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HOUSE BILL NO. 2190

Offered January 16, 1997

A BILL to amend and reenact §§ 9-183.1 and 9-183.2 of the Code of Virginia, relating to private security services businesses; exemptions.

Patron—Keating

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:**1. That §§ 9-183.1 and 9-183.2 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 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 devices attached to wearing apparel used for theft deterrence.*

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

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

INTRODUCED

HB2190

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

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

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

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

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

77 § 9-183.2. Exceptions.

78 A. The provisions of this article shall not apply to the following:

79 1. An officer or employee of the United States of America, or of this Commonwealth or a political
80 subdivision of either, while the employee or officer is performing his official duties.

81 2. A person engaged exclusively in the business of obtaining and furnishing information regarding an
82 individual's financial rating or a person engaged in the business of a consumer reporting agency as
83 defined by the Federal Fair Credit Reporting Act.

84 3. An attorney or certified public accountant licensed to practice in Virginia or his employees.

85 4. The legal owner of personal property which has been sold under any security agreement while
86 performing acts relating to the repossession of such property.

87 5. A person receiving compensation for private employment as a security officer who also has
88 full-time employment as a law-enforcement officer employed by the Commonwealth or any political
89 subdivision thereof.

90 6. Any person appointed under § 46.2-2003 or § 56-353 while engaged in the employment
91 contemplated thereunder, unless they have successfully completed training mandated by the Department.

92 7. Persons who are regularly employed to investigate accidents or to adjust claims and who do not
93 carry weapons in the performance of their duties.

94 8. Regular employees of persons engaged in other than the private security services business, where
95 the regular duties of such employees primarily consist of protecting the property of their employers. Any
96 such employee who carries a firearm and is in direct contact with the general public in the performance
97 of his duties shall possess a valid registration with this Department as provided in subsection B of
98 § 9-183.3. "General public" means individuals who have access to areas open to all and not restricted to
99 any particular class of the community.

100 9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the
101 purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a
102 business establishment.

103 10. Licensed or registered private investigators from other states entering Virginia during an
104 investigation originating in their state of licensure or registration when the other state offers similar
105 reciprocity to private investigators licensed and registered by the Commonwealth of Virginia.

106 11. Unarmed regular employees of telephone public service companies where the regular duties of
107 such employees consist of protecting the property of their employers and investigating the usage of
108 telephone services and equipment furnished by their employers, their employers' affiliates, and other
109 communications common carriers.

110 12. An end user.

111 13. A material supplier who renders advice concerning the use of products sold by an electronics
112 security business and who does not provide installation, monitoring, repair or maintenance services for
113 electronic security equipment.

114 14. Members of the security forces who are directly employed by electric public service companies.

115 15. Any ~~Virginia state-licensed professional engineer or architectural firm doing design specifications~~
116 ~~or consulting work of which security is part of the overall contract~~ professional engineer or architect
117 *licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to practice in the*
118 *Commonwealth, or his employees.*

119 16. Any person who only performs telemarketing or schedules appointments without access to
120 information concerning the electronic security equipment purchased by an end user.

121 17. Any certified forensic scientist employed as an expert witness for the purpose of possibly

122 testifying as an expert witness.

123 18. Members of the security forces who are directly employed by shipyards engaged in the
124 construction, design, overhaul or repair of nuclear vessels for the United States Navy.

125 B. An out-of-state central station dispatcher employed by a private security services business licensed
126 by the Department may meet the training requirements by completing a course in his geographic area
127 that (i) meets or exceeds the Virginia curriculum and (ii) has been approved by the Department.

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HB2190