

1 **SECURITY PERSONNEL LICENSING ACT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies Title 58, Chapter 63, Security Personnel Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the membership of the Security Services Licensing Board;
- 13 ▶ modifies provisions regarding individuals who may engage in acts regulated by the
- 14 Security Personnel Licensing Act without being licensed under the act; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **58-63-201**, as last amended by Laws of Utah 2013, Chapter 436

23 **58-63-304**, as last amended by Laws of Utah 2013, Chapter 436

24

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

26 Section 1. Section **58-63-201** is amended to read:

27 **58-63-201. Board -- Duties.**



- 28 (1) There is created the Security Services Licensing Board consisting of:
- 29 (a) [~~two~~] three individuals who are officers or owners of a licensed contract security
- 30 company;
- 31 (b) one individual who is an officer or owner of a licensed armored car company;
- 32 (c) one individual from among nominees of the Utah Sheriffs' Association;
- 33 (d) one individual from among nominees of the Utah Chiefs of Police Association; and
- 34 (e) [~~two individuals~~] one individual representing the general public.

35 (2) (a) The executive director shall appoint board members in accordance with Section
36 58-1-201.

37 (b) A board member serves in accordance with Section 58-1-201.

38 (3) (a) The board shall carry out its duties and responsibilities in accordance with
39 Sections 58-1-202 and 58-1-203.

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

41 (i) assist the division in reviewing a complaint concerning the unlawful or
42 unprofessional conduct of a person licensed under this chapter; and

43 (ii) advise the division in its investigation of the complaint.

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

47 Section 2. Section 58-63-304 is amended to read:

48 **58-63-304. Exemptions from licensure.**

49 (1) In addition to the exemptions from licensure in Section 58-1-307, an individual
50 may engage in acts regulated under this chapter without being licensed under this chapter if the
51 individual is:

52 (a) a peace officer employed by [~~-, or licensed as,~~] a contract security company, as
53 provided in Subsection (2); or

54 (b) employed by a contract security company for the sole purpose of operating or
55 staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing
56 device, or other device approved by rule of the division.

57 (2) A peace officer may only engage in off-duty employment as a security officer if:

58 (a) the law enforcement agency employing the peace officer has a written policy

59 regarding peace officer employees working while off duty as a security officer and the written
60 policy addresses the issue of financial responsibility;

61 (b) the law enforcement agency's chief administrative officer, or that officer's designee,
62 provides written authorization for an off-duty peace officer to work as a security officer; and

63 (c) the [~~business or entity~~] contract security company employing the off-duty peace
64 officer to work as a security officer complies with state and federal income reporting and
65 withholding requirements regarding the off-duty officer's wages.

66 (3) In addition to the exemptions from licensure in Section 58-1-307, an individual
67 holding a valid license as an armed private security officer under this chapter may also function
68 as an unarmed private security officer without the additional license.

69 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
70 division may make rules approving security apparatus under Subsection (1)(b).

Legislative Review Note
as of 1-8-14 5:11 PM

Office of Legislative Research and General Counsel