

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 9.1-138 of the Code of Virginia, relating to business advertising material; private security services businesses.

[H 1629]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-138 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-138. Definitions.

In addition to the definitions set forth in § 9.1-101, as used in this article, unless the context requires a different meaning:

"Alarm respondent" means an individual who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a natural person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Business advertising material" means display advertisements in telephone directories, letterhead, business cards, local newspaper advertising ~~and~~, contracts, *and any electronic medium, including the Internet, social media, and digital advertising.*

"Central station dispatcher" means an individual who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used (i) to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; (ii) to prevent or detect intrusion; or (iii) primarily to summon aid for other emergencies.

"Certification" means the method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, or certified detector canine handler examiners.

"Compliance agent" means an individual who owns or is employed by a licensed private security services business to ensure the compliance of the private security services business with this title.

"Computer or digital forensic services" means the use of highly specialized expertise for the recovery, authentication, and analysis of electronic data or computer usage.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious services.

"Detector canine" means any dog that detects drugs or explosives.

"Detector canine handler" means any individual who uses a detector canine in the performance of private security duties.

"Detector canine handler examiner" means any individual who examines the proficiency and reliability of detector canines and detector canine handlers in the detection of drugs or explosives.

"Detector canine team" means the detector canine handler and his detector canine performing private security duties.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; (ii) respond to or cause a response to electronic security equipment for an end user; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security employee" means an individual who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security equipment" means (i) electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms used to safeguard and protect persons and property; or (ii) cameras used to detect intrusions, concealment or theft, to safeguard and protect persons and property. This shall not

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57 include tags, labels, and other devices that are attached or affixed to items offered for sale, library
58 books, and other protected articles as part of an electronic article surveillance and theft detection and
59 deterrence system.

60 "Electronic security sales representative" means an individual who sells electronic security equipment
61 on behalf of an electronic security business to the end user.

62 "Electronic security technician" means an individual who installs, services, maintains or repairs
63 electronic security equipment.

64 "Electronic security technician's assistant" means an individual who works as a laborer under the
65 supervision of the electronic security technician in the course of his normal duties, but who may not
66 make connections to any electronic security equipment.

67 "Employed" means to be in an employer/employee relationship where the employee is providing
68 work in exchange for compensation and the employer directly controls the employee's conduct and pays
69 some taxes on behalf of the employee. The term "employed" shall not be construed to include
70 independent contractors.

71 "End user" means any person who purchases or leases electronic security equipment for use in that
72 person's home or business.

73 "Firearms training verification" means the verification of successful completion of either initial or
74 retraining requirements for handgun or shotgun training, or both.

75 "General public" means individuals who have access to areas open to all and not restricted to any
76 particular class of the community.

77 "Key cutting" means making duplicate keys from an existing key and includes no other locksmith
78 services.

79 "License number" means the official number issued to a private security services business licensed by
80 the Department.

81 "Locksmith" means any individual that performs locksmith services, or advertises or represents to the
82 general public that the individual is a locksmith even if the specific term locksmith is substituted with
83 any other term by which a reasonable person could construe that the individual possesses special skills
84 relating to locks or locking devices, including use of the words lock technician, lockman, safe
85 technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security
86 technician or similar descriptions.

87 "Locksmith services" mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the
88 combination to an electronic or mechanical locking device; programming either keys to a device or the
89 device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or
90 installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and
91 vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by
92 the manufacturer; with or without compensation for the general public or on property not his own nor
93 under his own control or authority.

94 "Natural person" means an individual person.

95 "Personal protection specialist" means any individual who engages in the duties of providing close
96 protection from bodily harm to any person.

97 "Private investigator" means any individual who engages in the business of, or accepts employment
98 to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition,
99 or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to
100 property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

101 "Private security services business" means any person engaged in the business of providing, or who
102 undertakes to provide, armored car personnel, security officers, personal protection specialists, private
103 investigators, couriers, security canine handlers, security canine teams, detector canine handlers, detector
104 canine teams, alarm respondents, locksmiths, central station dispatchers, electronic security employees,
105 electronic security sales representatives or electronic security technicians and their assistants to another
106 person under contract, express or implied.

107 "Private security services instructor" means any individual certified by the Department to provide
108 mandated instruction in private security subjects for a certified private security services training school.

109 "Private security services registrant" means any qualified individual who has met the requirements
110 under this article to perform the duties of alarm respondent, locksmith, armored car personnel, central
111 station dispatcher, courier, electronic security sales representative, electronic security technician,
112 electronic security technician's assistant, personal protection specialist, private investigator, security
113 canine handler, detector canine handler, unarmed security officer or armed security officer.

114 "Private security services training school" means any person certified by the Department to provide
115 instruction in private security subjects for the training of private security services business personnel in
116 accordance with this article.

117 "Registration" means a method of regulation whereby certain personnel employed by a private

118 security services business are required to register with the Department pursuant to this article.
 119 "Registration category" means any one of the following categories: (i) unarmed security officer and
 120 armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private
 121 investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher,
 122 (viii) electronic security sales representative, (ix) electronic security technician, (x) electronic technician's
 123 assistant, (xi) detector canine handler, or (xii) locksmith.
 124 "Security canine" means a dog that has attended, completed, and been certified as a security canine
 125 by a certified security canine handler instructor in accordance with approved Department procedures and
 126 certification guidelines. "Security canines" shall not include detector dogs.
 127 "Security canine handler" means any individual who utilizes his security canine in the performance of
 128 private security duties.
 129 "Security canine team" means the security canine handler and his security canine performing private
 130 security duties.
 131 "Supervisor" means any individual who directly or indirectly supervises registered or certified private
 132 security services business personnel.
 133 "Unarmed security officer" means a natural person who performs the functions of observation,
 134 detection, reporting, or notification of appropriate authorities or designated agents regarding persons or
 135 property on the premises he is contracted to protect, and who does not carry or have access to a firearm
 136 in the performance of his duties.