)]~~ (4) "Board" means the Security Services Licensing Board created in Section
42 58-63-201.

43 ~~[(6)]~~ (5) "Contract security company" means a person engaged in business to provide
44 security or guard services to another person for the purpose of protecting tangible personal
45 property, real property, or the life and well being of human or animal life by assignment of security
46 officers employed by the company and the use of specialized resources, motor vehicles, or
47 equipment.

48 ~~[(7)]~~ (6) "Identification card" means a personal pocket or wallet size card issued by the
49 division to each security officer licensed under this chapter.

50 ~~[(8)]~~ (7) "Officer" means a president, vice president, secretary, treasurer, or other officer
51 of a corporation or limited liability company listed as an officer in the files with the Division of
52 Corporations and Commercial Code.

53 ~~[(9)]~~ (8) "Owner" means a proprietor or general partner of a proprietorship or partnership.

54 ~~[(10)]~~ (9) "Peace officer" means a person who:

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

57 (b) derives total or special law enforcement powers from, and is an employee of the federal
58 government, the state, or any political subdivision, agency, department, branch, or service of either,

59 of any municipality, or of any other unit of local government.

60 [~~(11)~~] (10) "Regular basis" means 20 or more hours per month.

61 [~~(12)~~] (11) (a) "Security officer" means an individual who:

62 (i) is employed by a contract security company securing, guarding, or otherwise protecting
63 tangible personal property, real property, or the life and well being of human or animal life against:

64 (A) trespass or other unlawful intrusion or entry;

65 (B) larceny;

66 (C) vandalism or other abuse;

67 (D) arson or any other criminal activity; or

68 (E) personal injury caused by another person or as a result of acts or omissions by another
69 person;

70 (ii) is controlling, regulating, or directing the flow of movements of individuals or
71 vehicles; or

72 (iii) providing street patrol service.

73 (b) "Security officer" does not include an individual whose duties are limited to custodial
74 or other services even though the presence of that individual may act to provide some of the
75 services set forth under Subsection [~~(12)~~] (11)(a).

76 [~~(13)~~] (12) "Security system" means equipment, devices, or instruments installed for the
77 purpose of:

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

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

82 [~~(14)~~] (13) "Street patrol service" means a person engaged in business as a contract
83 security company who provides patrols by means of foot, vehicle, or other method of
84 transportation using public streets, thoroughfares, or property in the performance of their duties
85 and responsibilities.

86 [~~(15)~~] (14) "Unarmed private security officer" means an individual:

87 (a) employed by a contract security company;

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

90 (c) who never wears, carries, possesses, or has immediate access to a firearm at any time
91 in the performance of his duties; and

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

94 ~~[(16)]~~ (15) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-63-501.

95 ~~[(17)]~~ (16) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-63-502
96 and as may be further defined by rule.

97 Section 2. Section **58-63-301** is amended to read:

98 **58-63-301. Licensure required -- License classifications.**

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

102 (2) The division shall issue to a person who qualifies under this chapter a license in the
103 classifications:

- 104 (a) contract security company;
- 105 (b) armed private security officer; or
- 106 (c) unarmed private security officer~~[-or]~~.
- 107 ~~[(d) alarm response runner.]~~

108 Section 3. Section **58-63-302** is amended to read:

109 **58-63-302. Qualifications for licensure.**

110 (1) Each applicant for licensure as a contract security company shall:

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

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

117 (ii) (A) demonstrates 6,000 hours of experience as a manager, supervisor, or administrator
118 of a contract security company; or

119 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
120 collaboration with the board with a federal, United States military, state, county, or municipal law

121 enforcement agency;

122 (d) if a corporation, provide:

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

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

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

130 (i) the names, addresses, dates of birth, and social security numbers of all company
131 officers, and those responsible management personnel employed within the state or having direct
132 responsibility for managing operations of the applicant within the state; and

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

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

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

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

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

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

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

- 152 (j) file and maintain with the division evidence of:
- 153 (i) comprehensive general liability insurance in form and in amounts to be established by
- 154 rule by the division in collaboration with the board;
- 155 (ii) workers' compensation insurance that covers employees of the applicant in accordance
- 156 with applicable Utah law;
- 157 (iii) registration with the Division of Corporations and Commercial Code; and
- 158 (iv) registration as required by applicable law with the:
- 159 (A) Division of Workforce Information and Payment Services in the Department of
- 160 Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 161 (B) State Tax Commission; and
- 162 (C) Internal Revenue Service; and
- 163 (k) meet with the division and board if requested by the division or board.
- 164 (2) Each applicant for licensure as an armed private security officer shall:
- 165 (a) submit an application in a form prescribed by the division;
- 166 (b) pay a fee determined by the department under Section 63-38-3.2;
- 167 (c) be of good moral character in that the applicant has not been convicted of a felony, a
- 168 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
- 169 and responsibilities of an armed private security officer is considered by the division and the board
- 170 to indicate that the best interests of the public are not served by granting the applicant a license;
- 171 (d) not have been declared by any court of competent jurisdiction incompetent by reason
- 172 of mental defect or disease and not been restored;
- 173 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 174 dependence;
- 175 (f) successfully complete basic education and training requirements established by rule by
- 176 the division in collaboration with the board;
- 177 (g) successfully complete firearms training requirements established by rule by the division
- 178 in collaboration with the board;
- 179 (h) pass the examination requirement established by rule by the division in collaboration
- 180 with the board; and
- 181 (i) meet with the division and board if requested by the division or the board.
- 182 (3) Each applicant for licensure as an unarmed private security officer shall:

- 183 (a) submit an application in a form prescribed by the division;
- 184 (b) pay a fee determined by the department under Section 63-38-3.2;
- 185 (c) be of good moral character in that the applicant has not been convicted of a felony, a
186 misdemeanor involving moral turpitude, or any other crime that when considered with the duties
187 and responsibilities of an unarmed private security officer is considered by the division and the
188 board to indicate that the best interests of the public are not served by granting the applicant a
189 license;
- 190 (d) not have been declared by any court of competent jurisdiction incompetent by reason
191 of mental defect or disease and not been restored;
- 192 (e) not be currently suffering from habitual drunkenness or from drug addiction or
193 dependence;
- 194 (f) successfully complete basic education and training requirements established by rule by
195 the division in collaboration with the board;
- 196 (g) pass the examination requirement established by rule by the division in collaboration
197 with the board; and
- 198 (h) meet with the division and board if requested by the division or board.

199 [~~(4) Each applicant for licensure as an alarm response runner shall:~~]

200 [~~(a) submit an application in a form prescribed by the division;~~]

201 [~~(b) pay a fee determined by the department under Section 63-38-3.2;~~]

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

206 [~~(d) not have been declared by any court of competent jurisdiction incompetent by reason
207 of mental defect or disease and not been restored;~~]

208 [~~(e) not be currently suffering from habitual drunkenness or from drug addiction or
209 dependence; and]~~

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

211 [(5)] (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
212 the division may make rules establishing when Federal Bureau of Investigation records shall be
213 checked for applicants.

214 [(6)] (5) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
215 and (3)(c), [~~and (4)(c)~~]; the division shall provide an appropriate number of copies of fingerprint
216 cards to the Department of Public Safety with the division's request to:

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

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

223 [(7)] (6) The Department of Public Safety shall send to the division:

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

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

230 [(8)] (7) (a) The division shall charge each applicant a fee, in accordance with Section
231 63-38-3.2, equal to the cost of performing the records reviews under this section.

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

235 [(9)] (8) Information obtained by the division from the reviews of criminal history records
236 of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
237 only for the purpose of determining if an applicant for licensure under this chapter is qualified for
238 licensure.

239 Section 4. Section **58-63-305** is amended to read:

240 **58-63-305. Status of licenses held on the effective date of this chapter.**

241 An individual holding a valid Utah license as a contract security company, armed private
242 security officer, or unarmed private security officer [~~, or alarm response runner~~] under Title 53,
243 Chapter 5, Part 4, Security Personnel Licensing and Regulation Act, on July 1, 1995, is:

244 (1) on or after July 1, 1995, considered to hold a current license under this chapter in the

245 comparable classification of contract security company, armed private security officer, or unarmed
246 private security officer~~[-or alarm response runner];~~ and

247 (2) subject to this chapter.

248 Section 5. Section **58-63-308** is amended to read:

249 **58-63-308. Evidence of licensure.**

250 An individual licensed as an armed private security officer~~[-]~~ or unarmed private security
251 officer~~[-and alarm response runner]~~ shall:

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

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

256 Section 6. Section **58-63-310** is amended to read:

257 **58-63-310. Interim permits.**

258 (1) Upon receipt of a complete application for licensure in accordance with Section
259 58-63-302, an applicant for licensure as an armed private security officer~~[-]~~ or unarmed private
260 security officer~~[-or alarm response runner]~~ may be issued an interim permit.

261 (2) (a) Each interim permit shall expire 90 days after it is issued or on the date on which
262 the applicant is issued a license, whichever is earlier.

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

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

267 Section 7. Section **58-63-501** is amended to read:

268 **58-63-501. Unlawful conduct.**

269 "Unlawful conduct" includes:

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

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

276 Section 8. Section **58-63-502** is amended to read:

277 **58-63-502. Unprofessional conduct.**

278 "Unprofessional conduct" includes:

279 (1) failing as a contract security company to notify the division of the cessation of
280 performance of its qualifying agent or failing to replace its qualifying agent, as required under
281 Section 58-63-306;

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

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

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

Legislative Review Note

as of 1-29-01 4:55 PM

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

Office of Legislative Research and General Counsel