

ESCORT SERVICES LICENSING AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a licensed escort service to renew the license annually and prohibits a municipality or a county from issuing a license to an escort service that employs a person younger than 21 years of age.

Highlighted Provisions:

This bill:

- ▶ requires a licensed escort service to renew its license annually;
- ▶ prohibits a municipality or a county from issuing a license to an escort service that employs a person younger than 21 years of age; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-41.5, as enacted by Laws of Utah 2010, Chapter 398

17-50-331, as enacted by Laws of Utah 2010, Chapter 398

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



28 Section 1. Section **10-8-41.5** is amended to read:

29 **10-8-41.5. Regulation of sexually oriented business.**

30 (1) As used in this section:

31 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,
32 wrestling, singing, reading, talking, listening, or other performances or activities conducted by
33 a nude or partially denuded individual for compensation.

34 (b) "Compensation" means:

35 (i) a salary;

36 (ii) a fee;

37 (iii) a commission;

38 (iv) employment;

39 (v) a profit; or

40 (vi) other pecuniary gain.

41 (c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits,
42 consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or
43 accompany another:

44 (A) to a social affair, entertainment, or a place of amusement; or

45 (B) within:

46 (I) a place of public or private resort;

47 (II) a business or commercial establishment; or

48 (III) a private quarter.

49 (ii) "Escort" does not mean a person who provides business or personal services,
50 including:

51 (A) a licensed private nurse;

52 (B) an aide for the elderly or a person with a disability;

53 (C) a social secretary or similar service personnel:

54 (I) whose relationship with a patron is characterized by a contractual relationship
55 having a duration of 12 hours or more; and

56 (II) who provides a service not principally characterized as dating or socializing; or

57 (D) a person who provides services such as singing telegrams, birthday greetings, or
58 similar activities:

59 (I) characterized by an appearance in a public place;
60 (II) contracted for by a party other than the person for whom the service is being
61 performed; and
62 (III) of a duration not to exceed one hour.
63 (d) "Escort service" means any person who furnishes or arranges for an escort to
64 accompany another individual for compensation.
65 (e) "Nude or partially denuded individual" means an individual with any of the
66 following less than completely and opaquely covered:
67 (i) genitals;
68 (ii) the pubic region; or
69 (iii) a female breast below a point immediately above the top of the areola.
70 (f) (i) "Sexually oriented business" means a business at which any nude or partially
71 denuded individual, regardless of whether the nude or partially denuded individual is an
72 employee of the sexually oriented business or an independent contractor, performs any service
73 for compensation.
74 (ii) "Sexually oriented business" includes:
75 (A) an escort service; or
76 (B) an adult service.
77 (2) A person employed in a sexually oriented business may not work in a municipality:
78 (a) if the municipality requires that a person employed in a sexually oriented business
79 be licensed individually; and
80 (b) if the person is not licensed by the municipality.
81 (3) (a) A business entity that conducts a sexually oriented business may not conduct
82 business in a municipality:
83 ~~[(a)]~~ (i) if the municipality requires that a sexually oriented business be licensed; and
84 ~~[(b)]~~ (ii) if the business entity is not licensed by the municipality.
85 (b) If a municipality requires that an escort service be licensed, the municipality:
86 (i) shall require that the escort service renew its license annually; and
87 (ii) may not license an escort service that employs a person younger than 21 years of
88 age.

89 Section 2. Section **17-50-331** is amended to read:

90 **17-50-331. Regulation of sexually oriented business.**

91 (1) As used in this section:

92 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,
93 wrestling, singing, reading, talking, listening, or other performances or activities conducted by
94 a nude or partially denuded individual for compensation.

95 (b) "Compensation" means:

96 (i) a salary;

97 (ii) a fee;

98 (iii) a commission;

99 (iv) employment;

100 (v) a profit; or

101 (vi) other pecuniary gain.

102 (c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits,
103 consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or
104 accompany another:

105 (A) to a social affair, entertainment, or a place of amusement; or

106 (B) within:

107 (I) a place of public or private resort;

108 (II) a business or commercial establishment; or

109 (III) a private quarter.

110 (ii) "Escort" does not mean a person who provides business or personal services,
111 including:

112 (A) a licensed private nurse;

113 (B) an aide for the elderly or a person with a disability;

114 (C) a social secretary or similar service personnel:

115 (I) whose relationship with a patron is characterized by a contractual relationship
116 having a duration of 12 hours or more; and

117 (II) who provides a service not principally characterized as dating or socializing; or

118 (D) a person who provides services such as singing telegrams, birthday greetings, or
119 similar activities:

120 (I) characterized by an appearance in a public place;

121 (II) contracted for by a party other than the person for whom the service is being
122 performed; and

123 (III) of a duration not to exceed one hour.

124 (d) "Escort service" means any person who furnishes or arranges for an escort to
125 accompany another individual for compensation.

126 (e) "Nude or partially denuded individual" means an individual with any of the
127 following less than completely and opaquely covered:

128 (i) genitals;

129 (ii) the pubic region; or

130 (iii) a female breast below a point immediately above the top of the areola.

131 (f) (i) "Sexually oriented business" means a business at which any nude or partially
132 denuded individual, regardless of whether the nude or partially denuded individual is an
133 employee of the sexually oriented business or an independent contractor, performs any service
134 for compensation.

135 (ii) "Sexually oriented business" includes:

136 (A) an escort service; or

137 (B) an adult service.

138 (2) A person employed in a sexually oriented business may not work in the
139 unincorporated area of a county:

140 (a) if the county requires that a person employed in a sexually oriented business be
141 licensed individually; and

142 (b) if the person is not licensed by the county.

143 (3) (a) A business entity that conducts a sexually oriented business may not conduct
144 business in an unincorporated area of a county:

145 ~~[(a)]~~ (i) if the county requires that a sexually oriented business be licensed; and

146 ~~[(b)]~~ (ii) if the business entity is not licensed by the county.

147 (b) If a county requires that an escort service be licensed, the county:

148 (i) shall require that the escort service renew its license annually; and

149 (ii) may not license an escort service that employs a person younger than 21 years of
150 age.

Legislative Review Note
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Office of Legislative Research and General Counsel