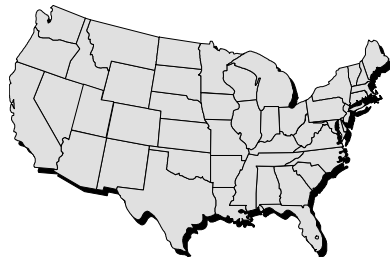


**NATIONAL LAWS AND STATUTES
FOR
PRIVATE INVESTIGATORS
AND
SECURITY GUARD AGENCIES©**



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REVISED EDITION

2000

**NATIONAL LAWS AND STATUTES
FOR
PRIVATE INVESTIGATORS AND SECURITY GUARD AGENCIES ©**

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5th Revision



Oklahoma Investigations
PO Box 856
Edmond, OK 73083
(405) 340-9662 e-mail: bandits@telepath.com

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NATIONAL LAWS & STATUTES FOR
PRIVATE INVESTIGATORS AND SECURITY GUARD AGENCIES[®]

REVISED EDITION
2000

This publication developed from an idea in 1985, and has since expanded to this point. From that time to this, our 5th revision, much has changed, both within the Law Enforcement community within the United States, and the businesses and agencies that this publication deals with.

Closing out this, our twentieth century, I have endeavored to keep the information as up dated as possible. Many people from many state agencies have helped enormously, and for their efforts and attention, I thank you greatly. Without your input, this information is not possible.

In this revised edition some changes have occurred. For the most part, the original questionnaire has been deleted. Now, at the front of each state, we are showing whether they have state, county or local laws governing the Private Investigation and Security Guard businesses, and if so, copies of their laws and requirements follow. Also, the updated telephone numbers and individuals to contact are provided. New state information is listed for states that have concealed-carry (C.C.W.) laws in effect. One other thing, where possible, I have included the Web site addresses of states that are on the net.

DISCLAIMER

This publication is for reference only and is not considered the official rules or laws. Verification should be made with the respective states to insure any differences with this text and the official text on file.

Although the most current information has been included, please be reminded that the information is changing on almost a daily basis. The information is subject to change since the printing of this publication.

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QUICK REFERENCE

State	PI	API	PI AGENCY	USG	ASG	SG AGENCY	CARRY	BOUNTY
Alabama	YES		BUS LIC		YES	BUS LIC	YES	
Alaska			BUS LIC			STATE	YES	
Arizona	YES		STATE		YES	STATE	YES	
Arkansas	YES		STATE		YES	STATE	YES	
California		YES	STATE		YES	STATE	YES	
Colorado					YES	CITY	YES	
Connecticut		YES	STATE		YES	STATE	YES	YES
Delaware	YES		STATE		YES	STATE	YES	
Florida		YES	STATE		YES	STATE	YES	
Georgia		YES	STATE		YES	STATE	YES	
Hawaii		YES	STATE		YES	STATE	YES	
Idaho			NONE			CITY CLERK	YES	
Illinois		YES	STATE		YES	STATE	NO	
Indiana		YES	STATE			NONE	YES	
Iowa		YES	STATE		YES	STATE	YES	
Kansas		YES	STATE				NO	
Kentucky			NONE			NONE	YES	
Louisiana	YES		STATE		YES	STATE	YES	
Maine		YES	STATE		YES	STATE	YES	
Maryland		YES	STATE		YES	STATE	YES	
Massachusetts		YES	STATE		YES	STATE	YES	
Michigan		YES	STATE		YES	STATE	YES	
Minnesota		YES	STATE		YES	STATE	YES	
Mississippi			NONE			NONE	YES	
Missouri			CITY LIC			CITY LIC	NO	
Montana		YES	STATE		YES	STATE	YES	
Nebraska		YES	STATE				PENDG	
Nevada		YES	STATE		YES	STATE	YES	YES
New Hampshire		YES	STATE		YES	STATE	YES	
New Jersey		YES	STATE		YES	STATE	YES	
New Mexico	YES		STATE		YES	STATE	NO	
New York		YES	STATE		YES	STATE	YES	
North Carolina		YES	STATE		YES	STATE	YES	
North Dakota		YES	STATE		YES	STATE	YES	
Ohio		YES	STATE		YES	STATE	NO	
Oklahoma		YES	STATE		YES	STATE	YES	
Oregon	YES		LOCAL		YES	STATE	YES	
Pennsylvania		YES	STATE		YES	STATE	YES	
Rhode Island	YES		LOCAL		YES	A. GEN.	YES	
South Carolina	YES		STATE		YES	STATE	YES	
South Dakota			NONE			NONE	YES	
Tennessee	YES		STATE		YES	STATE	YES	
Texas	YES		STATE		YES	STATE	YES	
Utah	YES		STATE		YES	STATE	YES	
Vermont		YES	STATE		YES	STATE	N/A	
Virginia		YES	STATE		YES	STATE	YES	
Washington		YES	STATE		YES	STATE	YES	
Washington D.C.	YES	NO	DISTRICT	*	*	*	NO	
West Virginia	YES		STATE	YES		STATE	YES	
Wisconsin	YES		STATE		YES	STATE	NO	
Wyoming		YES	CITY/CNTY		YES	SCTY/STATE	YES	
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*DC laws indicate guards may be hired by private investigative agencies, verify with officials .

ALABAMA

Alabama does not regulate private investigators or security guard agencies or guards. It is done by a business license, both city and state.

Alabama has a C.C.W. law in effect. You must be at least 21 years old, no priors, and must apply through the county sheriff's office.

The permit is good for one year, and the cost is between \$15 and \$25. It is valid statewide. There is no reciprocity, with the exception of active law enforcement officers, either on or off duty.

Alabama does have a web site.

Dept. of Public Safety 1-334-242-4371 main number <http://www.dps.state.al.us/>

Office of the Director 1-334-242-4394

Note: Because Alabama does not regulate private investigators or security guards, the survey response has been included.

PRIVATE INVESTIGATION/SECURITY GUARD AGENCIES QUESTIONNAIRE

1. **Are there presently licensing requirements for:**
A. Private investigators and/or agencies?

There are no state licensing requirements other than being a licensed business. City codes vary from no requirements to stringent requirements.

- B. Security guards and/or agencies?**

Same as A.

2. **If the answer to the above is in the affirmative, what laws govern each business, and what are the local requirements to obtain licenses of each?**

Code of Alabama 1975, 40-12-93, requires a business license tax of \$100. See enclosure for Montgomery, Alabama City Code requirements.

3. **What are the laws and regulations regarding the carrying of weapons*?**

- A. For private investigators?**

Not authorized except for personal protection as any other citizen. A pistol permit for concealed weapon would be required.

- B. For security guards?**

A pistol permit would be recommended but not necessary for working on private property.

(*The term weapon in this case is limited to handguns only)

4. **What is the state's position in regard to licensed private investigators who are on temporary assignment in your state?**

There is no state law regarding this.

What if they are also licensed to carry a weapon* from their state, in respect to conducting business within your state?

There is no state law regarding this, but generally law enforcement officers honor out-of-state concealed weapons permits as long as the individual is not engaging in illegal activity or committing a felony.

5. **What is the state's position as to security guards on assignments* within the state?**

There is no state law regarding this.

Also as to armed security guards?

There is no state law regarding this.

(*Examples such as guarding private property, personal protection, or sensitive material shipped within the state.)

6. **If a licensed private investigation agency and/or private investigator sought a state license, what are the requirements, considering this is a presently licensed person or agency? (From another state)**

There is no state license. See questions 1 and 2.

7. **Are there any reciprocal agreements with your state and others pertaining to private investigators?**

No

8. **The same question as # 6, only pertaining to security guards and/or agencies?**

No

9. **Are there any reciprocal agreements with your state and others pertaining to security guards?**

No

10. **If a private investigator has had state certified or recognized firearms training, is this recognized by your licensing board?**

There is no licensing board for investigators.

11. **If a security guard has had state certified or recognized firearm training, is this recognized by your licensing board?**

There is no licensing board for security guards.

12. **If a private investigator is conducting business for a client, and is in your state temporarily, what is the time frame allowed to conduct business without obtaining a license or permit?**

No provision for temporarily conducting business without a license.

13. **If a security guard is working in your state, what is the time frame allowed to conduct business without obtaining a license or permit?**

(3/3)

Same as no. 12

14. **Are there presently any legislative changes or laws before congress concerning private investigators or security guards? (If so, what are they?)**

No

15. Do you foresee any changes or additions to your laws in respect to private investigators and/or security guards in the foreseeable future?

Yes

16. Any comments or suggestions?

Most professional private investigative agencies and/or security guard agencies desire a licensing board to enforce standards.

END OF SURVEY

§40-12-93. Detective agencies.

Each person engaged in the business of operating a detective agency, or each company or corporation doing business as such in this state, shall pay a license tax of \$100.00. Each person so engaged who also solicits or receives notes or accounts for collection shall pay an additional license tax of \$100.00. (Acts 1935, No. 194, p.256; Code 1940, T.51, § 505.)

Collateral references.- 51 Am. Jur. 2d, Licenses & Permits, § 6. State or local regulation of private detective agencies. 86 ALR3d 691.

MONTGOMERY CITY CODE**Article IV Private Investigators and Detectives.**

*For state law as to licenses for detective agencies,
see Code of Ala., 1975, § 40-12-93.*

Sec. 32-20. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Agency. Any person employing a private investigator or detective or a person to act in that capacity for a client or patron of the agency. The term "agency" shall in no wise include a governmental agency.

Private investigator or detective. Any person engaged by individuals for private protection; a person unofficially engaged in obtaining secret information for the use and benefit of those who choose to employ him and to pay him compensation; one making an investigation for another when such investigation involves the conduct, life or affairs of the person investigated; one who locates or repossesses automobiles or chattels subject to lien; one who guards property or keeps it under surveillance; one who collects or attempts to collect debts; one who investigates claims; or one who shadows, keeps under surveillance, investigates or follows one to obtain evidence for or against him. Such terms shall not include: Public detectives; peace officers or deputy sheriffs; lawyers in the course of the practice of their profession; accountants engaged in the practice of their profession; insurance investigators acting solely in the employ of an insurance company or companies, the insured thereof or agency of such insurance company or companies; one conducting strictly the business of a collection agency, the owner of an account or employees of the owner of the account who collect for the owner thereof. (Code 1964, § 29-1.)

Sec. 32-21. License- Required.

It shall be unlawful for any person to carry on or be engaged in or to advertise as engaging in the vocation, profession or business as a private investigator or detective in the city or in its police jurisdiction until a license has been issued or after the license to so engage has been revoked. (Code 1964, § 29-2.)

Sec. 32-22. Same-Application; bond; minimum age of applicant.

Applicants for a license as a private investigator or detective or agency shall file with chief of police a written application, under oath, outlining in such application the personal data as to the date and place of birth, education, law enforcement experience and a complete and detailed record and report of all civil suits and criminal cases in which the applicant has been either a party or a witness within the preceding twelve months, specifying the name and location of the court, the nature of the proceeding and the result thereof. The application shall further give the name and address of at least three residents of the city as references as to the applicant's moral and professional reputation and the name and address of each employee of the applicant during the past year.

The applicant shall submit with his application a surety bond in the sum of five thousand dollars, with a guaranty bonding company authorized to do business in the state as surety, to indemnify anyone who may be wrongfully injured by the words or acts of the applicant in following in the vocation, profession, business or calling as a private investigator or detective; provided, that such bond shall be further conditioned so that the cumulative liability of such guaranty company will not exceed the sum of five thousand dollars in any one policy year.

No person shall engage in the business of a private investigator, detective or agency operator unless and until such person shall have attained the age of twenty-one years.

No application for license as a private investigator or detective shall be received unless and until the same is accompanied by a photograph of the applicant. Any agency making application as such shall be accompanied by a photograph of each member of the firm and each employee thereof.

No person shall be licensed as private investigator or detective who is not of good moral and professional reputation. (Code 1964, §29-3; Ord. No. 60-66, §1; Ord. No. 6-67, §1.)

Sec. 32-23. Same-Investigation of applicant by chief of police.

The chief of the police department shall make a thorough investigation as to each applicant for a license as a private investigator or detective or agency and, after a full and complete investigation thereof, including the fingerprinting of the applicant, report to the mayor and to the city council whether a license should or should not be granted to such person. (Code 1964, § 29-4.)

Sec. 32-24. Same-Approval of certain persons prior to issuance.

A license to a private investigator, detective or agency shall be issued only on the approval of the mayor and concurrence of the city council after recommendation by the police chief of the city. Upon the issuance of a license, the surety bond filed by the applicant shall be filed in the police headquarters of the city. (Code 1964, §29-5.)

Sec. 32-25. Same-Fee-Private Investigator or Detective.

The license fee for a private investigator or detective shall be fifty dollars per year for each individual investigator or detective. If the application is approved and the license issued after July 1 of any year, a fee of twenty-five dollars for the remainder of the year shall be charged. (Code 1964, §29-6.)

Sec. 32-26. Same-Same-Private Investigation Agency or Detective Agency.

The license fee for a private investigating agency or detective agency or private detective agency shall be two hundred dollars per year for each such agency. If the application is approved and the license issued after July 1 of any year, a fee of one hundred dollars for the remainder of the year shall be charged. (Code 1964, § 29-7.)

Sec. 32-27. Same-Issuance.

A privilege license under this chapter may be issued only on the certification of the chief of police of the city that all the requirements of this article have been complied with. (Code 1964, § 29-8.)

Sec. 32-28. Same-Revocation.

The license provided for in this article as a private investigator or detective or agency is granted at the pleasure of the city council, and may be revoked at any time on a majority vote of the city council for cause. (Code 1964, § 29-9.)

Sec. 32-29. Same—Employment of persons without licenses.

It shall be unlawful for any person engaged in the vocation, profession, business or agency as a private investigator or detective in the city or in its police jurisdiction to employ or engage the services of a private investigator or detective who does not have the license required by this article, and the violation of this section shall be sufficient cause for revocation of the license of the person or agency violating the provisions hereof. (Code 1964, § 29-10.)

Sec. 32-30. Agencies to file statements relative to employees.

Each agency engaged in the business of furnishing private investigators or detectives in the city or in its police jurisdiction shall file with the chief of police, on the first day of January, April, July and October of each year, a statement of the name and address of each employee of the agency during the preceding three months. Failure to furnish such statement or a correct statement shall be sufficient cause for revocation of the agency license. (Code 1964, § 29-11.)

Sec. 32-31. Police supervision; carrying weapons.

Each private investigator or detective licensed under this article shall be subject to police supervision. Qualifying and being licensed under the terms of this article shall not of itself entitle the applicant to carry weapons concealed or otherwise in violation of the law. (Code 1964, § 29-12.)

Sec. 32-32. Procedure upon cancellation of bond or insolvency of surety company.

Should the bond of the applicant for a license under this article or investigator,

ALABAMA

detective or agency licensed under this article be cancelled or the surety company guaranteeing the same be declared to be insolvent or in the hands of the receiver, the license of any such investigator, detective or agency bonded by such company shall be revoked, upon notification by the city clerk, until a new bond approved by the city clerk shall have been substituted in lieu thereof. (Code 1964, § 29-13.)

ALASKA

Private Investigators only need business license.

Security Guards are licensed through state.

Law effective 1-1-95 allows licensing of civilians for C.C.W.

Contact person: Cpl. Pat Hames 1-907-258-8876

Web site: <http://www.labor.state.ak.us/research/dlo>

Main number: 1-907-258-8892

Fax number: 1-907-258-8893

Alaska C.C.W. License costs \$125.00 and is good for five (5) years. It is valid statewide with NO reciprocity. Issued by Department of Public Safety.

See laws concerning Security Guards and Agencies

Approximately 2,500 Security Guards in Alaska

Licensing authority: Alaska State Troopers
Security Guard Licensing
117 W. 4th Avenue
Anchorage, AK 99501

Exam Fees:

License:	\$50.00
Biennial Renewal	\$50.00
Fingerprints:	\$59.00
Agency Fee:	\$200.00

An annual 8 hour refresher course is required

Must be at least 19 years old, not addicted to drugs or alcohol, not have any felony convictions, or have been involved in crimes of moral turpitude involving firearms for 10 years prior, be emotionally and mentally stable and a U.S. citizen or resident alien with Alaska residency. All guards will complete 40 hours in-service within 180 days of employment. Armed licenses must have a firearms training certificate and 8 hours training in use of firearms.

§11.61.200
ALASKA STATUTES
NOTES TO DECISIONS

Editor's notes—The cases cited in the notes below were decided under former AS 11.55.030 and 11.55.0403

Constitutionality of former statute prohibiting possession by a convict.

See *United States v. Farwell*, 11 Alaska 507, 76 F. Supp. 35 (D. Alaska 1948).

Legislative intent. The purpose of the felon in possession statute was to prevent the concealment and use of firearms in violent crime.

Davis v. State, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P.2d 1025 (1972), cert. granted, 410 U.S. 925, 93 S. Ct. 1392, 35L. Ed. 2d 586 (1973), rev'd on other grounds, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974.)

Former section included crime committed in another state.

See *United States v. Farwell*, 11 Alaska 507, 76 F. Supp. 35 (D. Alaska 1948).

The term “concealed” means that the weapon is not discernible through ordinary observation by persons coming into proximity with the person carrying it, as persons do in the ordinary and usual associations of life.

McKee v. State, Sup. Ct. Op., No. 721 (File No. 1273), 488 P. 2d 1039 (1971).

A weapon is concealed if it is hidden from ordinary observation. It need not be absolutely invisible to other persons.

McKee v. State, Sup. Ct. Op. No. 721 (File No. 1273), 488 P. 2d 1039 (1971).

Actual possession was not required under former statute.

See *Davis v. State*, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P 2d 1025 (1972), cert. Granted, 410 U.S. 925, 93 S. Ct. 1392, 35 L. Ed. 2d 586 (1973), rev'd on other grounds, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974); *Gordon v/ State*, Sup. Ct. Op. No. 1126 (File No. 2204), 533 P.2d 25 (1975).

A revolver need not be fully assembled or immediately capable of firing in order to qualify as a weapon.

Davis v. State, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P.2d 1025 (1972), cert. Granted, 410 U.S. 925, 93 S. Ct. 139, 35 L. Ed. 2d 586 (1073), rev'd on other grounds, 415 U.S. 308, 94 S. Ct. 1105, 39L. Ed. 2d 347 (1974).

And it is immaterial whether the gun is loaded and ready for immediate use.

Davis v. State, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P.2d 1025 (1972), cert. granted, 410 U.S. 925, 93 S. Ct. 1392, 35L, Ed. 2d 586 (1973), rev'd on other grounds, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974.)

Furnishing ammunition included under former statute.

See *In re Robson*, Sup. Ct. Op. No. 1573 (File No. 3448), 575 P2d 771 (1978).

It was necessary to show a prior conviction in order to prove one essential element of the crime of possession of a firearm by a person previously convicted of a felony.

Mead v. State, Sup. Ct. Op. No. 502 (File no. 804), 445 P.2d 229 (1968), cert. Denied, 396 U.S. 855, 90 S. Ct. 117, 24 L. Ed. 2d 104 (1969).

Conviction may be based on circumstantial evidence. Conviction of “felon in possession” may be based on circumstantial evidence of possession.

Davis v. State, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P.2d 1025 (1972), cert. granted, 410 U.S. 925, 93 S. Ct. 1392, 35L, Ed. 2d 586 (1973), rev'd on other grounds, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974.)

It was error to refuse to give an instruction defining the term “concealed.”

McKee v. State, Sup. Ct. Op. No. 721 (File No. 1273), 488 P. 2d 1039 (1971).

Sentence for possession by convict upheld.

See *Deveroux v. State*, Sup. Ct. Op. No. 1259 (File No. 2636), 548 P.2d 1296 (1976); *Ozenna v. State*, Sup. Ct. op. No. 2209 (File No. 4748), 619 P.2d 477 (1980).

Applied in *McManners v. State*, Ct. App. Op. No. 123 (File No. 6065), 650 P.2d 414 (1982); *Fry v. State*, Ct. App. Op. No. 197 (File No. 6810). 655 P.2d 789 (1983).

Cited in Kanipe v. State, Sup. Ct. Op. No. 2242 (File No. 4993), 620 P.2d 678 (1980); Bell v. State, Ct. App. Op. No. 216 (File No. 6707), 657 P.2d 787 (1983).

Collateral references. — 79 Am. Jur. 2d, Weapons and Firearms, §§ 7-34.
94CJ.S., Weapons, §§ 3-23.

CRIMINAL LAW

§ 11.61.210

Sec. 11.61.210. Misconduct involving weapons in the second degree.

- (a) A person commits the crime of misconduct involving weapons in the second degree if the person.
 - (1) possesses on the person a firearm while under the influence of an intoxicating liquor or drug;
 - (2) discharges a firearm from, on, or across a highway; or
 - (3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person.
- (b) For purposes of (a) (1) of this section, a person is under the influence of an intoxicating liquor or drug when, as a result of the introduction of an intoxicating liquor or drug into the person's body, physical or mental abilities are impaired so that the person no longer has the ability to possess a firearm with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances.
- (c) Misconduct involving weapons in the second degree is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am §§ 21, 22 ch 102 SLA 1980)

Reviser's notes --- Subsection (b) of this section was adopted in ch. 102, SLA 1980, as subsection (c). However, the subsections have been rearranged to conform with the format of AS 11 as revised in 1978.

Effects of amendments.--- The 1980 amendment rewrote paragraph (1) of subsection (a), and added present subsection (b).

Legislative history reports.--- For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, NO. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.

Notes to Decisions

Separate punishment where defendant fired at cabin and truck.---Separate punishment upon conviction and two towns of misconduct involving weapons in a second-degree, and to counts of criminal mischief in the third degree, where the evidence established the defendant had fired at a cabin and a pickup truck did not violate the double jeopardy provisions of this section since there were sufficient significant differences between the intent in the two firing. Leonard v. State, Ct. App. Op. No. 168 (File No. 5989), P. 2d (1982).

For cases construing former statute prohibiting careless user firearms, see Giles v. United States, 10 Alaska 455, 144 F. 2d 860 (9th Cir. 1944); Burke v. United States, 282 F 2d. 763 (9th Cir. 1960).

For cases construing former statute prohibiting flourishing, pointing or discharging

firearms in a public place, see *Wacek v. State*, Sup. Ct. Op. No. 1108 (File No. 2166), 530P. 2d 751 (1975).

Quoted in *Zinn v. State*, Ct. App. Op. No. 189 (File No. 6230), 656 P. 2d 1206 (1982).

Cited in *Dyer v. State*, Ct. App. Op. No. 268 (File No. 6133), P. 2d (1983).

Collateral references. -- Use of the firearm without intent to inflict injury, 5 ALR 603; 23 ALR 1554. Death from discharge and firearms, 55 ALR 921.

§ 11.61.220

Sec. 11.61.220. Misconduct involving weapons in the third degree.

- a. A person commits the crime of misconduct involving weapons in the third degree if the person:
- 1) knowingly possesses a deadly weapon, other than an ordinary pocket not, that is concealed on the person;
 - 2) knowingly possesses a loaded firearms on the person in any place where intoxicated liquor is sold for consumption on the premises; or
 - 3) been an unemancipated minor under 16 years of age, possesses the firearm without the consent of a parent or guardian of the minor.
- b) In a prosecutions under (a) (1) of this section, it is an affirmative defense of the defendant, at the time of possession, was:
- 1) in the defendants dwelling or on land known or leased by the defendant appurtenant to the dwelling; or
 - 2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.
- c) The provision of (a) (1) and (2) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.
- d) In a prosecution under (a) (2) of this section, it is a defense that the defendant, at the time of possession, was:
- 1) on business premises owned by or leased by the defendant; or
 - 2) on business premises in the course of the defendant's employment for the owner or lessee of those premises.
- e) For the purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it.
- f) For the purposes of (a) (2) of this section, a firearm is loaded if the firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge.
- g) Misconduct involving weapons in the third degree is a class (B) misdemeanor. (§7 ch 166 SLA 1978; am 23 ch 102 SLA 1980)

Effects of amendments. -- The 1980 amendment substituted "land owned or leased by him" for "property" preceding "appurtenant to" near the middle of paragraph (1) of subsection (b).

Legislative history reports. -- For a vision of 1978 legislative committee report on AS 11.61.220, see 1979 house journal, pp. 632 -- 633. For report on chapter 102, SLA 1980(HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980,

or 1980 House Journal Supplement, No. 79, May 29, 1980.

Opinions of Attorney General. -- Because AS 11.55.020 (now this section) except only "peace officers" for the general prohibition against carrying concealed weapons, other persons, including state employees charged with limited law-enforcement duties unless a peace officer within the meaning of AS 01.10.060 (6), may not carry concealed weapons. December 22, 1977, Op. Att'y Gen.

A comparison of the language of AS 18.65.010 (b), which describes the general powers and duties of a specially commissioned officer or, with that of AS 18.65.080, and which describes the powers and duties of commissioned officers of the Department of Public Safety with

particular reference to "member" of the state troopers, supports the conclusion that a specially commissioned officer is a "peace officer" for purposes of both AS 01.10.060 (6) and AS 11.55.020 (now this section) when performing law enforcement duties with the limitations set forth on the face of a special commission and furthermore may carry concealed weapons without violating AS 11.55.010 (now this section) while performing these duties to the extent permitted by the commission itself. December 22, 1977, Op. Att'y Gen.

Notes to Decisions

Ordinance prohibiting concealment of weapons in automobiles not prohibited. -- this section does not imply a legislative intent to create a privilege to conceal a weapon in an automobile, nor does implicitly require state -- wide uniformity of weapons regulations; thus, municipal ordinance interpreted as forbidding concealing of weapons in automobiles was not prohibited by this section. *City of Anchorage v. Richards*, Ct. App. Op. No. 173 (file Nos. 6387, 6459,6504,6540), 654 P. 2d 797 (1982).

Sentence for carrying a concealed weapon upheld. -- See *Ozenna v. State*, Sup. Ct. Op. No. 2209 (File No. 4748), 619 P. 2d 477 (1980) (decided under former AS 11.55.010).

Collateral references. -- offense of carrying weapon on person as affected by place where defendant was at the time, 73 ALR 839.

Offense of carrying concealed weapons as affected by manner of carrying or place of concealment, 43 ALR 2d 492.

Scope and effect of exception, in statute forbidding carrying weapons, as to person on his own premises or at his place of business, 57 ALR 3d 938.

ARIZONA

Although Arizona Legislature has reviewed it several times, presently the 1991 version of statutory warrants for private investigators and security guard agencies is still from in effect.

Arizona has a C.C.W. (concealed carry weapons) law in effect. The permit is valid for a period of four (4) years and the cost is \$50.00. It is valid statewide, and they do have reciprocity in effect. Issuance of license is through the Department of Public Safety.

Contact person: Debbie Turner, supervisor licensing section: (602) 223 - 2361

ARIZONA WEB SITE: [HTTP://WWW.DPS.STATE.AZ.US/MQ/DPSMQPI.HTM](http://www.dps.state.az.us/mq/dpsmqpi.htm)

Article 1. Administration

32 -- 2401. Definitions

1. Adequate records means records containing, but to a minimum, sufficient information to identify the client, the date of service, that he for services, at the payments for service, the types of service given and copies of any report that may have been made.
2. Advertising means the submission of bids, contracting the form a keynote by any public notice, a publication or solicitation of business, and directly or indirectly, the services regulated under this chapter are available for consideration.
3. "Applicant" means a person who has submitted a completed application and all required application fees.
4. "Associate" means an individual who is a partner or corporate officer in a private investigation agency.
5. "Board" means the private investigation agency.
6. "Conviction" means an adjudication of guilt by a federal, state or local court resulting trial final, including a plea of the contest, regardless of whether the imposition of sentence was suspended.
7. "Department" means the department public safety.
8. "Director" means the director of the department public safety.
9. "Emergency action" means the summary suspension of license pending revocation, suspension or probation in order to protect public health, safety or welfare.
10. "Employee" means individual who works for employer, is listed on the employer's payroll records and is under the employer's direction and control.
11. "Employer" means a person who is licensed pursuant to this chapter, who employs an individual for wages or salary, who lists the individual on the employer's payroll records and withholds all legally required deductions and contributions.
12. "Identification card" means a card issued by the director to a qualified applicant for an agency license, an associate or a registrant.
13. "Insurance adjuster" means a person other than a private investigator do, for any consideration, and engages in any of the activities prescribed in the definition of private investigator in this section in the course of adjusting or otherwise participating in the disposal of any claim under board in connection with a policy of insurance.
14. "Letter of concern" means an advisory letter to notify a private investigator that while there is insufficient evidence to support probation or suspension or revocation of a license the department believes the private investigator should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to department may result in further disciplinary action against the private investigator's license.
15. "Licensee" means a person to whom an agency license is granted pursuant to this chapter.
16. "Private investigator" means a person other than an insurance adjuster or an off-duty peace officer as defined in section 1 -- 215 who, for any consideration, engages in business or accepts employment to furnish, agrees to make or makes any investigation for the purpose of obtaining information with reference to:
 - a) crime or wrong done or threatened against United States or any state or territory of the United States.
 - b) the identity, habits, conduct, movement, whereabouts, affiliations, associations, transactions, reputation or character of any person or group of persons.
 - c) the credibility of witnesses or other persons.

- d) the whereabouts of missing persons, owners of abandoned property, or escheated property or heirs to estate.
 - e) the location or recovery of lost or stolen property.
 - f) the cause and origin of, or responsibility for, a fire, libel, slander, a loss, an accident, damage or injury to real property.
 - g) the business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and a preparation therefore.
17. "Qualifying party" means the individual meeting qualifications under this chapter for an agency license.
 18. "Registrant" means an employee of a licensed agency qualified to perform services of a private investigator.
 19. "Restructuring" means any change into business' legal status.
 20. "Unprofessional conduct" means any of the following:
 - a) engaging or offering to engage by fraud or misrepresentation activities regulated by this chapter.
 - b) aiding or abetting a person who is not licensed pursuant to this chapter in representing that person as a private investigator in this state.
 - c) gross negligence in the practice of private investigator.
 - d) failing or refusing to maintain adequate records and investigative findings on a client.
 - e) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension revocation of private investigator license employee identification card. In all cases, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
 - f) making a fraudulent or untrue statement to the department, the board or its investigators, staff or consultants.

32 -- 2402. Administration by director city, duty to keep records and bonds; rules

- A. the director of the department public safety shall administer this chapter.
- B. the Director shall keep a record of all applications for licenses under this chapter and all bonds and proof of workers compensation required to be filed, including a statement as to whether a license or renewal license has been issued under each application and bond, and, if a license is revoked, suspended, canceled or denied or if a licensee is placed on probation, the date of filing the order for revocation, suspension, cancellation, denial or probation. The Director shall maintain list of all individuals, firms, partnerships, associations or corporations that have had a license revoked, suspended, placed on probation canceled and a written record of complaints filed against licensees and registrants. The records, except the financial statement of all licensees, are open to inspection as public records.
- C. the director shall adopt and enforce rules that are not in conflict with the laws of this state and that are necessary to enforce chapter.

32 -- 2403. Disposition of fees

The director shall transmit all monies received by the director under this chapter to the state treasurer for deposit in the state general fund.

32 -- 2404. Hearing board; qualifications; appointment; terms; compensation

- A. The private investigator hearing board is established consisting of five members appointed by the director.
- B. Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment. Two members shall be qualifying parties who are

- licensed as provided in this chapter. Two members shall be certified peace officers with the rank of least lieutenant who are not employees of the department. One member shall be a public member who shall not have a financial interest in a private investigation agency and shall not have an immediate family member or household member who is licensed or registered under this chapter or who is a certified peace officer.
- C. Each member of the board shall serve for a staggered term of five years beginning and ending on the third Monday in January. A member shall not serve more than one term, except that member appointed to fill a vacancy may be re-appointed for one full term.
 - D. The Director shall fill of a vacancy on the board occurring other than by the expiration of term by appointment of member for the unexpired term as provided in subsection C of this section. The director, after a hearing, may remove any member of the board for misconduct, incompetency or neglected of duty.
 - E. Members of the board are eligible to receive compensation pursuant to section 38 -- 611 for each day actually and necessarily spent in the performance of their duties.
 - F. Members of the board are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this chapter.

32 -- 2405. Power and duties

- A. The board shall:
 - 1. Submit recommendations to the director on disciplinary actions or the denial of licenses.
 - 2. Annually elect from its membership a chairman and a secretary, who serve at the pleasure of the board.
- B. The board may take and hear evidence, administer oaths and affirmations and compel by subpoena the attendance of witnesses and the production of books, papers, records, documents and other information relating to an investigation or hearing.

32 -- 2406. Hearings; quorum

- A. The board shall hold hearings at a time in place determined by the director. The board may hold special meetings the chairman determines necessary to carry out the functions of the board.
- B. A quorum consists of three members and shall include one certified peace officer, one qualifying party licensed under this chapter and the public member.

32 -- 2407. Fees; renewal of license

- A. The Director shall charge and collect the following fees under this chapter:
 - 1. For an original agency license application, one hundred fifty dollars, plus additional fee for the costs of fingerprint processing.
 - 2. For an original agency license, three hundred dollars.
 - 3. For the renewal of an agency license, one hundred fifty dollars, plus an additional fee for the costs of fingerprint processing.
 - 4. For an original application for registration, fifty dollars, plus an additional fee for the costs of fingerprint processing.
 - 5. For the renewal of each registration, thirty dollars, plus an additional fee for the costs of fingerprint processing.
 - 6. For restructuring an agency license, one hundred dollars, plus an additional fee for the costs of fingerprint processing for any associate added as a result of the restructuring of the agency.
 - 7. For filing an agency renewal application after the expiration date of the license, a delinquency fee of fifty dollars.
 - 8. For filing a registration renewal application after the expiration date of the

- registration, a delinquency fee of twenty dollars.
9. For a duplicate identification card, ten dollars.
 10. For reinstatement of an employee identification card, and dollars.
 11. For the reinstatement of an agency license, thirty dollars.
 12. For the finger processing fee, an amount that does not exceed the cost to the department charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information.
- B. The director may renew a license or registration granted under this article on receipt of an application on such forms as the director prescribes and receipt of the fees prescribed in subsection A of this section. The renewal of an agency license requires the filing of surety bond as prescribed in section 32 -- 2423, subsections b and c. Renewal of a license or registration shall not be granted more than 90 days after expiration. No licensee or registrant may engage in any activity subject to this chapter during any period between the date of expiration of the license or registration and the renewal of the license or registration.
 - C. The director shall renew a suspended license or registration as provided in this article. Renewal of the license or registration does not entitle the licensee or registrant, while the license or registration remains suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any other activity or conduct in violation of the order or judgment by which the licensor or registration was suspended.
 - D. the director shall not reinstate a revoked license or registration. The Director shall not accept an application for a license or registration from a person whose license or registration has been revoked for at least one year from the date of revocation.

Article 2. Licensure and Registration

32 -- 2421. Necessity of license

No person may engage in a business regulated by this chapter or act or assume to act as, or represent himself to be, a licensee or registrant unless he is licensed or registered under this chapter, and no person may falsely represent that he is employed by a licensee. A person who knowingly violates the section is guilty of class C felony.

32 -- 2422. Qualification of applicant for agency license; associate employee registration

- A. An applicant as a qualifying party for an agency license under this chapter shall be:
 1. Be at least twenty-one years of age.
 2. Be a citizen or legal resident of the United States and of good moral character.
 3. Not have been convicted of a felony.
 4. Not have been convicted of any act illegally using, carrying or possessing a dangerous weapon.
 5. Not have been convicted of any act of personal violence or force on any person or convicted of threatening to commit any active personal violence or force against another person.
 6. Not have been convicted of any act constituting dishonesty or fraud.
 7. Not be on probation, on parole or named in an outstanding arrest warrant.
 8. If previously or currently licensed in another state or jurisdiction, be in good standing within that state or jurisdiction.
 9. Have had a minimum of three years of full-time investigative experience or the equivalent of three years of full-time investigative experience the consists of actual were performed as investigator for private concern, for the federal government or for state, county or municipal government.
- B. If the applicant for an agency license is a firm, partnership, association or

corporation, the qualifications required by subsection A are required of the individual in active management who shall be the qualifying party of the firm, partnership, association or corporation.

- C. Applicants for an agency license shall substantiate investigative work experience claimed as years of qualifying experience and provide the exact details as to the character and nature of the experience on a form prescribed by the department and certified by the employers. On written request, an employer shall submit to the employee a written certification of prior work experience within thirty days. The written certification is subject to independent verification by the director. If an employer goes out of business, the employer shall provide all employees with a complete and accurate record of their work history. If applicants are unable to supply written certification from an employer in whole or in part, applicants may offer written certification from persons other than an employer covering the same subject matter for consideration by the director. The burden of proving the minimum years of experience is on the applicant.
- D. An applicant for an associate license or employee registration shall meet all qualification standard prescribed in subsection A, except for paragraphs 1 and 9. The minimum age for an associate or an employee is eighteen years of age.

32 -- 2423. Application for agency license; bond; workers compensation

- A. Every application for agency license to engage in private investigator business shall set forth information to assist the director in determining the applicant's ability to meet requirements prescribed in this chapter and shall contain the following:
 1. The full name and business address of the applicant.
 2. The name under which the applicant intends to the business.
 3. A statement as to the general nature of the business and which the applicant intends to engage.
 4. If the applicant is other than an individual, the full name and residence address of each of its associates.
 5. A verified statement of the applicants experience qualifications.
 6. Such other information, evidence, statements or documents as the director may reasonably require.
 7. The fee prescribed section 32 -- 2407.
- B. Before the issuance of an original or renewal agency license the applicant shall provide to the department:
 1. The surety bond in two thousand five hundred dollars.
 2. A certificate of workers compensation insurance, it's applicable.
- C. The bond shall be executed and acknowledged by the applicant as principal and by a corporation licensed to transact fidelity and surety business in this state as surety. The bond shall be continuous in form and shall run concurrently with the license period. The bond required by this chapter shall be in favor of the state for the benefit of any person injured by any acts of a private investigator, his agency or his employees and is subject to claims by any person who is injured by these acts.
- D. The director shall cancel the agency license of any licensed agency on the cancellation of the surety bond. The qualifying party may reinstate the license on filing:
 1. A surety bond that is concurrent with the remainder of the license period.
 2. Payment of the reinstatement fee prescribed under section 32—2407.

32-2424. Application for employee registration; registration period cancellation

- A. Every application for an employee registration shall provide information to assist the director in determining the applicant's ability to meet the requirements prescribed in this chapter, as follows:

1. The full name and address of the applicant.
 2. The name of the agency for which the applicant will be an employee.
 3. Authorization of the qualifying party or his designee to issue an employee registration.
 4. Such other information, evidence, statements or documents as the director may reasonable require.
- B. An application for an employee registration or renewal shall be accompanied by the fee prescribed in section 32—2407.
- C. An original employee registration is valid from the date of issuance to the date of expiration of the agency license under which the employee is employed. The renewal period of an employee registration runs concurrently with the agency license. An employee registration may be denied as prescribed in section 32-2427, subsections B and C and shall be canceled on the cancellation, termination or revocation of the agency license under which the employee registration is issued.
- D. An employee registration or renewal shall not be issued to an applicant unless the employer has on file with the department evidence of current workers compensation coverage. An employee registration is cancelled on cancellation of the employer's workers compensation coverage and may be reinstated only on verification of the reinstatement of workers compensation coverage and payment of the reinstatement fee prescribed in section 32—2407.

32-2425. Issuance of license and identification card to applicant; license period; expiration of application; transfer of license forbidden

- A. The director shall issue an agency license to any applicant who complies with the provisions of this chapter. Each applicant who complies with the provisions of this chapter. Each license shall contain the name and address of the licensee and the number of the license and shall be issued for a period of three years.
- B. On the issuance of a license, an identification card of such size, design and content as may be determined by the director shall be issued without charge to the licensee if an individual, or if the licensee is other than an individual, to each of its associates, that is evidence that the licensee and his associates are duly licensed pursuant to this chapter. If a person to whom the card of a licensee other than an individual is issued terminates his position, office or association with the licensee, he shall surrender the card to the licensee and within five days thereafter the licensee shall mail or deliver the card to the director for cancellation.
- C. On notification by the department to an applicant that the agency license is ready for issuance, the applicant shall complete the application process within ninety days. Failure to complete the process shall result in the application being cancelled and all fees shall be forfeited by the applicant. Subsequent application by the same applicant requires the payment of all application and license fees prescribed in section 32—2407.
- D. Within thirty days a licensee shall notify the director of any change. In the name or address of his business and of any change of associates.
- E. All new associates shall submit applications on forms prescribed by the director.
- F. No license issued under this chapter is transferable or assignable.

32-2426. Branch office certificate

No licensee may establish a branch office of a licensed agency unless a branch office certificate has been issued by the director. An application for a branch office certificate shall be on such form as the director prescribes. The branch office certificate shall be issued in the name of the licensed agency only.

32-2427. Grounds for refusal to issue agency license; employee identification; appeal

- A. The director may deny an agency license or the renewal of an agency license if the applicant has:
1. Committed any act that, if committed by a licensee, would be grounds for the probation of a licensee or the suspension or revocation of a licensee under this chapter.
 2. Been an associate of any person who has been refused a license under this chapter or who has had a license revoked.
 3. While not licensed under this chapter, committed, or aided and abetted the commission of, any act for which a license is required by this chapter.
 4. Knowingly made a material misstatement in connection with an application for a license or renewal of a license.
 5. Not reached the minimum age of twenty-one years.
 6. Not met the citizenship or residency requirements under section 32-2422, subsection A, paragraph 2.
 7. Failed to provide proof of good moral character.
 8. Been convicted of a felony.
 9. Been convicted of any act involving illegally using, carrying or possession a dangerous weapon.
 10. Been convicted of any act of personal violence or force on any person or convicted of threatening to commit any act of person violence or force against another person.
 11. Been convicted of any act constituting dishonesty or fraud.
 12. Been named in a current outstanding arrest warrant or is currently on probation or parole.
 13. A current license or was licensed previously in another state or jurisdiction and has failed to remain in good standing within that state or jurisdiction.
 14. Failed to provide adequate verification of required investigative experience.
- B. The director may deny the issuance of an identification card to an applicant for an agency associate or employee registration if the applicant fails to meet the qualifications under subsection A, paragraphs 1 through 4 and 6 through 12 of this section.
- C. The denial of the issuance of an identification card or license under this article shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if he desires a hearing to contest the denial, the applicant shall submit the request in writing to the director within thirty days after the issuance of the denial. A hearing to contest a denial shall be held in accordance with Title 41, chapter 6.
- D. Decisions of the director are subject to judicial review pursuant to Title 12, chapter 7, article 6.

32-2428. Authority to employ unlicensed persons; duty of licensee to keep records

- A. Except as provided in this chapter, a licensee may employ as many unlicensed or unregistered persons as may be necessary to assist the licensee in his business and the licensee is at all times legally responsible for the good conduct in the business of each person employed. This section does not authorize any unlicensed or unregistered person to perform any service of a type for which a license or registration is required under this chapter unless he performs the service as a properly registered employee of a licensee.
- B. Every licensed agency shall keep an accurate and current record of pertinent information on all employees that is available to the directory on request.
- C. The licensee, if required, shall maintain in full force and effect workers compensation insurance.

32-2429. Duty of employer to issue identification card to employee; temporary registration; denial; form of identification card

- A. Each holder of a license issued under this chapter shall obtain an identification card for each of his employees, except those employees engaged exclusively in clerical and office work.
- B. The director may issue an identification card to an applicant who, on initial application, complies with section 32 -- 2422, subsection D. On completion of the investigation of the applicant's qualifications, the director may deny the applicant's registration as prescribed in section 32 -- 2427, subsections B. and C.
- C. The identification card issued by the director shall contain the following information:
 - 1. Name of employee.
 - 2. Name and address of agency by which employed.
 - 3. Photograph of employee.
 - 4. Fingerprint of employee.
 - 5. Physical description of employee.
 - 6. Number of employee's license.
 - 7. Such other information as the director determines necessary.
- D. On termination of a registered employee from a licensed agency, the employee shall immediately surrender the identification card to the agency's qualifying party or designee. The qualifying party or designee shall forward the registrant's identification card to the department within five days of receipt.

32 -- 2430. Exemption from licensure

This chapter does not apply to:

- 1. An officer or employee of the Federal Government, this state or political subdivision of this state, while engaged in the official performance of his duties.
- 2. A person, firm or corporation, or employee of a person, firm or corporation, engaged in the business of obtaining and furnishing financial ratings and personal information for others if the employee is not employed or connected with any private investigator or private investigator's business.
- 3. A practicing agency licensed as such in this state, or its employee while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property if the contact with an assignor credit or is for the collection of claims owed or due or asserted to be owed or due or its equivalent.
- 4. A collection agency licensed as such in this state, or its employee while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property if the contact with an assignor credit or is for the collection of claims owed or due or asserted to be owed or due or its equivalent.
- 5. Insurance brokers, adjusters and agents licensed by this state in performing their duties in connection with insurance transacted by them.
- 6. The legal owner of personal property that has been sold under a sales agreement in making investigations relating to the sales agreement.
- 7. A member of the news media and its employees when engaged in obtaining information for the purpose of disseminating news to the public.
- 8. Public service corporations engaged in transmitting messages, furnishing public telegraph or telephone service or investigating the use or misuse of their

equipment and facilities or the use or misuse of the equipment and facilities of any connecting telecommunications company.

- 9 Private process servers who are duly registered and performing their duties pursuant to the Arizona rules of civil procedure.

32-2431. Power of local authorities

This chapter does not prevent the local authorities of any city, town or county, by ordinance and within the exercise of their police power, from imposing local regulation on any person engaged in the business of accepting employment for the location or recovery of personal property that is sold under conditional sales agreements or that is subject to the terms of a chattel mortgage.

Article 3. Regulation

32-2451. Impersonation of a public officer; display of identification

- A. No licensee, associate, registrant or employee of a licensee may wear a uniform, use a title, insignia, badge or identification card or make any statement that would lead a person to believe that he is connected in any way with the Federal Government, a state government or any political subdivision of a state government unless he is authorized by proper authorities to do so. No badge of any type may be used, shown or offered as identification in conjunction with the identification card or independently.
- B. A licensee or registrant, on claiming to be a private investigator, shall display the identification card issued by the department to such persons as may have reasonable cause to verify the validity of the license or registration. The licensee or registrant shall display the identification card for a reasonable period of time for the requester to verify the information on the identification card.

32-2452. Authority required to operate under fictitious name

A licensee may conduct an investigative business under a name other than the licensee's by first obtaining written authorization from the director. The director shall not authorize the use of an agency name that is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled by the use.

32-2453. Business address; posting of license

- A. Each licensed agency shall have at least one physical location from which the normal business of the agency is conducted. The address of this location shall be on file with the department at all times as required by section 32-2423, subsection A and section 32-2425, subsection D.
- B. The license certificate issued by the director shall be posted in a conspicuous place in the principal office of the private investigation agency. The branch office certificate shall be conspicuously posted in the branch office of the agency for which it is issued.

32-2454. Advertising

All display or broadcast media advertising by a licensee soliciting business shall contain the licensee's name and license number as they appear in the records of the department. The licensee shall not use any advertising that is false, deceptive or misleading.

32-2455. Divulging investigative information; false reports prohibited.

- A. Except as otherwise provided by this chapter or other law, no licensee, associate, registrant or employee of a licensee may divulge or release to anyone other than his client or employer the contents of an investigative file acquired in the course of licensed investigative activity. However, the department shall have access to investigative files if the client for whom the information was acquired, or his lawful representative, alleges a violation of this chapter by the licensee or a registrant, the licensed agency or any employee or if the prior written consent of the client to divulge or release the information has been obtained.
- B. No licensee, associate, registrant or employee of a licensee may willfully make a false statement or report to a client, employer or authorized representative of the department concerning information acquired in the course of activities regulated by this chapter.
- C. The licensee shall submit investigative reports to a client at such times and in such manner as agreed on between the licensee and the client. On demand by the client, the licensee shall divulge to the client the results of an investigation if payment has been tendered for the charges levied.

32-2456. Authority to investigate complaint; filing of complaints; response to complaints; retention of records

- A. The department may investigate any licensee, registrant, associate, employee or person if that licensee, registrant, associate, employee or person is advertising as providing or is engaged in performing services that require licensure or registration under this chapter and shall investigate if a licensee or registrant is engaged in activities that do not comply with or are prohibited by this chapter.
- B. The department shall enforce the provisions of this chapter without regard to the place or location in which a violation may have occurred, and on the complaint of any person or on its own initiative, may investigate any suspected violation of this chapter or the business and business methods of any licensee, registrant or employee of a licensee or applicant for licensure or registration under this chapter.
- C. Complaints filed against any licensee, associate, registrant or employee of a licensee shall be in writing on such forms as the director prescribes and shall be filed with the department.
- D. In any investigation undertaken by the department, each licensee, associate, registrant, applicant agency or employee, on request of the department, shall provide records and shall truthfully respond to questions concerning activities regulated under this chapter. These records shall be maintained for five years at the principal place of business of the licensee, or at any other location for a person whose license has been terminated, cancelled or revoked. On request by the department during normal business hours or other time acceptable to the parties, the records shall be made available immediately to the department unless the department determines that an extension may be granted. The licensee shall provide copies of any records requested by the department.

32-2457. Grounds for disciplinary action; types of action

- A. The following constitute grounds for which disciplinary action specified in subsection B of this section may be taken against a licensee, associate, registrant or employee of the licensee engaged in activities regulated under this chapter:
 - 1. Fraud or willful misrepresentation in applying for an original license or registration or the renewal of an existing license or registration.
 - 2. Using any letterhead, advertising or other printed matter in any manner or representing that he is an instrumentality of the Federal Government, a state or

- any political subdivision of a state.
3. Using a name different from that under which he is currently licensed for any advertising, solicitation or contract to secure business unless the name is an authorized fictitious name.
 4. Impersonating, permitting or aiding and abetting an employee or registrant to impersonate a law enforcement officer or employee of the United States, any state or a political subdivision of a state.
 5. Knowingly violating, advising, encouraging or assisting the violation of any statute, court order, capias, warrant or injunction in the course of a business regulated under this chapter.
 6. Falsifying fingerprints or photographs while operating under this chapter.
 7. Conviction of a felony.
 8. Conviction of any act involving illegally using, carrying or possessing a dangerous weapon.
 9. Conviction of any act of personal violence or force against any person or conviction of threatening to commit any act of personal violence or force against any person.
 10. Soliciting business for an attorney in return for compensation.
 11. Conviction of any act constituting dishonesty or fraud.
 12. Being placed on probation or parole or being named in an outstanding arrest warrant.
 13. Committing, or permitting any associate, registrant or employee to commit, during the period between the expiration of a license or registration for failure to renew within the time fixed by this chapter and the reinstatement of the license or registration any act that would be cause for the suspension or revocation of the license or registration or grounds for denial of the application for the license or registration.
 14. Willfully failing or refusing to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.
 15. The unauthorized release of information acquired on behalf of a client by a licensee, associate or registrant as a result of activities regulated under this chapter.
 16. Failing or refusing to cooperate with or refusing access to an authorized representative of the department engaged in an official investigation pursuant to this chapter.
 17. Employing or contracting with any unregistered or improperly registered person or unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter if the licensure or registration status was known or could have been ascertained by reasonable inquiry.
 18. Permitting, authorizing, aiding or in any way assisting a registered employee to conduct services as described in this chapter on an independent contractor basis and not under the authority of the licensed agency.
 19. Failure to maintain in full force and effect workers' compensation insurance, if applicable.
 20. Conducting private investigation services regulated by this chapter on a revoked or suspended license or registration.
 21. Accepting employment, contracting or in any way engaging in employment that has an adverse impact on investigations being conducted on behalf of clients.
 22. Advertising in a false, deceptive or misleading manner.
 23. Failing to display the identification card issued by the department as required under section 32-2451, subsection B.
 24. Committing any act of unprofessional conduct.
- B. On completion of an investigation, the director:
1. May dismiss the case.

2. May take emergency action.
 3. May issue a letter of concern, if applicable.
 4. May forward the findings to the private investigator hearing board for review and possible disciplinary action.
 5. Shall place all records, evidence, findings and conclusions and any other information pertinent to the investigation in the public records section of the file maintained at the department.
- C. A letter of concern is a public document and may be used in future disciplinary actions against a licensee.
 - D. If the department finds, based on its investigation, that the public health, safety or welfare requires emergency action, the director may order a summary suspension of a license or registration pending proceedings for revocation or their action. If the director issues this order, the department shall serve the licensee or registrant with a written notice of complaint and formal hearing, setting forth the charges made against the licensee or registrant and the licensee's or registrant's right to a formal hearing before the board within sixty days.
 - E. If the department finds, based on its investigation, that a violation of subsection A of the section occurred, a hearing by the private investigator hearing board may be scheduled pursuant to Title 41, chapter 6. Notice to a licensee or registrant of the hearing shall be given by mailing a true copy to the licensee's or registrant's last known address in the department's files by certified mail, return receipt requested.
 - F. Based on information the private investigator hearing board receives during a hearing pursuant to Title 41, chapter 6, it may recommend to the director that he:
 1. Dismiss the complaint if the board believes it is without merit.
 2. Fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee or registrant.
 3. Place the license or registration on suspension for a period of not more than twelve months.
 4. Revoke the license or registration.
 - G. The director shall review the records of a finding by the board involving a disciplinary action and may affirm, reverse, adopt, modify, supplement, amend or reject the recommendation of the board. On a finding by the board and review and concurrence by the director that a licensee or registrant committed a violation of subsection A of this section, the probation, suspension or revocation applies to all licenses or registrations held by a licensee or registrant under this chapter.
 - H. A person may appeal a decision made pursuant to this section to the superior court pursuant to Title 12, chapter 7, article 6.

32-2458. Violation; classification

Except as provided in section 32-2421, a licensee, associate, registrant or employee who violates any provision of this chapter is guilty of a Class 1 misdemeanor.

Section 4 Initial terms of members of the private investigator hearing board

- A. Notwithstanding section 32-2404, Arizona Revised Statutes, as added by this act, the initial terms of members are:
 1. One term ending the third Monday in January, 1994.
 2. One term ending the third Monday in January, 1995.
 3. One term ending the third Monday in January, 1996.
 4. One term ending the third Monday in January, 1997.
 5. One term ending the third Monday in January, 1998.
- B. The director of the department of public safety shall make all subsequent appointments as prescribed by statute.

Section 5 Savings clause

- A. All persons validly licensed under title 32, chapter 24, Arizona Revised Statutes, as repealed by section 2 of this act shall be considered to possess a valid license issued under and subject to all of the provisions of title 32, chapter 24, Arizona Revised Statutes, as added by section 3 of this act.
- B. The repeal of title 32, chapter 24, Arizona Revised Statutes, by section 2 of this act does not affect any rights and duties that matured, penalties that were incurred and proceeding that were begun before the effective date of this act. All such proceedings may continue under that law except the director of the department of public safety may apply all procedural provisions of section 3 of this act in handling discipline matters pending on or instituted after the effective date of this act regardless of the date when the acts giving rise to the disciplinary investigation or actions were alleged to have been committed.
- C. A person disciplined or whose license is suspended or revoked under the provisions of title 32, chapter 24, Arizona Revised Statutes, as repealed by section 2 of this act shall remain subject to such provisions and shall not be eligible for reinstatement or issuance of a new license under title 32, chapter 24, Arizona Revised Statutes, as added by section 3 of this act until full compliance with all orders issued under prior licensing requirements.
- D. All rules in effect on the effective date of this act remain in full force and effect without being adopted by the director of the department of public safety except to the extent that any rule is inconsistent with section 3 of this act.

CHAPTER II – ARIZONA ADMINISTRATIVE CODE

(Authority: A.R.S. 32-2401 et seq.)

Article 1. GENERAL PROVISIONS

Sec.

R13-2-01. Filing applications

R13-2-02. License

R13-2-03. Branch office certificate

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R13-2-09. Suspension of license

R13-2-10. Employee records – business records

R13-2-11. Complaints

R13-2-12. Business and employee names

Article 1. GENERAL PROVISIONS

R13-2-01. Filing applications

- A. Filing applications for a license or identification card must be presented in person by the applicant at the Arizona department of public safety office in Phoenix, Tucson or Flagstaff. Each application must be complete, correct and notarized before acceptance. Each application shall be accompanied by the following documents where applicable:
 - 1. Birth Certificate
 - 2. Discharge Papers (DD214)
 - 3. Incorporation papers
 - 4. Surety bond
 - 5. Application fee
- B. Two photographs and two sets of fingerprints will be taken of the applicants at the department of public safety at the time of application.
- C. A separate application must be filed by each partner of a partnership, each corporate officer of a corporation who is residing in Arizona, and each director, associate, manager, or employee of a business.
- D. If an application is withdrawn, the application fee, if any, shall not be refunded.

Historical Note: Former Rule 1.

R13-2-02. License

- A. Each license shall contain the name and address of the licensee, name and address of the licensed business, and the number of the license. The license shall be effective for a twelve month period from the date of issuance, and these effective dates shall be noted on the license.
- B. Once a license has been assigned to a licensee, this license shall be neither

assignable nor transferable. The license number, once assigned, shall not be reassigned to any other license.

- C. If a licensee wishes to surrender his license before the expiration date, the license fee or any part thereof shall not be refunded.
- D. The license shall be posted in a conspicuous place in the principal office.

Historical Note: Former Rule 2.

R13-2-03. Branch Office Certificate

- A. Issuance of a branch office certificate shall be mandatory, and each certificate shall be posted in a conspicuous place in the branch office. The license number under which a branch office certificate is issued shall be noted on the certificate along with the name and address of the licensee, name of the business and address of the branch office, and the effective dates of the branch office certificate *these dates shall run concurrently with the effective date of the license).
- B. All records of all business transacted at a branch office, and employee records of each branch office, shall be maintained by the licensee at his principal place of business. Such records shall be available for inspection by any officer of the department of public safety.

Historical Note: Former Rule 3.

R13-2-04. Identification card

- A. Under each license issued, a standard identification card as prescribed by the Director, shall be issued to the licensee, managers, officers, partners, directors, associates, and employees (except those engaged exclusively in clerical work) after these individuals have filed an application with the department of public safety and have met the qualifications where applicable. These identification cards shall contain the following information: name, photograph, name and address of licensee, fingerprint, physical description, number of license, number of card, effective dates of the license, and the Arizona State Seal. These identification cards are as follows:
 - 1. The licensee shall receive a white standard identification card, designated as a licensee card.
 - 2. Each associate, officer, or partner shall receive a green standard identification card.
 - 3. Each employee, associate, officer, or partner who will conduct investigations shall receive a blue standard identification card.
- B. Identification cards are neither assignable nor transferable and are valid only during the effective dates of the license under which the card has been issued, and valid only as long as the card holder is employed by, connected or associated with the licensee.
- C. All part-time employees shall obtain a standard identification card. All part-time employees employed by more than one licensee shall obtain an identification card under each license he is employed.
- D. If an identification card is lost or stolen, the department of public safety shall be notified immediately and arrangements shall be made for issuance of a duplicate identification card.
- E. No badge whatsoever shall be utilized in conjunction with the license, branch office certificate or identification card.

Historical Note: Former Rule 4.

R13-2-05. Issuance of License, Branch Office Certificate, Identification Card –

Original or Renewal

The applicant for an original license, branch office certificate or identification card, or renewal of same, will be notified by mail when the license, branch office certificate or identification card is ready for issuance. The applicant will appear in person at the department of public safety (the issuance of an identification card will necessitate applicant's presence to facilitate the fingerprinting and signing of the card). Upon payment of applicable fee, the license, branch office certificate or identification card will be issued.

Historical Note: Former Rule 5.

R13-2-06.Denial of License

- A. If the Director or his designate determines that an applicant for a license does not possess the qualifications as prescribed by A.R.S. 32-2412, or grounds have been established as set forth under A.R.S. 32-2414, the applicant will be notified by registered mail of the facts involved.
- B. The applicant will be notified of the date and time of the hearing which will be not less than twenty days after the applicant's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 41-1009, 41-1010, and 41-1011 before a hearing board or officer comprised of such person or persons as may be designated by the Director. If the applicant does not appear at the hearing, the applicant will be notified by registered mail of the hearing findings. In all cases assigned to the hearing board or officer for hearing, they shall prepare proposed findings of fact and conclusions of law in such form that they may be adopted as the Director's findings and conclusions in the case. Upon the filing of the proposed findings and conclusions with the Director, he may adopt them in their entirety, modify them, or may himself decide the case upon the record.

Historical Note: Former Rule 6.

R13-2-07.Renewal of License, Branch Office Certificate, Identification Card

- A. The license shall be subject to renewal at the end of the twelve month period of effectiveness from the date of issuance. This twelve month period, or effective dates of the license shall also pertain to the branch office certificate and identification cards issued under each license. At this time it will be necessary for the licensee to fill out a license Renewal Form and return same by mail to the department of public safety. Included in the Renewal Form shall be a statement to be signed by the licensee that no changes have been made in location of principal office, branch office, associates, directors, partners, managers, or employees holding identification cards, and that none of the aforementioned have been changed without the Director being notified in writing prior to the renewal date.
- B. If the license, office certificate, identification card has not been renewed before this renewal date, they shall expire. The licensee or identification cardholder shall be notified of the expiration by registered mail, at which time the license and all branch office certificates and identification cards issued under the license shall be returned to the department of public safety for cancellation. The license and all branch office certificates and identification cards issued under that license shall be subject to seizure by any officer of the department of public safety upon expiration.
- C. Once a license or to identification card has expired, and the former licensee or identification cardholder wishes to obtain a license or identification card, it will be necessary for this individual to file an application with the department of public safety, and the original application fee and license fee or identification card fee shall apply, where applicable.

Historical Note: Former Rule 7.

R13-2-08.Revocation of License

- A. If the director or his designate determines grounds for revocation of a license as set forth under A.R.S. 32 -- 2427, the licensee will be notified by registered mail of the facts involved.
- B. The licensee will be notified of the date and time of the hearing on the revocation of the license, which will not be less than twenty days after the applicant's receipt of hearing notification. Hearings will be held compliance with A.R.S. 41 -- 1009, 41 -- 1010, and 41 -- 1011 before a hearing board or officer comprised of such person or persons as may be designated by the director. If the licensee does not appear at the hearing, licensee will be notified by registered in the mail of the hearing findings.
- C. If a license is revoked by the director, the former licensee cannot apply for reinstatement for a period of twelve months from the date of revocation. In all cases of revocation, it will be necessary to apply for reinstatement by filing an application form as prescribed by the director, and all applicants for reinstatement are then subject to the original application fee and cost of license upon issuance.
- D. Upon revocation of a license, the license and all branch office certificates and identification cards issued under that license shall be returned to the department of public safety immediately for cancellation and are subject to seizure by any officer of the department of public safety.

Historical Note: Former Rule 8.

R13-2-09. Suspension of License

- A. If the director or his designate determine grounds for suspension of a license as set forth under A.R.S. The 32 -- 2427, the licensee will be notified by registered mail of the facts involved.
- B. The licensee and will be notified of the date and time of the hearing on the suspension of the license, which will be not less than twenty days after the licensee's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 41 -- 1009, 41 -- 1010, and the 41 -- 10 11 before a hearing board or officer comprised as such person or persons as may be designated by the director. If the licensee does not appear at the hearing, the licensee will be notified by registered mail of the hearing findings.
- C. If a license is suspended by the director, for a period designated by the director, the license and all branch officer certificates and identification cards issued under that license shall immediately be returned to the department of public safety and are subject to seizure by an officer of the department of public safety. The license, branch office certificates, and identification cards will be held by the department of public safety until the end of the suspension period, at which time these documents will be returned to the licensee.

Historical Note: Former Rule 9.

R13-2-10 Employee Records – Business Records

Each licensee shall maintain at his principal place of business a file or record of the name, address, title, commencing date and date of termination on each partner, director, business associate, officer, manager, or employee of the principal office and branch office. Each licensee shall maintain at his principal place of business a file of all business transacted at each branch office. The aforementioned files and records shall be available for inspection by the Director or any officer of the department of public safety, and

copies and information pertaining thereto or contained therein shall be submitted to the department of public safety, upon request.

Historical Note: Former Rule 10.

R13-2-11. Complaints

Complaints shall be in writing on such forms as the director may prescribe and shall be filed with the department of public safety. A copy may be forwarded to the discretion of the director. If a complaint involves alleged violation of Arizona Revised Statutes, the department of public safety shall institute an investigation to ascertain if a violation has in fact occurred. When an investigation indicates that there has in fact been a violation of the Arizona Revised Statutes or Rules and Regulations contained herein, and the Director of his designate determine grounds for suspension or revocation of the licensee, procedure as outlined in R13-2-08 and R13-2-09 will be followed.

Historical Note Former Rule 11.

R13-2-12 Business and Employee Names

- A. The name of the licensed business shall not include "United States ", "U.S.", "Federal", "State of Arizona", or any name to associate the business with any other governmental agency or law enforcement agency. The use of the words "corporation", "corp.", "incorporated", or "inc." will not be approved for an individual or partnership license unless corporate papers have names of licensed firms will not be approved.
- B. The licensee, business associates, and employees will do business and present themselves under the name used on their application and identification card. No fictitious names will be approved for use on identification cards.
- C. The licensed business shall do all business under the name and address which is on file with the Director and which is noted on the license. This business is to include: name on letterhead and all stationery, all advertising, formal contracts entered into with clients, payroll and reports to clients.

Historical Note Former Rule 12.

ARTICLE 1. ADMINISTRATION

32-2601. Definitions

In this chapter unless the context otherwise requires:

1. "Applicant" means a person who has submitted a completed application and all required application and fingerprint processing fees.
2. "Department" means the department of public safety.
3. "Director" means the director of the department of public safety.
4. "Employee" means an individual who works for an employer, is listed on the employer's payroll records and is under the employer's direction and control.
5. "Employee": means a person who employs individual for wages or salary, lists the individual on the employer's payroll records and withholds all legally required deductions and contributions.
6. "Licensee" means a person to whom an agency licenses is granted in accordance with the provisions of Article 2 of this chapter.
7. "Private security guard service" means agency, individual or employer in the business of furnishings to the public for hire, fee or reward, dogs, private police,

special police, watchmen, patrol service private security guards or other persons to protect human life or to prevent the theft or the misappropriation or concealment of goods, wares, merchandise, money, bonds, stock, notes, choses in action or other property, valuable documents, papers and articles of value.

8. "Provisional Certificate" means a security guard provisional certificate issued to a security guard provisional certificate issued to a security guard applicant on initial application and payment of application and fingerprint processing fees.
9. "Registration Certificate" means a security guard registration certificate issued to an applicant who, after investigation, has satisfactorily complied with the provisions of Article 3 of this Chapter.
10. "Restructuring" means any change in a business' legal status.
11. "Security guard" means any person employed by a private security guard service as a private policeman, special policeman, watchman, patrolman, bodyguard, personal protection guard, private security guard or other person who performs security guard services, but does not include any regularly commissioned police or peace officer or railroad police appointed pursuant to Section 40-856.

32-2602. Administration by director; duty to keep records; rules and regulations

- A. The provisions of this chapter shall be administered by the director of the department of public safety.
- B. The director shall keep a record of all applications for licenses or registration under the provisions of this chapter, including a statement as to whether a license, registration certificate, renewal license, renewal registration certificate or provisional registration certificate has been issued under each application, and if revoked or suspended, the date of filing the order for revocation or suspension. The director shall maintain a list of all individuals, qualifying parties, firms, partnerships, associations or corporations who have had such licenses or registrations revoked or suspended and a written record of complaints filed against any licensees or registrants. The director shall maintain a record of all insurance policies required to be filed under this chapter. All records referred to in this subsection shall be open to inspection as public records.
- C. The director shall prescribe and enforce such rules and regulations, not in conflict with the laws of this state, as are necessary to enforce this chapter.

32-2603. Disposition of fees

All monies received by the director under the provisions of this chapter shall be transferred weekly to the state treasurer for deposit in the state general fund.

32-2604. Disclosure of information to law enforcement officer or county attorney

Any licensee or registrant under this chapter shall, upon demand, divulge to any law enforcement officer or county attorney any information he may acquire as to any criminal offense.

32-2605. Limitation

This chapter shall not be construed to prevent any political subdivision of the state from prescribing additional requirements for regulation of security guard agencies, but no additional fee shall be charged by said subdivision.

ARTICLE 2. AGENCY LICENSING

32-2611. Necessity of License

No person shall engage in a business regulated by this chapter, or act, assume to act as or represent himself to be a licensee unless is licensed under this chapter.

32-2612. Qualifications of applicant for agency license

Each applicant, if an individual, or each partner, resident officer, director, or manager, if the applicant is other than an individual, for an agency license to be issued pursuant to this chapter shall:

1. Be a citizen or a legal resident of the United States.
2. Not have been convicted of any felony, unless such applicant's civil rights have been restored pursuant to title 13, chapter 9.
3. Not have been convicted of any crime involving fraud, physical violence, illegal sexual conduct or the illegal use or possession of a deadly weapon.
4. Not have been convicted of any crime involving any section Title 13, chapter 34, or 34.1 or theft if such conviction occurred within the five years immediately preceding application for an agency license.
5. Not be a former licensee under this chapter whose license was revoked were suspended and not subsequently reinstated.
6. Not have acted, or attempted to act, as a private security guard service or as security guard without license if a license was required.
7. Not be on probation or parole for any crime or have any outstanding arrest warrants.
8. Possess one-year experiences as a manager, supervisor or administrator of a security guard agency or one-year of supervisory experience with any federal, United States military, state, County, or municipal law enforcement agency.

32-2613. Application for an agency license; liability insurance

- A. Every application for an original or renewal agency license to operate as a private security guard service shall set forth verified information to assist the director in determining the applicant's ability to meet the requirements set forth in this chapter, and containing the following:
 1. The full name and address of the applicant who is the qualifying party.
 2. The name under which the applicant intends to the business.
 3. A statement as to the general nature of the businesses which the applicant intends to engage.
 4. Two recent photographs of the applicant of a type prescribed by the director, and two classifiable sets of fingerprints.
 5. A verified statement of the applicant's experience and qualifications.
 6. Such other information, evidence, statement or documents as may reasonably be required by the director.
- B. If the applicant is other than an individual, each of its partners, resident officers, directors and managers, in addition to its qualifying party, shall comply with the requirements of subsection A of this section. If the applicant is other than an individual, the application shall contain the full name and address of each of its board members, the president, vice-president, secretary and treasurer. The person who will manage the business conducted in this state shall comply in full with the requirements of subsection A of this section.
- D. An application for an original or a renewal agency license shall be accompanied by:
 1. The fee as prescribed by section 32-2631.
 2. A certificate of a liability insurance policy, issued by an insurance company

licensed or authorized to do business in this state. The minimum limits of such liability insurance policies shall give written notice to the department of any cancellation of such policy. Such notice shall be given by the insurer to the director at least ten days before such cancellation, by certified mail, postage prepaid thereon.

3. A certificate of workers' compensation insurance.
4. A completed form describing such agency's training program for employees as described in section 32-2632, subsection A. The form shall be as prescribed by the director and require such information as he deems necessary.

32-2614. Issuance of an agency license and identification card applicant

- A. The Director shall issue an agency license under this article to any applicant who satisfactorily complies with the provisions of this chapter. Each agency license shall contain the name and address of such licensee and the number of the license. Such license shall be issued for three years.
- B. Upon the issuance of agency license, an identification card as described in section 32 -- 2633 shall be issued to such licensee if an individual, or if such licensee is other than individual, to its qualifying party, resident managers and each of its resident officers, directors and partners, which shall be evidence that the licensee is duly licensed pursuant to this chapter. If any person to whom the card of an agency licensee, other than individual, is issued terminates his position, office or association with such licensee, such card shall be surrendered to licensee and within five days thereafter it shall be mailed or delivered by such licensee to the director for cancellation.
- C. An agency licensee shall, within fifteen calendar days, notify the director in writing of any change in the name or address of his business or any change of officers, directors or partners.

32 -- 2615. Grounds for refusal to issue agency license

- A. The director may deny an agency license if the individual applicant, or if the applicant is other than an individual, any qualifying party:
 1. Has committed any act which, if committed by a licensee, with the grounds for the suspension or revocation novel license pursuant to this chapter.
 2. Has been convicted of a felony, unless such applicants Civil Rights have been restored pursuant to title 13, chapter time.
 3. It has been convicted of any crime involving fraud, physical violence, illegal sexual conduct or the illegal use or possession of the deadly weapon.
 4. Has been convicted of any crime involving any section 13, chapter 34 or 34.1 affected such addiction occurred within the five years immediately preceding the application for agency license.
 5. Has been refused it licensed under this chapter or had such a license revoked.
 6. Has acted, or attempted to act, as a private security guard service or security guard without license.
 7. As knowingly made any statement which is false and is application.
 8. Is on probation or parole for any crime or is named on outstanding arrest war.
- B. The denial of the issue once the agency license under this article shall be a variety and shall describe the basis for the trial. The denial shall inform the applicant that it the applicant desires a hearing by the security guard hearing board to contested in file, and the applicant shall submit his request and right to the director within thirty days of service of the file. Services complete often mailing of the file to the actors listed on the application.

Article 3. Security guard registration**32 -- 2621. Necessity of security guard registration**

- A. No person, except regularly commissioned peace officer, shall act, attempt to factor represent itself is security guard the message purses registered as a guard pursuant is chapter acting within the scope of his implement for agency license pursuant to article two of this chapter.
- B. The provisions of this article shall not apply to individual agency licensees or to qualifying parties, officers, directors, partners or managers of an agency licensee who are licensed pursuant to article 2 of this chapter.

32-2622. Qualifications of applicant for security guard registration certificate

An applicant for a security guard registration certificate to be issued pursuant to this article shall:

1. Be a citizen or a legal resident of the united States who is at least eighteen years of age.
2. Not have been convicted of any felony, unless such applicant's civil rights have been restored pursuant to title 13, chapter 9.
3. Not have been convicted of any crime involving fraud, physical violence, illegal sexual conduct or the illegal use or possession of a deadly weapon.
4. Not have been convicted of any crime involving any section Title 13, chapter 34, or 34.1 or theft if such conviction occurred within the five years immediately preceding application for a security guard registration certificate.
5. Not be a former registrant or licensee under this chapter whose registration certificate or license was revoked or suspended and not subsequently reinstated.
6. Not have acted or attempted to act, as a private security guard service or a security guard without a license if a license was required.
7. Not be on probation or parole for any crime nor have any outstanding arrest warrants.

32-2623. Application for security guard registration certificate

- A. Every application for an original or renewal security guard registration certificate must set forth verified information to assist the director in determining the applicant's ability to meet the requirements set forth in this article, and contain the following:
 1. The full name and address of the applicant.
 2. Such other information, evidence, statements, or documents as may reasonably required by the director.
- B. An application for an original or renewal security guard registration certification shall be accompanied by the fees prescribed by section 32-2631.

32-2624. Issuance of security guard provisional certificate, registration certificate and identification card to applicant

- A. The director may issue a provisional certificate to an applicant who, on initial application for a registration certificate, complies with the application requirements set forth in section 32-2623 and who on the face of the application appears to meet the requirements of section 32-2622. The provisional certificate is valid for no more than one hundred eighty days but may be extended beyond its expiration date if there is an abnormal delay in the completion of the investigation of the applicant's qualifications. The director, his designee, the department or this state is not liable for any civil damages for the issuance of a provisional certificate if the applicant has falsified his application to conceal a prior criminal conviction.

- B. The Director shall, after investigation, issue a security guard registration certificate under this article to any applicant who satisfactorily complies with the provisions of this chapter. Each such registration certificate shall contain the name and address of the registrant and the number of the certificate. Such registration certificate shall issue for three years.
- C. Upon the issuance of such registration certificate, an identification card as described in section 32 -- 2633 shall be issued to such registrant, which shall be evidence that such person is a duly registered security guard.
- D. A security guard shall notify the director within fifteen calendar days of any change in his name or residential address.

32 -- 2625. Grounds for refusal to issue a security guard provisional certificate or registration certificate.

- A. The director may deny a security guard provisional certificate or registration certificate if the applicant:
 1. Has committed any act which would be grounds for suspension or revocation of a security guard registration pursuant to this chapter.
 2. Has been convicted of any felony unless the applicant's Civil Rights have been restored pursuant to title 13, chapter 9.
 3. Has been on the convicted of any crime involving fraud, physical violence, illegal sexual conduct or the illegal use or possession of a deadly weapon.
 4. Has been convicted of any crime involving any section of title 13, chapter 34 or 34.1 or the in such conviction occurred within the five years immediately preceding the application toward a security guard provisional certificate or registration certificate.
 5. Has been refused registration pursuant to this chapter or had such registration revoked.
 6. Has acted, or attempted to act, as a private security guard service or a security guard without a license if a license was required.
 7. Has knowingly made any statement which is false in his application.
 8. Is on probation or parole for any crime or its named on an outstanding arrest warrant.
- B. If the director determines that an applicant's criminal history contains open arrest information, the director shall:
 1. Issue a notice to the applicant allowing forty-five days for the applicant to provide documentation concerning the disposition of the arrest or arrests.
 2. Send to the applicant at the applicant's last known residential address sufficient information to assist the applicant in complying with the director's request under subsection B, paragraph 1.
- C. If the applicant fails to respond within forty-five days to the director's request under subsection B, paragraph 1, the applicant's provisional certificate is automatically suspended until the department receives the necessary documentation to approve or deny the application.
- D. The denial of the issuance of a provisional or registration certificate under this article shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if the applicant desires a hearing by the security guard hearing board to contest the denial, the applicant shall submit his request in writing to the director within thirty days of service of the denial. Service is complete on the mailing of the denial to the address listed on the application.

ARTICLE 4. REGULATION

- A. The director shall charge and collect the following fees under the provisions of this

chapter:

1. For an original agency license application, four hundred fifty dollars, plus an additional fee for the costs of fingerprint processing.
 2. For an original agency license, three hundred dollars.
 3. For a three year renewal of an agency license, three hundred dollars, plus an additional fee for the costs of fingerprint processing.
 4. For an original security guard provisional certificate application, ten dollars, plus an additional fee for the costs of fingerprint processing.
 5. For an original security guard registration certificate, twenty dollars.
 6. For a three year renewal of a security guard registration certificate, twenty dollars, plus an additional fee for the costs of fingerprint processing.
 7. For a duplicate provisional certificate or registration certificate, four dollars.
 8. For reclassification or restructuring of an agency license, one hundred dollars, plus an additional fee for the costs of fingerprint processing.
 9. For filing an agency renewal application after the expiration date of the license, a delinquency fee of fifty dollars.
 10. For filing an original security guard registration certificate application or a security guard registration certificate renewal application after the expiration date, a delinquency fee of ten dollars.
- B. For the purposes of subsection A, the director shall set the fingerprint processing fee and it shall not exceed fifty dollars or the cost to the department charged by the Federal Bureau of Investigation for fingerprint processing, whichever is less.
- C. An agency license granted under this article may be renewed on application on such form as the director prescribes, the payment of renewal fees and proof of required liability insurance and workers' compensation. In no event shall renewal be granted more than ninety days after the expiration date of a license. No person, firm, company, partnership or corporation may carry on any business subject to this article during any period that may exist between the date of expiration of a license and the renewal of the license.
- D. A security guard registration certificate granted under this article may be issued on application on such form as the director prescribes, the payment of required fees and proof of the completion of training as required by this chapter. In no event shall the issuance be granted more than ninety days after the expiration date of the provisional certificate. No person may act or may be employed as a security guard during any period that may exist between the date of expiration of the provisional certificate and the issuance of the registration certificate.
- E. A security guard registration certificate granted under this article may be renewed on application on such form as the director prescribes and the payment of renewal fees. In no event shall renewal be granted more than ninety days after the expiration date of the certificate. No person may act or may be employed as a security guard during any period that may exist between the date of expiration of the certificate and the renewal of the certificate.
- F. A suspended license or registration certificate shall be renewed as provided in this article, but renewal of the license or registration certificate does not entitle the licensee, or security guard while suspended, to engage in the regulated activity, or in any other activity or conduct in violation of the order or judgment by which the license or registration certificate was suspended.
- G. A revoked license or registration certificate shall not be renewed.

32-2632. Duty of licensee to provide training of security guards; records

- A. An agency licensee shall provide for the training of all persons employed as security guards before the expiration of the provisional registration certificate. The required training curriculum shall be established by the director.
- B. Every agency licensee shall keep an accurate and current record of pertinent

information on all persons employed as security guards, which shall be made available to the director in the event of an alleged violation of this chapter.

- C. At least eight hours of firearms instruction in the use of the weapon provided by the agency licensee for use by the security guard is required effective July 1, 1992 if a firearm is used within the scope of employment. All firearms instructor certified by the director and shall be completed before the security guard is assigned to any position requiring the carrying of a firearm.
- D. The director shall adopt rules for certification of firearms instructors who provide the firearms training required by subsection C.

32-2633. Identification cards

Each holder of a license or registration certificate issued under the provisions of this chapter shall obtain a standard identification card, to be issued by the director. The card shall be of such size and design as may be determined by the director and shall contain the following information:

1. Name of employee.
2. Date of expiration.
3. Photograph of employee.
4. Fingerprint of employee.
5. Physical description of employee.
6. Employee's license number.
7. Such other information as may be determined necessary by the director.

32-2634. Authority of security guard; limitations

A person employed as a security guard shall not possess the authority of a regularly commissioned police or peace officer. Any duties performed by a security guard shall be performed in the capacity of a private citizen.

32-2635. Uniform and insignia

- A. The particular type of uniform and insignia for a security guard shall be subject to approval by the director, and shall be such that it will not deceive or confuse the public or be identical with that of any law enforcement officer of the federal government, the state or any political subdivision thereof. Shoulder identification patches or emblems shall not be less than two inches by three inches in size.
- B. No badge or shield shall be worn or carried by a private policeman, special policeman, watchman, or employee or licensee of any patrol service agency or private security guard agency, unless previously approved by the director.

32-2636. Grounds for suspension or revocation of license or registration certificate; appeal

- A. The director may suspend or revoke a license or registration certificate issued pursuant to this chapter for one or more of the following acts committed by the licensee or registrant, or if the licensee is other than an individual, by its qualifying party or any of its resident officers, directors, partners or managers:
 1. Using any letterhead, advertisement or other printed matter to represent, or in any other manner representing, that he is an instrumentality of the federal government, or any state or political subdivision thereof.
 2. Using a name different from that under which he is currently licensed or registered for any advertisement, solicitation or contract to secure business under this chapter.
 3. Falsifying fingerprints, photographs or other documents while operating pursuant

to the provisions of this chapter, or knowingly making any statement which is false in his application for a license, provisional certificate or registration certificate or any renewal thereof.

4. Failure to comply with section 32-2612, 32-2615, 32-2622, 32-2625 or 32-2632.
 5. Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or employee of the United States or any state or political subdivision thereof.
 6. Knowingly violating, or advising, encouraging, or assisting in the violation of, any court order or injunction in the course of business as a licensee or registrant.
 7. Committing or knowingly permitting any employee to commit any violation of this chapter or rules adopted pursuant to this chapter.
- B. An officer, director, partner, qualifying party, employee or manager of the holder of an agency license issued pursuant to this chapter who is found in violation of this chapter shall be denied the privilege of operating under such a license. The remaining officers, directors, partners, employees or managers of such licensee who are innocent of such violations may carry on the business.
- C. Decisions of the director shall be subject to judicial review pursuant to title 12, chapter 7, article 6.

32-2637. Violations; classification

Any person who violates any of the provisions of this chapter is guilty of a class 1 misdemeanor.

CHAPTER VI – ARIZONA ADMINISTRATIVE CODE

(Authority: A.R.S. 32-2602C et seq.)

ARTICLE 1. GENERAL PROVISIONS

- R13-6-01. Submission of application
- R13-6-02. License information
- R13-6-03. Branch office certificates
- R13-6-04. Identification cards
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- R13-6-14. Use of name
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- R13-6-17. Liability insurance
- R13-6-18. Absence of qualifying party
- R13-6-19. Knowledge of laws and regulations required

ARTICLE 1. GENERAL PROVISIONS**R13-6-01. Submission of application**

- A. All applications for a license, registration certificate, or identification card must be presented in person by the applicant at the Arizona Department of Public Safety office in Phoenix, Tucson, Flagstaff, or Yuma by appointment. Each application must be complete, correct, and legible before acceptance. Each application will be examined for errors; if the application is found to be inaccurate, incomplete, or illegible, the application will be rejected.
- B. Each application shall be accompanied by the following documents where applicable:
 - 1. Birth Certificate
 - 2. Discharge Papers (DD 214)
 - 3. Incorporation Papers
 - 4. Insurance Certificate
 - 5. Application Fee
 - 6. Workman's Compensation Certificate
 - 7. Training Program
- C. Photographs and a set of classifiable fingerprints will be taken of the applicant at the Department of Public Safety at the time the application is received at the Department of Public Safety. It is mandatory that the fingerprint cards be of such quality as to be classifiable. In the event that the fingerprint cards are not classifiable, the processing of the application will cease until such time as a classifiable set of fingerprints is obtained.
- D. A separate application must be filed by each partner of a partnership and all persons who are holders of more than ten percent of the controlling interest of the agency,

- each director, resident officer, manager or security guard.
- E. If the applicant is a corporation, the license shall be in the name of the corporation and the qualifying party.
- F. Applications will not be accepted from persons under the age of eighteen years.

Historical Note Former Rule 1

R13-6-02. License information

- A. Each license shall contain the name and address of the licensee, name and address of the licensed business, and the number of the license. The license shall be effective for a twelve (12) month period from the date of issuance, and these effective dates shall be noted on the license.
- B. When a license has been assigned to a licensee, this license shall be neither assignable nor transferable. The license number, when assigned, shall not be reassigned to any other license.
- C. If a licensee wishes to surrender his license before the expiration date, the license fee or any part thereof shall not be refunded. The license shall be posted in a conspicuous place in the principle office.

Historical Note Former Rule 2

R13-6-03. Branch office certificates

- A. Issuance of a branch office certificate shall be mandatory. The branch office certificate shall be posted in a conspicuous place in the branch office. The license number under which a branch office certificate is issued shall be noted on the certificate, along with the name and address of the licensee, name of the business and address of the branch office, and the effective dates of the license.
- B. All employees of a branch office shall be employees of the licensed agency.
- C. A branch office is not a franchise operation of a licensee. A franchise operation of a licensee must be licensed as a separate agency.

Historical Note Former Rule 3

R13-6-04. Identification cards

- A. Under each license issued a standard identification card, as prescribed by the Director, shall be issued to the licensee, managers, officers, partners, directors, associates, and security guards, after these individuals have filed an application with the Department of Public Safety and have met the qualifications where applicable. The identification card shall contain the following information:
 1. Name
 2. Physical Description
 3. Photograph
 4. Signature
 5. Fingerprint
 6. Name and Address of Licensee
 7. Number of Employer License
 8. Number of Card
 9. Effective Date of License
 10. Arizona State Seal
- B. Identification cards are neither assignable nor transferable and are valid only during the effective dates of the license under which the card has been issued, and valid only as long as the card holder is employed by, or associated with the licensee.

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- C. Upon the termination of a registered security guard, the agency licensee or his designate shall obtain the identification card of said employee and return the same to the Department of Public Safety within five days.
- D. Upon termination of employment, all employee identification cards must be returned to the licensed employing agency.
- E. All security guard employees shall obtain a standard identification card. All security guards employed by more than one licensee shall obtain an identification card for each licensed agency. The security guard, so employed, shall use only the identification card for his current employer during the employment by that licensee.
- F. If an identification card is lost or stolen, the Department of Public Safety shall be notified within 24 hours and arrangements shall be made for issuance of a duplicate identification card. A provisional identification card may be issued to an employee of a licensee pending the certification of the employee and the processing of the investigation into the employees background.
- G. The provisional identification card issued by the Department of Public Safety will have the expiration date written thereon and may be cancelled prior to that expiration date for good cause by notifying the licensee that the employee was found not to be qualified to hold an identification card issued by the state.
- H. When the licensee is notified that an employee is not qualified to perform the duties of a security guard in this state, the licensee shall obtain the identification card, or provisional identification card of the employee and forward same to the Department of Public Safety within five (5) days.
- I. Every licensee and every person holding a security guard registration certificate shall have the identification card (issued to such person by the Department of Public Safety), in his immediate possession at all times when on duty or in a security guard agency uniform or vehicle, and display the same, upon demand of any peace officer.
- J. Every application for a renewal security guard registration should contain a statement by the licensed agency, setting forth the training, if any, the renewal applicant has received as prescribed by A.R.S. 32-2632.

Historical NoteFormer Rule 4

R13-6-05. License notification

- A. The applicant for an original license, branch office certificate, security guard registration certificate, or identification card, or renewal of same, will be notified by mail when the document applied for is ready for issuance.
- B. The applicant will be advised whether or not a personal appearance at the Department of Public Safety will be required.
- C. Upon the payment of applicable fees and (where required) evidence of continuing qualification, the application will be approved and the proper document issued.

Historical NoteFormer Rule 5

R13-6-06. Registered security guard – renewal of identification card.

- A. The identification card issued to registered security guards shall be valid during continuing employment with the named licensed agency.
- B. Upon termination, the employee shall return the identification card to the agency named on the identification card.
- C. When a registered security guard has not worked as a security guard for a period of six months or more and desires to resume employment as a security guard, it will be necessary that the registered security guard be again fingerprinted and his qualifications reappraised. A temporary identification card may be issued during the time necessary for reappraisal.

Historical Note Former Rule 6

R13-6-07. Denial applications: hearing

- A. If the Director or his designate determines that an applicant for a license does not possess the qualifications as prescribed by A.R.S. 32-2612, 32-2615, or grounds have been established as set forth under A.R.S. 32-2636, the applicant will be notified by Registered Mail of a hearing date, at which time the applicant may offer evidence to show cause why his application should not be denied.
- B. If the Director or his designate determines that an applicant for security guard registration certificate does not possess the qualifications as prescribed by A.R.S. 32-2622, or grounds have been established as set forth under A.R.S. 32-2625, the applicant and his employer will be notified by Registered Mail, at which time the applicant may offer evidence to show cause why his application should not be denied.
- C. The applicant will be notified of the date and time of the hearing which will not be less than twenty (20) days after the applicant's receipt of hearing notification. Hearing will be held in compliance with A.R.S. 32-26.
- D. A hearing office will be designated by the Director. If the applicant does not appear at the hearing, the applicant will be notified by Registered Mail of the hearing findings. In all cases assigned to the hearing officer for hearing, the hearing officer shall prepare proposed finding from fact and conclusion of law in such form that they may be adopted as the Director's findings and conclusions in the case. Upon the filing of the proposed findings and conclusions for the Director, the Director may review the case and make his decision based upon the record.

Historical Note Former Rule 7

R13-6-08. License – termination date and renewal

- A. The agency license shall expire twelve (12) months from the date of issuance. The effective dates of the license shall also be the effective dates of the branch office certificate. Identification cards issued under each license shall remain in effect during the current status of the license. At the time the licensee submits a license renewal form, included shall be a statement to be signed by the licensee that no changes have been made in the location of principle office, branch office, associates, directors, partners, managers holding identification cards, and that none of the aforementioned have been changed without the Director being notified in writing prior to the renewal date. This statement shall also include a statement that the licensee has not been arrested or convicted of any felony or any crime of moral turpitude, or otherwise done anything which would disqualify the licensee from obtaining such license, since having been licensed as a security guard agency.
- B. No licensee shall transfer, assign, or make any changes in the financial set up of his business which in any way results in any other person acquiring an interest of ten percent (10%) or more in such business, or corporation holding such business, without the person acquiring such interest first complying with the provisions of A.R.S. 32-2612 and 32-2613.
- C. All forms, affidavits, or other documents required for renewal of an agency license shall be submitted not less than thirty days prior to the expiration date of the license. If the license or branch office certificate has not been renewed before the expiration date, they shall expire. The expired license and all branch office certificates and identification cards issued under that license shall be returned to the Department of Public Safety and are subject to seizure by any officer of the Department of Public Safety or by any peace officer.

Historical Note Former Rule 8

R13-6-09. Revocation or suspension of license or registration certificate

- A. If the Director, or his designate, determines grounds for revocation or suspension of a license or registration certificate, as set forth under A.R.S. 32-2636, the licensee will be notified by Registered Mail at his licensed place of business of the facts involved.
- B. The licensee or registered security guard and his employer will be notified of the date and time of the hearing on the revocation or suspension of the license or registration certificate which will be not less than twenty (20) days after the applicant's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 32-2636 before a hearing officer, designated by the Director. If the licensee or registered security guard does not appear at the hearing the licensee or registered security guard will be notified by Registered Mail of the hearing findings.
- C. If a license or registration certificate is revoked by the Director, the former licensee or security guard cannot apply for reinstatement for a period of twelve (12) months from the date of revocation. In all cases of revocation, it will be necessary to apply for reinstatement by filing an application form as prescribed by the Director and all applicants for reinstatement are then subject to the original application fee and cost of license upon issuance.
- D. Upon revocation of a license or registration certificate, the license or registration certificate and all branch office certificates and identification cards issued under that license shall be returned to the Department of Public Safety immediately for cancellation and are thereby subject to seizure by any peace officer in the State of Arizona.
- E. Upon the suspension of a registration certificate the holder of the suspended registration certificate shall not perform the duties of a security guard.
- F. Failure to comply with these provisions will provide cause for revocation of the license or certificate.

Historical Note Former Rule 9

R13-6-10. Employee records – business records

Each licensee shall maintain at his principle place of business a file or record of the name, address, title, commencing date, and date of termination on each partner, director, business associate, officer, manager, or employee of the principal office and branch offices. These records shall be maintained for a period of two years.

Historical Note Former Rule 10

R13-6-11. Personal representative or fiduciary acting for license

A person acting as administrator, executor or guardian of the estate of any licensee is authorized, if found to be qualified and upon receiving permission from the director, to operate the licensed security guard agency under the authority of the license issued to the licensee for whom the person is acting for a period not exceeding six months from the date of the appointment of such person as administrator, executor or guardian.

Historical Note Former Rule 11

R13-6-12.Firearms violations

- A. No licensee or security guard employee of a licensee shall conduct himself in such a manner as to violate A.R.S. 13-911, relating to concealed weapons.
- B. No licensee or security guard employee of a licensee shall conduct himself in such a manner as to violate A.R.S. 13-913, carrying weapons into election and polling place.
- C. No licensee or security guard employee of a licensee shall conduct himself in such a manner as to violate A.R.S. 13-913, carrying weapons into election and polling place.
- D. No licensee or employee of a license shall conduct himself in such a manner as to violate A.R.S. 13-917, handling carrying, or discharging firearms.

Historical NoteFormer Rule 12

R13-6-13.Complaints

Complaints shall be in writing and shall be filed with the Department of Public Safety. A copy may be forwarded to the licensee against whom the complaint has been lodged at the direction of the Director. If the complaint involved alleged violations of Arizona Revised Statutes or these regulations, the Department of Public Safety may institute an investigation to ascertain if the violation has, in fact occurred. When an investigation that there has, in fact been a violation of the Arizona Revised Statutes or Rules and Regulations contained herein, the Director or his designate determine grounds for suspension or revocation of the license, procedures, as outlined in these laws and regulations, will be followed.

Historical NoteFormer Rule 14

R13-6-14.Use of name

- A. The name of the licensed agency shall not include, "United States", U.S.", "Federal", "State of Arizona", or any name to associate the business with any other governmental agency or law enforcement agency.
- B. The use of the words "Corporation", "Corp.", "Incorporated", or "Inc.", will not be approved for an individual or partnership license unless corporate papers have been filed with the Corporation Commission.
- C. Similar business names of licensed firms will not be approved.
- D. The licensee, business associates, and employees will do business and present themselves under the name used in their application and identification card. No fictitious names will be approved for use on identification cards.
- E. The licensed business shall do all business under the name and address which is on file with the Director and which is noted on the license. No letterhead other than the licensed name shall be used on any stationary, any advertising, formal contracts entered into with clients, payroll, and reports to clients.

Historical NoteFormer Rule 15

R13-6-15.Uniforms, badges, insignia

- A. No uniforms, shoulder patches, or badges shall be worn by any licensee or any of his employees without the prior approval of the Director of the Department of Public Safety.
- B. No licensee or officer, director, partner, manager, or an employee of a licensee shall use a title, or wear a uniform, or use an insignia, or use an impression that he is connected in any way with the Federal Government, a state government, or any political subdivision of a state government.
- C. Shoulder identification patches shall be worn on all uniform jackets, coats, and shirts,

- and bear the name of the security guard agency, when worn as an outer garment.
- D. The shoulder patches shall not be less than two inches by three inches in size.
 - E. No badge worn by a security guard agency shall bear markings similar to the markings used by any law enforcement agency of the Federal Government, the state, or any political subdivision of a state government.
 - F. No seals, insignia, similar to any law enforcement agency or the words, "Police", "Police Officer", "Patrol Officer", "Patrolman", "Deputy", or "Marshal", shall appear on the badge.
 - G. All badges, uniforms, and shoulder patches shall be submitted to the Director of the Department of Public Safety for written approval.
 - H. All badges so approved shall be displayed only in conjunction with the security guard agency uniform.
 - I. Those agencies who are licensed prior to February 28, 1975 will have until February 28, 1976 to comply with this regulation.

Historical Note Former Rule 16

R13-6-16. Vehicle markings, emblems, and insignia

- A. No vehicle under the control of a security guard service shall bear markings similar to the markings used by any law enforcement agency of the Federal Government, the state, or any political subdivision thereof.
- B. No seals, insignia, or the words "Police", "Police Officer", "Patrol Officer", "Marshal", "Deputy", or "Patrol man" shall appear on the vehicle.
- C. All markings to be displayed on a vehicle under the control of a security guard agency must be submitted to the Director of the Department of Public Safety for written approval.
- D. All vehicles under the control of a security guard service shall display a red light other than to the rear. No such vehicle shall display a device, visible from the front of said vehicle, which might appear to be a red lamp.
- E. No vehicle under the control of a security guard service shall display a red light other than to the rear. No such vehicle shall display a device, visible from the front of said vehicle, which might appear to be a red lamp.
- F. With the exception of armored cars using a siren as a crime alarm device, no vehicle under the control of a security guard company shall be equipped with a siren or bell.

Historical Note Former Rule 17.

R13-6-17. Liability Insurance

- A. An application for an original or renewal agency license shall provide a current certificate of a liability insurance policy issued by an insurance company licensed to do business in this state, in the amount of at least one hundred thousand dollars (\$100,000.00) for any one person and an aggregate total of at least three hundred thousand dollars (\$300,000.00)
- B. The liability insurance coverage shall be for the legal liability for damages resulting from:
 1. Bodily injury: Covers legal liability for personal injury arising out of an occurrence involved in the operation of the agency.
 2. Property Damage Liability: Covers legal liability for damage to property of others arising out of any occurrence involved in the operation of the agency.
 3. Personal Injury Coverage: Covers legal liability for damages resulting from personal injury, including, but not limited to false arrest, false imprisonment, detention, libel and slander, malicious prosecution, invasion of privacy, wrongful eviction or wrongful entry, discrimination; limits as shown in

paragraph "A" above.

Historical Note Former Rule 18.

R13-6-18. Absence of qualifying party

No qualifying party operating under a security guard agency license shall leave his licensed place of business, while operating under the management of someone other than himself, for a period of thirty (30) days or more without filing in writing with the Department of Public Safety, giving the name of the person designated by him to conduct the business during his absence.

Historical Note Former Rule 19.

R13-6-19. Knowledge of laws and regulations required

All licensees and their employees, whose duties require or permit their performance as a security guard, shall be familiar with the laws relating to security guards and the regulations of the Department of Public Safety relating to security guards.

Historical Note Former Rule 20.