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

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

**R722-330-1. Purpose.**

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

**R722-330-2. Authority.**

This rule is authorized by Section 53-9-103.

**R722-330-3. Definitions.**

(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 the state, 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 a private investigator license.

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

(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 color photograph of passport quality, taken no more than 24 months before application, which contains the applicant's name written on the back of the photograph;

(iii) a photocopy of a driver license or state issued identification card;

(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 and 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 and signed Verification of Investigative Experience Form which documents that the applicant has performed at least 5,000 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 and signed Verification of Investigative Experience Form which documents that the applicant has performed at least 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.**

(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 cannot 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 toward 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.**

(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) The bureau shall submit the completed application packet to the board for review after completion of the background check, unless the application is for an apprentice license.

(c)(i) The bureau shall review each application 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 does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review each application packet 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 board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(4) If the applicant requests a hearing, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

(5) An application may not be approved for any individual who has had any private investigator license or permit revoked more than one time in any jurisdiction.

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

(1)(a) The bureau shall notify each licensee by email 90 days before the expiration date clearly printed on the identification card and license.

(b) The bureau may send a renewal notice to a licensee at the last provided address, about 90 days before the expiration of the licensee's license if there is not an e-mail address on file for the licensee.

(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 color photograph of passport quality, taken no more than 24 months before application for renewal, which contains the licensee's name written on the back of the photograph;

(iii) a photocopy of a driver license or state-issued identification card; 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 shall 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 shall 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) The licensee shall submit proof of completion of continuing education requirements, completed within two years before the date of application for renewal as described under Subsection 53-9-111(2), which shall include:

(a) four hours of ethics education provided by a nationally recognized association or bureau-approved association;

(b) four hours of education on Utah law, including Title 53, Chapter 9, Private Investigator Regulation Act; and

(c) eight hours of education as approved by the bureau.

(6) A licensee whose license has been expired for more than 180 days, shall reapply and meet each requirement found in Section R722-330-4.

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

(8)(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.

(9) If the licensee requests review by the board, the board shall conduct an informal hearing in accordance with Section R722-330-9 during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

**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 bureau may recommend disciplinary action in accordance with Section 53-9-117.

(4) The board shall conduct adjudicative proceedings in accordance with Section R722-330-9.

**R722-330-9. Adjudicative Proceedings.**

(1) Adjudicative proceeding shall be informal in accordance with Sections 63G-4-202 and 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.

**R722-330-10. 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 have access to the information contained in the bureau's file and to all materials and information gathered in any investigation, to the extent permitted by law.

**R722-330-11. Reinstatement of License or Permit.**

(1) An individual who has had their license or permit suspended may apply for renewal of the license or permit once the suspension period has ended.

(2) An individual who has had their license or permit revoked may apply for reinstatement:

(a) once the revocation period has ended; and

(b) if the individual has not had their license or permit revoked more than one time in any jurisdiction.

(3) An individual who applies for renewal of a license or permit following suspension or revocation shall:

(a) pay a reinstatement fee; and

(b) comply with the requirements under Section R722-330-7.

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