

1                                   **PRIVATE INVESTIGATOR REGULATION**

2   **AMENDMENTS**

3   2007 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Margaret Dayton**

6   House Sponsor: Carl Wimmer

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill amends the Private Investigator Regulation Act.

11                   **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ clarifies that apprentice licenses are to be issued within five days of receipt of the
- 14 application; and
- 15                   ▶ specifies that licensed apprentices and agency employees shall work for agencies
- 16 licensed in Utah and located in Utah.

17                   **Monies Appropriated in this Bill:**

18                   None

19                   **Other Special Clauses:**

20                   None

21                   **Utah Code Sections Affected:**

22                   AMENDS:

23                   **53-9-103**, as last amended by Chapter 330, Laws of Utah 2003

24                   **53-9-108**, as last amended by Chapter 332, Laws of Utah 2004

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

27                   Section 1. Section **53-9-103** is amended to read:

28                   **53-9-103. Commissioner of Public Safety to administer -- Bureau to issue licenses**  
29 **-- Records -- Bonds -- Rulemaking.**

30 (1) The commissioner of the Department of Public Safety shall administer this chapter.

31 (2) (a) The bureau, acting at the direction of the commissioner, shall issue a private  
32 investigator license to any applicant who meets qualifications for licensure under Section  
33 53-9-108.

34 (b) The bureau shall issue ~~[the]~~ a license to a qualified apprentice applicant within five  
35 business days of receipt of the application.

36 (3) (a) The bureau shall keep records of:

37 (i) all applications for licenses under this chapter; and

38 (ii) all bonds and proof of workers' compensation required to be filed.

39 (b) The records shall include statements as to whether a license or renewal license has  
40 been issued for each application and bond.

41 (4) If a license is revoked, suspended, canceled, or denied or if a licensee is placed on  
42 probation, the date of filing the order for revocation, suspension, cancellation, denial, or  
43 probation shall be included in the records.

44 (5) The bureau shall maintain:

45 (a) a list of all licensees ~~[that have had a]~~ whose license has been revoked, suspended,  
46 placed on probation, or canceled; and

47 (b) a written record of complaints filed against licensees.

48 (6) The commissioner may make rules in accordance with Title 63, Chapter 46a, Utah  
49 Administrative Rulemaking Act, necessary to administer this chapter.

50 Section 2. Section **53-9-108** is amended to read:

51 **53-9-108. Qualifications for licensure.**

52 (1) (a) An applicant for an agency license under this chapter shall be at least 21 years of  
53 age, a citizen or legal resident of the United States, and of good moral character.

54 (b) An applicant may not have been:

55 (i) convicted of a felony;

56 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous  
57 weapon;

58 (iii) convicted of an act of personal violence or force on any person or convicted of  
59 threatening to commit an act of personal violence or force against another person;

60 (iv) convicted of an act constituting dishonesty or fraud;

61 (v) convicted of an act involving moral turpitude;

62 (vi) placed on probation or parole;

63 (vii) named in an outstanding arrest warrant; or

64 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected  
65 records as provided in Section 63-2-801.

66 (c) In assessing good moral character under Subsection (1)(b), the board shall consider  
67 mitigating circumstances presented by an applicant regarding information under Subsections  
68 (1)(b)(vi) and (viii).

69 (d) If previously or currently licensed in another state or jurisdiction, the applicant shall  
70 be in good standing within that state or jurisdiction.

71 (e) An applicant shall have completed a minimum of two years, or 2,000 hours, of  
72 investigative experience that consists of actual work performed as a licensed private  
73 investigator for a private agency, or 2,000 hours of work performed in an investigative capacity  
74 for the federal government, or for a state, county, or municipal government.

75 (f) (i) An applicant for an agency license shall substantiate investigative work  
76 experience claimed as years of qualifying experience and provide the exact details as to the  
77 character and nature of the experience on a form prescribed by the department and certified by  
78 the applicant's employers.

79 (ii) If the applicant is unable to supply written certification from an employer in whole  
80 or in part, the applicant may offer written certification from persons other than an employer  
81 covering the same subject matter for consideration by the board.

82 (iii) The applicant shall prove completion of the required experience to the satisfaction  
83 of the board and the board may independently verify the certification offered on behalf of the  
84 applicant.

85 (2) (a) (i) An applicant for a registrant license shall meet all qualification standards of

86 this section, except Subsection (1)(d).

87 (ii) An applicant shall have a minimum of one year, or 1,000 hours, of investigative  
88 experience that consists of actual work performed as a private investigator for a private agency,  
89 the federal government, a state, county, or municipal government.

90 (b) A licensed registrant, as defined in Section 53-9-102, shall only work as an  
91 employee of, or as an independent contractor with, [licensed agencies as provided in  
92 Subsection 53-9-102(19)] an agency licensed in Utah and physically located within Utah, and  
93 may not:

94 (i) advertise his services or conduct investigations for the general public; or

95 (ii) employ other private investigators or hire them as independent contractors.

96 (3) (a) An applicant for an apprentice license, lacking the experience required for a  
97 registrant license, shall meet all of the qualification standards in Subsection (1)[;] except  
98 Subsection (1)(d), and shall complete an apprentice application.

99 (b) (i) An apprentice, as defined in Section 53-9-102, shall work under the direct  
100 supervision and guidance of [~~a licensed~~] an agency licensed in Utah and located within Utah,  
101 full-time for one year[;] or for 1,000 hours, prior to acquiring eligibility for a registrant license.

102 (ii) A licensed apprentice shall only work under the direction of a licensed agency [~~as~~  
103 ~~provided in Subsection 53-9-102(5);~~] and may not:

104 (A) advertise his services or conduct investigations for the general public;

105 (B) employ other private investigators; or

106 (C) obtain information from the Utah State Tax Commission Motor Vehicle Division  
107 or Driver License Division within the Department of Public Safety, except the apprentice may  
108 utilize [~~such~~] this information for a legitimate business need and under the direct supervision of  
109 a licensed agency.

110 (4) (a) An applicant for an agency, registrant, or apprentice license may be eligible for  
111 a license without meeting all or part of the investigative work experience required by this  
112 section if the applicant:

113 (i) has a criminal justice degree from an accredited college or university;

- 114           (ii) is certified by Peace Officer Standards and Training; or  
115           (iii) can substantiate other similar law enforcement or investigative training in the areas  
116 set forth in Subsection 53-9-102(17).  
117           (b) The board shall determine whether or not training may replace the work experience  
118 requirement and to what extent.