

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1134
(Industry, Business and Labor Committee)
(At the request of the Private Investigative and Security
Board)

AN ACT to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to continuing education requirements for private investigative and security officers; and to amend and reenact sections 43-30-06, 43-30-10, 43-30-12, 43-30-13, and 43-30-16 of the North Dakota Century Code, relating to injunctive power of the private investigative and security board, disciplinary action, disciplinary hearing, and fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-30-06 of the North Dakota Century Code is amended and reenacted as follows:

43-30-06. License applications. Every person who desires to obtain a license shall apply to the board on applications prepared and furnished by the board. Each application must include the information required by the board and must be accompanied by the required fee. As a requirement of receiving a license, the board may require each applicant for certification to file a complete set of the applicant's fingerprints, taken by a law enforcement officer, and all other information necessary to complete a state and nationwide criminal history record check with the bureau of criminal investigation for state processing and filing with the federal bureau of investigation for federal processing. All costs associated with the background check and with obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history records provided to the board pursuant to this section are confidential and closed to the public and may be used by the board for the sole purpose of determining an applicant's eligibility for licensure and obtaining documentation to support a denial of licensure.

SECTION 2. AMENDMENT. Section 43-30-10 of the North Dakota Century Code is amended and reenacted as follows:

43-30-10. Penalty - Injunction. Any person who violates this chapter or any person who falsely states or represents that the person has been or is an investigative officer or employed by an investigative or security officer or agency is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of an injunction is available to restrain and enjoin violations of any provisions of this chapter, without proof of actual damages sustained by any person.

SECTION 3. AMENDMENT. Section 43-30-12 of the North Dakota Century Code is amended and reenacted as follows:

43-30-12. ~~Revocation or refusal to renew~~ Disciplinary action. The board may ~~either refuse to renew or may, suspend or may, or~~ refuse to renew, suspend, or revoke a license, or place on probationary status any licensee, or issue a letter of reprimand to any licensee, for any one or any combination of the following causes:

1. Fraud in obtaining a license.
2. Violation of this chapter or rules adopted which implement section 43-30-04.
3. If the holder of any license or a member of any copartnership, an officer of any corporation, or a manager of any limited liability company has been adjudged guilty of the commission of an offense determined by the board to have a direct bearing upon a holder's ability to serve the public as a private investigative or security agency, or if the board determines

that, following conviction of any offense, the holder is not sufficiently rehabilitated under section 12.1-33-02.1.

4. Upon the disqualification or insolvency of the surety of the licenseholder.

The board may impose a fee on any person subject to regulation under this chapter to reimburse the board for all or part of the costs of administrative actions resulting in disciplinary action, including the amount paid by the board for services from the office of administrative hearings, attorney's fees, court costs, witness fees, staff time, and other expenses.

SECTION 4. AMENDMENT. Section 43-30-13 of the North Dakota Century Code is amended and reenacted as follows:

43-30-13. Notice and hearing on license revocation. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute ~~grounds for refusal, suspension, or revocation, as herein set forth~~ a violation of this chapter or rules adopted by the board, investigate the actions of any person holding or claiming to hold a license. The board shall, before refusing to issue, suspending, ~~or revoking any license, at least ten days before the date set for the hearing,~~ or taking any other licensure action, notify in writing the applicant or holder of ~~such~~ the license of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by personal delivery to the accused person, or by registered mail to the place of business specified by the accused person in the person's last notification to the board. At the time and place fixed in the notice, the board shall proceed to hearing of the charges and both the accused person and the complainant must be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence, and argument as may be pertinent to the charges or to any defense thereto. The board may continue ~~such~~ the hearing from time to time.

SECTION 5. AMENDMENT. Section 43-30-16 of the North Dakota Century Code is amended and reenacted as follows:

43-30-16. Examination and license fees. The board may charge the following fees:

1. The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a license as a private investigator or a license to provide private security services is ~~fifty~~ one hundred dollars.
2. The fee to be paid by an applicant for the initial issuance or the renewal of a license as a private investigator or a license to provide private security services is one hundred fifty dollars.
3. The fee to be paid by an applicant to apply for a license to conduct a private security or detective agency is ~~fifty~~ one hundred dollars.
4. The fee for the issuance or the renewal of a license to conduct a private security or detective agency is ~~two~~ three hundred dollars.
- ~~4.~~ 5. The one-time fee to be paid by an applicant for the issuance of a private security training certificate is ~~five~~ twenty-five dollars.
- ~~5.~~ 6. The annual fee to be paid by an applicant for the issuance of an armed private security certificate is ~~five~~ twenty-five dollars.
- ~~6.~~ 7. The fee to be paid for the issuance of a duplicate license is ~~ten~~ twenty dollars.
8. The initial registration fee to provide private investigative service or private security service is twenty dollars. The fee for the renewal of a registration to provide private investigative service or private security service is five dollars.

SECTION 6. A new section to chapter 43-30 of the North Dakota Century Code is created and enacted as follows:

Continuing education requirements. The board may adopt rules establishing the requirements for the continuing education of persons licensed under this chapter. The board may refuse to renew, suspend, or revoke any license issued under this chapter or place on probationary status any licensee on proof that the licensee has failed to meet the applicable continuing education requirements. Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee as determined by the board.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1134.

House Vote: Yeas 63 Nays 32 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State