

1                   **PRIVATE INVESTIGATOR LICENSE QUALIFICATIONS**

2                                   2020 FIFTH SPECIAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Todd Weiler**

5                                   House Sponsor: V. Lowry Snow

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill modifies provisions of the Private Investigator Regulation Act.

10                  **Highlighted Provisions:**

11                  This bill:

- 12                   ▶ removes the state residency requirements related to obtaining or renewing a license
- 13                  under the Private Investigator Regulation Act; and
- 14                   ▶ makes technical changes.

15                  **Money Appropriated in this Bill:**

16                  None

17                  **Other Special Clauses:**

18                  This bill provides a special effective date.

19                  **Utah Code Sections Affected:**

20                  AMENDS:

21                   **53-9-108**, as last amended by Laws of Utah 2018, Chapter 287

22                   **53-9-111**, as last amended by Laws of Utah 2018, Chapter 417

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

25                   Section 1. Section **53-9-108** is amended to read:

26                   **53-9-108. Qualifications for licensure.**

27                   (1) (a) An applicant under this chapter shall be ~~[a legal resident of the state and]~~ at  
28                  least:

- 29                   (i) 21 years of age to apply for an agency license or a registrant license; or

- 30 (ii) 18 years of age to apply for an apprentice license.
- 31 (b) An applicant may not have been:
  - 32 (i) convicted of a felony;
  - 33 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous
  - 34 weapon;
  - 35 (iii) convicted of an act of personal violence or force on any person or convicted of
  - 36 threatening to commit an act of personal violence or force against another person;
  - 37 (iv) convicted of an act constituting dishonesty or fraud;
  - 38 (v) convicted of an act involving moral turpitude within the past 10 years unless the
  - 39 conviction has been expunged under the provisions of Title 77, Chapter 40, Utah Expungement
  - 40 Act;
  - 41 (vi) placed on probation or parole;
  - 42 (vii) named in an outstanding arrest warrant; or
  - 43 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected
  - 44 records as provided in Section [63G-2-801](#).
- 45 (c) If previously or currently licensed in another state or jurisdiction, the applicant shall
- 46 be in good standing within that state or jurisdiction.
- 47 (2) In assessing if an applicant meets the requirements under Subsection (1)(b), the
- 48 board shall consider mitigating circumstances presented by an applicant.
- 49 (3) (a) An applicant for an agency license shall have:
  - 50 (i) a minimum of 5,000 hours of investigative experience that consists of actual work
  - 51 performed as a licensed private investigator, an investigator in the private sector, an
  - 52 investigator for the federal government, or an investigator for a state, county, or municipal
  - 53 government; or
  - 54 (ii) if the applicant held a registrant license or an apprentice license under this chapter
  - 55 on or before May 1, 2010, a minimum of 2,000 hours of investigative experience that consists
  - 56 of actual work performed as a licensed private investigator, an investigator in the private
  - 57 sector, an investigator for the federal government, or an investigator for a state, county, or

58 municipal government.

59 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of  
60 investigative experience that consists of actual investigative work performed as a licensed  
61 private investigator, an investigator in the private sector, an investigator for the federal  
62 government, an investigator for a state, county, or municipal government, or a process server.

63 (c) At least 1,000 hours of the investigative experience required under this Subsection  
64 (3) shall have been performed within 10 years immediately prior to the application.

65 (d) An applicant shall substantiate investigative work experience required under this  
66 Subsection (3) by providing:

67 (i) the exact details as to the character and nature of the investigative work on a form  
68 prescribed by the bureau and certified by the applicant's employers; or

69 (ii) if the applicant is applying for the reinstatement of an agency license, internal  
70 records of the applicant that demonstrate the investigative work experience requirement has  
71 previously been met.

72 (e) (i) The applicant shall prove completion of the investigative experience required  
73 under this Subsection (3) to the satisfaction of the board and the board may independently  
74 verify the certification offered on behalf of the applicant.

75 (ii) The board may independently confirm the claimed investigative experience and the  
76 verification of the applicant's employers.

77 (4) An applicant for an apprentice license, lacking the investigative experience required  
78 for a registrant license, shall meet all of the qualification standards in Subsection (1), and shall  
79 complete an apprentice application.

80 (5) An applicant for an agency or registrant license may receive credit toward the hours  
81 of investigative experience required under Subsection (3) as follows:

82 (a) an applicant may receive credit for 2,000 hours of investigative experience if the  
83 applicant:

84 (i) has an associate's degree in criminal justice or police science from an accredited  
85 college or university; or

86 (ii) is certified as a peace officer; and

87 (b) an applicant may receive credit for 4,000 hours of investigative experience if the  
88 applicant has a bachelor's degree in criminal justice or police science from an accredited  
89 college or university.

90 (6) The board shall determine if the applicant may receive credit under Subsection (5)  
91 toward the investigative and educational experience requirements under Subsection (3).

92 ~~[(7) An applicant for the renewal of a license under this chapter shall be a legal resident~~  
93 ~~of this state.]~~

94 Section 2. Section **53-9-111** is amended to read:

95 **53-9-111. License and registration fees -- Deposit in General Fund.**

96 (1) Fees for individual and agency licensure and renewal shall be in accordance with  
97 Section **63J-1-504**.

98 (2) (a) The bureau may renew a license granted under this chapter upon receipt of:

99 ~~[(i) to a resident of the state;]~~

100 ~~[(ii) upon receipt of]~~ (i) a renewal application on forms as prescribed by the bureau;  
101 and

102 ~~[(iii) upon receipt of]~~ (ii) the fees prescribed in Subsection (1).

103 (b) (i) The renewal of a license requires the filing of all certificates of insurance or  
104 proof of surety bond as required by this chapter.

105 (ii) Renewal of a license may not be granted more than 180 days after expiration.

106 (c) A licensee may not engage in activity subject to this chapter during the period  
107 between the date of expiration of the license and the renewal of the license.

108 (3) (a) The bureau shall renew a suspended license if:

109 (i) the period of suspension has been completed;

110 (ii) the bureau has received a renewal application from the applicant on forms  
111 prescribed by the bureau; and

112 (iii) the applicant has:

113 (A) filed all certificates of insurance or proof of surety bond as required by this

114 chapter; and

115 (B) paid the fees required by this section for renewal, including a delinquency fee if the  
116 application is not received by the bureau within 30 days of the termination of the suspension.

117 (b) Renewal of the license does not entitle the licensee, while the license remains  
118 suspended and until it is reinstated, to engage in activity regulated by this chapter, or in other  
119 activity or conduct in violation of the order or judgment by which the license was suspended.

120 (4) The bureau may not reinstate a revoked license or accept an application for a  
121 license from a person whose license has been revoked for at least one year from the date of  
122 revocation.

123 (5) All fees, except the fingerprint processing fee, collected by the bureau under this  
124 section shall be deposited in the General Fund.

125 **Section 3. Effective date.**

126 If approved by two-thirds of all the members elected to each house, this bill takes effect  
127 upon approval by the governor, or the day following the constitutional time limit of Utah  
128 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
129 the date of veto override.