

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/11/99

A Bill

Act 1493 of 1999
HOUSE BILL 2062

5 By: Representatives Glover, Kidd
6
7

For An Act To Be Entitled

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

Subtitle

13 "TO AMEND VARIOUS SECTIONS OF THE PRIVATE
14 INVESTIGATORS AND PRIVATE SECURITY
15 AGENCIES LAW. "
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 hereby amended to read as
22 follows:

23 "17-40-102. Definitions.

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

25 (1) 'Board' means the Arkansas Board of Private Investigators and
26 Private Security Agencies;

27 (2) 'Person' means an individual, firm, association, company,
28 partnership, corporation, nonprofit organization, institution, or similar
29 entity;

30 (3) 'Investigations company' means any person who engages in the
31 business or accepts employment to obtain or furnish information with reference
32 to:

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

35 (B) The identity, habits, conduct, business, occupation, honesty,
36 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,

1 activity, movement, whereabouts, affiliations, associations, transactions,
2 acts, reputation, or character of any person;

3 (C) The location, disposition, or recovery of lost or stolen
4 property;

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

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

9 (4) 'Guard company' means any person engaging in the business of or
10 undertaking to provide a private watchman, guard, or street patrol service on
11 a contractual basis for another person and performing any one (1) or more of
12 the following or similar functions:

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

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

17 (C) Control, regulation, or direction of the flow or movements of
18 the public, whether by vehicle or otherwise, only to the extent and for the
19 time directly and specifically required to assure the protection of property;
20 or

21 (D) Protection of individuals from bodily harm;

22 (5) 'Armored car company' means any person that provides armed security
23 transportation and protection, from one (1) place or point to another place or
24 point, of money, currency, coins, bullion, securities, bonds, jewelry, or
25 other valuables;

26 (6) 'Alarm systems company' means any person, firm, association, or
27 corporation which for a fee or other valuable consideration installs,
28 services, sells on site, performs a survey of the premises to be protected,
29 monitors, or responds to electrical, electronic, or mechanical alarm signal
30 devices, burglar alarms, television cameras or still cameras used to manually
31 or automatically signal or detect burglary, fire, breaking or entering,
32 shoplifting, pilferage, theft, ~~or~~ hold-up or other illegal or unauthorized
33 activity;

34 (7) 'Security services contractor' means any guard company or armored
35 car company;

36 (8) 'Security department of a private business' means the security

1 department of any person, if the security department has as its general
2 purpose the protection and security of its own property and grounds, and if it
3 does not offer or provide security services to any other person;

4 (9) 'Private investigator' means any person who performs one (1) or
5 more services as described in subdivision (3) of this section;

6 (10) 'Private security officer' means any individual employed by a
7 security services contractor or the security department of a private business
8 to perform the duties of a security guard, security watchman, security
9 patrolman, or armored car guard;

10 (11) 'Manager' means, in the case of a corporation, an officer or
11 supervisor, or, in the case of a partnership, a general or unlimited partner
12 meeting the experience qualifications set forth in § 17-40-306 for managing a
13 security services contractor or an investigations company;

14 (12) 'License' means a permit granted by the board entitling a person
15 to operate as a security services contractor, an investigations company, or an
16 alarm systems company;

17 (13) 'Licensee' means any person to whom a license is granted under
18 this chapter;

19 (14) 'Security officer commission' means an authorization granted by
20 the board to an individual employed as a private security officer to carry a
21 firearm;

22 (15) 'Commissioned security officer' means any private security officer
23 to whom a security officer commission has been issued by the board;

24 (16) 'Registration' means a permit granted by the board to an
25 individual to perform the duties of a private investigator, manager, or branch
26 office manager;

27 (17) 'Registrant' means an individual who has filed an application with
28 the board to perform the duties of a private investigator, manager, or branch
29 office manager;

30 (18) 'Firearm' means, as defined in Webster's New Collegiate
31 Dictionary, a weapon from which a shot is discharged by gunpowder;

32 (19) 'Administrator' means the administrator of the Arkansas Board of
33 Private Investigators and Private Security Agencies;

34 (20) 'Undercover agent' means an individual hired by another
35 individual, partnership, corporation, or other business entity to perform a
36 job for that individual, partnership, corporation, or other business entity

1 and, while performing such job, to act as an undercover agent, an employee, or
2 an independent contractor of a licensee, but supervised by a licensee;

3 (21) 'Accident reconstruction' means the interpretation of physical
4 evidence in the application of scientific principles to form opinions relative
5 to the events of an accident; and

6 (22) 'Alarm systems agent' means any individual employed by an alarm
7 systems company who sells on site, performs a survey of the premises to be
8 protected or responds to alarm signal devices, burglar alarms or cameras
9 ~~performs one (1) or more services~~ as described in subdivision (6) of this
10 section;

11 (23) 'Alarm systems technician' means any individual employed by an
12 alarm systems company who installs, services or repairs on site as described
13 in subdivision (6) of this section;

14 (24) 'Alarm systems monitor' means any individual employed by an alarm
15 systems company who monitors or responds as described in subdivision (6) of
16 this section;

17 (25) 'Supervisor of technicians' means any individual employed by an
18 alarm systems company who supervises 'alarm systems technicians' or 'alarm
19 systems apprentices' and who may install, service or repair on site as
20 described in subdivision (6) of this section;

21 (26) 'Alarm systems apprentice' means any individual employed by an
22 alarm systems company who installs, services or repairs on site as described
23 in subdivision (6) of this section that is supervised by an 'alarm systems
24 technician', a 'supervisor of technicians', or a 'manager';

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

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

29
30 SECTION 2. Arkansas Code 17-40-103 is amended to read as follows:
31 "17-40-103. Exemptions.

32 (a) This chapter does not apply to:

33 (1) A person employed exclusively and regularly by one (1)
34 employer in connection with the affairs of that employer only and where there
35 exists an employer-employee relationship;

36 (2) An officer or employee of the United States, of this state,

1 or of a political subdivision of either, while the employee or officer is
2 engaged in the performance of official duties;

3 (3) A person who has part-time or full-time employment as a law
4 enforcement officer and who is certified by the Arkansas Commission on Law
5 Enforcement Standards and Training as a law enforcement officer and receives
6 compensation for private employment on an individual or an independent
7 contractor basis as a patrolman, guard, or watchman if the person is:

8 (A)(i) Employed in an employee-employer relationship; or

9 (ii) Employed on an individual contractual basis; and

10 (B) Not in the employ of another law enforcement officer;

11 (4) A person engaged exclusively in the business of obtaining and
12 furnishing information for purposes of credit worthiness or collecting debts
13 or ascertaining the financial responsibility of applicants for property
14 insurance and for indemnity or surety bonds, with respect to persons, firms,
15 and corporations;

16 (5) Consumer reporting agencies as defined in 15 U.S.C. § 1681 et
17 seq.;

18 (6) An attorney at law in performing his duties ~~or persons acting~~
19 ~~at the direction of or for the benefit of an attorney or an employee of an~~
20 attorney at law, only in connection with providing investigative services to
21 the attorney and his practice;

22 (7) Admitted insurers, insurance adjusters, agents, and insurance
23 brokers licensed by the state performing duties in connection with insurance
24 transacted by them;

25 (8) An officer, employee, or agent of a communications common
26 carrier, as defined in 47 U.S.C. § 153(h), while engaged in the normal course
27 of business of the carrier or protecting the carrier or a user of the services
28 of that carrier from fraudulent, unlawful, or abusive use of services;

29 (9) A professional engineer registered with the State Board of
30 Registration for Professional Engineers and Land Surveyors engaged in
31 providing investigative services as outlined in this chapter;

32 (10) A person who or business which sells or manufacturers alarm
33 systems, unless such person or business performs any service as described in §
34 17-40-102(6);

35 (11) Installation, servicing, or responding to fire alarm systems
36 or any alarm device which is installed in a motor vehicle, aircraft, or boat;

1 (12) Installation of an alarm system on property owned by or
2 leased to the installer;

3 (13) Installation of fixed fire extinguisher systems by persons
4 licensed by the Arkansas Fire Protection Licensing Board; and

5 (14) Installation of the raceway, conductors, and/or components
6 of a fire alarm system by a person or organization not employed by a licensee
7 under this chapter who holds an electrical contractor's license in the State
8 of Arkansas when the installation is directed, inspected, and certified by a
9 person or organization licensed under this chapter as an alarm systems company
10 an entity holding a valid Arkansas Contractor's License: Electrical
11 Classification, when the systems are furnished by alarm systems companies
12 licensed under this chapter, provided the alarm systems company:

13 (1) Furnishes a system designed to comply with applicable
14 codes and standards;

15 (2) Furnishes the installing contractor with wiring
16 diagrams and specifications for the required conductors;

17 (3) Provides periodic job site inspections of the
18 installation in progress;

19 (4) Connects and installs the system components;

20 (5) Tests the completed installation in compliance with
21 NFPA 72, providing the owner's representative and the local fire marshal with
22 test documentation; and

23 (6) Instructs the system owner's representative and
24 provides operator manuals for the installed system.

25 (b) Although under the provisions of this chapter the security
26 department of a private business that hires or employs an individual in the
27 capacity of a private security officer to possess a firearm in the course and
28 scope of his duties is required to make application for a security officer
29 commission for the individual according to the provisions of this chapter, the
30 security department of a private business shall not be required to make
31 application to the board for any license under this chapter.

32 (c) Notwithstanding any other provision of this chapter, employees of a
33 licensee who are employed exclusively as undercover agents shall not be
34 required to register with the board under this chapter."
35

36 SECTION 3. Arkansas Code 17-40-104(a) is amended to read as follows:

1 “(a) Any person who ~~willfully~~ violates any provision of this chapter is
2 guilty of a Class A misdemeanor. Any person who violates any provision of
3 this chapter within one (1) year of a previous violation is guilty of a Class
4 D felony.”

5
6 SECTION 4. Arkansas Code 17-40-209 is amended to read as follows:

7 “17-40-209. Fees - Disposition of funds.

8 (a) It is the intent of the Arkansas General Assembly that the cost of
9 investigation and licensing of private investigators and private security
10 agencies, as authorized by this chapter, as amended, or its successor, be
11 borne by the individuals and agencies so licensed.

12 (b) To assure that such intent is carried out, the expenditure for
13 personal services and operating expenses associated with investigating and
14 licensing of agencies and individuals required to be licensed under the
15 provisions of this chapter shall be limited in the aggregate during any one
16 (1) fiscal year to the amount deposited into the State Treasury to the credit
17 of the Department of Arkansas State Police Fund from annual license and
18 registration fees of such individuals and agencies.

19 (c) In order to provide sufficient revenues to carry out the duties and
20 functions prescribed by this chapter, the Arkansas Board of Private
21 Investigators and Private Security Agencies is authorized to levy fees for
22 licenses as authorized by this chapter in such amounts as may be deemed
23 necessary and proper by the board, ~~notwithstanding any provision of this~~
24 ~~chapter which may be to the contrary.~~

25 ~~(d) Any fee changes must be equitably proportional among all the~~
26 ~~licensees.~~

27 ~~(e)(1)(A) The fee for a Class A original license is four hundred fifty~~
28 ~~dollars (\$450).~~

29 ~~(B) For the renewal of a Class A license, the fee is one~~
30 ~~hundred fifty dollars (\$150).~~

31 ~~(2)(A) The fee for a Class B original license is four hundred~~
32 ~~fifty dollars (\$450).~~

33 ~~(B) For the renewal of a Class B license, the fee is one~~
34 ~~hundred fifty dollars (\$150).~~

35 ~~(3)(A) The fee for a Class C original license is six hundred~~
36 ~~dollars (\$600).~~

1 ~~(B) For the renewal of a Class C license, the fee is two~~
2 ~~hundred fifty dollars (\$250).~~

3 ~~(4)(A) The fee for a Class D original license is two hundred~~
4 ~~twenty-five dollars (\$225).~~

5 ~~(B) For the renewal of a Class D license, the fee is~~
6 ~~seventy-five dollars (\$75.00).~~

7 ~~(5)(A) The fee for a Class E original license is four hundred~~
8 ~~fifty dollars (\$450).~~

9 ~~(B) For the renewal of a Class E license, the fee is one~~
10 ~~hundred fifty dollars (\$150).~~

11 ~~(6)(A) The fee for a Class F original license is two hundred~~
12 ~~twenty-five dollars (\$225).~~

13 ~~(B) For the renewal of a Class F license, the fee is~~
14 ~~seventy-five dollars (\$75.00).~~

15 ~~(7)(A) The fee for a general original license is nine hundred~~
16 ~~dollars (\$900).~~

17 ~~(B) For the renewal of a general license, the fee is three~~
18 ~~hundred dollars (\$300).~~

19 ~~(8)(d)~~ A delinquency fee shall be provided by the board.

20 ~~(f)(e)~~ All funds received by the board shall be deposited in the State
21 Treasury as special revenues to the credit of the Department of Arkansas State
22 Police Fund."

23
24 SECTION 5. Arkansas Code 17-40-301 is amended to read as follows:

25 "17-40-301. Unlawful acts.

26 (a) No licensee or officer, director, partner, manager, or employee of
27 a licensee shall knowingly make any false report to his employer or client for
28 whom information was being obtained.

29 (b) No written report shall be submitted to a client except by the
30 licensee, manager, or a person authorized by one or either of them. The person
31 submitting the report shall exercise diligence in ascertaining whether or not
32 the facts and information in a report are true and correct.

33 (c) No licensee, or officer, director, partner, manager, or employee of
34 a licensee, except full-time police officers, shall use a title, wear a
35 uniform, use an insignia, use an identification, or make any statement with
36 the intent to give the impression that he is connected in any way with the

1 federal government, a state government, county government, city government, or
2 any political subdivision of a state government.

3 (d) It is unlawful and punishable as provided in § 17-40-104 of this
4 chapter for any person to represent falsely that he is employed by a licensee.

5 (e) It shall be unlawful and punishable as provided in § 17-40-104 for
6 any state, county, or municipal government, or political subdivision of
7 either, to install, service, maintain, monitor, operate, sell, or lease as
8 lessor any burglar alarm system, fire alarm system, or other electronic
9 security system on private property if a private contractor licensed to do
10 business within the county or municipality offers such systems or services to
11 the public within such county or municipality. The provisions of this section
12 shall not prohibit a county or municipal government from installing,
13 servicing, maintaining, or operating a burglar alarm system or fire alarm
14 system on any property owned or leased by such county or municipal government.

15 (f) No person shall program an automatic dialing device to call any law
16 enforcement agency, fire department, emergency health service, or any state,
17 city, or county agency, without prior approval of the board.

18 (g) No licensee shall contract or subcontract with any unlicensed
19 entity that performs a service that is required to be licensed by this
20 chapter."

21

22 SECTION 6. Arkansas Code 17-40-307(c) is amended to read as follows:

23 "(c) The board may require an applicant or his manager to demonstrate
24 qualifications by an examination to be determined by the board or show proof
25 of other qualifications as may be determined by the board."

26

27 SECTION 7. Arkansas Code 17-40-308 is amended to read as follows:

28 "17-40-308. License - Insurance prerequisite.

29 (a) No Class B, Class C, or general license shall be issued to a
30 company under this chapter unless the applicant files with the board proof of
31 a policy of continuing public liability insurance in a sum not less than ~~one~~
32 ~~hundred thousand dollars (\$100,000)~~ five hundred thousand dollars (\$500,000),
33 conditioned to compensate any person for damages, including, but not limited
34 to, bodily injury, caused by wrongful acts of the principal or its servants,
35 officers, agents, and employees in the conduct of any business licensed by
36 this chapter.

1 (b) No Class B or Class C license shall be issued to an armored car
 2 company unless the applicant files with the board proof of a valid and
 3 continuing policy of armored car cargo insurance protecting customers'
 4 valuables in a sum not less than five hundred thousand dollars (\$500,000).

5 (c)(1) All Class E ~~and Class F~~ licensees shall maintain in force at all
 6 times while licensed a public liability insurance policy, with minimum limits
 7 of liability of ~~ten thousand dollars (\$10,000)~~ three hundred thousand dollars
 8 (\$300,000). All Class F licensees shall maintain in force at all times while
 9 licensed a public liability insurance policy, with minimum limits of liability
 10 of one hundred thousand dollars (\$100,000).

11 (2) All alarm systems businesses which issue Underwriters'
 12 Laboratories certificates for local mercantile, central station, or police
 13 connected alarms shall maintain in force at all times a public liability
 14 insurance policy in an amount of at least three hundred thousand dollars
 15 (\$300,000).

16 (3) Proof of such insurance must be provided to the board upon
 17 request.

18 (4) This section will not pertain to alarm systems businesses
 19 that do not sell, install, or service alarm systems.'

20
 21 SECTION 8. Arkansas Code 17-40-309(b)(5) and (6) are amended to read as
 22 follow:

23 "(5) Class E Level 1: Alarm systems company license, covering
 24 operations as defined in § 17-40-102(6). Fire alarm license is restricted to
 25 structures for which applicable building and life safety codes do not mandate
 26 the installation of fire alarm systems, one (1) and (2) family dwellings
 27 classified as 'Group R3', in the Arkansas Fire Prevention Code.;

28 Class E Level 2: Alarm systems company license covering operations as
 29 defined in § 17-40-102(6). Fire alarm license is restricted to structures for
 30 which applicable building and life safety codes do not mandate the
 31 installation of fire alarm systems, one (1) and two (2) family dwellings
 32 classified as 'Group R3', 'Group R1' (except buildings with three (3) or more
 33 stories), 'Group R2' (except buildings with three (3) or more stories), 'Group
 34 A' (except those that exceed fifteen thousand (15,000) square feet), 'Group B'
 35 (except 'highrise', 'Group E' (except those that exceed fifteen thousand
 36 (15,000) square feet), 'Group F', 'Group M' and 'Group S' in the Arkansas Fire

1 Prevention Code.

2 Class E Level 3: Alarm systems company license covering operations as
 3 defined in § 17-40-102(6). Fire alarm license is unrestricted.

4 Class E-M: Alarm systems company license covering only monitoring as
 5 defined in § 17-40-102(6).

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

13 Class F-M: Alarm systems company license covering only monitoring as
 14 defined in § 17-40-102(6) with no more than five (5) persons required to be
 15 registered under this chapter;"

16

17 SECTION 9. Arkansas Code 17-40-315 is amended by adding a new
 18 subdivision at the end thereof to read as follows:

19 "(c) Any licensed entity finding a violation of this act shall report
 20 said violation to the local authority and to the Arkansas Board of Private
 21 Investigators and Private Security Agencies."

22

23 SECTION 10. Arkansas Code 17-40-318 is amended to read as follows:

24 "17-40-318. Training requirements for alarm system business.

25 ~~(a)(1) At least one (1) person employed by every alarm systems business~~
 26 ~~must meet the training requirements set forth in this section.~~

27 ~~(2) All businesses applying for licenses under this chapter will~~
 28 ~~have one hundred twenty (120) days from the time a license is issued to comply~~
 29 ~~with the provisions of this section.~~

30 ~~(b) To meet the training requirements of this chapter, an individual~~
 31 ~~must have done at least one (1) of the following:~~

32 ~~(1) Successfully completed the National Burglar and Fire Alarm~~
 33 ~~Association's level one training course;~~

34 ~~(2) Successfully completed the National Alarm Association of~~
 35 ~~America's tape training sessions;~~

36 ~~(3) Successfully completed training provided by the manufacturer~~

1 ~~or distributor of security products used by the alarm systems business with~~
2 ~~which he is employed;~~

3 ~~(4) Successfully completed the examination as a qualifying agent~~
4 ~~under the provisions of Act 1004 of 1985 [repealed];~~

5 ~~(5) Meet other reasonable qualifications as may be adopted by the~~
6 ~~board.~~

7 (a) The licensee or his manager of a Class E Level 1 and Class F
8 license shall show proof of NBFAA Level 2 certification or board approved
9 equivalent. The licensee, or his manager for a Class E Level 1 shall have two
10 (2) years from the effective date of this legislation to obtain the
11 aforementioned certification. An applicant for a Class E Level 1 and Class F
12 license or his manager applicant shall show proof of NBFAA Level 2
13 certification or board approved equivalent before the license may be issued.

14 (b) The licensee or his manager of a Class E Level 2 license shall show
15 proof of NBFAA Level 2, NICET Level II certification or board approved
16 equivalent. The licensee or his manager shall have two (2) years from the
17 effective date of this legislation to obtain the aforementioned certification.
18 An applicant for a Class E Level 2 license or his manager applicant shall show
19 proof of NBFAA Level 2 certification, NICET Level II certification or board
20 approved equivalent before the license may be issued.

21 (c) The licensee or his manager of a Class E Level 3 license shall show
22 proof of NICET Level III, NBFAA Level 2 and Practical Fire Alarm Course or
23 board approved equivalent. The licensee or his manager shall have two (2)
24 years from the effective date of this legislation to obtain the aforementioned
25 certification. An applicant for a Class E Level 3 license or his manager
26 applicant shall show proof of NBFAA Level 2 and Practical Fire Alarm Course,
27 NICET Level III, or board approved equivalent before the license may be
28 issued.

29 (d) All persons applying for a license as an alarm system company or
30 his manager applicant shall successfully complete the examination as manager
31 under the provisions of this act and the board rules and regulations.

32 (e) All applicants for licensure shall meet other reasonable
33 qualifications as may be adopted by the board."

34
35 SECTION 11. Arkansas Code 17-40-326 is amended to read as follows:

36 "17-40-326. Registration - Applicant qualifications.

1 (a) The minimum age of a person registered as a private investigator,
 2 ~~or security officer, alarm agent, alarm technician, alarm monitor, alarm~~
 3 supervisor, or alarm apprentice under this subchapter shall be eighteen (18)
 4 years of age.

5 (b) The board may promulgate by rule any additional qualifications for
 6 an individual registered under this subchapter as a private investigator,
 7 manager, private security officer, branch office manager, alarm monitor, alarm
 8 supervisor, alarm apprentice or alarm systems agent, which may include
 9 provision for apprenticeship programs."

10
 11 SECTION 12. Arkansas Code 17-40-328 is amended to read as follows:
 12 "17-40-328. Registration fee.

13 ~~(a) The registration fee for private investigators required by this~~
 14 ~~chapter shall be:~~

15 ~~(1) Two hundred twenty-five dollars (\$225) for original~~
 16 ~~registrations; and~~

17 ~~(2) Seventy-five dollars (\$75.00) for each annual renewal~~
 18 ~~registration.~~

19 ~~(b) The registration fee for private security officers and alarm system~~
 20 ~~agents shall be:~~

21 ~~(1) Twenty dollars (\$20.00) for the original registration; and~~

22 ~~(2) Twenty dollars (\$20.00) for each annual renewal registration.~~

23 The board is authorized to levy fees for registration as authorized by
 24 this chapter in such amounts as may be deemed necessary and proper by the
 25 board."

26
 27 SECTION 13. Arkansas Code 17-40-329 is amended to read as follows:

28 "17-40-329. Registration - Issuance of ~~pocket~~ identification card -
 29 Transfer and fee - Cancellation.

30 (a) ~~A pocket~~ An identification card of such size, design, and content
 31 as may be determined by the board shall be issued to each registrant under
 32 this chapter. ~~The date of issuance shall be noted on the pocket card, and the~~
 33 ~~date of expiration shall also be noted~~ on the identification card. ~~The pocket~~
 34 identification card shall contain a photograph ~~and signature of the registrant~~
 35 and the name of the agency.

36 (b) ~~The pocket card~~ registration of each registrant expires one (1)

1 year from the date of issuance and is valid regardless of what security
2 company, alarm company or investigative company the registrant is employed by.

3 (c) When an individual to whom a ~~pocket card~~ registration has been
4 issued terminates his position, he shall return the ~~pocket~~ identification card
5 to the licensee within five (5) days after his date of termination.

6 (d)~~(1)~~ When an individual to whom a ~~pocket card~~ registration has been
7 issued terminates his employment with a company, he must, prior to becoming
8 employed with a different agency, notify the board in writing and pay a
9 transfer fee ~~for his pocket card~~.

10 ~~(2) The transfer fee for private security officers shall be~~
11 ~~twenty dollars (\$20.00).~~

12 ~~(3) The transfer fee for alarm systems agents shall be twenty~~
13 ~~dollars (\$20.00).~~

14 ~~(4) The transfer fee for private investigators shall be seventy-~~
15 ~~five dollars (\$75.00).~~

16 (e) Within seven (7) days after the licensee has received the ~~pocket~~
17 card identification of a terminated registered employee, the licensee shall
18 mail or deliver the ~~pocket~~ identification card to the board for cancellation,
19 along with a letter from the licensee stating:

20 (1) The date the registered employee terminated;

21 (2) The date the licensee received the ~~pocket~~ identification card
22 of the terminated registered employee; and

23 (3) The cause for which or the conditions under which the
24 registered employee terminated."

25
26 SECTION 14. Arkansas Code 17-40-340 is amended to read as follows:

27 "17-40-340. Commission - Issuance of ~~pocket~~ identification card.

28 (a) Each security officer commission issued under this section shall be
29 in the form of a ~~pocket~~ an identification card designed by the board and shall
30 identify the licensee and the security department of a private business by
31 whom the holder of the security officer commission is employed.

32 (b) No charge shall be imposed for the ~~pocket~~ identification card.'

33
34 SECTION 15. Arkansas Code 17-40-341 is hereby repealed.

35 ~~17-40-341. Temporary commission.~~

36 ~~(a) The board shall provide by rule the procedure by which a licensee~~

~~1 or the security department of a private business may issue a temporary
2 security officer commission to a private security officer who has made
3 application to the board for a security officer commission.~~

~~4 (b) Section 17-40-335 does not apply to the holder of a valid temporary
5 security officer commission issued under this chapter if the holder is in
6 uniform and engaged in the performance of his duties.~~

7
8 SECTION 16. Arkansas Code 17-40-342 is amended to read as follows:

9 "17-40-342. Commission - Termination.

10 If the holder of a license, registration, or commission terminates his
11 employment with the licensee or the security department of a private business,
12 he shall return the ~~packet~~ identification card to the board within seven (7)
13 days of the date of termination of the employment."
14

15 SECTION 17. Arkansas Code 17-40-344 is amended to read as follows:

16 "17-40-344. Commission - Suspension or denial.

17 The ~~board~~ administrator may suspend or deny a security officer
18 commission if the holder or applicant is indicted for a felony, a Class A
19 misdemeanor, a crime involving an act of violence, or a crime ~~a~~ involving
20 moral turpitude."
21

22 SECTION 18. All provisions of this act of a general and permanent
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
24 Code Revision Commission shall incorporate the same in the Code.
25

26 SECTION 19. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.
31

32 SECTION 20. All laws and parts of laws in conflict with this act are
33 hereby repealed.

34 /s/ Glover
35

36 APPROVED: 4/15/1999