

SECURITY PERSONNEL LICENSING ACT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Security Personnel Licensing Act.

Highlighted Provisions:

This bill:

- ▶ modifies the Security Personnel Licensing Act by:
 - adding an additional board member; and
 - changing the requirements for an applicant to be licensed as an armored car company or a contract security company; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 58-63-201**, as last amended by Laws of Utah 2008, Chapter 246
- 58-63-302**, as last amended by Laws of Utah 2009, Chapter 183
- 58-63-304**, as last amended by Laws of Utah 2011, Chapters 63 and 72

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



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

29 **58-63-201. Board -- Duties.**

30 (1) There is created the Security Services Licensing Board consisting of:

31 (a) [~~two~~] three individuals who are officers or owners of a licensed contract security

32 company;

33 (b) one individual who is an officer or owner of a licensed armored car company;

34 (c) one individual from among nominees of the Utah [~~Sheriffs~~] Sheriffs' Association;

35 (d) one individual from among nominees of the Utah [~~Chiefs~~] Chiefs of Police

36 Association; and

37 (e) one individual representing the general public.

38 (2) (a) The executive director shall appoint board members in accordance with Section
39 58-1-201.

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

41 (3) (a) The board shall carry out its duties and responsibilities in accordance with

42 Sections 58-1-202 and 58-1-203.

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

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

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

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

50 Section 2. Section **58-63-302** is amended to read:

51 **58-63-302. Qualifications for licensure.**

52 (1) Each applicant for licensure as an armored car company or a contract security
53 company shall:

54 (a) submit an application in a form prescribed by the division;

55 (b) pay a fee determined by the department under Section 63J-1-504;

56 (c) have a qualifying agent who:

57 (i) [~~(A)~~] is a resident of the state and an officer, director, partner, proprietor, or

58 manager of the applicant; [~~and~~]

59 ~~[(B)]~~ (ii) passes an examination component established by rule by the division in
60 collaboration with the board; and

61 ~~[(ii)(A)]~~ (iii) demonstrates 6,000 hours of compensated experience as a manager,
62 supervisor, or administrator of an armored car company or a contract security company; ~~[or]~~

63 ~~[(B) demonstrates 6,000 hours of supervisory experience acceptable to the division in~~
64 ~~collaboration with the board with a federal, United States military, state, county, or municipal~~
65 ~~law enforcement agency;]~~

66 (d) if a corporation, provide:

67 (i) the names, addresses, dates of birth, and Social Security numbers of all corporate
68 officers, directors, and those responsible management personnel employed within the state or
69 having direct responsibility for managing operations of the applicant within the state; and

70 (ii) the names, addresses, dates of birth, and Social Security numbers, of all
71 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
72 the division if the stock is publicly listed and traded;

73 (e) if a limited liability company, provide:

74 (i) the names, addresses, dates of birth, and Social Security numbers of all company
75 officers, and those responsible management personnel employed within the state or having
76 direct responsibility for managing operations of the applicant within the state; and

77 (ii) the names, addresses, dates of birth, and Social Security numbers of all individuals
78 owning 5% or more of the equity of the company;

79 (f) if a partnership, provide the names, addresses, dates of birth, and Social Security
80 numbers of all general partners, and those responsible management personnel employed within
81 the state or having direct responsibility for managing operations of the applicant within the
82 state;

83 (g) if a proprietorship, provide the names, addresses, dates of birth, and Social Security
84 numbers of the proprietor, and those responsible management personnel employed within the
85 state or having direct responsibility for managing operations of the applicant within the state;

86 (h) have good moral character in that officers, directors, shareholders described in
87 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
88 been convicted of:

89 (i) a felony;

90 (ii) a misdemeanor involving moral turpitude; or
91 (iii) a crime that when considered with the duties and responsibilities of a contract
92 security company or an armored car company by the division and the board indicates that the
93 best interests of the public are not served by granting the applicant a license;
94 (i) document that none of the applicant's officers, directors, shareholders described in
95 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:
96 (i) have been declared by a court of competent jurisdiction incompetent by reason of
97 mental defect or disease and not been restored; and
98 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;
99 (j) file and maintain with the division evidence of:
100 (i) comprehensive general liability insurance in a form and in amounts established by
101 rule by the division in collaboration with the board;
102 (ii) workers' compensation insurance that covers employees of the applicant in
103 accordance with applicable Utah law;
104 (iii) registration with the Division of Corporations and Commercial Code; and
105 (iv) registration as required by applicable law with the:
106 (A) Unemployment Insurance Division in the Department of Workforce Services, for
107 purposes of Title 35A, Chapter 4, Employment Security Act;
108 (B) State Tax Commission; and
109 (C) Internal Revenue Service; and
110 (k) meet with the division and board if requested by the division or board.
111 (2) Each applicant for licensure as an armed private security officer shall:
112 (a) submit an application in a form prescribed by the division;
113 (b) pay a fee determined by the department under Section 63J-1-504;
114 (c) have good moral character in that the applicant has not been convicted of:
115 (i) a felony;
116 (ii) a misdemeanor involving moral turpitude; or
117 (iii) a crime that when considered with the duties and responsibilities of an armed
118 private security officer by the division and the board indicates that the best interests of the
119 public are not served by granting the applicant a license;
120 (d) not have been declared incompetent by a court of competent jurisdiction by reason

- 121 of mental defect or disease and not been restored;
- 122 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 123 dependence;
- 124 (f) successfully complete basic education and training requirements established by rule
- 125 by the division in collaboration with the board;
- 126 (g) successfully complete firearms training requirements established by rule by the
- 127 division in collaboration with the board;
- 128 (h) pass the examination requirement established by rule by the division in
- 129 collaboration with the board; and
- 130 (i) meet with the division and board if requested by the division or the board.
- 131 (3) Each applicant for licensure as an unarmed private security officer shall:
- 132 (a) submit an application in a form prescribed by the division;
- 133 (b) pay a fee determined by the department under Section 63J-1-504;
- 134 (c) have good moral character in that the applicant has not been convicted of:
- 135 (i) a felony;
- 136 (ii) a misdemeanor involving moral turpitude; or
- 137 (iii) a crime that when considered with the duties and responsibilities of an unarmed
- 138 private security officer by the division and the board indicates that the best interests of the
- 139 public are not served by granting the applicant a license;
- 140 (d) not have been declared incompetent by a court of competent jurisdiction by reason
- 141 of mental defect or disease and not been restored;
- 142 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 143 dependence;
- 144 (f) successfully complete basic education and training requirements established by rule
- 145 by the division in collaboration with the board;
- 146 (g) pass the examination requirement established by rule by the division in
- 147 collaboration with the board; and
- 148 (h) meet with the division and board if requested by the division or board.
- 149 (4) Each applicant for licensure as an armored car security officer shall:
- 150 (a) submit an application in a form prescribed by the division;
- 151 (b) pay a fee determined by the department under Section 63J-1-504;

- 152 (c) have good moral character in that the applicant has not been convicted of:
- 153 (i) a felony;
- 154 (ii) a misdemeanor involving moral turpitude; or
- 155 (iii) a crime that when considered with the duties and responsibilities of an armored car
- 156 security officer by the division and the board indicates that the best interests of the public are
- 157 not served by granting the applicant a license;
- 158 (d) not have been declared incompetent by a court of competent jurisdiction by reason
- 159 of mental defect or disease and not been restored;
- 160 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 161 dependence;
- 162 (f) successfully complete basic education and training requirements established by rule
- 163 by the division in collaboration with the board;
- 164 (g) successfully complete firearms training requirements established by rule by the
- 165 division in collaboration with the board;
- 166 (h) pass the examination requirements established by rule by the division in
- 167 collaboration with the board; and
- 168 (i) meet with the division and board if requested by the division or the board.
- 169 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 170 division may make a rule establishing when the division shall request a Federal Bureau of
- 171 Investigation records' review for an applicant.
- 172 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
- 173 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
- 174 cards to the Department of Public Safety with the division's request to:
- 175 (a) conduct a search of records of the Department of Public Safety for criminal history
- 176 information relating to each applicant for licensure under this chapter and each applicant's
- 177 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
- 178 responsible management personnel; and
- 179 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
- 180 requiring a check of records of the [F.B.I.] FBI for criminal history information under this
- 181 section.
- 182 (7) The Department of Public Safety shall send the division:

183 (a) a written record of criminal history, or certification of no criminal history record, as
184 contained in the records of the Department of Public Safety in a timely manner after receipt of
185 a fingerprint card from the division and a request for review of Department of Public Safety
186 records; and

187 (b) the results of the ~~[F.B.I.]~~ FBI review concerning an applicant in a timely manner
188 after receipt of information from the ~~[F.B.I.]~~ FBI.

189 (8) (a) The division shall charge each applicant a fee, in accordance with Section
190 63J-1-504, equal to the cost of performing the records reviews under this section.

191 (b) The division shall pay the Department of Public Safety the costs of all records
192 reviews, and the Department of Public Safety shall pay the ~~[F.B.I.]~~ FBI the costs of records
193 reviews under this chapter.

194 (9) The division shall use or disseminate the information it obtains from the reviews of
195 criminal history records of the Department of Public Safety and the ~~[F.B.I.]~~ FBI only to
196 determine if an applicant for licensure under this chapter is qualified for licensure.

197 Section 3. Section **58-63-304** is amended to read:

198 **58-63-304. Exemptions from licensure.**

199 (1) In addition to the exemptions from licensure in Section 58-1-307, ~~[the following~~
200 ~~individuals]~~ an individual may engage in acts regulated under this chapter without being
201 licensed under this chapter if the individual is:

202 (a) a peace officer employed by, or licensed as, a contract security company, as
203 provided in Subsection (2); ~~[and]~~ or

204 (b) ~~[a person]~~ employed by a contract security company for the sole purpose of
205 operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray
206 viewing device, or other device approved by rule of the division.

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

208 (a) the law enforcement agency employing the peace officer has a written policy
209 regarding peace officer employees working while off duty as a security officer and the written
210 policy ~~[shall address]~~ addresses the issue of financial responsibility;

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

213 (c) the business or entity employing the off-duty peace officer to work as a security

214 officer complies with state and federal income reporting and withholding requirements
215 regarding the off-duty officer's wages.

216 (3) In addition to the exemptions from licensure in Section 58-1-307, [~~a person~~] an
217 individual holding a valid license as an armed private security officer under this chapter may
218 also function as an unarmed private security officer without the additional license.

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

Legislative Review Note
as of 1-10-13 6:25 AM

Office of Legislative Research and General Counsel