

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1134**

Introduced by

Industry, Business and Labor Committee

(At the request of the Private Investigative and Security Board)

1 A BILL for an Act to create and enact two new sections to chapter 43-30 of the North Dakota  
2 Century Code, relating to continuing education requirements for private investigative and  
3 security officers and a civil penalty for the unauthorized practice of private investigative and  
4 security service; and to amend and reenact sections 43-30-06, 43-30-10, 43-30-12, 43-30-13,  
5 and 43-30-16 of the North Dakota Century Code, relating to injunctive power of the private  
6 investigative and security board, disciplinary action, disciplinary hearing, and fees.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 **43-30-06. License applications.** Every person who desires to obtain a license shall  
11 apply to the board on applications prepared and furnished by the board. Each application must  
12 include the information required by the board and must be accompanied by the required fee.  
13 As a requirement of receiving a license, the board may require the applicant to undergo a  
14 criminal history record check by the federal bureau of investigation and the bureau of criminal  
15 investigation.

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

18 **43-30-10. Penalty - Injunction.** Any person who violates this chapter or any person  
19 who falsely states or represents that the person has been or is an investigative officer or  
20 employed by an investigative or security officer or agency is guilty of a class B misdemeanor.  
21 In addition to the criminal penalties provided, the civil remedy of an injunction is available to  
22 restrain and enjoin violations of any provisions of this chapter, without proof of actual damages  
23 sustained by any person.

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

3           **43-30-12. ~~Revocation or refusal to renew~~ Disciplinary action.** The board may  
4 ~~either refuse to renew or may, suspend or may, or~~ either refuse to renew or may, suspend or may, or place on probationary  
5 status any licensee, or impose a monetary fine or issue a letter of reprimand to any licensee, for  
6 any one or any combination of the following causes:

- 7           1. Fraud in obtaining a license.
- 8           2. Violation of this chapter or rules adopted which implement section 43-30-04.
- 9           3. If the holder of any license or a member of any copartnership, an officer of any  
10 corporation, or a manager of any limited liability company has been adjudged guilty  
11 of the commission of an offense determined by the board to have a direct bearing  
12 upon a holder's ability to serve the public as a private investigative or security  
13 agency, or if the board determines that, following conviction of any offense, the  
14 holder is not sufficiently rehabilitated under section 12.1-33-02.1.
- 15          4. Upon the disqualification or insolvency of the surety of the licenseholder.

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

18           **43-30-13. Notice and hearing on license revocation.** The board may, upon its own  
19 motion, and shall, upon the verified complaint in writing of any person setting forth facts which,  
20 if proven, would constitute ~~grounds for refusal, suspension, or revocation, as herein set forth a~~  
21 violation of this chapter or rules adopted by the board, investigate the actions of any person  
22 holding or claiming to hold a license. The board shall, before refusing to issue, suspending, ~~or~~  
23 ~~revoking any license, at least ten days before the date set for the hearing, or taking any other~~  
24 licensure action, notify in writing the applicant or holder of ~~such~~ the license of any charges  
25 made and shall afford the accused person an opportunity to be heard in person or by counsel in  
26 reference thereto. The written notice may be served by personal delivery to the accused  
27 person, or by registered mail to the place of business specified by the accused person in the  
28 person's last notification to the board. At the time and place fixed in the notice, the board shall  
29 proceed to hearing of the charges and both the accused person and the complainant must be  
30 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. The amount of the fees must be established by the board by rule.

1. ~~The~~ A 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 dollars.~~
2. ~~The~~ A 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 dollars.~~
3. ~~The~~ A fee to be paid by an applicant to apply for a license to conduct a private security or detective agency ~~is fifty dollars.~~
4. ~~The~~ A fee for the issuance or the renewal of a license to conduct a private security or detective agency ~~is two hundred dollars.~~
4. ~~5.~~ The A one-time fee to be paid by an applicant for the issuance of a private security training certificate ~~is five dollars.~~
5. ~~6.~~ The An annual fee to be paid by an applicant for the issuance of an armed private security certificate ~~is five dollars.~~
6. ~~7.~~ The A fee to be paid for the issuance of a duplicate license ~~is ten 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.

**SECTION 7.** A new section to chapter 43-30 of the North Dakota Century Code is created and enacted as follows:

1           **Unauthorized practice - Civil penalty.** In addition to any other penalty, the board may  
2 levy a civil penalty of no more than one thousand dollars per offense upon any unlicensed  
3 person who, after a hearing or an informal resolution in accordance with chapter 28-32, is found  
4 to have practiced private investigative service or private security service without a license  
5 issued by the board. In addition, the board may assess costs and attorney's fees of the  
6 investigation and administrative proceeding against the unlicensed person found to have been  
7 practicing without a currently valid license. An appeal from any fine imposed pursuant to this  
8 section may be made pursuant to the provisions of chapter 28-32.