

# BURGLAR ALARM SECURITY AND LICENSING ACT AMENDMENTS, 1996 Ut. HB 127

Enacted, March 15, 1996

**Reporter:** 1996 Ut. ALS 227; 1996 Utah Laws 227; 1996 Ut. Ch. 227; 1996 Ut. HB 127

UTAH ADVANCE LEGISLATIVE SERVICE > UTAH 52ND LEGISLATURE (1996) > CHAPTER 227 > HOUSE BILL 127

## Notice

 [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]  
[D> Text within these symbols is deleted <D]

## Synopsis

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING DEFINITIONS; AMENDING PROVISIONS OF THE BURGLAR ALARM SECURITY AND LICENSING ACT; PROVIDING FOR INTERIM PERMITS; AMENDING UNLAWFUL CONDUCT PROVISIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS: 58-65-102, as enacted by Chapter 215, Laws of Utah 1995 58-65-301, as enacted by Chapter 215, Laws of Utah 1995 58-65-302, as enacted by Chapter 215, Laws of Utah 1995 58-65-501, as enacted by Chapter 215, Laws of Utah 1995

ENACTS: 58-65-310, Utah Code Annotated 1953

## Text

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

Section 1. Section 58-65-102 is amended to read:

58-65-102. Definitions. In addition to the definitions in Section 58-1-102, as used in this chapter: (1) (a) "Alarm business or company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system.

(b) "Alarm business or company" does not include the activities of:

(i) a person engaged in the manufacture and sale of alarm systems when that person is not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems [A> , AND THE MANUFACTURE OR SALE OCCURS ONLY AT A PLACE OF BUSINESS ESTABLISHED BY THE PERSON ENGAGED IN THE MANUFACTURE OR SALE AND DOES NOT INVOLVE SITE VISITS AT THE PLACE OR INTENDED PLACE OF INSTALLATION OF AN ALARM SYSTEM <A] ; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent" means any individual employed within this state by a person engaged in the alarm business.

(3) "Alarm system" means equipment and devices assembled for the purpose of:

(a) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or

(b) signaling a robbery or attempted robbery on protected premises.

(4) "Board" means the Alarm System Security and Licensing Board created in Section 58-65-201.

(5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-65-501.

(6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-65-502 and as may be further defined by rule.

Section 2. Section 58-65-301 is amended to read:

58-65-301. Licensure required -- License classifications.

(1) A license is required to engage in the practice as an alarm business or alarm company, or as an alarm agent, except as specifically provided in Section 58-65-304 [A> , 58-65-310, <A] or 58-1-307.

(2) The division shall issue to a person who qualifies under this chapter a license in the classifications:

(a) alarm company; or

(b) alarm company agent.

Section 3. Section 58-65-302 is amended to read:

58-65-302. Qualifications for licensure -- Rulemaking.

(1) Each applicant for licensure as an alarm company shall:

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

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) have a qualifying agent who is an officer, director, partner, [D> or <D] proprietor [A> , OR MANAGER <A] of the applicant who:

(i) demonstrates 6,000 hours of experience [D> as a manager, supervisor, or administrator of an <D][A> IN THE <A] alarm company [A> BUSINESS <A] ;

[A> (II) DEMONSTRATES 2,000 HOURS OF EXPERIENCE AS A MANAGER OR ADMINISTRATOR IN THE ALARM COMPANY BUSINESS OR IN A CONSTRUCTION BUSINESS; <A] and

[D> (ii) <D][A> (III) <A] passes an examination component established by rule by the division in collaboration with the board;

(d) if a corporation, provide:

(i) the names, addresses, dates of birth, social security numbers, and fingerprint cards [D> taken by a law enforcement agency, <D] of all corporate officers, directors, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and

(ii) the names, addresses, dates of birth, social security numbers, and fingerprint cards [D> taken by a law enforcement agency, <D] of all shareholders owning 5% or more of the outstanding shares of the corporation, except this shall not be required if the stock is publicly listed and traded;

(e) if a limited liability company, provide:

(i) the names, addresses, dates of birth, social security numbers, and fingerprint cards [D> taken by a law enforcement agency, <D] of all company officers, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and

(ii) the names, addresses, dates of birth, social security numbers, and fingerprint cards [D> taken by a law enforcement agency, <D] of all individuals owning 5% or more of the equity of the company;

(f) if a partnership, the names, addresses, dates of birth, social security numbers, and fingerprint cards [D> taken by a law enforcement agency, <D] of all general partners, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;

(g) if a proprietorship, the names, addresses, dates of birth, social security numbers, and fingerprint cards [D] taken by a law enforcement agency, <D] of the proprietor, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;

(h) be of good moral character in that officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company is considered by the division and the board to indicate that the best interests of the public are served by granting the applicant a license;

(i) document that none of applicant's officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(j) document that none of applicant's officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel are currently suffering from habitual drunkenness or from drug addiction or dependence;

(k) file and maintain with the division evidence of:

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

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

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

(iv) registration with the Utah Department of Employment Security, State Tax Commission, and the Internal Revenue Service as is required by applicable law; [A] AND <A]

(l) meet with the division and board.

(2) Each applicant for licensure as an alarm company agent shall:

(a) submit an application in a form prescribed by the division accompanied by [D] a <D] fingerprint [D] card taken by a law enforcement agency <D][A] CARDS <A] ;

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company agent is considered by the division and the board to indicate that the best interests of the public are served by granting the applicant a license;

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

(e) not be currently suffering from habitual drunkenness or from drug addiction or dependence; [A] AND <A]

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

[A] (3) IN ACCORDANCE WITH TITLE 63, CHAPTER 46A, UTAH ADMINISTRATIVE RULEMAKING ACT, THE DIVISION MAY MAKE RULES ESTABLISHING WHEN FEDERAL BUREAU OF INVESTIGATION RECORDS SHALL BE CHECKED FOR APPLICANTS. <A]

[A] (4) TO DETERMINE IF AN APPLICANT MEETS THE QUALIFICATIONS OF SUBSECTIONS (1)(H) AND (2)(C), THE DIVISION SHALL PROVIDE AN APPROPRIATE NUMBER OF COPIES OF FINGERPRINT CARDS TO THE DEPARTMENT OF PUBLIC SAFETY WITH THE DIVISION'S REQUEST TO: <A]

[A> (A) CONDUCT A SEARCH OF RECORDS OF THE DEPARTMENT OF PUBLIC SAFETY FOR CRIMINAL HISTORY INFORMATION RELATING TO EACH APPLICANT FOR LICENSURE UNDER THIS CHAPTER AND EACH APPLICANT'S OFFICERS, DIRECTORS, AND SHAREHOLDERS DESCRIBED IN SUBSECTION (1)(D)(II), PARTNERS, PROPRIETORS, AND RESPONSIBLE MANAGEMENT PERSONNEL; AND <A]

[A> (B) FORWARD TO THE FEDERAL BUREAU OF INVESTIGATION A FINGERPRINT CARD OF EACH APPLICANT REQUIRING A CHECK OF RECORDS OF THE F.B.I. FOR CRIMINAL HISTORY INFORMATION UNDER THIS SECTION. <A]

[A> (5) THE DEPARTMENT OF PUBLIC SAFETY SHALL SEND TO THE DIVISION: <A]

[A> (A) A WRITTEN RECORD OF CRIMINAL HISTORY, OR CERTIFICATION OF NO CRIMINAL HISTORY RECORD, AS CONTAINED IN THE RECORDS OF THE DEPARTMENT OF PUBLIC SAFETY IN A TIMELY MANNER AFTER RECEIPT OF A FINGERPRINT CARD FROM THE DIVISION AND A REQUEST FOR REVIEW OF DEPARTMENT OF PUBLIC SAFETY RECORDS; AND <A]

[A> (B) THE RESULTS OF THE F.B.I. REVIEW CONCERNING AN APPLICANT IN A TIMELY MANNER AFTER RECEIPT OF INFORMATION FROM THE F.B.I. <A]

[A> (6) (A) THE DIVISION SHALL CHARGE EACH APPLICANT A FEE, IN ACCORDANCE WITH SECTION 63-38-3.2, EQUAL TO THE COST OF PERFORMING THE RECORDS REVIEWS UNDER THIS SECTION. <A]

[A> (B) THE DIVISION SHALL PAY THE DEPARTMENT OF PUBLIC SAFETY THE COSTS OF ALL RECORDS REVIEWS, AND THE DEPARTMENT OF PUBLIC SAFETY SHALL PAY THE F.B.I. THE COSTS OF RECORDS REVIEWS UNDER THIS CHAPTER. <A]

[A> (7) INFORMATION OBTAINED BY THE DIVISION FROM THE REVIEWS OF CRIMINAL HISTORY RECORDS OF THE DEPARTMENT OF PUBLIC SAFETY AND THE F.B.I. SHALL BE USED OR DISSEMINATED BY THE DIVISION ONLY FOR THE PURPOSE OF DETERMINING IF AN APPLICANT FOR LICENSURE UNDER THIS CHAPTER IS QUALIFIED FOR LICENSURE. <A]

Section 4. Section 58-65-310 is enacted to read: [A> 58-65-310. <A] Interim permits.

[A> (1) UPON RECEIPT OF A COMPLETE APPLICATION FOR LICENSURE IN ACCORDANCE WITH SECTION 58-65-302, AN APPLICANT FOR LICENSURE AS AN ALARM COMPANY AGENT MAY BE ISSUED AN INTERIM PERMIT. <A]

[A> (2) (A) EACH INTERIM PERMIT SHALL EXPIRE 90 DAYS AFTER IT IS ISSUED OR ON THE DATE ON WHICH THE APPLICANT IS ISSUED A LICENSE, WHICHEVER IS EARLIER. <A]

[A> (B) THE DIVISION MAY REISSUE AN INTERIM PERMIT IF THE DELAY IN APPROVING A LICENSE IS BEYOND THE CONTROL OR INFLUENCE OF THE INTERIM PERMIT HOLDER. <A]

[A> (3) AN INTERIM PERMIT HOLDER MAY ENGAGE IN THE SCOPE OF AN ALARM COMPANY AGENT. <A]

Section 5. Section 58-65-501 is amended to read:

58-65-501. Unlawful conduct. "Unlawful conduct" includes [A> : <A]

[A> (1) <A] employing as an alarm company an unlicensed individual as an alarm company agent [A> , EXCEPT AS PERMITTED UNDER THE EXEMPTION FROM LICENSURE PROVISION UNDER SECTION 58-65-304; AND <A]

[A> (2) FILING WITH THE DIVISION FINGERPRINT CARDS FOR AN APPLICANT WHICH ARE NOT THOSE OF THE APPLICANT, OR ARE IN ANY OTHER WAY FALSE OR FRAUDULENT AND INTENDED TO MISLEAD THE DIVISION IN ITS CONSIDERATION OF THE APPLICANT FOR LICENSURE <A] .

Section 6. Effective date. [A> IF APPROVED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH

HOUSE, THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR, OR THE DAY FOLLOWING THE CONSTITUTIONAL TIME LIMIT OF ARTICLE VII, SECTION 8, WITHOUT THE GOVERNOR'S SIGNATURE, OR IN THE CASE OF A VETO, THE DATE OF VETO OVERRIDE. <A]

**History**

Approved by the Governor on March 15, 1996

**Sponsor**

DeMar Bud Bowman

UTAH ADVANCE LEGISLATIVE SERVICE  
Copyright © 2014 LexisNexis. All rights reserved.