

1 **SECURITY PERSONNEL LICENSING ACT AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Security Personnel Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **58-63-201**, as last amended by Laws of Utah 2008, Chapter 246

24 **58-63-302**, as last amended by Laws of Utah 2009, Chapter 183

25 **58-63-304**, as last amended by Laws of Utah 2011, Chapters 63 and 72

27 *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 individuals who are officers or owners of a licensed contract security company;
- 32 (b) one individual who is an officer or owner of a licensed armored car company;
- 33 (c) one individual from among nominees of the Utah [~~Sheriffs~~] Sheriffs' Association;
- 34 (d) one individual from among nominees of the Utah [~~Chiefs~~] Chiefs of Police
- 35 Association; and
- 36 (e) [~~one individual~~] two individuals representing the general public.

37 (2) (a) The executive director shall appoint board members in accordance with Section

38 58-1-201.

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

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

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

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

43 (i) assist the division in reviewing a complaint concerning the unlawful or

44 unprofessional conduct of a person licensed under this chapter; and

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

46 (4) A board member who, under Subsection (3), has reviewed a complaint or advised

47 in its investigation is disqualified from participating with the board when the board serves as a

48 presiding officer in an adjudicative proceeding concerning the complaint.

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

50 **58-63-302. Qualifications for licensure.**

51 (1) Each applicant for licensure as an armored car company or a contract security

52 company shall:

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

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

55 (c) have a qualifying agent who:

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

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

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

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

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

65 (d) if a corporation, provide:

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

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

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

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

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

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

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

85 (h) have good moral character in that officers, directors, shareholders described in

86 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
87 been convicted of:

88 (i) a felony;

89 (ii) a misdemeanor involving moral turpitude; or

90 (iii) a crime that when considered with the duties and responsibilities of a contract
91 security company or an armored car company by the division and the board indicates that the
92 best interests of the public are not served by granting the applicant a license;

93 (i) document that none of the applicant's officers, directors, shareholders described in
94 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

95 (i) have been declared by a court of competent jurisdiction incompetent by reason of
96 mental defect or disease and not been restored; and

97 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

98 (j) file and maintain with the division evidence of:

99 (i) comprehensive general liability insurance in a form and in amounts established by
100 rule by the division in collaboration with the board;

101 (ii) workers' compensation insurance that covers employees of the applicant in
102 accordance with applicable Utah law;

103 (iii) registration with the Division of Corporations and Commercial Code; and

104 (iv) registration as required by applicable law with the:

105 (A) Unemployment Insurance Division in the Department of Workforce Services, for
106 purposes of Title 35A, Chapter 4, Employment Security Act;

107 (B) State Tax Commission; and

108 (C) Internal Revenue Service; and

109 (k) meet with the division and board if requested by the division or board.

110 (2) Each applicant for licensure as an armed private security officer shall:

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

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

113 (c) have good moral character in that the applicant has not been convicted of:

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

142 dependence;

143 (f) successfully complete basic education and training requirements established by rule
144 by the division in collaboration with the board;

145 (g) pass the examination requirement established by rule by the division in
146 collaboration with the board; and

147 (h) meet with the division and board if requested by the division or board.

148 (4) Each applicant for licensure as an armored car security officer shall:

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

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

151 (c) have good moral character in that the applicant has not been convicted of:

152 (i) a felony;

153 (ii) a misdemeanor involving moral turpitude; or

154 (iii) a crime that when considered with the duties and responsibilities of an armored car
155 security officer by the division and the board indicates that the best interests of the public are
156 not served by granting the applicant a license;

157 (d) not have been declared incompetent by a court of competent jurisdiction by reason
158 of mental defect or disease and not been restored;

159 (e) not be currently suffering from habitual drunkenness or from drug addiction or
160 dependence;

161 (f) successfully complete basic education and training requirements established by rule
162 by the division in collaboration with the board;

163 (g) successfully complete firearms training requirements established by rule by the
164 division in collaboration with the board;

165 (h) pass the examination requirements established by rule by the division in
166 collaboration with the board; and

167 (i) meet with the division and board if requested by the division or the board.

168 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
169 division may make a rule establishing when the division shall request a Federal Bureau of

170 Investigation records' review for an applicant.

171 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
172 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
173 cards to the Department of Public Safety with the division's request to:

174 (a) conduct a search of records of the Department of Public Safety for criminal history
175 information relating to each applicant for licensure under this chapter and each applicant's
176 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
177 responsible management personnel; and

178 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
179 requiring a check of records of the ~~[F.B.I.]~~ FBI for criminal history information under this
180 section.

181 (7) The Department of Public Safety shall send the division:

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

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

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

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

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

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

197 **58-63-304. Exemptions from licensure.**

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

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

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

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

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

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

212 (c) the business or entity employing the off-duty peace officer to work as a security
213 officer complies with state and federal income reporting and withholding requirements
214 regarding the off-duty officer's wages.

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

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