

**Licensing Modifications**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Todd Weiler**  
House Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions related to private investigators and bail bond recovery licensees.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides that the Bureau of Criminal Investigation (bureau) shall administer Title 53, Chapter 9, Private Investigator Regulation Act;
- ▶ removes the requirement that the bureau act under the direction of the commissioner of the Department of Public Safety (commissioner) when issuing a private investigator license;
- ▶ renames the Bail Bond Recovery and Private Investigator Licensure Board to the Bureau Licensing Review Board (board);
- ▶ provides that the bureau shall maintain records of the board's actions;
- ▶ provides that an applicant for licensure as a private investigator (applicant) pass a test the bureau administers;
- ▶ provides additional circumstances that would prevent an applicant from obtaining a license as a private investigator;
- ▶ provides that when reviewing an applicant, the board may consider mitigating circumstances that the applicant presents;
- ▶ amends terminology from "cancel" a private investigator license to "suspend" a private investigator license;
- ▶ provides that the bureau may approve continuing education requirements for the renewal of a private investigator license;
- ▶ provides that the bureau may charge a fee for approving an applicant's out-of-state continuing education;
- ▶ provides that if the bureau revokes a person's license twice under Title 53, Chapter 9, Private Investigator Regulation Act, the bureau may not issue a license to that person

- 31 and the board may not approve a license for that person;
- 32       ▶ provides that the bureau shall issue a license to an applicant that meets the requirements  
33 of Title 53, Chapter 9, Private Investigator Regulation Act;
- 34       ▶ amends provisions to state that a person on whose property a licensee or a person acting  
35 under the authority of the licensee engages in an activity regulated by Title 53, Chapter  
36 9, Private Investigator Regulation Act, may request that a licensee provide identification;
- 37       ▶ provides that a licensee shall notify the bureau when the licensee's registration  
38 information changes;
- 39       ▶ amends appeal procedures for the denial of a license under Title 53, Chapter 9, Private  
40 Investigator Regulation Act;
- 41       ▶ repeals the board's ability to initiate an investigation of a person unlawfully engaging in  
42 services regulated under Title 53, Chapter 9, Private Investigator Regulation Act;
- 43       ▶ provides that the bureau may issue a summary suspension of a license if the bureau finds  
44 that the public health, safety, or welfare requires the summary suspension;
- 45       ▶ repeals the board's ability to take emergency action after an investigation or a hearing;
- 46       ▶ provides that if the board suspends or revokes a licensee's license who supervises a  
47 registrant or apprentice licensee, the board also suspends the registrant's or apprentice's  
48 license;
- 49       ▶ provides that the bureau administers Title 53, Chapter 11, Bail Bond Recovery Act;
- 50       ▶ provides that a person applying for a license under Title 53, Chapter 11, Bail Bond  
51 Recovery Act, may not have violated that chapter;
- 52       ▶ provides that the bureau may not approve a license under Title 53, Chapter 11, Bail Bond  
53 Recovery Act, if the bureau has revoked a license for that individual under that chapter;
- 54       ▶ amends provisions relating to the appeals procedures for a license issued under Title 53,  
55 Chapter 11, Bail Bond Recovery Act;
- 56       ▶ amends provisions relating to disciplinary action for a person licensed under Title 53,  
57 Chapter 11, Bail Bond Recovery Act;
- 58       ▶ amends provisions relating to the identifying clothing a bail bond licensee is required to  
59 wear;
- 60       ▶ amends provisions relating to the unlawful installation of a tracking device; and
- 61       ▶ makes technical changes.

**62 Money Appropriated in this Bill:**

63 None

**64 Other Special Clauses:**

65 None

66 **Utah Code Sections Affected:**

67 **AMENDS:**

68 **53-9-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
69 Session, Chapter 9

70 **53-9-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2014, Chapter 378

71 **53-9-107 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 211

72 **53-9-108 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 194

73 **53-9-109 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 432

74 **53-9-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 359

75 **53-9-111 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 359

76 **53-9-112 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 302, 359

77 **53-9-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 432

78 **53-9-115 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 359

79 **53-9-116 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 302

80 **53-9-117 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 359

81 **53-9-118 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 359

82 **53-9-121 (Effective 05/06/26)**, as enacted by Laws of Utah 2013, First Special Session,  
83 Chapters 3, 3

84 **53-11-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 506

85 **53-11-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 382

86 **53-11-104 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
87 2025, Chapter 359

88 **53-11-105 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 506

89 **53-11-108 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 208,  
90 302

91 **53-11-109 (Effective 05/06/26)**, as enacted by Laws of Utah 1998, Chapter 257

92 **53-11-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 170

93 **53-11-111 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 302

94 **53-11-113 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 170

95 **53-11-115 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 417

96 **53-11-116 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 302

97 **53-11-116.5 (Effective 05/06/26)**, as enacted by Laws of Utah 1999, Chapter 266

98 **53-11-118 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 382

99 **53-11-119 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 382  
 100 **53-11-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2013, Chapter 396  
 101 **53-11-123 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 302  
 102 **76-12-305 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 103 Chapter 173

104 REPEALS:

105 **53-9-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1995, Chapter 314  
 106 **53-11-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1998, Chapter 257

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

109 Section 1. Section **53-9-102** is amended to read:

110 **53-9-102 (Effective 05/06/26). Definitions.**

111 [~~In this chapter, unless otherwise stated~~] As used in this chapter:

- 112 (1) "Adequate records" means records containing, at a minimum, sufficient information to  
 113 identify the client, the dates of service, the fee for service, the payments for service, the  
 114 type of service given, and copies of any reports that may have been made.
- 115 (2) "Advertising" means [~~the submission of bids~~] a person submitting a bid, contracting or  
 116 making known by [~~any~~] a public notice, publication, or solicitation of business, directly  
 117 or indirectly, that the person offers services regulated under this chapter [~~-are available~~  
 118 ~~for consideration~~].
- 119 (3) "Agency" means a person [~~who~~] that holds an agency license [~~pursuant to~~] in accordance  
 120 with this chapter, and includes [~~one who~~] a person that:
- 121 (a) employs an individual for wages and salary, and withholds all legally required  
 122 deductions and contributions[;] ; or
- 123 (b) contracts with a registrant or an apprentice on a part-time or case-by-case basis to  
 124 conduct an investigation on behalf of the agency.
- 125 (4) "Applicant" means [~~any~~] a person [~~who has submitted~~] that submits a completed  
 126 application and all required fees.
- 127 (5) "Apprentice" means [~~a person who~~] a person that:
- 128 (a) holds an apprentice license [~~pursuant to~~] in accordance with this chapter[;] ;  
 129 (b) has not met the requirements [~~for registration,~~] to qualify as a registrant; and  
 130 (c) works under the direct supervision and guidance of an agency.
- 131 (6) "Board" means the [~~Bail Bond Recovery and Private Investigator Licensure~~] Bureau  
 132 Licensing Review Board created in Section 53-11-104.

- 133 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 134 (8) "Commissioner" means the commissioner of the Department of Public Safety or the  
 135 commissioner's designee.
- 136 (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting  
 137 from trial or plea, including a plea of no contest, regardless of whether the imposition of  
 138 sentence was suspended.
- 139 (10) "Department" means the Department of Public Safety.
- 140 (11) "Direct supervision" means that the agency or employer:
- 141 (a) is responsible for, and authorizes, the type and extent of work assigned;
- 142 (b) reviews and approves all work ~~[produced by]~~ the apprentice produces before ~~[it]~~ the  
 143 work the apprentice produces goes to the client;
- 144 (c) closely supervises and provides direction and guidance to the apprentice in the  
 145 performance of ~~[his]~~ the apprentice's assigned work; and
- 146 (d) is immediately available to the apprentice for verbal contact, including by electronic  
 147 means.
- 148 (12) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
- 149 (13) "Emergency action" means a summary suspension of a license pending revocation~~[;]~~ or  
 150 suspension~~[, or probation]~~ in order to protect the public health, safety, or welfare.
- 151 (14)(a) "Employee" means an individual who:
- 152 (i) works for an agency or other employer~~[;]~~ ;
- 153 (ii) is listed on the agency's or employer's payroll records~~[;]~~ ; and
- 154 (iii) is under the agency's or employer's direction and control. ~~[An employee is not~~  
 155 ~~an independent contractor.]~~
- 156 (b) "Employee" does not include an independent contractor.
- 157 (15) "Identification card" means a card ~~[issued by]~~ the commissioner issues to a qualified  
 158 applicant for an agency, registrant, or apprentice license.
- 159 (16) "Letter of concern" means an advisory letter to notify a licensee that while ~~[there is~~  
 160 ~~insufficient]~~ the department does not have evidence to support ~~[probation,]~~ the suspension[;]  
 161 or revocation of a license, the department ~~[informs the licensee of the need to modify or~~  
 162 ~~eliminate certain practices and that continuation of the activities that led to the~~  
 163 ~~information being submitted to the department may result in further disciplinary action~~  
 164 ~~against the licensee.]~~ believes:
- 165 (a) the licensee should modify or eliminate certain practices; or
- 166 (b) continuation of the activities that led to the information being submitted to the

- 167 department may result in further disciplinary action against the licensee.
- 168 (17) "Licensee" means a person to whom the department issues an agency, registrant, or  
169 apprentice license~~[is issued by the department]~~.
- 170 (18)(a) "Private investigator or private detective" means ~~[any]~~ a person, except a  
171 collection ~~[agencies and]~~ agency or a credit reporting ~~[agencies, who]~~ agency, that, for  
172 consideration, engages in business or accepts employment to conduct ~~[any]~~ an  
173 investigation for the purpose of obtaining information with reference to:
- 174 (i) crime, wrongful acts, or threats against the United States or ~~[any]~~ a state or  
175 territory of the United States;
  - 176 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty,  
177 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,  
178 movements, whereabouts, affiliations, associations, or transactions of any person  
179 or group of persons;
  - 180 (iii) the credibility of witnesses or other persons;
  - 181 (iv) the whereabouts of missing persons or owners of abandoned property;
  - 182 (v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an  
183 accident, damage, or an injury to real or personal property;
  - 184 (vi) the business of securing evidence to be used before investigating committees or  
185 boards of award or arbitration or in the trial of civil or criminal cases and the trial  
186 preparation;
  - 187 (vii) the prevention, detection, and removal of installed devices for eavesdropping or  
188 observation;
  - 189 (viii) the business of "skip tracing" ~~[persons who have]~~ a person that has become  
190 delinquent in ~~[their]~~ the person's lawful debts, either when hired by an individual,  
191 collection agency, or through the direct purchase of the debt from a financial  
192 institution or entity owning the debt or judgment; or
  - 193 (ix) serving civil process.
- 194 (b) "Private investigator or private detective" does not include:
- 195 (i) ~~[any]~~ a person or an employee conducting an investigation on the person's or  
196 employee's ~~[own]~~ behalf or on behalf of the employer if the employer is not a  
197 private investigator under this chapter;
  - 198 (ii) an employee of an attorney licensed to practice law in this state; or
  - 199 (iii) a currently licensed certified public accountant or CPA as that term is defined in  
200 Section 58-26a-102.

- 201 (19) "Qualifying party" means the individual meeting the qualifications under this chapter  
 202 for a private investigator license.
- 203 (20) "Registrant" means ~~[any]~~ a person ~~[who]~~ that:  
 204 (a) holds a registrant license ~~[pursuant to]~~ in accordance with this chapter~~[- The~~  
 205 ~~registrant-]~~ ; and  
 206 (b) performs private investigative work either as an employee on an employer's payroll  
 207 or, on a contract with an agency, part-time, or case-by-case basis, with a minimum  
 208 amount of direction.
- 209 (21) "Restructuring" means ~~[any]~~ a change in the legal status of a business.
- 210 (22) "Unprofessional conduct" means~~[- any of the following]~~:  
 211 (a) engaging or offering to engage by fraud or misrepresentation in ~~[any activities]~~ an  
 212 activity regulated by this chapter;  
 213 (b) aiding or abetting a person ~~[who]~~ that is not licensed ~~[pursuant to]~~ in accordance with  
 214 this chapter in representing that person as a private investigator or registrant in this  
 215 state;  
 216 (c) gross negligence in the practice of a private investigator ~~[or]~~ agency, registrant, or  
 217 apprentice;  
 218 (d) failing or refusing to maintain adequate records and investigative findings on a  
 219 subject of investigation or a client;  
 220 (e) committing a felony or a misdemeanor involving ~~[any]~~ a crime that is grounds for  
 221 denial, suspension, or revocation of an agency, registrant, or apprentice license~~[- In~~  
 222 ~~all cases,]~~ where conviction by a court ~~[of competent]~~ with jurisdiction or a plea of no  
 223 contest is conclusive evidence of the commission of the crime; or  
 224 (f) making a fraudulent or untrue statement to the bureau, board, department, or ~~[its~~  
 225 ~~investigators, staff, or consultants.]~~ an investigator, a staff member, or a consultant  
 226 employed by the bureau, board, or department.

227 Section 2. Section **53-9-103** is amended to read:

228 **53-9-103 (Effective 05/06/26). Bureau to administer -- Bureau to issue licenses --**

229 **Records -- Bonds -- Rulemaking.**

- 230 (1) The ~~[commissioner]~~ bureau shall administer this chapter.
- 231 (2)(a) The bureau~~[- acting at the direction of the commissioner,]~~ shall issue a private  
 232 investigator license to an applicant whom the board finds meets the qualifications for  
 233 licensure under this chapter.
- 234 (b) The bureau shall issue a license to an apprentice applicant who meets the

235 qualifications for licensure under this chapter within five business days ~~[of receipt of]~~  
 236 after the day on which the bureau receives the application.

237 (c) The bureau shall notify each licensee under this chapter when a licensee's license is  
 238 due for renewal in accordance with procedures established by rule.

239 (3)(a) The bureau shall keep ~~[records]~~ a record of:

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

241 (ii) all bonds and proof of certificates of liability and workers' compensation  
 242 insurance required to be filed.

243 (b) ~~The [records shall include]~~ bureau shall include in the record described in Subsection  
 244 (3)(a) statements as to whether the bureau issues a license or renewal license [has  
 245 been issued]for each application.

246 (4) ~~[If a license is revoked, suspended, canceled, or denied or if a licensee is placed on~~  
 247 ~~probation, the date of filing the order for revocation, suspension, cancellation, denial, or~~  
 248 ~~probation shall be included in the records.] If the bureau revokes, suspends, or denies a~~  
 249 license, the bureau shall include the date of filing the order for revocation, suspension,  
 250 or denial in the records.

251 (5) The bureau shall maintain:

252 (a) a list of all licensees whose license ~~[has been revoked, suspended, placed on~~  
 253 ~~probation, or canceled]~~ the bureau revokes, suspends, or denies;~~[-and]~~

254 (b) a written record of complaints filed against licensees~~[-]~~ ; and

255 (c) records of board actions.

256 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [  
 257 ~~commissioner]~~ bureau may make rules governing the administration of the provisions of  
 258 this chapter.

259 Section 3. Section **53-9-107** is amended to read:

260 **53-9-107 (Effective 05/06/26). Classification of licenses -- License required to act.**

261 (1)(a) ~~[Every person -]~~ A person applying for a license under this chapter shall indicate on  
 262 the application the license for which the applicant applies.~~[which of the following~~  
 263 ~~licenses the applicant is applying for:]~~

264 ~~[(a)]~~ (b) The bureau shall issue:

265 (i) an agency license ~~[shall be issued]~~to an applicant ~~[who]~~ that meets the agency  
 266 requirements of Sections 53-9-108 and 53-9-109;

267 ~~[(b)]~~ (ii) a registrant license ~~[shall be issued]~~to an applicant ~~[who]~~ that meets the  
 268 registrant requirements of Sections 53-9-108 and 53-9-110; ~~[or]~~ and

- 269           ~~[(e)]~~ (iii) an apprentice license ~~[shall be issued]~~ to an applicant ~~[who]~~ that meets the  
 270            apprentice requirements of Sections 53-9-108 and 53-9-110.
- 271 (2) Unless licensed under this chapter, a person may not:
- 272       (a) act or assume to act as, or represent ~~[himself to be]~~ the person as:
- 273           (i) a licensee; or
- 274           (ii) a private investigator or private detective~~[-as defined in Section 53-9-102]~~ ;~~[-or]~~
- 275       ~~(b)~~ [-]conduct [any] an investigation as described in the definition of private investigator  
 276            or private detective; or
- 277       ~~[(b)]~~ (c) falsely represent to be employed by or for an independent contractor for an  
 278            agency.
- 279 (3) A licensed registrant~~[-, as defined in Section 53-9-102,]~~ may only work as an employee  
 280       of, or as an independent contractor for, an agency licensed under this chapter, and may  
 281       not:
- 282       (a) advertise the licensed registrant's services or conduct investigations for the general  
 283            public; or
- 284       (b) employ ~~[other private investigators]~~ another private investigator or hire ~~[them as~~  
 285            ~~independent contractors]~~ another private investigator as an independent contractor.
- 286 (4)(a) A licensed apprentice~~[-, as defined in Section 53-9-102,]~~ may only work under the  
 287       direct supervision and guidance of an agency licensed under this chapter, and may  
 288       not:
- 289       (i) advertise the licensed apprentice's services or conduct investigations for the  
 290            general public;
- 291       (ii) employ ~~[other private investigators]~~ another private investigator;~~[-or]~~
- 292       (iii) obtain information from the Utah State Tax Commission Motor Vehicle Division  
 293            or Driver License Division within the Department of Public Safety, except the  
 294            apprentice may utilize information from ~~[these agencies]~~ the Utah State Tax  
 295            Commission Motor Vehicle Division or Driver License Division within the  
 296            Department of Public Safety for a legitimate business need and under the direct  
 297            supervision and guidance of a licensed agency~~[-];~~  ; or
- 298       (iv) sign contracts to secure business with clients seeking services described in this  
 299            chapter.
- 300       (b) ~~[A]~~ If the bureau suspends or revokes a registrant's or apprentice's license, the  
 301            registrant or apprentice ~~[whose license has been suspended or revoked]~~ shall  
 302            immediately notify the agency ~~[which]~~ that supervises the registrant or apprentice of

303 the action.

304 Section 4. Section **53-9-108** is amended to read:

305 **53-9-108 (Effective 05/06/26). Qualifications for licensure.**

306 (1)~~(a)~~ ~~An~~ Subject to Subsection (2), to obtain an initial license or renew an existing  
 307 license, an applicant under this chapter:~~[-]~~

308 (a) shall be at least:

309 (i) 21 years old to apply for an agency license or a registrant license; or

310 (ii) 18 years old to apply for an apprentice license~~[-]~~ ;

311 (b) ~~[An applicant]~~ may not have been:

312 (i) convicted of a felony;

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

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

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

318 (v) convicted of an act involving moral turpitude within the past 10 years unless the  
 319 conviction has been expunged under the provisions of Title 77, Chapter 40a,  
 320 Expungement of Criminal Records;

321 (vi) ~~[placed on probation or parole]~~ convicted of the act of impersonating a peace  
 322 officer;

323 (vii) ~~[named in an outstanding arrest warrant]~~ convicted of a violation of this chapter;  
 324 or

325 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected  
 326 records as provided in Section 63G-2-801~~[-]~~ ;

327 (c) may not currently be:

328 (i) on probation or parole, except for a traffic offense as that term is defined in  
 329 Section 77-40a-101; or

330 (ii) named in an outstanding arrest warrant; and

331 ~~(e)~~ (d) ~~[If]~~ if previously or currently licensed in [another] this state or other state or  
 332 jurisdiction, [the applicant shall] be in good standing within [that] this state or another  
 333 state or jurisdiction.

334 (2) In addition to the requirements described in Subsection (1), to obtain an initial license,  
 335 an applicant shall pass a test the bureau administers.

336 ~~(2)~~ (3) In assessing if an applicant meets the requirements under Subsection (1)(b), the

- 337 board ~~[shall]~~ may consider mitigating circumstances presented by an applicant.
- 338 ~~[(3)]~~ (4)(a) An applicant for an agency license shall have:
- 339 (i) a minimum of 5,000 hours of investigative experience that consists of actual work
- 340 performed as a licensed private investigator, an investigator in the private sector,
- 341 an investigator for the federal government, or an investigator for a state, county, or
- 342 municipal government; or
- 343 (ii) if the applicant held a registrant license or an apprentice license under this chapter
- 344 on or before May 1, 2010, a minimum of 2,000 hours of investigative experience
- 345 that consists of actual work performed as a licensed private investigator, an
- 346 investigator in the private sector, an investigator for the federal government, or an
- 347 investigator for a state, county, or municipal government.
- 348 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of
- 349 investigative experience that consists of actual investigative work performed as a
- 350 licensed private investigator, an investigator in the private sector, an investigator for
- 351 the federal government, an investigator for a state, county, or municipal government,
- 352 or a process server.
- 353 (c) At least 1,000 hours of the investigative experience required under this Subsection [~~(3)]~~ (4)
- 354 shall have been performed within 10 years immediately ~~[prior to]~~ before the
- 355 application.
- 356 (d) An applicant shall substantiate investigative work experience required under this
- 357 Subsection ~~[(3)]~~ (4) by providing:
- 358 (i) the exact details as to the character and nature of the investigative work on a form
- 359 prescribed by the bureau and certified by the applicant's employers; or
- 360 (ii) if the applicant is applying for the reinstatement of an agency license, internal
- 361 records of the applicant that demonstrate the investigative work experience
- 362 requirement has previously been met.
- 363 (e)(i) The applicant shall prove completion of the investigative experience required
- 364 under this Subsection ~~[(3)]~~ (4) to the satisfaction of the board and the board may
- 365 independently verify the certification offered on behalf of the applicant.
- 366 (ii) The board may independently confirm the claimed investigative experience and
- 367 the verification of the applicant's employers.
- 368 ~~[(4)]~~ (5) An applicant for an apprentice license, lacking the investigative experience required
- 369 for a registrant license, shall meet all of the qualification standards in Subsection (1),
- 370 and shall complete an apprentice application.

371 [~~5~~] (6) An applicant for an agency or registrant license may receive credit toward the hours  
 372 of investigative experience required under Subsection [~~3~~] (4) as follows:

- 373 (a) an applicant may receive credit for 2,000 hours of investigative experience if the  
 374 applicant:  
 375 (i) has an associate's degree in criminal justice or police science from an accredited  
 376 college or university; or  
 377 (ii) is certified as a peace officer; and  
 378 (b) an applicant may receive credit for 4,000 hours of investigative experience if the  
 379 applicant has a bachelor's degree in criminal justice or police science from an  
 380 accredited college or university.

381 [~~6~~] (7) The board shall determine if the applicant may receive credit under Subsection [~~5~~]  
 382 (6) toward the investigative and educational experience requirements under Subsection  
 383 (3).

384 Section 5. Section **53-9-109** is amended to read:

385 **53-9-109 (Effective 05/06/26). Application for agency license -- Liability**  
 386 **insurance -- Workers' compensation.**

- 387 (1) Every application for an agency license to engage in the private investigative business  
 388 shall provide to the bureau:  
 389 (a) the full name and business address of the applicant;  
 390 (b) one passport-size color photograph of the applicant;  
 391 (c) the name under which the applicant intends to do business;  
 392 (d) a statement that the applicant intends to engage in the private investigative business;  
 393 (e) a verified statement of the applicant's experience and qualifications as provided in  
 394 Section 53-9-108; and  
 395 (f) the fee prescribed in Section 53-9-111.
- 396 (2) Before the issuance or renewal of an agency license, the applicant shall provide to the  
 397 bureau:  
 398 (a) a certificate of liability insurance; and  
 399 (b) a certificate of workers' compensation insurance, if applicable.
- 400 (3) The liability insurance required by this section shall:  
 401 (a) protect against liability to third persons;  
 402 (b) contain a limit of liability in an amount of not less than \$500,000;  
 403 (c) be continuous in form and run concurrently with the license period; and  
 404 (d) provide for notice to the bureau in the event of cancellation of the liability insurance.

- 405 (4)(a) The bureau shall [~~cancel~~] suspend a license when [~~it~~] the bureau receives notice  
 406 from the insurer that liability insurance required under Subsection (2) has expired or  
 407 been canceled.
- 408 (b) The licensee shall be notified by the bureau when [~~a license has been cancelled~~] the  
 409 bureau suspends a license under this Subsection (4).
- 410 (c) The license may be reinstated when the licensee:  
 411 (i) files proof of liability insurance for the remainder of the license period; and  
 412 (ii) pays the reinstatement fee prescribed in Section 53-9-111.
- 413 Section 6. Section **53-9-110** is amended to read:  
 414 **53-9-110 (Effective 05/06/26). Application for registrant or apprentice license.**
- 415 (1) [~~Every application-~~] An applicant for a registrant or apprentice license shall provide to  
 416 the bureau in the applicant's application:
- 417 (a) the full name and address of the applicant;  
 418 (b) one passport-size color photograph of the applicant;  
 419 (c) the name of the licensed agency for which the applicant will be an employee,  
 420 apprentice, or contract registrant, if applicable;  
 421 (d) authorization of the licensed agency [~~or licensed agency's designee-~~]to employ the  
 422 apprentice or contract with the registrant, if applicable;  
 423 (e) a verified statement of the applicant's experience and qualifications as provided in  
 424 Section 53-9-108; and  
 425 (f) the fee required by Section 53-9-111.
- 426 (2) An application for a registrant or apprentice license or renewal shall include a surety  
 427 bond in the amount of \$10,000.
- 428 (3) The surety bond required by this section shall:  
 429 (a) be in effect throughout the entire licensing period; and  
 430 (b) provide that the issuer of the surety bond shall notify the bureau if the surety bond is  
 431 cancelled or expired.
- 432 (4)(a) The bureau shall [~~cancel~~] suspend a license when the bureau receives notice from  
 433 the issuer that the surety bond required in Subsection (2) has expired or been  
 434 cancelled.
- 435 (b) The bureau shall notify the licensee and the licensee's sponsoring agent when the  
 436 bureau [~~cancel~~] suspends a license under Subsection (4)(a).
- 437 (c) The bureau may reinstate a license when the licensee:  
 438 (i) files proof of a surety bond for the remainder of the license period; and

439 (ii) pays the reinstatement fee required by Section 53-9-111.

440 Section 7. Section **53-9-111** is amended to read:

441 **53-9-111 (Effective 05/06/26). License fees -- Renewal, reinstatement of license --**  
 442 **Deposit of fees into General Fund.**

443 (1) The bureau shall set fees for individual and agency licensure and renewal in accordance  
 444 with Section 63J-1-504.

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

446 (i) a renewal application on forms as required by the bureau; and

447 (ii) the fees required by Subsection (1).

448 (b)(i) The renewal of a license requires the filing of:

449 (A) all certificates of insurance or proof of surety bond as required by this chapter;  
 450 and

451 (B) beginning May 7, 2027, documentation of 16 hours of continuing education  
 452 that the bureau approves by rule in accordance with Title 63G, Chapter 3, Utah  
 453 Administrative Rulemaking Act.

454 (ii) The bureau may not renew a license more than 180 days after expiration.

455 (iii) The bureau may charge a fee for approving an applicant's out-of-state continuing  
 456 education for the time the bureau spends determining the out-of-state continuing  
 457 education's similarity to the education the bureau approves in accordance with  
 458 Subsection (2)(b)(i)(B).

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

461 (3)(a) The bureau shall [~~renew~~] reinstate a suspended license if:

462 (i) the period of suspension is complete;

463 (ii) the bureau has received a [~~renewal~~] reinstatement application from the applicant  
 464 on forms as required by the bureau; and

465 (iii) the applicant has:

466 (A) filed all certificates of insurance or proof of surety bond as required by this  
 467 chapter; and

468 (B) paid the fees required by this section for renewal, including a delinquency fee  
 469 if the bureau does not receive the application within 30 days after the day on  
 470 which the bureau terminates the suspension.

471 (b) A licensee may not, during the time in which the licensee's license is suspended and  
 472 before the bureau reinstates the licensee's license, engage in:

- 473           (i) activity regulated by this chapter; or  
 474           (ii) any other activity or conduct that violates the order or judgment that suspended  
 475                 the licensee's license.
- 476       ~~[(b) Renewal of the license does not entitle the licensee, while the license remains~~  
 477           ~~suspended and until the license is reinstated, to engage in activity regulated by this~~  
 478           ~~chapter, or in other activity or conduct in violation of the order or judgment by which~~  
 479           ~~the license was suspended.]~~
- 480       (4) The bureau may not reinstate a revoked license or accept an application for a license  
 481           from a person ~~[whose license has been revoked for at least one year after the date of~~  
 482           ~~revocation]~~ for at least one year after the day on which the bureau revokes the person's  
 483           license.
- 484       (5) The bureau shall deposit fees, except the fingerprint processing fee~~[-, collected by-]~~ that  
 485           the bureau collects, under this section into the General Fund.
- 486       (6) If the bureau revokes a person's license twice under this chapter:  
 487           (a) the bureau may not issue a license to the person; and  
 488           (b) the board may not approve a license for the person.
- 489       Section 8. Section **53-9-112** is amended to read:  
 490           **53-9-112 (Effective 05/06/26). Issuance of license and identification card to**  
 491       **applicant -- License period -- Expiration of application -- Transfer of license prohibited.**
- 492       (1)(a) The ~~[commissioner]~~ bureau shall issue a license to an applicant who complies with  
 493           the provisions of this chapter.
- 494       (b) Each license issued under this chapter shall:  
 495           (i) contain the name and address of the licensee, the license, the license number, and  
 496                 the license's agency, registrant, or apprentice license designation; and  
 497           (ii) be issued for a period of two years.
- 498       (2) On the issuance of a license, an identification card shall:  
 499           (a) be issued without charge to the licensee; and  
 500           (b) state on the identification card's face:  
 501                 (i) whether the bearer holds an agency, registrant, or apprentice license;  
 502                 (ii) the license number;  
 503                 (iii) the expiration date; and  
 504                 (iv) a current photograph of the licensee.
- 505       (3)(a) A registrant identification card shall state that the licensee is under the direction of  
 506           a licensed agency and may not do investigative work independently for the public.

- 507 (b) An apprentice identification card shall state that the licensee is under the direct  
 508 supervision of a licensed agency and may not do investigative work independently  
 509 for the public.
- 510 (4) Upon request by a person [~~having reasonable cause to verify the validity of the license]~~  
 511 on whose property the licensee engages in activities governed by this chapter or a person  
 512 acting under the authority of a person on whose property the licensee engages in  
 513 activities governed by this chapter, the licensee shall immediately identify the agency  
 514 name and the name and phone number of an agent of the licensed agency for which the  
 515 licensee is an employee or independent contractor.
- 516 (5)(a) On notification by the [~~commissioner]~~ bureau to an applicant that the license is not  
 517 complete, or is not ready for issuance pending additional information, the applicant  
 518 shall complete the application process and provide the additional information within  
 519 90 days.
- 520 (b) Failure to complete the process shall result in the application being [~~cancelled]~~ denied  
 521 and all fees forfeited.
- 522 (c) Subsequent application by the same applicant requires the payment of all application  
 523 and license fees required by Section 53-9-111.
- 524 (6)(a) A licensee shall notify the [~~commissioner]~~ bureau of [~~any~~] a change in the name or  
 525 address of the licensee's business within [~~60~~] 10 days [~~of~~] after the day on which the  
 526 change occurs.
- 527 (b)(i) If [~~there is~~] the bureau obtains evidence that the licensee [~~knowingly~~] failed to  
 528 notify the [~~commissioner]~~ bureau, the bureau shall suspend the license.
- 529 (ii) To relieve the suspension, the licensee shall apply for reinstatement and pay the  
 530 fee required by Section 53-9-111.
- 531 (7) A license issued under this chapter is not transferable or assignable.
- 532 Section 9. Section **53-9-113** is amended to read:
- 533 **53-9-113 (Effective 05/06/26). Grounds for denial of a license -- Appeal.**
- 534 (1) The board may deny a license or the renewal of a license if the applicant has:
- 535 (a) committed an act that, if committed by a licensee, would be grounds for [~~probation,~~]  
 536 suspension[;] or revocation of a license under this chapter;
- 537 (b) employed or contracted with a person who has been refused a license under this  
 538 chapter or who has had a license revoked in any state;
- 539 (c) while not licensed under this chapter, committed, or aided and abetted the  
 540 commission of, any act for which a license is required by this chapter; or

- 541 (d) knowingly made a material misstatement in connection with an application for a  
 542 license or renewal of a license.
- 543 (2)(a) The board's denial of a license under this chapter shall:
- 544 (i) be in writing;
- 545 (ii) describe the basis for the denial; and
- 546 (iii) inform the applicant that if the applicant desires a hearing to contest the denial,  
 547 the applicant shall submit a request in writing to the board within 30 days after the  
 548 denial has been sent by certified mail to the applicant.
- 549 (b) The board shall schedule a hearing on the denial for the next board meeting after the  
 550 board receives the applicant's request for a hearing [~~has been received by the board~~].
- 551 (3) If the board denies an applicant's application and holds a hearing in accordance with  
 552 Subsection (2)(b), an applicant may appeal the board's decision to the commissioner.
- 553 (4) If an applicant appeals the board's decision to the commissioner in accordance with  
 554 Subsection (3), the commissioner may:
- 555 (a) return the case to the board for reconsideration;
- 556 (b) affirm the board's decision to deny the license; or
- 557 (c) reverse the board's decision and approve the license.
- 558 [~~(3) The decision of the board may be appealed to the commissioner, who may:]~~
- 559 [~~(a) return the case to the board for reconsideration;~~]
- 560 [~~(b) modify the board's decision; or~~]
- 561 [~~(c) reverse the board's decision.~~]
- 562 [~~(4)~~] (5) The commissioner shall [~~promptly~~] issue a final order and send the order by mail to  
 563 the applicant within 30 business days after the day on which the commissioner makes a  
 564 final decision in accordance with Subsection (4).
- 565 [~~(5)~~] (6) [~~Decisions of the commissioner are~~] A decision the commissioner makes in  
 566 accordance with this section is a final agency action and is subject to judicial review [  
 567 pursuant to] in accordance with Section 63G-4-402.
- 568 Section 10. Section **53-9-115** is amended to read:
- 569 **53-9-115 (Effective 05/06/26). Business name and address -- Posting of license --**  
 570 **Advertising -- Incapacitation, death of agency.**
- 571 (1) As used in this section, [~~"no agent"~~] "vacant agency" means a licensed agency [~~that has~~  
 572 only one agent and for which the agent is] comprised of one individual who becomes  
 573 incapacitated or dies.
- 574 (2)(a) Subject to the provisions of this chapter, a licensee may conduct an investigative

- 575 business under a name other than the licensee's by:
- 576 (i) complying with the requirements of Title 42, Chapter 2, Conducting Business  
577 Under Assumed Name; and
- 578 (ii) providing a copy of the filed certificate to the [~~commissioner~~] bureau.
- 579 (b) Failure to comply with Subsection (2)(a) shall result in the [~~suspension of~~] bureau  
580 immediately suspending the license.
- 581 (3)(a) [~~Each~~] A licensee shall have at least one physical location from which the agency  
582 conducts normal business.
- 583 (b) A licensee shall keep the location described in Subsection (3)(a) on file with the  
584 commissioner at all times.
- 585 (c) A licensee shall maintain the address described in Subsection (3)(a) current at all  
586 times.
- 587 (d) The address described in Subsection (3)(a) is not a public record in accordance with  
588 Subsection 63G-2-301(2)(b)(ii).
- 589 [~~(b) The address of this location shall be on file with the commissioner at all times and is~~  
590 ~~not a public record in accordance with Subsection 63G-2-301(2)(b)(ii).~~]
- 591 (4) A licensee shall post the license certificate issued by the [~~commissioner~~] bureau in a  
592 conspicuous place in the principal office of the licensee.
- 593 (5) Subject to the provisions of this chapter, a licensee may solicit business through any  
594 accepted form of advertising.
- 595 (a) Any advertisement shall contain the licensee's name and license number as the name  
596 and license number appear on the license certificate.
- 597 (b) A licensee may not use false, deceptive, or misleading advertising.
- 598 (6)(a) The bureau, after receiving notice, shall allow [~~an agent for an agency~~] an agency  
599 licensed under this chapter to act [as the agent for a no agent] on behalf of the vacant  
600 agency until the next scheduled or emergency board meeting, where the board shall  
601 consider mitigating circumstances for the [no agent] vacant agency to remain  
602 operating permanently or temporarily.
- 603 (b) If the board allows the [~~no agent~~] vacant agency to operate temporarily, the board  
604 shall allow sufficient time for the [~~no agent~~] vacant agency to complete investigations  
605 that began before the incapacitation or death of the [~~agent~~] individual.
- 606 Section 11. Section **53-9-116** is amended to read:
- 607 **53-9-116 (Effective 05/06/26). Divulging investigative information -- False**  
608 **reports prohibited.**

- 609 (1)(a) Except as otherwise provided by this chapter, a licensee may not divulge or  
 610 release to anyone other than the licensee's client or employer:
- 611 (i) ~~[-]the contents of an investigative file [acquired]~~ the licensee acquires in the course  
 612 of licensed investigative activity; or
- 613 (ii) a client's personal information.
- 614 (b) ~~[However]~~ Notwithstanding Subsection (1)(a)(i), the ~~[board]~~ bureau shall have access  
 615 to investigative files if~~[-]~~ :
- 616 (i) the client for whom the ~~[information was acquired]~~ the licensee acquired  
 617 information, ~~[or]~~the client's lawful representative, or an involved party alleges a  
 618 violation of this chapter by the licensee; ~~or[-if]~~
- 619 (ii) the bureau obtains prior written consent ~~[of]~~ from the client to divulge or release  
 620 the information~~[ has been obtained].~~
- 621 (2) A licensee may not willfully make a false statement or report to a client, employer, the  
 622 board, or any authorized representative of the department, concerning information  
 623 acquired in the course of activities regulated by this chapter.
- 624 (3) The licensee shall submit investigative reports to a client at times and in the manner  
 625 agreed upon between the licensee and the client.
- 626 (4) Upon demand by the client, the licensee shall divulge to the client the results of an  
 627 investigation if payment in full has been tendered for the charges levied.
- 628 (5) The licensee has full right to withdraw from any case and refund any portion of a  
 629 retainer for which investigative work has not been completed.

630 Section 12. Section **53-9-117** is amended to read:

631 **53-9-117 (Effective 05/06/26). Authority to investigate complaint -- Filing of**  
 632 **complaints -- Response -- Retention of records -- Appeal -- Penalties collected.**

- 633 (1) The bureau~~[or board]~~ may initiate an investigation of any person advertising services or  
 634 engaged in performing services that require a license under this chapter and shall  
 635 investigate if a licensee is engaged in activities that do not comply with or are prohibited  
 636 by this chapter.
- 637 (2) The bureau shall enforce the provisions of this chapter without regard to the place or  
 638 location in which a violation may have occurred, and on the complaint of any person,  
 639 may investigate any alleged violation of this chapter or the business and business  
 640 methods of any licensee or applicant for licensure under this chapter.
- 641 (3)(a) A person shall file a complaint against any licensee with the bureau in writing on  
 642 forms ~~[approved by]~~ the bureau approves.

- 643           ~~[(a)]~~ (b) Upon receipt of a complaint~~[, or at the request of the board,]~~ the bureau shall  
644           assign the complaint to an investigator within the bureau.
- 645           ~~[(b)]~~ (c) The bureau shall provide a copy of the complaint to the licensee, who shall  
646           answer the complaint in writing within 15 ~~[working]~~ business days after the ~~[date]~~ day  
647           on which the bureau sends the complaint to the licensee by certified mail.
- 648 (4) In any investigation ~~[undertaken by]~~ the bureau undertakes, each licensee on request  
649           shall provide records and truthfully respond to questions concerning activities regulated  
650           under this chapter.
- 651           (a) The licensee shall maintain the records for five years at:  
652           (i) the principal place of business of the licensee; or  
653           (ii) another location the board approves for a person whose license has been  
654           terminated, ~~[eanceled]~~ suspended, or revoked.
- 655           (b) On request by the bureau, the licensee shall:  
656           (i) during normal business hours or other time acceptable to the parties, make the  
657           licensee's records available immediately to the bureau unless the bureau grants an  
658           extension; and  
659           (ii) provide copies of any business records the bureau requests.
- 660 (5) Upon completion of the investigation, the bureau shall:  
661           (a) report the bureau's findings of fact to the board; and  
662           (b) ~~[shall]~~ make a recommendation as to whether disciplinary action is warranted under  
663           Section 53-9-118~~[, including whether emergency action should be taken under~~  
664           ~~Subsection (8)]~~.
- 665 (6)(a) If the bureau recommends disciplinary action, the bureau shall send a notice of a  
666           recommendation required by Subsection (5) to the licensee by certified mail, with  
667           return receipt requested.
- 668           (b) The notice shall include the date and time of the meeting where the board will  
669           consider the bureau's recommendation.
- 670           (c) The board shall give the licensee an opportunity at the meeting to present testimony  
671           and evidence in response to the bureau's recommendation.
- 672 (7) If the board finds, based on the investigation or hearing, that a violation of Section  
673           53-9-118 has occurred, the board shall send notice of the board's decision to:  
674           (a) the licensee at the licensee's most recent address in the bureau's files by certified  
675           mail, return receipt requested; and  
676           (b) the licensee's sponsoring agent if the licensee is an apprentice or a registrant.

- 677 (8) Based on information the board receives from the investigation or during a hearing, the  
 678 board may:
- 679 (a) dismiss the complaint if the board finds the complaint is without merit;  
 680 ~~[(b) take emergency action;]~~  
 681 ~~[(e)]~~ (b) issue a letter of concern, if applicable;  
 682 ~~[(d)]~~ (c) impose a civil penalty not to exceed \$500;  
 683 ~~[(e)]~~ (d) place the license on suspension for a period of not more than 12 months;  
 684 ~~[(f)]~~ (e) revoke the license; and  
 685 ~~[(g)]~~ (f) place all records, evidence findings, and conclusion, and any other information  
 686 pertinent to the investigation, in a confidential and protected records section of the  
 687 licensee's file maintained at the bureau.
- 688 (9) A letter of concern issued for a violation of Section 53-9-118 is a document that [is  
 689 ~~retained by the bureau~~] the bureau retains and may ~~[be used]~~ use in future disciplinary  
 690 actions against a licensee.
- 691 (10)(a) If the board suspends or revokes the license of a licensee who supervises a  
 692 registrant or apprentice licensee, the board also suspends the registrant's or  
 693 apprentice's license.
- 694 (b) If the registrant or apprentice licensee was not involved in the conduct that resulted  
 695 in the suspension or revocation, the board shall reinstate the registrant or apprentice  
 696 licensee without a fee, if the registrant or apprentice licensee files a reinstatement  
 697 application with the bureau within 30 days after the day on which the registrant or  
 698 apprentice licensee receives documentation that a new licensed agency will supervise  
 699 the registrant or apprentice licensee.
- 700 ~~[(10)]~~ ~~[(11)]~~ ~~[(a) Appeal of]~~ An applicant may appeal the board's decision ~~[shall be made]~~  
 701 in writing to the commissioner within ~~[15]~~ 30 days ~~[from the date]~~ after the day on  
 702 which the board mails the board's decision to the licensee.
- 703 ~~[(b)]~~ (a) The commissioner:  
 704 (i) shall review the board's ~~[finding]~~ decision; and  
 705 (ii) [-]may:  
 706 (A) [-]affirm[-] the board's action;  
 707 (B) [-]return the board's action to the board for reconsideration~~[-, reverse, adopt,~~  
 708 ~~modify, supplement, amend, or]~~ ; or  
 709 (C) reject the ~~[recommendation of the board]~~ board's action.
- 710 ~~[(H)]~~ (12)(a) The commissioner shall issue a final written order within 30 days outlining

711 the decision on appeal.

712 (b) The final order is the final agency action for purposes of judicial review under  
713 Section 63G-4-402.

714 ~~[(12)]~~ (13)(a) If the board finds, based on the bureau's investigation, that the public  
715 health, safety, or welfare requires emergency action, the board may order a summary  
716 suspension of a license pending proceedings for revocation or other action.

717 (b)(i) If the board issues a summary suspension order, the board shall issue to the  
718 licensee a written notice of the order and indicate the licensee's right to request a  
719 formal hearing before the board.

720 (ii) The board shall mail notice to the licensee by certified mail, return receipt  
721 requested.

722 ~~[(e) A licensee shall request a formal hearing in writing and mail the request to the  
723 bureau within 30 working days of the date the board mailed the summary suspension  
724 order to the licensee.]~~

725 ~~[(13)]~~ (14) All penalties collected under this section shall be deposited into the General  
726 Fund.

727 Section 13. Section **53-9-118** is amended to read:

728 **53-9-118 (Effective 05/06/26). Grounds for disciplinary action.**

729 The board may suspend or revoke a licensee's license or deny an application for a  
730 license if a person:

- 731 (1) engages in fraud or willful misrepresentation in applying for an original license or  
732 renewal of an existing license;
- 733 (2) uses any letterhead, advertising, or other printed matter in any manner representing that  
734 the licensee is an instrumentality of the federal government, a state, or ~~[any]~~ a political  
735 subdivision of a state;
- 736 (3) uses a name different from that under which the licensee is currently licensed for any  
737 advertising, solicitation, or contract to secure business unless the name is an authorized  
738 fictitious name;
- 739 (4) impersonates, permits, or aids and abets an employee or independent contractor to  
740 impersonate a peace officer or employee of the United States, any state, or a political  
741 subdivision of a state;
- 742 (5) knowingly violates, advises, encourages, or assists in the violation of ~~[any]~~ a statute, a  
743 court order, or an injunction in the course of a business regulated under this chapter;
- 744 (6) falsifies fingerprints or photographs while operating under this chapter;

- 745 (7) is convicted of a felony;
- 746 (8) is convicted of [~~any~~] an act involving illegally using, carrying, or possessing a dangerous  
747 weapon;
- 748 (9) is convicted of [~~any~~] an act involving moral turpitude;
- 749 (10) is convicted of [~~any~~] an act of personal violence or force against [~~any~~] a person or  
750 conviction of threatening to commit [~~any~~] an act of personal violence or force against [  
751 ~~any~~] a person;
- 752 (11) solicits business for an attorney in return for compensation;
- 753 (12) is convicted of [~~any~~] an act constituting dishonesty or fraud;
- 754 (13) is placed on probation, parole, or named in an outstanding arrest warrant;
- 755 (14) commits or permits [~~any~~] an employee or independent contractor to commit [~~any~~] an act  
756 during the period when the license is expired, [~~or~~] suspended, or revoked;
- 757 (15) willfully neglects to render to a client services or a report as agreed between the parties  
758 and for which the client paid or tendered compensation in accordance with the  
759 agreement of the parties unless the licensee chooses to withdraw from the case and  
760 returns the funds for work not yet completed;
- 761 (16) engages in the unauthorized release of information acquired on behalf of a client by a  
762 licensee, or the client's employee or contract agent, as a result of activities regulated  
763 under this chapter;
- 764 (17) fails to cooperate with, misrepresents to, or refuses access to business or investigative  
765 records [~~requested by~~]the board requests or an authorized representative of the bureau  
766 engaged in an official investigation in accordance with this chapter;
- 767 (18) employs or contracts with [~~any~~] an unlicensed or improperly licensed person or agency  
768 to conduct activities regulated under this chapter if the licensee knew or could have  
769 ascertained by reasonable inquiry the person's or agency's licensure status[~~was known~~  
770 ~~or could have been ascertained by reasonable inquiry~~];
- 771 (19) permits, authorizes, aids, or in any way assists an employee to conduct [~~services~~] a  
772 service as described in this chapter on an independent contractor basis and not under the  
773 authority of the licensed agency;
- 774 (20) fails to maintain in full force and effect liability or workers' compensation insurance,  
775 or a surety bond, if applicable;
- 776 (21) conducts private investigation services regulated by this chapter on a revoked or  
777 suspended license;
- 778 (22) accepts employment, contracts, or in any way engages in employment that has an

- 779 adverse impact on investigations being conducted on behalf of clients;
- 780 (23) advertises in a false, deceptive, or misleading manner;
- 781 (24) refuses to display the identification card [~~issued by~~] that the bureau issues to the
- 782 licensee to [any] a person [having reasonable cause to verify the validity of the license]
- 783 that makes a request in accordance with Subsection 53-9-112(4);
- 784 (25) commits [~~any~~] an act of unprofessional conduct;
- 785 (26) is convicted of [~~any~~] an act of illegally obtaining or disseminating private, controlled,
- 786 or protected records under Section 63G-2-801;
- 787 (27) fails to notify the bureau of a change of name or address within [~~60~~] 10 days of the
- 788 change; or
- 789 (28) engages in any other conduct prohibited by this chapter.
- 790 Section 14. Section **53-9-121** is amended to read:
- 791 **53-9-121 (Effective 05/06/26). Limited-use license.**
- 792 (1) As used in this section:
- 793 (a) "Legislative body" means:
- 794 (i) the Legislature;
- 795 (ii) the Utah House of Representatives;
- 796 (iii) the Utah Senate;
- 797 (iv) a special investigative committee; or
- 798 (v) a staff office of the Legislature.
- 799 (b) "Special investigative committee" is as defined in Subsection 36-12-9(1).
- 800 (2) Notwithstanding any provision of this chapter, a person is qualified to receive a
- 801 limited-use license if the person:
- 802 (a) is licensed, in good standing, by another state, district, or territory of the United
- 803 States to provide the services of a private investigator or private detective; and
- 804 (b) is retained by a legislative body to provide the services of a private investigator or
- 805 private detective for:
- 806 (i) a special investigative committee; or
- 807 (ii) a purpose relating to impeachment.
- 808 (3) A person holding a limited-use license may only provide the services described in
- 809 Subsection (2)(b).
- 810 (4) The bureau shall issue a limited-use license to a person within five days after the day on
- 811 which the bureau receives notice from a legislative body that:
- 812 (a) the person meets the qualifications described in Subsection (2)(a); and

- 813 (b) the legislative body has retained the person to provide the services described in  
 814 Subsection (2)(b).
- 815 (5) The bureau may not:
- 816 (a) impose a qualification for the receipt of a limited-use license other than the  
 817 qualifications described in Subsection (2)(a); or
- 818 (b) charge a fee to issue a limited-use license.
- 819 (6) A limited-use license expires when the legislative body no longer retains the person to [  
 820 whom it is issued is no longer retained by a legislative body] which the bureau issues the  
 821 limited-use license to provide a service described in Subsection (2)(b).

822 Section 15. Section **53-11-102** is amended to read:

823 **53-11-102 (Effective 05/06/26). Definitions.**

824 As used in this chapter:

- 825 (1) "Applicant" means a person who has submitted to the department a completed  
 826 application and all required application and processing fees.
- 827 (2) "Bail bond agency" means a bail enforcement agent licensed under this chapter who  
 828 operates a business to carry out the functions of a bail enforcement agent, and to conduct  
 829 this business:
- 830 (a) employs one or more persons licensed under this chapter for wages or salary, and  
 831 withholds all legally required deductions and contributions; or
- 832 (b) contracts with a bail recovery agent or bail recovery apprentice on a part-time or  
 833 case-by-case basis.
- 834 (3) "Bail enforcement agent" means an individual licensed under this chapter as a bail  
 835 enforcement agent to enforce the terms and conditions of a defendant's release on bail in  
 836 a civil or criminal proceeding, to apprehend a defendant or surrender a defendant to  
 837 custody, or both, as is appropriate, and who:
- 838 (a) is appointed by a bail bond surety; and
- 839 (b) receives or is promised money or other things of value for this service.
- 840 (4) "Bail recovery agent" means an individual employed by a bail enforcement agent to  
 841 assist the bail enforcement agent regarding civil or criminal defendants released on bail  
 842 by:
- 843 (a) presenting a defendant for required court appearances;
- 844 (b) apprehending or surrendering a defendant to a court; or
- 845 (c) keeping the defendant under necessary surveillance.
- 846 (5) "Bail recovery apprentice" means any individual licensed under this chapter as a bail

- 847 recovery apprentice, and who:
- 848 (a) has not met the requirements for licensure as a bail recovery agent or bail  
849 enforcement agent; and
- 850 (b) is employed by a bail enforcement agent, and works under the direct supervision of a  
851 bail enforcement agent or bail recovery agent employed also by the bail enforcement  
852 agent, unless the bail recovery apprentice is conducting activities at the direction of  
853 the employing bail enforcement agent that under this chapter do not require direct  
854 supervision.
- 855 (6) "Board" means the [~~Bail Bond Recovery and Private Investigator Licensure~~] Bureau  
856 Licensing Review Board created under Section 53-11-104.
- 857 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
858 within the Department of Public Safety.
- 859 (8) "Commissioner" means the commissioner of public safety as defined under Section  
860 53-1-107, or [~~his~~] the commissioner's designee.
- 861 (9) "Contract employee" or "independent contractor" means a person who works for an  
862 agency as an independent contractor.
- 863 (10) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting  
864 from a trial or plea, including a plea of no contest or nolo contendere, regardless of  
865 whether the imposition of sentence was suspended.
- 866 (11) "Department" means the Department of Public Safety.
- 867 (12) "Direct supervision" means a bail enforcement agent employing or contracting with a  
868 bail recovery apprentice, or a bail recovery agent employed by or contracting with that  
869 bail enforcement agent who:
- 870 (a) takes responsibility for and assigns the work a bail recovery apprentice may conduct;  
871 and
- 872 (b) closely supervises, within close physical proximity, and provides direction and  
873 guidance to the bail recovery apprentice regarding the assigned work.
- 874 (13) "Emergency action" means a summary suspension of a license issued under this  
875 chapter pending revocation[;] or suspension[~~, or probation~~], in order to protect the public  
876 health, safety, or welfare.
- 877 (14) "Identification card" means a card issued by the commissioner to an applicant qualified  
878 for licensure under this chapter.
- 879 (15) "Letter of concern" means an advisory letter to notify a licensee that while there is  
880 insufficient evidence to support [~~probation,~~] suspension[;] or revocation of a license, the

881 department believes:

882 (a) the licensee should modify or eliminate certain practices; ~~and~~ or

883 (b) continuation of the activities that led to the information being submitted to the  
884 department may result in further disciplinary action against the license.

885 (16) "Occupied structure" means any edifice, including residential and public buildings,  
886 vehicles, or any other structure that could reasonably be expected to house or shelter  
887 persons.

888 (17) "Private investigator or private detective" means the same as that term is defined in  
889 Section 53-9-102.

890 (18) "Supervision" means the employing bail enforcement agent is responsible for and  
891 authorizes the type and extent of work assigned to a bail recovery agent who is his  
892 employee or contract employee.

893 (19) "Unprofessional conduct" means:

894 (a) engaging or offering to engage by fraud or misrepresentation in any activities  
895 regulated by this chapter;

896 (b) aiding or abetting a person who is not licensed ~~[pursuant to]~~ in accordance with this  
897 chapter in representing that person as a bail recovery agent in this state;

898 (c) gross negligence in the practice of a bail recovery agent;

899 (d) committing a felony or a misdemeanor involving any crime that is grounds for  
900 denial, suspension, or revocation of a bail recovery license, and conviction by a court [  
901 ~~of competent]~~ with jurisdiction or a plea of no contest is conclusive evidence of the  
902 commission; or

903 (e) making a fraudulent or untrue statement to the board, department, ~~[its]~~ the  
904 department's investigators, or staff.

905 Section 16. Section **53-11-103** is amended to read:

906 **53-11-103 (Effective 05/06/26). Bureau administers -- Licensure -- Rulemaking.**

907 (1) The ~~[commissioner]~~ bureau administers this chapter, including keeping records of:

908 (a) all applications for licenses under this chapter; and

909 (b) proof of workers' compensation required to be filed.

910 (2) Records shall include statements as to whether a license or renewal license has been  
911 issued for each application and bond.

912 (3) If ~~[a license is revoked, suspended, or canceled, or a license is denied or placed on~~  
913 probation] the bureau revokes, suspends, or denies a licensee's license, the ~~[commissioner]~~  
914 bureau shall ~~[ensure]~~ include the date of filing the order for revocation, suspension, or [~~or~~]

- 915           cancellation, ]denial[, or probation is included] in the records.
- 916       (4) The [~~commissioner~~] bureau shall maintain:
- 917           (a) a list of [~~all individuals, firms, partnerships, associations, or corporations that have~~  
918           had a license revoked, suspended, placed on probation, or canceled and ] each  
919           individual, firm, partnership, association, or corporation whose license the bureau has  
920           revoked or denied;
- 921           (b) a written record of complaints filed against licensees[-] ; and
- 922           (c) records of board actions.
- 923       (5)(a) The [~~commissioner~~] bureau may make rules in accordance with Title 63G, Chapter  
924       3, Utah Administrative Rulemaking Act, as necessary to administer this chapter.
- 925           (b) These rules shall include a requirement that [~~all providers~~] a provider offering  
926           instruction or continuing instruction required for licensure under this chapter shall  
927           offer the courses to all applicants at the same course fees, in order to be qualified by  
928           the board.
- 929       (6) All records referred to under this section are open to the public under Title 63G, Chapter  
930       2, Government Records Access and Management Act, except licensees' residential  
931       addresses and telephone numbers.
- 932           Section 17. Section **53-11-104** is amended to read:
- 933           **53-11-104 (Effective 05/06/26) (Repealed 07/01/29). Bureau Licensing Review**  
934       **Board.**
- 935       (1) There is established under the Department of Public Safety [~~a Bail Bond Recovery and~~  
936       ~~Private Investigator Licensure~~] the Bureau Licensing Review Board consisting of eight  
937       members appointed by the commissioner.
- 938       (2) Each member of the board shall be a citizen of the United States and a resident of this  
939       state at the time of appointment:
- 940           (a) one member shall be a person who is qualified for and is licensed under this chapter;
- 941           (b) one member shall be a person who is qualified for and is licensed under Chapter 9,  
942           Private Investigator Regulation Act;
- 943           (c) one member shall be an attorney licensed to practice in the state;
- 944           (d) one member shall be a chief of police or sheriff;
- 945           (e) one member shall be a supervisory investigator from the commissioner's office;
- 946           (f) one member shall be an owner of a bail bond surety company;
- 947           (g) one member shall be an owner of a private investigator agency; and
- 948           (h) one member shall be a public member who:

- 949 (i) does not have a financial interest in a bail bond surety or bail bond recovery  
950 business;
- 951 (ii) does not have a financial interest in a private investigative agency; and  
952 (iii) does not have an immediate family member or a household member, or a  
953 personal or professional acquaintance, who is licensed or registered under this  
954 chapter or Chapter 9, Private Investigator Regulation Act.
- 955 (3)(a) As terms of current board members expire, the commissioner shall appoint each  
956 new member or reappointed member to a four-year term, except as required by  
957 Subsection (3)(b).
- 958 (b) The commissioner shall, at the time of appointment or reappointment, adjust the  
959 length of terms to ensure that the terms of board members are staggered so that  
960 approximately half of the board is appointed every two years.
- 961 (4) When a vacancy occurs in the membership for any reason, the commissioner shall  
962 appoint a replacement [~~shall be appointed~~] for the unexpired term.
- 963 (5) At the board's first meeting every year, the board shall elect a chair and vice chair from  
964 the board's membership.
- 965 (6) A member may not receive compensation or benefits for the member's service, but may  
966 receive per diem and travel expenses in accordance with:
- 967 (a) Section 63A-3-106;  
968 (b) Section 63A-3-107; and  
969 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
970 63A-3-107.
- 971 (7)(a) A member may not serve more than one consecutive term unless:  
972 (i) there is no other qualified applicant; or  
973 (ii) a member is appointed to fill a vacancy or appointed for an initial term of less  
974 than four years under Subsection (3).
- 975 (b) The commissioner may reappoint a member described in Subsection (7)(a)(ii) for  
976 one additional full term.
- 977 (8) The commissioner, after a board hearing and recommendation, may remove any  
978 member of the board for misconduct, incompetency, or neglect of duty.
- 979 (9) Members of the board are immune from suit with respect to all acts done and actions  
980 taken in good faith in carrying out the purposes of this chapter.
- 981 Section 18. Section **53-11-105** is amended to read:  
982 **53-11-105 (Effective 05/06/26). Powers and duties of board.**

- 983 (1) The board shall:
- 984 (a)(i) review ~~[all applications]~~ each application for licensing and ~~[renewals]~~ renewal of [  
 985 ~~licenses submitted by the bureau]~~ a license the bureau submits under this chapter  
 986 and ~~[Title 53,]~~ Chapter 9, Private Investigator Regulation Act; and
- 987 (ii) approve or ~~[disapprove]~~ deny the ~~[applications]~~ application;
- 988 (b) review ~~[all complaints]~~ each investigation the bureau conducts and take disciplinary  
 989 action; and
- 990 (c) establish standards for and approve providers of courses required for licensure under  
 991 this section.
- 992 (2) The board may:
- 993 (a) take and hear evidence~~[-]~~ ;
- 994 (b) administer oaths and affirmations~~[-]~~ ; and
- 995 (c) ~~[-]~~compel by subpoena:
- 996 (i) the attendance of witnesses; and
- 997 (ii) the production of books, papers, records, documents, and other information  
 998 relating to:
- 999 ~~[(a)]~~ (A) investigation of an applicant for licensure under this chapter or ~~[Title 53,]~~  
 1000 Chapter 9, Private Investigator Regulation Act;~~[-or]~~
- 1001 ~~[(b)]~~ (B) a ~~[formal-]~~complaint against a licensee or department or law enforcement  
 1002 investigation of ~~[a bail enforcement agent, bail recovery agent, bail recovery~~  
 1003 ~~apprentice, or a private investigator]~~ a person who is or was licensed under this  
 1004 chapter; or
- 1005 (C) a duty described in Chapter 9, Private Investigator Regulation Act.

1006 Section 19. Section **53-11-108** is amended to read:

1007 **53-11-108 (Effective 05/06/26). Licensure -- Basic qualifications.**

1008 An applicant for licensure under this chapter shall meet the following qualifications:

- 1009 (1) An applicant shall be:
- 1010 (a) at least 21 years old;
- 1011 (b) a citizen or legal resident of the United States; and
- 1012 (c) of good moral character.
- 1013 (2) An applicant may not:
- 1014 (a) have been convicted of:
- 1015 (i) a felony;
- 1016 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;

- 1017 (iii) any act of personal violence or force on any person or convicted of threatening to  
1018 commit any act of personal violence or force against another person;
- 1019 (iv) any act constituting dishonesty or fraud;
- 1020 (v) impersonating a peace officer;[-or]
- 1021 (vi) any act involving moral turpitude; or
- 1022 (vii) a violation of this chapter;
- 1023 (b) be on probation, parole, community supervision, or named in an outstanding arrest  
1024 warrant; or
- 1025 (c) be employed as a peace officer.
- 1026 (3) If previously or currently licensed in [~~another~~] this state or another state or jurisdiction,  
1027 the applicant shall be in good standing within that state or jurisdiction.
- 1028 (4)(a) The applicant shall also have completed a training program of not less than 16  
1029 hours that is approved by the board and includes:
- 1030 (i) instruction on the duties and responsibilities of a licensee under this chapter,  
1031 including:
- 1032 (A) search, seizure, and arrest procedure;
- 1033 (B) pursuit, arrest, detainment, and transportation of a bail bond suspect; and
- 1034 (C) specific duties and responsibilities regarding entering an occupied structure to  
1035 carry out functions under this chapter;
- 1036 (ii) the laws and rules relating to the bail bond business;
- 1037 (iii) the rights of the accused; and
- 1038 (iv) ethics.
- 1039 (b) The program may be completed after the licensure application is submitted, but shall  
1040 be completed before a license may be issued under this chapter.
- 1041 (5) If the applicant desires to carry a firearm as a licensee, the applicant shall:
- 1042 (a) successfully complete a course regarding the specified types of weapons the  
1043 applicant plans to carry. The course shall:
- 1044 (i) be not less than 16 hours;
- 1045 (ii) be conducted by any national, state, or local firearms training organization  
1046 approved by the Criminal Investigations and Technical Services Division created  
1047 in Section 53-10-103; and
- 1048 (iii) provide training regarding general familiarity with the types of firearms to be  
1049 carried, including:
- 1050 (A) the safe loading, unloading, storage, and carrying of the types of firearms to

1051 be concealed; and  
 1052 (B) current laws defining lawful use of a firearm by a private citizen, including  
 1053 lawful self-defense, use of deadly force, transportation, and concealment; and  
 1054 (b) shall hold a valid license to carry a concealed weapon, issued under Section  
 1055 53-5a-303.

1056 Section 20. Section **53-11-109** is amended to read:

1057 **53-11-109 (Effective 05/06/26). Licensure -- Bail enforcement agent.**

1058 (1)(a) In addition to the requirements in Sections 53-11-108 and 53-11-110, an applicant  
 1059 for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of  
 1060 experience consisting of either actual bail recovery work, or work as a law  
 1061 enforcement officer for a federal, state, or local governmental agency.

1062 (b) The applicant shall substantiate the experience claimed under Subsection ~~[(+)]~~ (1)(a)  
 1063 as qualifying experience and shall provide:

1064 (i) the exact details as to the character and nature of the experience on a form  
 1065 prescribed by the ~~[department]~~ bureau; and

1066 (ii) certification by the applicant's employers, which is subject to independent  
 1067 verification by the board.

1068 (c) If an applicant is unable to supply written certification of experience from an  
 1069 employer in whole or in part, an applicant may offer written certification from  
 1070 persons other than an employer covering the same subject matter for consideration by  
 1071 the board.

1072 (d) The burden of proving completion of the required experience is on the applicant.

1073 (2) An applicant for license renewal shall have completed not less than eight hours of  
 1074 continuing ~~[classroom instruction]~~ education during the preceding license period.

1075 Section 21. Section **53-11-110** is amended to read:

1076 **53-11-110 (Effective 05/06/26). Bail enforcement agent as agency -- Surety bond**  
 1077 **-- Workers' compensation.**

1078 (1) An applicant for licensure as a bail enforcement agent who will operate a bail bond  
 1079 recovery agency shall provide the following information as part of the application:

1080 (a) the full name and business address of the applicant;

1081 (b) two passport-size color photographs of the applicant;

1082 (c) the name under which the applicant intends to conduct the business;

1083 (d) a statement that the applicant intends to engage in the bail bond recovery business;

1084 (e) a notarized statement of the applicant's qualifications as required by Sections

- 1085 53-11-108 and 53-11-109;
- 1086 (f) the fee required by Section 53-11-115;
- 1087 (g) a certificate of workers' compensation insurance, if applicable; and
- 1088 (h) proof of completion of a training program approved by the board.
- 1089 (2) An applicant for licensure, or renewal of licensure, as a bail enforcement agent shall
- 1090 include with the application a surety bond:
- 1091 (a) in the amount of \$10,000;
- 1092 (b) that is in effect throughout the entire licensing period; and
- 1093 (c) that provides that the issuer of the surety bond will notify the bureau if the bond is
- 1094 cancelled or expired.
- 1095 (3) The license for a bail enforcement agent shall indicate on ~~[its]~~ the license's face if the
- 1096 holder is licensed to act as a bail bond recovery agency.
- 1097 (4) The bureau shall:
- 1098 (a) ~~[cancel]~~ suspend a license if the bureau receives notice that the surety bond described
- 1099 in Subsection (2) is cancelled or expired;
- 1100 (b) notify a licensee when the bureau ~~[cancels]~~ suspends a license under Subsection (4)(a);
- 1101 and
- 1102 (c) reinstate a license ~~[that has been cancelled]~~ the bureau suspends under Subsection
- 1103 (4)(a), and has not otherwise been revoked, when the person whose license ~~[was~~
- 1104 ~~canceled]~~ the bureau suspends:
- 1105 (i) files a surety bond described in Subsection (2) that is in effect for the remainder of
- 1106 the licensing period; and
- 1107 (ii) pays the ~~[licensing]~~ reinstatement fee described in Section 53-11-115.
- 1108 Section 22. Section **53-11-111** is amended to read:
- 1109 **53-11-111 (Effective 05/06/26). Licensure -- Bail recovery agent -- Requirements**
- 1110 **and limitations.**
- 1111 (1)(a) In addition to the requirements in Sections 53-11-108 and 53-11-113, an applicant
- 1112 for licensure as a bail recovery agent shall meet all of the requirements under Section
- 1113 53-11-109, but instead of the experience requirement under Subsection
- 1114 53-11-109(1)(a), a bail recovery agent applicant shall have a minimum of 1,000
- 1115 hours of experience consisting of either actual bail recovery work, or work as a law
- 1116 enforcement officer for a federal, state, or local governmental agency.
- 1117 (b) The applicant shall substantiate the experience claimed under Subsection ~~[(1)]~~ (1)(a)
- 1118 as qualifying experience and shall provide:

- 1119 (i) the exact details as to the character and nature of the experience on a form  
 1120 prescribed by the department; and  
 1121 (ii) certification by the applicant's employers, which is subject to independent  
 1122 verification by the board.
- 1123 (c) If an applicant is unable to supply written certification of experience from an  
 1124 employer in whole or in part, an applicant may offer written certification from  
 1125 persons other than an employer covering the same subject matter for consideration by  
 1126 the board.
- 1127 (d) The burden of proving completion of the required experience is on the applicant.
- 1128 (2) An applicant for license renewal shall have completed not less than eight hours of  
 1129 continuing ~~[classroom instruction]~~ education during the preceding licensing period.
- 1130 (3) A bail recovery agent may work as a licensee under this chapter only as an employee of  
 1131 or as an independent contractor with a bail bond agency.
- 1132 (4) A bail recovery agent may not:
- 1133 (a) advertise the ~~[agent's]~~ liaison's services;
- 1134 (b) provide services as a licensee under this chapter directly for members of the public;  
 1135 or
- 1136 (c) employ or hire as independent contractors bail enforcement agents, bail recovery  
 1137 agents, or bail recovery apprentices.

1138 Section 23. Section **53-11-113** is amended to read:

1139 **53-11-113 (Effective 05/06/26). Bail recovery agent and bail recovery apprentice**  
 1140 **licensure -- Surety bond -- Fee -- Workers' compensation.**

- 1141 (1) An applicant for licensure as a bail recovery agent or as a bail recovery apprentice shall  
 1142 provide as part of the application:
- 1143 (a) the full name and address of the applicant;
- 1144 (b) two passport-size color photographs of the applicant;
- 1145 (c) the name of the bail bond recovery agency for which the applicant will be an  
 1146 employee or with which the applicant will be an independent contractor;
- 1147 (d) written indication by a bail bond recovery agency ~~[or its designee]~~ that ~~[it]~~ the bail  
 1148 bond recovery agency intends to employ or contract with the applicant; and
- 1149 (e) a notarized statement of the applicant's experience and qualifications required under  
 1150 Section 53-11-111 or 53-11-112, as appropriate.
- 1151 (2) The licensure application or renewal shall be accompanied by the fee required under  
 1152 Section 53-11-115.

- 1153 (3) An applicant for licensure, or renewal of licensure, as a bail recovery agent or a bail  
 1154 recovery apprentice shall include with the application a surety bond:  
 1155 (a) in the amount of \$10,000;  
 1156 (b) that is in effect throughout the entire licensing period; and  
 1157 (c) that provides that the issuer of the surety bond will notify the bureau if the bond is  
 1158 cancelled or expired.
- 1159 (4) The bureau shall:  
 1160 (a) ~~[cancel]~~ suspend a license if the bureau receives notice that the surety bond described  
 1161 in Subsection (3) is cancelled or expired;  
 1162 (b) notify a licensee when the bureau ~~[cancels]~~ suspends a license under Subsection (4)(a);  
 1163 and  
 1164 (c) reinstate a license that ~~[has been cancelled]~~ the bureau suspends under Subsection  
 1165 (4)(a), and has not otherwise been revoked, when the person whose license ~~[was~~  
 1166 ~~cancelled]~~ the bureau suspends:  
 1167 (i) files a surety bond described in Subsection (3) that is in effect for the remainder of  
 1168 the licensing period; and  
 1169 (ii) pays the ~~[licensing]~~ reinstatement fee described in Section 53-11-115.
- 1170 (5)(a) A license or a license renewal for a bail recovery agent or a bail recovery  
 1171 apprentice may not be granted to an applicant unless the employing bail bond  
 1172 recovery agency has on file with the department evidence of current workers'  
 1173 compensation coverage.
- 1174 (b) A bail recovery agent or bail recovery apprentice license may not be reinstated  
 1175 without providing verification of the reinstatement of the workers' compensation  
 1176 coverage and payment of the reinstatement fee required in Section 53-11-115.
- 1177 (c) The provisions of this Subsection (5) do not apply to a bail recovery agent or bail  
 1178 recovery apprentice who is working for a bail bond recovery agency as an  
 1179 independent contractor.
- 1180 Section 24. Section **53-11-115** is amended to read:
- 1181 **53-11-115 (Effective 05/06/26). License fees -- Deposit into General Fund.**
- 1182 (1) Fees for individual and agency licensure, registration, and renewal shall be set in  
 1183 accordance with Section 63J-1-504.
- 1184 (2)(a) The bureau may renew a license granted under this chapter upon receipt of an  
 1185 application on forms ~~[as prescribed by the board]~~ the bureau approves and upon  
 1186 receipt of the applicable fees if the licensee's application meets all the requirements

- 1187 for renewal.
- 1188 (b) If the bureau determines the license renewal application does not meet all the  
1189 requirements for renewal, the bureau shall submit the renewal application to the  
1190 board for review and action.
- 1191 (c) A license may not be renewed more than 90 days after ~~[its expiration]~~ the day on  
1192 which the license expires.
- 1193 (d) A licensee may not engage in any activity subject to this chapter during any period  
1194 between the date of expiration of the license and the renewal of the license.
- 1195 (3)(a) The ~~[board]~~ bureau may reinstate a suspended license upon completion of the term  
1196 of suspension~~[-]~~ , if the licensee completes a reinstatement application and pays a  
1197 reinstatement fee.
- 1198 (b) Renewal of the license does not entitle the licensee, while the license remains  
1199 suspended and until ~~[it is reinstated]~~ the bureau reinstates the license, to engage in any  
1200 activity regulated by this chapter, or in any other activity or conduct in violation of  
1201 the order or judgment by which the license was suspended.
- 1202 (4) The board may not reinstate a revoked license or accept an application for a license  
1203 from a person whose license has been revoked for at least one year after the date of  
1204 revocation.
- 1205 ~~(5)~~ The bureau may not issue, nor may the board approve a license to a person from whom  
1206 the bureau revokes a license twice in accordance with this chapter.
- 1207 ~~[(5)] (6) [AH]~~ The bureau shall deposit all fees, except the fingerprint processing fee, [  
1208 collected by]the [department] bureau collects under this section [shall be deposited in]  
1209 into the General Fund.
- 1210 Section 25. Section **53-11-116** is amended to read:
- 1211 **53-11-116 (Effective 05/06/26). Issuance of license and card to applicant --**  
1212 **License period -- Expiration of application -- Transfer of license prohibited.**
- 1213 (1)(a) The ~~[board]~~ bureau shall issue a license to an applicant who complies with the  
1214 provisions of this chapter.
- 1215 (b) Each license shall:
- 1216 (i) contain the name and address of the licensee, the classification of license, and the  
1217 number of the license; and
- 1218 (ii) be issued for a period of two years.
- 1219 (2)(a) When the board issues the license, ~~[it]~~ the board shall also issue an identification  
1220 card the design of which the bureau shall~~be approved by the commissioner in~~

- 1221 accordance with Section 53-11-116.5] approve.
- 1222 (b) The identification card shall be issued without charge to the licensee if an individual,  
 1223 or if the licensee is an agency, to each of [~~its~~] the licensee's licensed employees and  
 1224 contract employees, and is evidence the licensee and the licensee's employees and  
 1225 contract employees are licensed under this chapter.
- 1226 (3)(a) If an identification card issued to a person states on [~~it~~] the identification card any  
 1227 bail bond agencies for which the cardholder works, that person shall return the card  
 1228 to the employer upon termination of the person's work relationship with the bail bond  
 1229 agency licensee.
- 1230 (b) Within five days the licensee shall mail or deliver the card to the [~~commissioner~~]  
 1231 bureau for cancellation.
- 1232 (4)(a) When the [~~commissioner~~] bureau notifies an applicant that licensure as a bail bond  
 1233 recovery agency is [~~ready for issuance~~] incomplete, the applicant shall complete the  
 1234 application process within 90 days.
- 1235 (b) Failure to complete the process results in [~~cancellation~~] denial of the application and  
 1236 forfeiture of all fees paid to that point.
- 1237 (c) Subsequent application by the same applicant requires the payment of all application  
 1238 and license fees prescribed in Section 53-11-115.
- 1239 (5)(a) A bail bond agency licensee shall notify the [~~commissioner~~] bureau of any change  
 1240 in the name or address of the bail bond agency licensee's business and of any change  
 1241 of employees or contract employees within 30 days after the change.
- 1242 (b) If a bail bond agency licensee fails to notify the bureau as required in Subsection  
 1243 (5)(a), the bail bond agency's license is immediately suspended.
- 1244 (c) If a bail bond agency's license is suspended for failure to comply with this  
 1245 Subsection (5), the licensee shall apply for reinstatement and pay the fee described in  
 1246 Section 53-11-115.
- 1247 (6)(a) All new employees and contract employees of an agency who are licensed under  
 1248 this chapter shall submit applications on forms [~~prescribed by the board~~] the bureau  
 1249 approves.
- 1250 (b) Upon board approval, identification cards shall be issued without charge.
- 1251 (7) A license issued under this chapter is not transferable or assignable.
- 1252 Section 26. Section **53-11-116.5** is amended to read:  
 1253 **53-11-116.5 (Effective 05/06/26). Identification cards.**
- 1254 [(+) A person licensed under this chapter as a bail enforcement agent or a bail recovery

1255 agent shall carry an identification card issued under this section while conducting an  
 1256 activity regulated under this chapter.

1257 ~~[(2)(a) Bail bond agencies may submit designs for an identification card that shall be~~  
 1258 ~~used for identification purposes by bail enforcement agents and bail recovery agents~~  
 1259 ~~licensed under this chapter.]~~

1260 ~~[(b) The commissioner shall establish a procedure for the submitting of identification~~  
 1261 ~~card designs and shall select one design to be used for all identification cards issued~~  
 1262 ~~under this section.]~~

1263 ~~[(e) The identification card design:]~~

1264 ~~[(i) may not resemble any identification card currently in use by a law enforcement~~  
 1265 ~~agency within the state; and]~~

1266 ~~[(ii) shall include:]~~

1267 ~~[(A) the licensee's classification of licensure;]~~

1268 ~~[(B) the license number; and]~~

1269 ~~[(C) a current photo of the licensee.]~~

1270 ~~[(d) The department of public safety shall issue identification cards, upon notification by~~  
 1271 ~~the board that a license has been issued.]~~

1272 Section 27. Section **53-11-118** is amended to read:

1273 **53-11-118 (Effective 05/06/26). Grounds for denial of license -- Appeal.**

- 1274 (1) The board may deny a license application or a license renewal if the applicant has:
- 1275 (a) committed an act that, if committed by a licensee, would be grounds for ~~[probation,]~~  
 1276 ~~suspension[;]~~ or revocation of a license under this chapter;
- 1277 (b) employed as a bail recovery agent or bail recovery apprentice employee or contract  
 1278 employee a person who has been refused a license under this chapter or who has had  
 1279 a license revoked in any state;
- 1280 (c) committed, or aided and abetted the commission of, any act for which a license is  
 1281 required by this chapter, while not licensed under this chapter; or
- 1282 (d) knowingly made a material misstatement in connection with an application for a  
 1283 license or renewal of a license under this chapter.
- 1284 (2) The issuance of an identification card shall be denied to an applicant if the applicant  
 1285 fails to meet the required licensure qualifications.
- 1286 (3)(a) The denial of the issuance of a license under this chapter shall be in writing and  
 1287 describe the basis for the denial.
- 1288 (b) The board's denial shall inform the applicant in writing that if the applicant desires a

- 1289 hearing to contest the denial, the applicant shall submit a request in writing to the [  
 1290 ~~commissioner~~] board within 30 days after [~~the issuance of~~] the day on which the  
 1291 board issues the denial.
- 1292 (c) ~~The hearing shall be scheduled not later than 60 days after receipt of the request]~~  
 1293 board shall conduct the hearing at the first board meeting after the board receives the  
 1294 applicant's written request.
- 1295 (4) ~~[The]~~ After a hearing described in Subsection (3), an applicant may appeal the board's  
 1296 denial of a license to the commissioner [shall hear the appeal, and] who may:
- 1297 (a) return the case to the board for reconsideration;  
 1298 ~~[(b) modify the board's decision; or]~~
- 1299 (b) affirm the board's decision; or
- 1300 (c) reverse the board's decision and approve the applicant's license.
- 1301 (5) The commissioner shall:
- 1302 (a) issue a final order on an appeal brought in accordance with Subsection (4) within 30  
 1303 days after the day on which the applicant appeals to the commissioner; and
- 1304 (b) send the final order by certified mail to the applicant.
- 1305 ~~[(5)]~~ (6) Decisions of the commissioner are subject to judicial review [pursuant to] in  
 1306 accordance with Section 63G-4-402.
- 1307 Section 28. Section **53-11-119** is amended to read:
- 1308 **53-11-119 (Effective 05/06/26). Grounds for disciplinary action.**
- 1309 (1) The board may take disciplinary action ~~[under Subsection (2), (4), or (5)]~~ regarding a  
 1310 license granted under this chapter if the board finds, in an investigation, that the licensee  
 1311 commits any of the following while engaged in activities regulated under this chapter:
- 1312 (a) fraud or willful misrepresentation in applying for an original license or renewal of an  
 1313 existing license;
- 1314 (b) using any letterhead, advertising, or other printed matter in any manner representing  
 1315 that the licensee is an instrumentality of the federal government, a state, or any  
 1316 political subdivision of a state;
- 1317 (c) using a name different from that under which the licensee is currently licensed for  
 1318 any advertising, solicitation, or contract to secure business unless the name is an  
 1319 authorized fictitious name;
- 1320 (d) impersonating, permitting, or aiding and abetting an employee to impersonate a law  
 1321 enforcement officer or employee of the United States, any state, or a political  
 1322 subdivision of a state;

- 1323 (e) knowingly violating, advising, encouraging, or assisting in the violation of any  
1324 statute, court order, or injunction in the course of conducting an agency regulated  
1325 under this chapter;
- 1326 (f) falsifying fingerprints or photographs while operating under this chapter;
- 1327 (g) has a conviction for:
- 1328 (i) a felony;
- 1329 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
- 1330 (iii) any act involving moral turpitude;
- 1331 (iv) any act of personal violence or force against any person or conviction of  
1332 threatening to commit any act of personal violence or force against any person;
- 1333 (v) any act constituting dishonesty or fraud;
- 1334 (vi) impersonating a peace officer; or
- 1335 (vii) any act of illegally obtaining or disseminating private, controlled, or protected  
1336 records under Section 63G-2-801;
- 1337 (h) soliciting business for an attorney in return for compensation;
- 1338 (i) being placed on probation, parole, compensatory service, or named in an outstanding  
1339 arrest warrant;
- 1340 (j) committing, or permitting any employee or contract employee to commit any act  
1341 during the period between the expiration of a license for failure to renew within the  
1342 time fixed by this chapter, and the reinstatement of the license, that would be cause  
1343 for the suspension or revocation of the license or grounds for denial of the application  
1344 for the license;
- 1345 (k) willfully neglecting to render to a client services or a report as agreed between the  
1346 parties and for which compensation has been paid or tendered in accordance with the  
1347 agreement of the parties, but if the investigator chooses to withdraw from the case  
1348 and returns the funds for work not yet done, no violation of this section exists;
- 1349 (l) failing or refusing to cooperate with, failing to provide truthful information to, or  
1350 refusing access to an authorized representative of the [department] bureau engaged in  
1351 an official investigation;
- 1352 (m) employing or contracting with any unlicensed or improperly licensed person or  
1353 agency to conduct activities regulated under this chapter if the licensure status was  
1354 known or could have been ascertained by reasonable inquiry;
- 1355 (n) permitting, authorizing, aiding, or in any way assisting a licensed employee to  
1356 conduct services as described in this chapter on an independent contractor basis and

- 1357 not under the authority of the licensed agency;
- 1358 (o) failure to maintain in full force and effect workers' compensation insurance, if  
1359 applicable;
- 1360 (p) advertising in a false, deceptive, or misleading manner;
- 1361 (q) refusing to display the identification card issued by the [department] bureau to any  
1362 person having reasonable cause to verify the validity of the license;
- 1363 (r) committing any act of unprofessional conduct;
- 1364 (s) failure, when the licensee makes an introduction as an agent to include the words  
1365 "bail enforcement" or "bail recovery"; or
- 1366 [(s)] (t) engaging in any other conduct prohibited by this chapter.
- 1367 (2) [~~On completion of an investigation, the board may~~] After the board completes an  
1368 investigation described in Subsection (1):
- 1369 [(a) dismiss the case;]
- 1370 [(b) take emergency action;]
- 1371 [(e) issue a letter of concern, if applicable;]
- 1372 [(d) impose a civil penalty not to exceed \$500;]
- 1373 [(e) place all records, evidence, findings, and conclusions and any other information  
1374 pertinent to the investigation in the confidential and protected records section of the  
1375 file maintained at the department; or]
- 1376 [(f) if the board finds, based on the investigation, that a violation of Subsection (1) has  
1377 occurred, notice shall be sent to the licensee of the results of the hearing by mailing a  
1378 true copy to the licensee's last-known address in the department's files by certified  
1379 mail, return receipt requested.]
- 1380 (a) if the bureau recommends disciplinary action, the bureau shall send a notice of the  
1381 recommendation to the licensee by certified mail that includes the date and time of  
1382 the meeting where the board will hear the results of the investigation and consider the  
1383 bureau's recommendation; and
- 1384 (b) the board shall give the licensee an opportunity at the meeting to present testimony  
1385 and evidence in response to the bureau's recommendation.
- 1386 (3) [~~A letter of concern shall be retained by the commissioner and may be used in future~~  
1387 ~~disciplinary actions against a licensee~~] The commissioner shall retain a letter of concern  
1388 and may use the letter of concern in a future disciplinary action against a licensee.
- 1389 (4)(a) If the [board] bureau finds, based on [its] the bureau's investigation under  
1390 Subsection (1), that the public health, safety, or welfare requires emergency action,

- 1391 the ~~[board]~~ bureau may ~~[order]~~ issue a summary suspension of a license pending  
 1392 proceedings for revocation or other action.
- 1393 (b) If the ~~[board]~~ bureau issues~~[-an order of]~~ a summary suspension, the ~~[board]~~ bureau  
 1394 shall ~~[issue]~~ mail to the licensee a written notice of complaint~~[-and formal hearing,~~  
 1395 ~~setting forth]~~ to the licensee's last-known address describing the charges made against  
 1396 the licensee and informing the licensee of the licensee's right to:
- 1397 (i) appear at a formal hearing before the board within 60 days[-]; and  
 1398 (ii) present evidence at the hearing before the board.
- 1399 (5) Based on information the board receives during a hearing ~~[it]~~ the board may:
- 1400 (a)(i) dismiss the complaint if the board believes [it] the complaint is without merit;  
 1401 (ii) fix a period and terms of probation best adapted to educate the licensee;  
 1402 (iii) place the license on suspension for a period of not more than 12 months; or  
 1403 (iv) revoke the license; and
- 1404 (b) impose a civil penalty not to exceed \$500.
- 1405 (6) The board shall mail the outcome of the hearing described in Subsection (5) to the  
 1406 licensee at the licensee's last-known address by first class mail.
- 1407 ~~[(6)] (7)(a) [On a finding by the board] If the board finds that a [bail recovery agency]~~  
 1408 licensee committed a violation of Subsection (1), the [probation,-]suspension[-] or  
 1409 revocation terminates the employment of all licensees employed or employed by  
 1410 contract by the bail bond agency.
- 1411 (b) If a licensee who is an employee or contract employee of a bail bond agency  
 1412 committed a violation of Subsection (1), the ~~[probation,-]suspension[-]~~ or revocation  
 1413 applies only to the license ~~[held by-]~~ that individual holds under this chapter.
- 1414 (c) An apprentice employed by a bail bond agency at the time of the suspension or  
 1415 revocation described in Subsection (7)(a) may obtain a reinstatement of the  
 1416 apprentice's license without fee if:
- 1417 (i) the apprentice did not engage in the conduct that led to the suspension or  
 1418 revocation; and
- 1419 (ii) the apprentice submits documentation that a new licensed agent supervises the  
 1420 apprentice.
- 1421 ~~[(7)] (8)(a) [Appeal of the board's decision shall be made in writing to-] A licensee may~~  
 1422 appeal the board's decision to the commissioner within 30 days after the [date of  
 1423 issuance of the board's decision] day on which the board issues the board's decision.
- 1424 ~~[(b) The hearing shall be scheduled not later than 60 days after receipt of the request.]~~

- 1425           ~~[(e)]~~ (b) The commissioner:
- 1426                 (i) shall review the ~~[finding by the board]~~ board's finding; and
- 1427                 (ii) may:
- 1428                     (A) ~~[-]affirm the board's finding[-]~~ ;
- 1429                     (B) ~~[-]return the action to the board for reconsideration[,- reverse, adopt, modify,~~
- 1430                                 ~~supplement, amend,-]~~ ; or
- 1431                     (C) ~~[-]reject the [recommendation] action of the board and approve the license.~~
- 1432   ~~[(8)]~~ (9)(a) ~~[A person may appeal the commissioner's decision to the district court~~
- 1433                 ~~pursuant to Section 63G-4-402]~~ The commissioner shall issue a final written order no
- 1434                 later than 30 days after the day on which the commissioner takes an action described
- 1435                 in Subsection (8)(b)(ii).
- 1436                 (b) The commissioner's final written order under this Subsection (9) is considered the
- 1437                     final agency action for purposes of judicial review under Section 63G-4-402.
- 1438   ~~[(9)]~~ (10) ~~[All penalties collected under]~~ The bureau shall deposit each penalty the bureau
- 1439                 collects under this section [shall be deposited in] into the General Fund.
- 1440                 Section 29. Section **53-11-121** is amended to read:
- 1441                     **53-11-121 (Effective 05/06/26). False representation as a licensee -- Identifying**
- 1442                     **clothing.**
- 1443                 (1) A licensee under this chapter may not wear a uniform, or use a title or identification
- 1444                     card other than the one issued under this chapter, or make any statement that would lead
- 1445                     a reasonable person to believe the licensee is connected in any way with the federal
- 1446                     government or any state or local governmental entity, unless the licensee has received
- 1447                     authorization in writing by one of those governmental authorities to do so.
- 1448   ~~[(2) A licensee may possess a badge of a design approved by the board for use by a licensee.]~~
- 1449   ~~[(3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the~~
- 1450                 ~~accidental or inadvertent display of the badge to persons in the presence of the licensee.]~~
- 1451   ~~[(4)]~~ (2) ~~[The]~~ A licensee~~[ may display the badge under Subsection (2) only if:]~~
- 1452                 ~~[(a) the licensee is also at the same time wearing]~~ , while acting in accordance with this
- 1453                     chapter, shall:
- 1454                     (a) ~~[an article]~~ wear one or more articles of clothing that conspicuously displays on the
- 1455                                 chest and back of the article of clothing lettering that clearly identifies the licensee as
- 1456                                 a bail enforcement or recovery agent;
- 1457                     (b) ~~[the licensee also displays]~~ display the licensee's identification card described in
- 1458                                 Section 53-11-116.5, either:

- 1459 (i) upon request, while acting as a bail enforcement agent; or
- 1460 (ii) as necessary for the licensee to demonstrate authority while acting as a bail
- 1461 enforcement agent;
- 1462 ~~[(e) the licensee is making a planned apprehension of a defendant, and the licensee is~~
- 1463 ~~also wearing an article of clothing described in Subsection (4)(a) or Subsection (5);]~~
- 1464 ~~[(d) the licensee is making an apprehension that is unplanned and under exigent~~
- 1465 ~~circumstances, and the licensee is not wearing clothing described in Subsection (4)(a)~~
- 1466 ~~or Subsection (5); or]~~
- 1467 ~~[(e)]~~ (c) if the licensee [is acting] acts as a bail enforcement agent [but is not engaged in a
- 1468 planned apprehension or in another situation that does not require that the agent be
- 1469 wearing clothing as described in Subsection (4)(a) or (5) in order to display the badge]
- 1470 for an immediate apprehension and does not have a reasonable opportunity to wear
- 1471 clothing that identifies the licensee as a bail enforcement agent:
- 1472 (i) identify the licensee as required in Section 53-11-122; and
- 1473 (ii) wear clothing that identifies the licensee as a bail enforcement agent as soon as
- 1474 reasonably possible.
- 1475 ~~[(5)]~~ (3) A licensee may wear a jacket of a distinctive design or style that bears a printed,
- 1476 embroidered, or otherwise permanently attached symbol, emblem, or insignia that:
- 1477 (a) clearly identifies the wearer as a bail enforcement or recovery agent; and
- 1478 (b) ~~[is approved by the board]~~ the board approves.
- 1479 ~~[(6)]~~ (4) When a licensee ~~[is acting]~~ acts as a bail enforcement agent and interacts with a law
- 1480 enforcement officer, the licensee shall, at the first opportunity~~[-]~~ :
- 1481 (a) identify [him or herself-] the licensee as a bail enforcement agent to the law
- 1482 enforcement officer; and
- 1483 (b) ~~[shall provide]~~ present to the law enforcement officer bureau-issued identification as
- 1484 a bail enforcement agent.
- 1485 (5) Each time a licensee conducts an activity governed by this chapter or interacts with a
- 1486 person in accordance with this chapter, the licensee shall state that the licensee:
- 1487 (a) holds a current license under this chapter by using the words "bail enforcement" as
- 1488 required in Section 53-11-122; and
- 1489 (b) is not a peace officer and is not affiliated with any federal, state, or local government.
- 1490 Section 30. Section **53-11-123** is amended to read:
- 1491 **53-11-123 (Effective 05/06/26). Notification of local law enforcement.**
- 1492 (1)(a) A bail enforcement agent or bail recovery agent who is searching for or planning

1493 to apprehend a person shall notify the local law enforcement agency if the search or  
 1494 apprehension will be conducted in an occupied structure within that law enforcement  
 1495 agency's jurisdiction.

1496 (b) When possible, notification shall be provided before taking action, but [~~always~~  
 1497 ~~within 24 hours of taking~~] no later than four hours after the time at which the bail  
 1498 enforcement agent or bail recovery agent takes action.

1499 (c) When a bail enforcement agent or bail recovery agent [~~is preparing~~] prepares to enter  
 1500 an occupied structure to carry out an arrest, the agent shall verbally advise the local  
 1501 law enforcement agency of the agent's location and intended action [~~prior to~~] before  
 1502 acting.

1503 (2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall:

1504 (a) [~~each~~] carry a written document providing proof and cause for the actions the agent  
 1505 or apprentice [~~is taking~~] takes as a licensee[~~,~~] ; and

1506 (b) [~~shall~~] make the written document available to local law enforcement agencies[  
 1507 ~~upon request~~].

1508 Section 31. Section **76-12-305** is amended to read:

1509 **76-12-305 (Effective 05/06/26). Unlawful installation of a tracking device.**

1510 (1)(a) As used in this section:

1511 (i) "Jail release court order" means the same as that term is defined in Section  
 1512 78B-7-801.

1513 [(~~ii~~)] (ii) "Motor vehicle" means the same as that term is defined in Subsection  
 1514 41-12a-103(4).

1515 [(~~iii~~)] (iii) "Private investigator" means an individual who is:

1516 (A) licensed as a private investigator under Title 53, Chapter 9, Private  
 1517 Investigator Regulation Act; and

1518 (B) acting in the capacity of a private investigator.

1519 [(~~iv~~)] (iv) "Protective order" means a protective order, stalking injunction, [~~or~~]  
 1520 restraining order, or jail release court order issued by a court of any jurisdiction.

1521 [(~~v~~)] (v)(A) "Tracking device" means a device used for the primary purpose of  
 1522 revealing the device's location or movement by the transmission or recording  
 1523 of an electronic signal.

1524 (B) "Tracking device" does not include location technology installed on a vehicle  
 1525 by the vehicle manufacturer or a commercial vehicle dealer that transmits  
 1526 electronic signals for the purpose of data collection, if the data collection is

- 1527                   anonymized.
- 1528           (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this  
1529           section.
- 1530   (2) Except as provided in Subsection (4), an actor commits unlawful installation of a  
1531       tracking device if the actor knowingly installs, or directs another to install, a tracking  
1532       device on a motor vehicle owned or leased by another person, without the permission of  
1533       the owner or lessee of the vehicle.
- 1534   (3) A violation of Subsection (2) is a class A misdemeanor.
- 1535   (4) An actor does not commit a violation of Subsection (2) if the actor:
- 1536       (a)(i) is a licensed private investigator installing the tracking device for a legitimate  
1537           business purpose; and
- 1538       (ii) installs the tracking device on a motor vehicle that is not:
- 1539           (A) owned or leased by an individual under the protection of a protective order; or  
1540           (B) operated by an individual under the protection of a protective order who  
1541           resides with, or is an immediate family member of, the owner or lessee of the  
1542           motor vehicle; or
- 1543       (b) installs the tracking device [~~pursuant to~~] in accordance with a court order.
- 1544   (5) This section does not apply to a peace officer, acting in the peace officer's official  
1545       capacity, who installs a tracking device on a motor vehicle in the course of a criminal  
1546       investigation or [~~pursuant to~~] in accordance with a court order.
- 1547   (6) Before installing a tracking device on a motor vehicle under Subsection (4), a private  
1548       investigator shall request confirmation from a state entity with access to updated  
1549       protective order records, that:
- 1550       (a) the owner or lessee of the vehicle is not under the protection of a protective order; and  
1551       (b) an individual who resides with, or is an immediate family member of, the owner or  
1552       lessee of the motor vehicle is not under the protection of a protective order.
- 1553   (7) On request from a licensed private investigator, a state entity, including a law  
1554       enforcement agency, the Bureau of Criminal Investigation, or a court, with access to  
1555       protective order records shall confirm or deny the existence of a protective order,  
1556       disclosing only whether an individual named by the private investigator is under the  
1557       protection of a protective order issued in any jurisdiction.
- 1558   (8) A private investigator may not disclose the information obtained under Subsection (7) to  
1559       any person, except as permitted by law.
- 1560   (9) On request from the Bureau of Criminal Identification, a private investigator who

1561 installs a tracking device on a motor vehicle shall disclose the purpose of the tracking  
1562 device to the Bureau of Criminal Identification.

1563 (10)(a) A person, or the heirs of a deceased person, who has been injured by a violation  
1564 of this section may bring an action against the actor who committed the violation.

1565 (b) If in the action described in Subsection (10)(a) the court finds the defendant is  
1566 violating or has violated any of the provisions of this section, the court shall enjoin  
1567 the defendant from a continued violation.

1568 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if  
1569 damages are alleged and proved, the plaintiff in the action is entitled to recover from  
1570 the defendant the actual damages sustained, if any, in addition to injunctive relief.

1571 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an  
1572 award of reasonable attorney fees.

1573 (e) Exemplary damages may be awarded when the violation is found to be malicious.

1574 Section 32. **Repealer.**

1575 This bill repeals:

1576 Section **53-9-101, Title.**

1577 Section **53-11-101, Title.**

1578 Section 33. **Effective Date.**

1579 This bill takes effect on May 6, 2026.