

## UTAH ADMINISTRATIVE CODE

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The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (see Subsection [63G-3-102\(5\)](#); see also Sections [63G-3-701](#) and [702](#)).

NOTE: For a list of rules that have been made effective since June 1, 2015, please see the [codification segue](#) page.

**NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.**

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### **R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.**

#### **Rule R722-330. Licensing of Private Investigators.**

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As in effect on June 1, 2015

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#### **[R722-330-1. Purpose.](#)**

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The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

#### **[R722-330-2. Authority.](#)**

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This rule is authorized by Subsections 53-9-103(2)(c) and 53-9-103(6).

#### **[R722-330-3. Definitions.](#)**

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(1) Terms used in this rule are defined in Section 53-9-102.

(2) In addition:

(a) "act involving moral turpitude" means conduct which:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) has an element of falsification or fraud; or

(iii) contains an element of harm or injury directed to another person or another's property;

(b) "FBI" means the Federal Bureau of Investigation;

(c) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;

(d) "legal resident of this state" means a person who has established a domicile in Utah, as that term is defined in Section 41-1a-202;

- (e) "license" means a license for a private investigator agency, registrant, or apprentice;
- (f) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and
- (g) "suspension" means the temporary deprivation, for a specified period of time, of a private investigator license.

#### **R722-330-4. Application for Licensure.**

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- (1)(a) An applicant seeking to obtain a license shall submit a completed application packet to the bureau.
- (b) The application packet shall include:
  - (i) a written application form provided by the bureau with the applicant's residential or physical address and mailing or business address;
  - (ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo which meets these requirements to the bureau within the previous three years;
  - (iii) a photocopy of a driver license or identification card issued by the state of Utah;
  - (iv) one completed FBI applicant fingerprint card (Form FD-258) with the applicant's legible fingerprints; and
  - (v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 plus the FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.
- (2) If an applicant is applying for an agency license, the applicant shall also provide:
  - (a) the name under which the applicant intends to do business;
  - (b) a completed Verification of Investigative Experience Form which documents that the applicant has performed 10,000 hours of investigative experience as provided in Subsection 53-9-108(3);
  - (c) a certificate of liability insurance for the applicant in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and
  - (d) a certificate of workers' compensation insurance, if applicable.
- (3) If the applicant is applying for a registrant license, the applicant shall also provide:
  - (a) the name of the licensed agency for which the applicant will be an employee or independent contractor;
  - (b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;
  - (c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 2,000 hours of investigative experience as provided in Subsection 53-9-108(3); and
  - (d) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).
- (4) If the applicant is applying for an apprentice license, the applicant shall also provide:
  - (a) the name of the licensed agency for which the applicant will be an employee or independent contractor;
  - (b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and
  - (c) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

#### **R722-330-5. Verification of Investigative Experience.**

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- (1)(a) When completing the Verification of Investigative Experience Form for an agency or registrant license, the applicant shall describe, in detail, the number of hours and the type of investigative work which the applicant performed.
- (b) The investigative experience shall have been performed within ten years from the date of the application while the applicant was working as a licensed private investigator or an investigator for a governmental entity.
- (c)(i) The Verification of Investigative Experience Form shall be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.
- (ii) If the applicant is unable to provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.
- (2) An applicant seeking to receive credit towards the investigative experience requirement for licensure under Subsection 53-9-108(5), shall provide written documentation of the degree or certification for which the applicant is seeking credit.

**R722-330-6. Issuance of License.**

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(1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.

(b) Once the background check is complete, the bureau shall submit the completed application packet to the board for review, unless the application is for an apprentice license.

(c)(i) The bureau shall review all applications for apprentice licenses to determine whether the applicants meet the requirements for licensure.

(ii) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within five days.

(iii) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review all application packets submitted by the bureau to determine whether an applicant meets the requirements for licensure.

(b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.

(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.

(4)(a) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within 30 calendar days from the date the board's written denial was issued.

(5)(a) If the applicant requests a hearing, the board shall conduct an informal hearing during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the applicant files a written request for review with the commissioner within 30 calendar days.

(6)(a) If the applicant requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the applicant, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the applicant may appeal to the district court by complying with the requirements found in Section 63G-4-402.

**R722-330-7. Renewal of a License.**

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(1)(a) The bureau shall mail a renewal notice to a licensee at the last provided address, approximately 90 days prior to the expiration of the licensee's license.

(2)(a) A licensee seeking to renew a license shall submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau with the licensee's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the licensee's name written on the back of the photograph, unless the licensee submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a photocopy of a driver license or identification card issued by the state of Utah; and

(iv) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.

(3) If the licensee has an agency license, the licensee must also provide evidence that the licensee has a valid certificate of:

(a) liability insurance for the licensee in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(b) workers' compensation insurance, if applicable.

(4) If the licensee has a registrant or an apprentice license, the licensee must provide evidence that the licensee has a valid surety bond for the licensee in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(5) A licensee whose license has been expired for more than 90 days, shall reapply and meet all requirements found in R722-330-4.

(6) If the licensee meets the qualifications for renewal the bureau shall renew the license.

(7)(a) If the bureau determines that the licensee does not meet the qualifications for renewal the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within 30 calendar days from the date the bureau's written denial was issued.

(8)(a) If the licensee requests review by the board, the board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision, and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 calendar days.

(9)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

#### **R722-330-8. Suspension and Revocation of a License.**

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.

(4) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.

(5)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

#### **R722-330-9. Records Access.**

(1)(a) Information other than name and mailing or business address supplied to the division by an applicant or licensee, including a completed application or renewal form, shall be considered "private" information in accordance with Subsection 63G-2-302(2)(d).

(b) The names of licensees and their mailing or business address shall be considered public information.

(2)(a) Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with Subsection 63G-2-305(10).

(b) If such information is used as the basis for the denial, suspension, or revocation of a license, the applicant or licensee shall be entitled to access the information.

#### **KEY**

private investigators, license

#### **Date of Enactment or Last Substantive Amendment**

January 7, 2015

#### **Notice of Continuation**

January 7, 2015

#### **Authorizing, Implemented, or Interpreted Law**

53-9-101 through 53-9-119

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## ADDITIONAL INFORMATION

## CONTACT

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For questions regarding the *content* or *application* of rules under Title R722, please contact the promulgating agency (Public Safety, Criminal Investigations and Technical Services, Criminal Identification). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <http://www.rules.utah.gov/contact/agencycontacts.htm>.