

**STATE OF NORTH DAKOTA**  
**PRIVATE INVESTIGATIVE AND SECURITY BOARD**

**Proposed Rule**

**1/19/2018**

NDPISB

Case No. [X]

**CHAPTER 93-02-01.1**  
**PRIVATE INVESTIGATIVE SERVICES**

**93-02-01.1-05. Armed personnel - possession and use of firearms in the course of providing private investigative services.**

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private investigative services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. ~~However, if~~ If the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Has provided at least one thousand hours of private investigative or private security services

**History:** Effective May 1, 2000; amended effective \_\_\_\_\_

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-04

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**93-02-01.1-10. Issuance of pocket cards.**

1. To each individual licensed or registered by the board, the board shall issue a ~~laminated~~ pocket card. The board will not issue a pocket card to an individual performing private investigative services for a detective agency on a contractual basis if that individual is already licensed as a private investigator. Each individual licensed or registered by the board shall have on ones person, the pocket card issued while providing private investigative services.

2. When a registered employee or independent contractor of a detective agency terminates employment or a contract with the agency, that individual shall return the pocket card to the agency immediately after termination. Within seven days after receiving the pocket card of the terminated individual, the agency shall mail or deliver the pocket card to the board for cancellation, along with a letter from the holder of the agency license stating the date the registered individual was terminated and the date the agency received the terminated individual's card.
3. If the board revokes, suspends, or disapproves the renewal of a license or registration of any individual, the board may require the individual to return the his or her pocket card within fourteen days.
4. If the board revokes, suspends, or disapproves renewal of a detective agency license, the board may require the agency to return the pocket cards of all its registered employees and independent contractors within fourteen days of the request by the board.

**History:** Effective May 1, 2000; amended effective \_\_\_\_\_

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-05

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## CHAPTER 93-02-02.1 PRIVATE SECURITY SERVICES

### 93-02-02.1-06. Qualifications for security officers.

To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board. An individual actively serving or honorably discharged from the United States Armed Forces, Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, or Coast Guard Reserve is deemed to have met the one thousand hours of private security service requirement.

**History:** Effective May 1, 2000; amended effective \_\_\_\_\_

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-04

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**93-02-02.1-09. Qualifications for trainers.** Classroom instruction required of apprentice security officers, security officers, or commissioned security officers must be conducted by trainers certified by the board. To be certified as a trainer, an individual must have achieved the rank of

commissioned security officer as defined in section 03-02-02.1-07; and meet at least one of the following requirements:

1. ~~Two thousand hours of active service as a security officer~~Completion of an instructor training course in a relevant discipline;
2. Equivalent combination of training and experience as defined in section 93-02-02.1-10;
3. One-year of experience as an instructor in a relevant discipline at an educational institution or educational agency;
4. A degree from any educational institution in a ~~nonrelevant discipline plus at least a minor in a relevant discipline;~~ or
5. Certification from an accredited vocational education provider.

**History:** Effective May 1, 2000; amended effective \_\_\_\_\_.

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-04

**93-02-02.1-09.1. Qualifications for armed instructors.** Written and practical instruction and testing must be conducted by a board-certified instructor. To be certified as an armed instructor, an individual must meet at least one of the following requirements:

1. Is a certified weapons instructor by the North Dakota Peace Officer Standards and Training board.
2. Is a certified law enforcement weapons instructor by the National Rifle Association.
3. Has completed twenty-four months of apprenticeship training under the direct, onsite supervision of a board-certified weapons instructor. During the twenty-four-month apprenticeship period, the candidate must be at least a security officer and hold an armed certificate. After completion of the apprenticeship, the instructor must submit a notice to the board showing that the candidate has successfully completed the candidate's apprenticeship and the instructor is requesting certification for the candidate.

**History:** Effective May 1, 2005; amended effective \_\_\_\_\_.

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-04

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**93-02-02.1-14. Issuance of pocket cards.**

1. To each individual licensed or registered by the board, the board shall issue a ~~laminated~~ pocket card. Each individual licensed or registered by the board shall have on ones person, the pocket card issued while providing private security services.
2. When a registered employee or independent contractor of a private security agency terminates employment or a contract with the agency, that individual shall return the pocket card to the agency immediately after termination. Within seven days after receiving the pocket card of the terminated individual, the agency shall mail or deliver the pocket card to the board for cancellation, with a letter from the holder of the agency license stating the date the registered individual was terminated and the date the agency received the terminated individual's card.
3. If the board revokes, suspends, or disapproves the renewal of a license or registration of any individual, the board may require the individual to return the individual's pocket card within fourteen days.
4. If the board revokes, suspends, or disapproves renewal of a private security agency license, the board may require the agency to return the pocket cards of all its registered employees and independent contractors within fourteen days of the request by the board.

**History:** Effective May 1, 2000; amended effective May 1, 2005, \_\_\_\_\_.

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-05

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**CHAPTER 93-02-03  
GENERAL RULES**

**93-02-03-03. Renewal of licenses and registrations.**

1. Licenses and registrations issued by the board expire on September thirtieth of each year.
2. Every individual or agency who previously held a license or registration issued by the board and whose license or registration has expired may have the same restored immediately upon payment of all lapsed renewal fees and any applicable late fees; provided, however, that not more than ~~thirty~~sixty days has elapsed since the date of expiration, and provided that the individual or agency has not provided private investigative or private security services during the time in which the license or registration was expired.

3. This section does not relieve any person from criminal prosecution for engaging in practice or providing services without a license as required by North Dakota Century Code chapter 43-30. Once a license or registration has lapsed, the individual or agency who held the license or registration may not provide private investigative or private security services until the license or registration is renewed or until a new license or registration is issued.
4. Any individual or agency who fails to renew a lapsed license or registration and who fails to pay all lapsed renewal fees and late fees ~~within the time required by this section~~ sixty days of the expiration date must reapply for a new license or registration and meet all the requirements for licensing or registration, including a state and nationwide criminal history record check.

**History:** Effective March 1, 1990; amended effective May 1, 2000; May 1, 2005; July 1, 2007; July 1, 2010; \_\_\_\_\_.

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-11

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#### **93-02-03-06. Fees - Amount - Late Fees.**

In addition to the statutory fees, the board charges the following fees:

1. An individual must pay a fee of one hundred dollars to take the examination to become licensed to provide investigative or private security services.
2. An individual must pay a fee of one hundred thirty dollars to receive an initial license or renew the individual's license to provide private investigative or private security services. In addition, a late fee of fifty dollars must be paid for each month the renewal is late, up to a maximum cumulative late fee of one hundred dollars for a late renewal. After this two month time frame, a new application (including criminal searches, fees, and testing) is required.
3. An individual or entity must pay a fee of one hundred dollars to apply for a license to operate a private security or detective agency.
4. An individual or entity must pay a fee of two hundred fifty dollars to receive an initial license or renew a license to operate a private security or detective agency.
5. An individual must pay a fee of twenty dollars to receive a private security training certificate. There is no expiration date for these certifications.

6. An individual must pay an annual fee of thirty dollars to receive an armed private security certificate. Armed private security certificates expire on September thirtieth of each year.
7. An individual or entity must pay a fee of ten dollars to obtain a duplicate license or registration.
8. An individual must pay a fee of twenty-five dollars to obtain an initial registration to provide private investigative or private security services. The registration shall be submitted by the licensed agency. An individual must pay twenty-five dollars for renewing registration to provide private investigative or private security services. A late fee of ten dollars must also be paid for each month the renewal is late.

**History:** Effective May 1, 2000; amended effective May 1, 2005; July 1, 2010; \_\_\_\_\_.

**General Authority:** NDCC 43-30-04

**Law Implemented:** NDCC 43-30-16