

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/16/01 H3/27/01

A Bill

Act 1474 of 2001
SENATE BILL 827

5 By: Senator Webb
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE PRIVATE
10 INVESTIGATORS AND PRIVATE SECURITY AGENCIES ACT;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 TO AMEND VARIOUS PROVISIONS OF THE
14 PRIVATE INVESTIGATORS AND PRIVATE
15 SECURITY AGENCIES ACT.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 17-40-102 is amended to read as follows:
22 17-40-102. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) "Accident reconstruction" means the interpretation of physical
25 evidence in the application of scientific principles to form opinions
26 relative to the events of an accident;

27 (2) "Administrator" means the administrator of the Arkansas Board of
28 Private Investigators and Private Security Agencies;

29 (3) "Alarm systems agent" means any individual employed by an alarm
30 systems company who sells on site, performs a survey of the premises to be
31 protected, or responds to alarm signal devices, burglar alarms, or cameras as
32 described in subdivision (5) or (29) of this section;

33 (4) "Alarm systems apprentice" means any individual employed by an
34 alarm systems company who installs, services, or repairs on site as described
35 in subdivision (5) or (29) of this section that is supervised by an "alarm
36 systems technician", a "supervisor of technicians", or a "manager";

1 (5) "Alarm systems company" means any person, firm, association, or
2 corporation which for a fee or other valuable consideration installs,
3 services, sells on site, performs a survey of the premises to be protected,
4 monitors, or responds to electrical, electronic, or mechanical alarm signal
5 devices, burglar alarms, television cameras or still cameras used to manually
6 or automatically signal or detect burglary, fire, breaking or entering,
7 shoplifting, pilferage, theft, hold-up, or other illegal or unauthorized
8 activity;

9 (6) "Alarm systems monitor" means any individual employed by an alarm
10 systems company who monitors or responds as described in subdivision (5) of
11 this section;

12 (7) "Alarm systems technician" means any individual employed by an
13 alarm systems company who installs, services or repairs on site as described
14 in subdivision (5) or (29) of this section;

15 (8) "Armored car company" means any person that provides armed
16 security transportation and protection, from one (1) place or point to
17 another place or point, of money, currency, coins, bullion, securities,
18 bonds, jewelry, or other valuables;

19 (9) "Board" means the Arkansas Board of Private Investigators and
20 Private Security Agencies;

21 (10) "Commissioned security officer" means any private security
22 officer to whom a security officer commission has been issued by the board;

23 (11) "Firearm" means, as defined in Webster's New Collegiate
24 Dictionary, a weapon from which a shot is discharged by gunpowder;

25 (12) "Guard company" means any person engaging in the business of or
26 undertaking to provide a private watchman, guard, or street patrol service on
27 a contractual basis for another person and performing any one (1) or more of
28 the following or similar functions:

29 (A) Prevention of intrusion, entry, larceny, vandalism, abuse,
30 fire, or trespass on private property;

31 (B) Prevention, observation, or detection of any unauthorized
32 activity on private property;

33 (C) Control, regulation, or direction of the flow or movements
34 of the public, whether by vehicle or otherwise, only to the extent and for
35 the time directly and specifically required to assure the protection of
36 property; or

1 (D) Protection of individuals from bodily harm;

2 (13) "Investigations company" means any person who engages in the
3 business or accepts employment to obtain or furnish information with
4 reference to:

5 (A) Crime or wrongs done or threatened against the United States
6 or any state or territory of the United States;

7 (B) The identity, habits, conduct, business, occupation,
8 honesty, integrity, credibility, knowledge, trustworthiness, efficiency,
9 loyalty, activity, movement, whereabouts, affiliations, associations,
10 transactions, acts, reputation, or character of any person;

11 (C) The location, disposition, or recovery of lost or stolen
12 property;

13 (D) The cause or responsibility for fires, libels, losses,
14 accidents, damages, or injuries to persons or to property; or

15 (E) The securing of evidence to be used before any court, board,
16 officer, or investigating committee;

17 (14) "License" means a permit granted by the board entitling a person
18 to operate as a security services contractor, an investigations company, or
19 an alarm systems company;

20 (15) "Licensee" means any person to whom a license is granted under
21 this chapter;

22 (16) "Manager" means, in the case of a corporation, an officer or
23 supervisor, or, in the case of a partnership, a general or unlimited partner
24 meeting the experience qualifications set forth in § 17-40-306 for managing a
25 security services contractor or an investigations company;

26 (17) "NBFAA" means National Burglar and Fire Alarm Association, 7101
27 Wisconsin Avenue, Suite 901, Bethesda, MD 20814-4805, (301)907-3208;

28 (18) "NICET" means National Institute for Certification in Engineering
29 Technologies, 1420 King Street, Alexandria, VA 22314-2794, (703)684-2835;

30 (19) "Person" means an individual, firm, association, company,
31 partnership, corporation, nonprofit organization, institution, or similar
32 entity;

33 (20) "Private investigator" means any person who performs one (1) or
34 more services as described in subdivision (13) of this section;

35 (21) "Private security officer" means any individual employed by a
36 security services contractor or the security department of a private business

1 to perform the duties of a security guard, security watchman, security
2 patrolman, or armored car guard;

3 (22) "Registrant" means an individual who has filed an application
4 with the board to perform the duties of a private investigator, manager, or
5 branch office manager;

6 (23) "Registration" means a permit granted by the board to an
7 individual to perform the duties of a private investigator, manager, or
8 branch office manager;

9 (24) "Security department of a private business" means the security
10 department of any person, if the security department has as its general
11 purpose the protection and security of its own property and grounds, and if
12 it does not offer or provide security services to any other person;

13 (25) "Security officer commission" means an authorization granted by
14 the board to an individual employed as a private security officer to carry a
15 firearm;

16 (26) "Security services contractor" means any guard company or armored
17 car company;

18 (27) "Supervisor of technicians" means any individual employed by an
19 alarm systems company who supervises "alarm systems technicians" or "alarm
20 systems apprentices" and who may install, service, or repair on site as
21 described in subdivision (5) of this section; ~~and~~

22 (28) "Undercover agent" means an individual hired by another
23 individual, partnership, corporation, or other business entity to perform a
24 job for that individual, partnership, corporation, or other business entity
25 and, while performing such job, to act as an undercover agent, an employee,
26 or an independent contractor of a licensee, but supervised by a licensee; and

27 (29) "Single Station Alarm Systems Company" means any person, firm,
28 association, or corporation which, for a fee or other valuable consideration,
29 installs, services, or sells on site, fire, smoke or heat detectors to be
30 installed in a one (1) or two (2) family dwelling or performs a survey of the
31 premises to be protected, if the detectors are single station installations
32 and not a part of or connected to any other detection device or system.

33
34 SECTION 2. Arkansas Code 17-40-309 is amended to read as follows:
35 17-40-309. License - Classifications.

36 (a) No person may engage in any operation outside the scope of his

1 license.

2 (b) For the purpose of defining the scope of licenses, the following
3 license classifications are established:

4 (1) Class A: Investigations company license, covering operations
5 as defined in § 17-40-102(13);

6 (2) Class B: Security services contractor license, covering
7 operations as defined in § 17-40-102(26);

8 (3) Class C: Covering the operations included within Class A and
9 Class B;

10 (4) Class D: A single individual operating as an investigations
11 company with no other employees required to be licensed or registered under
12 this chapter;

13 (5)(A) Class E Level 1: Alarm systems company license, covering
14 operations as defined in § 17-40-102(5). Fire alarm license is restricted to
15 structures for which applicable building and life safety codes do not mandate
16 the installation of fire alarm systems, one (1) and two (2) family dwellings
17 classified as "Group R3", in the Arkansas Fire Prevention Code.

18 (B) Class E Level 2: Alarm systems company license
19 covering operations as defined in § 17-40-102(5). Fire alarm license is
20 restricted to structures for which applicable building and life safety codes
21 do not mandate the installation of fire alarm systems, one (1) and two (2)
22 family dwellings classified as "Group R3", "Group R1" (except buildings with
23 three (3) or more stories), "Group R2" (except buildings with three (3) or
24 more stories), "Group A" (except those that exceed fifteen thousand square
25 feet (15,000 sq. ft.)), "Group B" (except "highrise"), "Group E" (except those
26 that exceed fifteen thousand square feet (15,000 sq. ft.)), "Group F", "Group
27 M", and "Group S" in the Arkansas Fire Prevention Code.

28 (C) Class E Level 3: Alarm systems company license
29 covering operations as defined in § 17-40-102(5). Fire alarm license is
30 unrestricted.

31 (D) Class E-M: Alarm systems company license covering only
32 monitoring as defined in § 17-40-102(5).

33 (E) Class E-S: A single station alarm systems company
34 license covering operations as defined by § 17-40-102(29). Fire alarm
35 license is restricted to one (1) and two (2) family dwellings.

36 (F) Class F-S: A single station alarm systems company

1 license covering operations as defined by § 17-40-102(29) with no more than
2 five (5) registered employees required to be registered under this chapter.
3 Fire alarm license is restricted to one (1) and two (2) family dwellings.

4 (6)(A) Class F: An alarm systems company license covering
5 operations as defined in § 17-40-102(5) with no more than five (5) employees
6 required to be registered under this chapter. Fire alarm license is
7 restricted to structures for which applicable building and life safety codes
8 do not mandate installation of fire alarm systems and one (1) and two (2)
9 family dwellings classified as "Group R3" in the Arkansas Fire Prevention
10 Code.

11 (B) Class F-M: Alarm systems company license covering only
12 monitoring as defined in § 17-40-102(5) with no more than five (5) persons
13 required to be registered under this chapter; and

14 (7) General: Covering the operations included within Class A,
15 Class B, and Class E.

16 (c) A person licensed only as a security services contractor may not
17 make any investigation except as incidental to the theft, loss, embezzlement,
18 misappropriation, or concealment of any property which he has been hired or
19 engaged to protect.

20
21 SECTION 3. Arkansas Code 17-40-318, concerning training requirements
22 for an alarm systems business, is amended by adding an additional subsection
23 to read as follows:

24 (f) The licensee or the licensee's manager of a Class E-S or Class F-S
25 license shall demonstrate that he or she is knowledgeable in fire protection
26 and the proper use and placement of single station fire and heat detectors by
27 satisfactorily completing an examination to be approved by the board on the
28 single station portion of the Household Fire Warning Protection provision of
29 the National Fire Protection Association, 72 Code Book, as exists on January
30 1, 2001 and the Arkansas Fire Code as it pertains to single station fire
31 detection devices.

32
33 Section 4. Arkansas Code 17-40-103 is amended by adding an additional
34 subdivision to read as follows:

35 (15) Alarm system agents, alarm system apprentices, and alarm
36 system technicians for class E-S and F-S licenses shall be exempt from the

1 requirements for NBFAA Level 1 and 2 certification.

2

3

/s/ Webb

4

5

APPROVED: 4/11/2001

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36