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

**R722-310. Regulation of Bail Bond Recovery and Enforcement Agents.**

**R722-310-1. Purpose.**

The purpose of the rule is to establish procedures for the licensing of bail enforcement agents, bail recovery agents, and bail recovery apprentices.

**R722-310-2. Authority.**

This rule is authorized by Subsection 53-11-103(5).

**R722-310-3. Definitions.**

(1) Terms used in this rule are defined in Section 53-11-102.

(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) "board" means the Bail Bond Recovery and Private Investigator Licensure Board established in Sections 53-11-104 and 53-11-105;

(c) "bureau" means the Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-201;

(d) "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;

(e) "licensee" means an individual who has received a bail enforcement agent license, bail recovery agent license or bail recovery apprentice license;

(f) "revocation" means the permanent deprivation of a bail bond recovery license, however revocation does not preclude an individual from applying for a new bail bond recovery license if the reason for revocation no longer exists; and

(g) "suspension" means the temporary deprivation, for a specified period, of a bail bond recovery license.

**R722-310-4. Application for Licensure.**

(1)(a) An applicant seeking to obtain a license as a bail enforcement agent, bail recovery agent, or a bail recovery apprentice 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 state-issued driver license or identification card;

(iv) one completed FBI applicant fingerprint card, Form FD-258, with the applicant's legible fingerprints;

(v) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-11-115;

(vi) documentation from an approved provider indicating that the applicant has completed the 16-hour training program, described in Subsection 53-11-108(4); and

(vii) documentation showing the licensee has a surety bond in amount of $10,000 which meets the requirements described in Subsection 53-11-113(3).

(2) If the applicant is applying for license as a bail enforcement agent, the applicant must also provide documentation indicating that the applicant has 2,000 hours of experience related to bail bond recovery and enforcement.

(3) If an applicant for license as a bail enforcement agent wishes to operate a bail bond recovery agency, the applicant shall also provide:

(a) the name under which the bail bond recovery agency will operate; and

(b) a certificate of workers' compensation insurance, if applicable.

(4) If the applicant is applying for license as a bail recovery agent, the applicant shall also provide:

(a) documentation indicating that the applicant has 1,000 hours of experience related to bail bond recovery and enforcement; and

(b) verification from a bail bond recovery agency indicating that the agency will employ or contract with the applicant.

(5) If the applicant is applying for license as a bail recovery apprentice, the applicant shall also provide verification from a bail bond recovery agency indicating that the agency will employ or contract with the applicant.

(6) If the applicant is seeking to carry a firearm as a licensee, the applicant shall comply with each of the requirements found in Rule R722-300 and provide documentation from an approved bail enforcement firearms instructor indicating that the applicant has completed the 16-hour firearms training course required in Subsection 53-11-108(5).

(7) Once the application packet is complete, the bureau shall submit it to the board for their review at the next regularly scheduled meeting.

**R722-310-5. Training Program Requirements.**

(1) The 16-hour training program described in Subsection 53-11-108(4), which is required for licensure, shall be provided by a training program provider approved by the board.

(2) Training program providers seeking to become approved by the board shall provide a detailed course curriculum for the board's review.

(3)(a) Training programs which are approved by the board shall be open to anyone who wishes to attend.

(b) If a training provider charges a fee for the training program, the same fee shall apply to each participant in the training program.

(4) Training program providers shall notify the bureau, at least five days in advance, of the dates, times, and location of any courses provided.

(5)(a) Bureau investigators shall periodically monitor approved training programs to ensure that the training program is providing instruction as required by Subsection 53-11-108(4).

(b) The training program may not charge an investigator a fee for monitoring the program.

(6) If the board receives information that a training program is not providing instruction as required by Subsection 53-11-108(4), the board may terminate its approval of the training program after notice and an opportunity for a hearing before the board.

**R722-310-6. Verification of Experience.**

(1) When verifying the experience necessary for licensure as a bail enforcement agent or a bail recovery agent, an applicant shall provide a written statement which lists, in detail, the number of hours and the type of bail bond recovery work performed by the applicant.

(2) The verification of experience shall be signed and notarized by the applicant's employer or by an individual who has personal knowledge of the bail bond recovery work performed.

(3) The bail bond recovery work shall have been performed within ten years from the date of the application.

**R722-310-7. Credit for Specified Training.**

(1) An applicant who wishes to receive credit towards the experience requirement for licensure, shall provide documentation indicating that the applicant has a criminal justice bachelor's degree or has successfully completed a basic training course described in Subsection 53-11-114(1)(b) or 53-11-114(1)(c).

(2) An applicant may receive up to 1,000 hours of credit toward the experience requirement for licensure under Section 53-11-114.

(3) An applicant seeking credit under Section 53-11-114, is not exempt from completing the 16-hour training course required by Subsection 53-11-108(4).

**R722-310-8. Renewal of a License.**

(1)(a) A licensee seeking to renew a license as a bail enforcement agent, bail recovery agent, or a bail recovery apprentice 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 non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-11-115;

(iv) evidence that the licensee has completed eight hours of continuing classroom instruction required by Subsection 53-11-111(2); and

(v) documentation showing the licensee has a $10,000 surety bond which meets the requirements described in Subsection 53-11-113(3).

(2)(a) Once the renewal packet is complete, the bureau shall review it to determine if the licensee meets the requirements for renewal.

(b) If the bureau determines the licensee does not meet the requirements for renewal, the bureau shall submit the renewal packet to the board for their review at the next regularly scheduled meeting.

(3) A licensee whose license has been expired for more than 90 days, shall reapply and meet each requirement found in Section R722-310-4.

**R722-310-9. Requirements for Continuing Classroom Instruction.**

A licensee who renews their license shall attend eight hours of continuing classroom instruction required by Subsections 53-11-111(2) and 53-11-109(2).

**R722-310-10. Criteria for Certified Bail Enforcement Firearms Instructor.**

(1) The 16-hour firearms training program described in Subsection 53-11-108(5), shall be provided by a bail enforcement firearms instructor approved by the bureau.

(2) A bail enforcement firearms instructor approved by the bureau shall be a certified in the state as a concealed firearm permit instructor under Subsection 53-5-704(9) and be in good standing with the bureau.

(3)(a) Each approved bail enforcement firearms instructor shall adhere to the curriculum adopted by the bureau.

(b) An instructor may supplement, but may not detract from the set curriculum.

**R722-310-11. Notice to Commissioner.**

A bail bond recovery agency may provide notice of a change in the name or address of a bail bond agency, or any change of employees or contract employees, to the commissioner as required by Subsection 53-11-116(5) by sending a written notice to the bureau that is signed by the licensee.

**R722-310-12. Denial of a License.**

(1) The board may deny a license application or renewal for failure to comply with the requirements in Sections 53-10-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.

(2) The bureau may deny a license renewal for failure to comply with the requirements in Sections 53-10-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.

(3) An applicant who is denied a license may request a hearing in accordance with Section 53-11-118.

(4) The board shall conduct adjudicative proceedings in accordance with Section R722-310-14.

**R722-310-13. Disciplinary Action Against a Licensee.**

(1) The board shall review any investigation presented by the bureau and may take disciplinary action against a licensee in accordance with Section 53-11-119 based on a violation of Section 53-11-119.

(2) The board shall conduct adjudicative proceedings in accordance with Section R722-310-14.

**R722-310-14. Adjudicative Proceedings.**

(1) Adjudicative proceedings shall be informal in accordance with Sections 63G-4-202 through 63G-4-203.

(2) 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.

(3) 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.

(4)(a) If the licensee requests review of the board's decision, the commissioner or the commissioner's 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.

**R722-310-15. Records Access.**

(1) 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).

(2) If information described in Subsection R722-330-10(1) 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.

**R722-310-16. Identification of Licensees.**

(1)(a) A licensee shall be issued an identification card by the bureau which identifies the licensee as a bail enforcement agent, bail recovery agent or bail recovery apprentice.

(b) The identification card shall indicate on its face if the licensee is authorized to carry a loaded and concealed firearm as provided in Subsection 53-11-108(5).

(2)(a) A bail enforcement agent or bail recovery agent may possess and display a badge that is identical to the badge depicted on the bureau's website in accordance with Section 53-11-121.

(b) A bail enforcement agent or bail recovery agent may obtain a badge from any source, so long as it complies with the following specifications:

(i) the badge shall be 2.55 inches high and 2.66 inches wide;

(ii) the badge shall be in the shape of a five-point star on a circle;

(iii) the star shall be gold in color and the circle must be silver in color;

(iv) the center of the star shall be black in color and contain a seal with the phrase "Liberty and Justice For All";

(v) the text of the badge shall be written in block lettering and must be black;

(vi) the silver circle shall contain two panels with writing to indicate whether the agent is a bail enforcement or bail recovery agent; and

(vii) the badge shall contain two gold panels with writing to indicate the word "Utah" on the top panel and the agent's license number on the bottom panel.

(3) The design approved by the board under Subsection 53-11-121(5) shall contain the words "bail enforcement agent" or "bail recovery agent" written on both the chest and back in writing which is:

(a) at least two inches in height on the back;

(b) at least one half of an inch in height on the front; and

(c) in a color that contrasts with the color of the item of clothing.

**KEY: bail bond enforcement agents, bail bond recovery agents, bail bond recovery apprentices, licenses**

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