

SECURITY SERVICE AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

LONG TITLE

General Description:

This bill modifies provisions related to the licensing of persons who provide security services.

Highlighted Provisions:

This bill:

- ▶ modifies definitions related to the licensing of contract security companies and private security officers by establishing new classifications for armored car companies and armored car security officers;
- ▶ modifies the composition of the Security Services Licensing Board by including in its membership an individual who is an officer or owner of a licensed armored car company;
- ▶ provides for the licensing of armored car companies and armored car security officers as new classifications;
- ▶ establishes qualifications for licensure as an armored car company and armored car security officer;
- ▶ provides that it is unlawful conduct for an armored car company to employ the services of an unlicensed armored car security officer, with certain exceptions; and
- ▶ provides unprofessional conduct and penalty provisions related to armored car companies and armored car security officers.

Monies Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-63-102**, as last amended by Chapter 90, Laws of Utah 2004

33 **58-63-201**, as last amended by Chapter 228, Laws of Utah 1996

34 **58-63-301**, as last amended by Chapter 271, Laws of Utah 2001

35 **58-63-302**, as last amended by Chapter 271, Laws of Utah 2001

36 **58-63-306**, as enacted by Chapter 215, Laws of Utah 1995

37 **58-63-307**, as enacted by Chapter 215, Laws of Utah 1995

38 **58-63-308**, as last amended by Chapter 271, Laws of Utah 2001

39 **58-63-310**, as last amended by Chapter 271, Laws of Utah 2001

40 **58-63-501**, as last amended by Chapter 308, Laws of Utah 2003

41 **58-63-502**, as last amended by Chapter 271, Laws of Utah 2001

42 **58-63-503**, as enacted by Chapter 308, Laws of Utah 2003



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

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

46 **58-63-102. Definitions.**

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

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

51 (2) "Armed private security officer" means an individual:

52 (a) employed by a contract security company;

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

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

57 (3) "Armored car [~~service~~] company" means a person engaged in business [~~as a~~
58 ~~contract security company~~] under contract to others who transports or offers to transport

59 tangible personal property, currency, valuables, jewelry, food stamps, or any other high value
60 items of higher or unusual value which requires secured delivery from one place or point to
61 another under the control of an [~~armed or unarmed private~~] armored car security officer
62 employed by the company using a specially equipped motor vehicle offering a high degree of
63 security.

64 (4) "Armored car security officer" means an individual:

65 (a) employed by an armored car company;

66 (b) whose primary duty is that of guarding the tangible property, currency, valuables,
67 jewelry, food stamps, or other high value items of higher or unusual value, which require
68 secured delivery from one place to another; and

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

71 [~~(4)~~] (5) "Board" means the Security Services Licensing Board created in Section
72 58-63-201.

73 [~~(5)~~] (6) "Contract security company" means a person engaged in business to provide
74 security or guard services to another person [~~for the purpose of protecting tangible personal~~
75 ~~property, real property, or the life and well being of human or animal life by assignment of~~
76 ~~security officers employed by the company and the use of specialized resources, motor~~
77 ~~vehicles, or equipment] on a contractual basis by assignment of armed or unarmed private
78 security officers.~~

79 [~~(6)~~] (7) "Identification card" means a personal pocket or wallet size card issued by the
80 division to each armored car and armed or unarmed security officer licensed under this chapter.

81 [~~(7)~~] (8) "Officer" means a president, vice president, secretary, treasurer, or other
82 officer of a corporation or limited liability company listed as an officer in the files with the
83 Division of Corporations and Commercial Code.

84 [~~(8)~~] (9) "Owner" means a proprietor or general partner of a proprietorship or
85 partnership.

86 [~~(9)~~] (10) "Peace officer" means a person who:

87 (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer
88 Classifications; and

89 (b) derives total or special law enforcement powers from, and is an employee of the

90 federal government, the state, or any political subdivision, agency, department, branch, or
91 service of either, of any municipality, or of any other unit of local government.

92 [~~(10)~~] (11) "Regular basis" means 20 or more hours per month.

93 [~~(11)~~] (12) (a) "Security officer" means an individual who is licensed as an armed or
94 unarmed private security officer and who:

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

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

99 (B) larceny;

100 (C) vandalism or other abuse;

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

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

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

106 (iii) providing street patrol service.

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

110 [~~(12)~~] (13) "Security system" means equipment, devices, or instruments installed for
111 the purpose of:

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

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

116 [~~(13)~~] (14) "Street patrol service" means a person engaged in business as a contract
117 security company who provides patrols by means of foot, vehicle, or other method of
118 transportation using public streets, thoroughfares, or property in the performance of their duties
119 and responsibilities.

120 [~~(14)~~] (15) "Unarmed private security officer" means an individual:

- 121 (a) employed by a contract security company;
- 122 (b) whose primary duty is that of guarding personal or real property, or providing
123 protection or security to the life and well being of humans or animals;
- 124 (c) who never wears, carries, possesses, or has immediate access to a firearm at any
125 time in the performance of his duties; and
- 126 (d) who wears clothing of distinctive design or fashion bearing any symbol, badge,
127 emblem, insignia, or other device that identifies or tends to identify the wearer as a security
128 officer.

129 ~~[(15)]~~ (16) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-63-501.

130 ~~[(16)]~~ (17) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-63-502
131 and as may be further defined by rule.

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

133 **58-63-201. Board -- Duties.**

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

135 (a) ~~[(three)]~~ two individuals who are officers or owners of licensed contract security
136 companies;

137 (b) one individual who is an officer or owner of a licensed armored car company;

138 ~~[(b)]~~ (c) one individual from among nominees of the Utah Sheriff's Association;

139 ~~[(c)]~~ (d) one individual from among nominees of the Utah Chief's of Police
140 Association; and

141 ~~[(d)]~~ (e) one individual representing the general public.

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

143 (3) (a) The duties and responsibilities of the board shall be in accordance with Sections
144 58-1-202 and 58-1-203. ~~[In addition, the]~~

145 (b) The board shall designate one of its members on a permanent or rotating basis to:

146 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
147 unprofessional conduct of a licensee; and

148 ~~[(b)]~~ (ii) advise the division in its investigation of these complaints.

149 (4) A board member who, under Subsection (3) has reviewed a complaint or advised in
150 its investigation is disqualified from participating with the board when the board serves as a
151 presiding officer in an adjudicative proceeding concerning the complaint.

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

153 **58-63-301. Licensure required -- License classifications.**

154 (1) A license is required to engage in the practice of a contract security company, an
155 armored car company, an armored car security officer, armed private security officer, or
156 unarmed private security officer, except as specifically provided in Section 58-63-304,
157 58-63-310, or 58-1-307.

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

160 (a) contract security company;

161 (b) armored car company;

162 (c) armored car security officer;

163 [~~(b)~~] (d) armed private security officer; or

164 [~~(c)~~] (e) unarmed private security officer.

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

166 **58-63-302. Qualifications for licensure.**

167 (1) Each applicant for licensure as an armored car company or a contract security
168 company shall:

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

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

171 (c) have a qualifying agent who is a resident of the state and an officer, director,
172 partner, proprietor, or manager of the applicant who:

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

175 (ii) (A) demonstrates 6,000 hours of experience as a manager, supervisor, or
176 administrator of an armored car company or a contract security company; or

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

180 (d) if a corporation, provide:

181 (i) the names, addresses, dates of birth, and Social Security numbers of all corporate
182 officers, directors, and those responsible management personnel employed within the state or

183 having direct responsibility for managing operations of the applicant within the state; and

184 (ii) the names, addresses, dates of birth, and Social Security numbers, of all
185 shareholders owning 5% or more of the outstanding shares of the corporation, except this may
186 not be required if the stock is publicly listed and traded;

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

188 (i) the names, addresses, dates of birth, and Social Security numbers of all company
189 officers, and those responsible management personnel employed within the state or having
190 direct responsibility for managing operations of the applicant within the state; and

191 (ii) the names, addresses, dates of birth, and Social Security numbers of all individuals
192 owning 5% or more of the equity of the company;

193 (f) if a partnership, the names, addresses, dates of birth, and Social Security numbers of
194 all general partners, and those responsible management personnel employed within the state or
195 having direct responsibility for managing operations of the applicant within the state;

196 (g) if a proprietorship, the names, addresses, dates of birth, and Social Security
197 numbers of the proprietor, and those responsible management personnel employed within the
198 state or having direct responsibility for managing operations of the applicant within the state;

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

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

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

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

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

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

213 (ii) workers' compensation insurance that covers employees of the applicant in

- 214 accordance with applicable Utah law;
- 215 (iii) registration with the Division of Corporations and Commercial Code; and
- 216 (iv) registration as required by applicable law with the:
- 217 (A) Division of Workforce Information and Payment Services in the Department of
- 218 Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 219 (B) State Tax Commission; and
- 220 (C) Internal Revenue Service; and
- 221 (k) meet with the division and board if requested by the division or board.
- 222 (2) Each applicant for licensure as an armed private security officer shall:
- 223 (a) submit an application in a form prescribed by the division;
- 224 (b) pay a fee determined by the department under Section 63-38-3.2;
- 225 (c) be of good moral character in that the applicant has not been convicted of a felony,
- 226 a misdemeanor involving moral turpitude, or any other crime that when considered with the
- 227 duties and responsibilities of an armed private security officer is considered by the division and
- 228 the board to indicate that the best interests of the public are not served by granting the applicant
- 229 a license;
- 230 (d) not have been declared by any court of competent jurisdiction incompetent by
- 231 reason of mental defect or disease and not been restored;
- 232 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 233 dependence;
- 234 (f) successfully complete basic education and training requirements established by rule
- 235 by the division in collaboration with the board;
- 236 (g) successfully complete firearms training requirements established by rule by the
- 237 division in collaboration with the board;
- 238 (h) pass the examination requirement established by rule by the division in
- 239 collaboration with the board; and
- 240 (i) meet with the division and board if requested by the division or the board.
- 241 (3) Each applicant for licensure as an unarmed private security officer shall:
- 242 (a) submit an application in a form prescribed by the division;
- 243 (b) pay a fee determined by the department under Section 63-38-3.2;
- 244 (c) be of good moral character in that the applicant has not been convicted of a felony,

245 a misdemeanor involving moral turpitude, or any other crime that when considered with the
246 duties and responsibilities of an unarmed private security officer is considered by the division
247 and the board to indicate that the best interests of the public are not served by granting the
248 applicant a license;

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

251 (e) not be currently suffering from habitual drunkenness or from drug addiction or
252 dependence;

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

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

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

258 (4) Each applicant for licensure as an armored car security officer shall:

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

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

261 (c) be of good moral character in that the applicant has not been convicted of a felony,
262 a misdemeanor involving moral turpitude, or any other crime that when considered with the
263 duties and responsibilities of an armored car security officer is considered by the division and
264 the board to indicate that the best interests of the public are not served by granting the applicant
265 a license;

266 (d) not have been declared by a court of competent jurisdiction incompetent by reason
267 of mental defect or disease and not been restored;

268 (e) not be currently suffering from habitual drunkenness or from drug addiction or
269 dependence;

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

272 (g) successfully complete firearms training requirements established by rule by the
273 division in collaboration with the board;

274 (h) pass the examination requirements established by rule by the division in
275 collaboration with the board; and

276 (i) meet with the division and board if requested by the division or the board.

277 [~~(4)~~] (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
278 Act, the division may make rules establishing when Federal Bureau of Investigation records
279 shall be checked for applicants.

280 [~~(5)~~] (6) To determine if an applicant meets the qualifications of Subsections (1)(h),
281 (2)(c), [~~and~~] (3)(c), and (4)(c), the division shall provide an appropriate number of copies of
282 fingerprint cards to the Department of Public Safety with the division's request to:

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

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

289 [~~(6)~~] (7) The Department of Public Safety shall send to the division:

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

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

296 [~~(7)~~] (8) (a) The division shall charge each applicant a fee, in accordance with Section
297 63-38-3.2, equal to the cost of performing the records reviews under this section.

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

301 [~~(8)~~] (9) Information obtained by the division from the reviews of criminal history
302 records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the
303 division only for the purpose of determining if an applicant for licensure under this chapter is
304 qualified for licensure.

305 Section 5. Section **58-63-306** is amended to read:

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

307 If the qualifying agent of an armored car company or a contract security company
308 ceases to perform the agent's duties on a regular basis, the licensee shall notify the division
309 within 15 days by registered or certified mail, and shall replace the qualifying agent within [30]
310 60 days after the time required for notification to the division.

311 Section 6. Section **58-63-307** is amended to read:

312 **58-63-307. Use of firearms.**

313 (1) An individual licensed as an armored car security officer or an armed private
314 security officer may carry a firearm only while acting as an armored car security officer or an
315 armed private security officer in accordance with this chapter and rules made under this
316 chapter.

317 (2) An individual licensed as an armored car security officer or an armed private
318 security officer is exempt from the provisions of [~~Sections~~] Section 76-10-505 and [~~53-5-704~~]
319 Title 53, Chapter 5, Part 7, Concealed Weapon Act, while acting as an armored car security
320 officer or an armed private security officer in accordance with this chapter and rules made
321 under this chapter.

322 Section 7. Section **58-63-308** is amended to read:

323 **58-63-308. Evidence of licensure.**

324 An individual licensed as an armed private security officer, armored car security officer,
325 or unarmed private security officer shall:

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

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

330 Section 8. Section **58-63-310** is amended to read:

331 **58-63-310. Interim permits.**

332 (1) Upon receipt of a complete application for licensure in accordance with Section
333 58-63-302, an applicant for licensure as an armed private security officer, armored car security
334 officer, or unarmed private security officer may be issued an interim permit.

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

337 (b) The division may reissue an interim permit if the delay in approving a license is

338 beyond the control or influence of the interim permit holder.

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

341 Section 9. Section **58-63-501** is amended to read:

342 **58-63-501. Unlawful conduct.**

343 "Unlawful conduct" includes:

344 (1) a contract security company employing the services of an unlicensed armed private
345 security officer or unarmed private security officer, except as provided under Section
346 58-63-304 or 58-63-310;

347 (2) an armored car company employing the services of an unlicensed armored car
348 security officer, except as provided under Section 58-63-304 or 58-63-310;

349 [~~(2)~~] (3) filing with the division fingerprint cards for an applicant which are not those
350 of the applicant, or are in any other way false or fraudulent and intended to mislead the division
351 in its consideration of the qualifications of the applicant for licensure; [~~and~~]

352 [~~(3)~~] (4) practicing or engaging in, or attempting to practice or engage in activity for
353 which a license is required under this chapter, unless the individual:

354 (a) holds the appropriate license under this chapter; or

355 (b) is exempted from licensure as provided under Section 58-63-304 or 58-63-310[~~;~~];

356 and

357 (5) knowingly employing any other person to engage in or practice or attempt to
358 engage in or practice any occupation or profession licensed under this chapter, if the employee
359 is not licensed to do so under this chapter or is exempt from licensure.

360 Section 10. Section **58-63-502** is amended to read:

361 **58-63-502. Unprofessional conduct.**

362 "Unprofessional conduct" includes:

363 (1) failing as an armored car company or a contract security company to notify the
364 division of the cessation of performance of its qualifying agent or failing to replace its
365 qualifying agent, as required under Section 58-63-306;

366 (2) failing as an armed private security officer, armored car security officer, or unarmed
367 private security officer, to carry or display a copy of the licensee's license as required under
368 Section 58-63-308;

369 (3) employment by an armored car company or a contract security company of a
370 qualifying agent, armed private security officer, armored car security officer, or unarmed
371 private security officer knowing that the individual has engaged in conduct that is inconsistent
372 with the duties and responsibilities of a licensee under this chapter; and

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

374 Section 11. Section **58-63-503** is amended to read:

375 **58-63-503. Penalties.**

376 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful
377 conduct under Section 58-63-501 or who fails to comply with a citation issued under this
378 section after it becomes final is guilty of a class A misdemeanor.

379 (2) The division may immediately suspend a license issued under this chapter of a
380 person who is given a citation for violating Subsection 58-63-501(1), (2), (4), or [~~(3)~~] (5).

381 (3) (a) If upon inspection or investigation, the division determines that a person has
382 violated Subsection 58-63-501(1), (2), (4), or [~~(3)~~] (5) or any rule made or order issued under
383 those subsections, and that disciplinary action is warranted, the director or the director's
384 designee within the division shall promptly issue a citation to the person and:

385 (i) attempt to negotiate a stipulated settlement; or

386 (ii) notify the person to appear for an adjudicative proceeding conducted under Title
387 63, Chapter 46b, Administrative Procedures Act.

388 (b) (i) The division may fine a person who is in violation of Subsection 58-63-501(1),
389 (2), (4), or [~~(3)~~] (5), as evidenced by an uncontested citation, a stipulated settlement, or a
390 finding of a violation in an adjudicative proceeding held under Subsection (3)(a)(ii), or order
391 the person to cease and desist from the violation, or do both.

392 (ii) Except for a cease and desist order, the division may not impose the licensure
393 sanctions listed in Section 58-63-401 through the issuance of a citation under this section.

394 (c) The citation shall:

395 (i) be in writing and describe the nature of the violation, including a reference to the
396 statute, rule, or order alleged to have been violated;

397 (ii) state the recipient must notify the division in writing within 20 calendar days of
398 issuance of the citation if the recipient wants to contest the citation at the adjudicative
399 proceeding referred to in Subsection (3)(a)(ii); and

400 (iii) explain the consequences of failure to timely contest the citation or to make
401 payment of any fines assessed under the citation with the time specified in the citation.

402 (d) (i) A citation issued under this section, or a copy of the citation, may be served
403 upon any person upon whom a summons may be served under the Utah Rules of Civil
404 Procedure.

405 (ii) The individual may be served personally or service may be made upon the
406 individual's agent, and in either case the service can be made by a division investigator, by a
407 person designated by the director, or by mail.

408 (e) (i) If within 20 days from the service of a citation the person to whom the citation
409 was issued fails to request a hearing to contest the citation, the citation becomes the final order
410 of the division and is not subject to further agency review.

411 (ii) The division may grant an extension of the 20-day period for cause.

412 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation
413 the license of a licensee who fails to comply with a citation after it becomes final.

414 (g) The division may not issue a citation for an alleged violation under this section
415 after the expiration of six months following the occurrence of the alleged violation.

416 (h) The director or the director's designee may assess fines under this section as
417 follows:

418 (i) for a first offense under Subsection (3)(a), a fine of up to \$1,000;

419 (ii) for a second offense under Subsection (3)(a), a fine of up to \$2,000; and

420 (iii) for any subsequent offense under Subsection (3)(a), a fine of up to \$2,000 for each
421 day of continued violation.

422 (i) (i) For purposes of issuing a final order under this section and assessing a fine under
423 Subsection (3)(h), an offense is a second or subsequent offense if:

424 (A) the division previously issued a final order determining that a person committed a
425 first or second offense in violation of Subsection 58-63-501(1) or (3); or

426 (B) (I) the division initiated an action for a first or second offense;

427 (II) no final order has been issued by the division in an action initiated under
428 Subsection (3)(i)(i)(B)(I);

429 (III) the division determines during an investigation that occurred after the initiation of
430 the action under Subsection (3)(i)(i)(B)(I) that the person committed a second or subsequent

431 violation of Subsection 58-63-501(1) or (3); and
432 (IV) after determining that the person committed a second or subsequent offense under
433 Subsection (3)(i)(i)(B)(III), the division issues a final order on the action initiated under
434 Subsection (3)(i)(i)(B)(I).
435 (ii) In issuing a final order for a second or subsequent offense under Subsection
436 (3)(i)(i), the division shall comply with the requirements of this section.
437 (4) (a) A fine imposed by the director under Subsection (3)(h) shall be deposited in the
438 General Fund as dedicated credits to be used by the division for the purposes listed in Section
439 58-63-103.
440 (b) The director may collect a Subsection (3)(h) fine which is not paid by:
441 (i) referring the matter to the Office of State Debt Collection or a collection agency; or
442 (ii) bringing an action in the district court of the county in which the person resides or
443 in the county where the office of the director is located.
444 (c) The director may seek legal assistance from the attorney general or the county or
445 district attorney of the district in which the action is brought to collect the fine.
446 (d) The court shall award reasonable attorney's fees and costs to the division for
447 successful actions under Subsection (4)(b)(ii).

Legislative Review Note
as of 1-31-05 4:15 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0174

Security Service Amendments

03-Feb-05

4:18 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst