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HOUSE BILL NO. 509

Offered January 20, 1998

A BILL to amend and reenact §§ 9-183.1 and 9-183.3 of the Code of Virginia, relating to licensure of electronic security contractors.

Patron—Keating

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 9-183.1 and 9-183.3 of the Code of Virginia are amended and reenacted as follows:****§ 9-183.1. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Alarm respondent" means a natural person 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 security officer" means a security officer, as defined below, who carries or has immediate access to a firearm or other deadly weapon 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.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Business advertising material" means telephone directories, stationery, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means a natural person who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; used to prevent or detect intrusion; or used primarily to summon aid for other emergencies.

"Compliance agent" means a natural person 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.

"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.

"Department" means the Department of Criminal Justice Services or any successor agency.

"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 or (ii) respond to or cause a response to electronic security equipment for an end user.

"Electronic security employee" means a natural person who is employed by *or under contract with* an electronic security business in any capacity which may give him access to information concerning the design, extent or status of an end user's electronic security equipment.

"Electronic security equipment" means electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms or cameras used to detect intrusions, concealment or theft.

"Electronic security equipment" shall not include tags, labels, and other devices which use radio frequency-based technology and which are attached or affixed to items offered for sale, library books, and other protected articles as part of an electronic article surveillance and theft detection and deterrence system.

"Electronic security sales representative" means a natural person who sells electronic security equipment on behalf of an electronic security business to the end user.

"Electronic security technician" means a natural person who installs, services, maintains or repairs electronic security equipment.

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

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

"Guard dog handler" means any person employed by a private security services business to handle dogs in the performance of duty in protection of property or persons.

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

"Person" means any individual, group of individuals, firm, company, corporation, partnership,

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60 business, trust, association, or other legal entity.

61 "Personal protection specialist," on and after July 1, 1995, means any person who engages in the
62 business of providing protection from bodily harm to another.

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

67 "Private security services business" means any person engaged in the business of providing, or who
68 undertakes to provide, (i) armored car personnel, security officers, personal protection specialists, private
69 investigators, couriers, or guard dog handlers to another person under contract, express or implied or (ii)
70 alarm respondents, central station dispatchers, electronic security employees, electronic security sales
71 representatives or electronic security technicians to another person under contract, express or implied.

72 "Registration" means a method of regulation whereby certain personnel employed by a private
73 security services business are required to obtain a registration from the Department pursuant to this
74 article.

75 "Security officer" means any person employed by a private security services business to safeguard
76 and protect persons and property or to prevent theft, loss, or concealment of any tangible or intangible
77 personal property.

78 "Unarmed security officer" means a security officer who does not carry or have immediate access to
79 a firearm or other deadly weapon in the performance of his duties.

80 § 9-183.3. Licensing and registration.

81 A. No person shall engage in the private security services business or solicit private security
82 business, including, on and after July 1, 1995, the electronic security business in this Commonwealth
83 without having obtained a license from the Department. No person shall be issued a private security
84 services business license until a compliance agent is designated in writing on forms provided by the
85 Department. The compliance agent shall assure the compliance of the private security services business
86 with this article and shall meet the qualifications and perform the duties required by the regulations
87 promulgated by the Department.

88 B. No person shall be employed by a licensed private security services business in this
89 Commonwealth as armored car personnel, courier, armed security officer, guard dog handler, or private
90 investigator without possessing a valid registration issued by the Department. On and after July 1, 1995,
91 no person shall be employed, *or serve as a private contractor*, as an alarm respondent, central station
92 dispatcher, electronic security sales representative or electronic security technician without possessing a
93 valid registration issued by the Department.

94 C. No person shall be issued a registration until he has (i) complied with, or been exempted from the
95 compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182,
96 for armored car personnel, couriers, armed security officers, guard dog handlers, private investigators,
97 alarm respondents, central station dispatchers, electronic security sales representatives or electronic
98 security technicians and (ii) submitted his fingerprints to be used for the conduct of a National Criminal
99 Records search and a Virginia Criminal History Records search, and the results of such searches have
100 been submitted to the Department; however, a temporary registration may be issued as provided in the
101 regulation for the purpose of awaiting the results of the state and national fingerprint search.

102 D. A licensed private security services business in this Commonwealth shall not employ as an
103 unarmed security officer any person who has not complied with, or been exempted from, the
104 compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182
105 for unarmed security officers, except that such person may be so employed for not more than ninety
106 days while completing compulsory minimum training standards.

107 E. The compliance agent of each licensed private security services business in the Commonwealth
108 shall maintain documentary evidence that each (i) unarmed security officer employee has complied with,
109 or been exempted from, the compulsory minimum training standards required by the Board for unarmed
110 security officers and that an investigation to determine suitability of each unarmed security officer
111 employee has been conducted, except that any such unarmed security officer, upon initiating a request
112 for such investigation under the provisions of subdivision 11 of subsection A of § 19.2-389, may be
113 employed for up to thirty days pending completion of such investigation and (ii) electronic security
114 technician's assistant has complied with, or has been exempted from, the compulsory minimum training
115 standards required by the Board for electronic security technician's assistants. No person with a criminal
116 record of a misdemeanor involving moral turpitude or any felony shall be employed as an unarmed
117 security officer, except that, upon written request, the Director of the Department of Criminal Justice
118 Services may waive such prohibition.

119 F. A licensed private security services business in the Commonwealth shall not employ *or contract*
120 *with* as an electronic security technician's assistant, unarmed alarm respondent, central station dispatcher,
121 electronic security sales representative, or electronic security technician, any person who has not

122 complied with, or been exempted from, the compulsory minimum training standards established by the
123 Board pursuant to subsection A of § 9-182 for electronic security technicians' assistants, unarmed alarm
124 respondents, central station dispatchers, electronic security sales representatives, and electronic security
125 technicians, except that such person may be employed *or under contract* for not more than ninety days
126 while completing the compulsory minimum training standards.

127 No person shall be employed, *or serve as a private contractor*, as an electronic security technician's
128 assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, or
129 electronic security technician until he has submitted his fingerprints to the Department to be used for the
130 conduct of a National Criminal Records search and a Virginia Criminal History Records search.

131 G. On and after July 1, 1994, no person shall be employed, *or serve as a private contractor*, as an
132 electronic security employee until (i) he has submitted his fingerprints to be used for the conduct of a
133 national criminal records search and a Virginia criminal history records search and (ii) the results of the
134 searches have been submitted to the Department. However, a temporary authorization to work may be
135 issued while awaiting the results of the searches.

136 H. The Department may grant a temporary exemption from the requirement of a license or
137 application for a registration for a period of not more than thirty days in a situation deemed an
138 emergency by the Department.

139 I. For a period of one year from July 1, 1995, any person subject to the provisions of subsections A,
140 B and C of this section who has actually been employed by an electronic security business as an
141 electronic security technician for a period of three years, a central station dispatcher for a period of one
142 year, an electronic security sales representative for a period of one year, or an alarm respondent for a
143 period of one year immediately preceding the date of application, may be registered; however, the
144 Department shall require such person to submit satisfactory proof of his (i) full-time active engagement
145 in such employment for such period and (ii) compliance with all applicable fees and requirements set
146 forth in this chapter. The renewal of any registration shall be contingent upon the fulfillment of all rules
147 and regulations promulgated by the Board.

148 J. For a period of one year from July 1, 1995, any person subject to the provisions of subsections A,
149 B and C of this section who has actually been employed as a personal protection specialist for the three
150 years immediately preceding the date of application, may be registered; however, the Department shall
151 require such person to submit satisfactory documentation that he has (i) successfully completed personal
152 protection training approved by the Department, (ii) been engaged in such employment for such period,
153 and (iii) complied with all applicable fees and requirements set forth in this chapter. The renewal of any
154 registration shall be contingent upon the fulfillment of all rules and regulations promulgated by the
155 Board.

156 K. On or after July 1, 1997, all private security services businesses in the Commonwealth shall
157 include their license number on all business advertising materials.