

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

HOUSE BILL NO. 1081
(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 temporary private investigative and security service licenses or registrations; and to amend and reenact sections 43-30-04, 43-30-06, and 43-30-16 of the North Dakota Century Code, relating to fees and criminal history record checks for applicants for a license or registration to provide private investigative and security services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-30-04 of the North Dakota Century Code is amended and reenacted as follows:

43-30-04. Powers of the board. The board shall establish by rule the qualifications and procedures for classifying, qualifying, licensing, bonding, and regulating persons providing private investigative and security services. ~~The board shall establish the qualifications required for licensing, including armed security personnel.~~ All rules adopted by the board and appeals therefrom, must be in accordance with chapter 28-32.

SECTION 2. AMENDMENT. Section 43-30-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-30-06. License and registration applications. Every person who desires to obtain a license or registration 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 or registration, the board ~~may~~ shall require each applicant ~~for certification~~ to file with the board 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. A criminal history record check is not required under this section if an applicant for registration has previously been the subject of a state and nationwide criminal history check, has held a registration issued by the board within the sixty days immediately preceding the application, and is applying for a new registration due solely to a change in employment. A nationwide criminal history check is not required under this section if an applicant for licensure or registration provides to the board the results of a nationwide criminal history check performed by the federal bureau of investigation at the request of another state and if the nationwide criminal history check was performed within the sixty days immediately preceding the date of the application. A state criminal history check is not required under this section if an applicant for registration provides to the board the results of a state background check performed by the state in which the applicant currently resides and if the state background check was performed within the sixty days immediately preceding the date of the application.

SECTION 3. A new section to chapter 43-30 of the North Dakota Century Code is created and enacted as follows:

Temporary license or registration. The board may issue a temporary license or registration upon payment of the required application fee and satisfaction of all other requirements set by the board

for licensure or registration under this chapter except for completion of a nationwide criminal history record check on the applicant under section 43-30-06. A temporary license or registration issued under this section expires without further action by the board on the date the board receives the results of the nationwide criminal history record check on the applicant. An additional fee may not be charged for the temporary license or registration, but an application fee is not refundable if the board denies the application.

SECTION 4. AMENDMENT. Section 43-30-16 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-30-16. Examination ~~and~~, license, and registration fees. The board may establish by rule and 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~~ may not exceed 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~~ may not exceed one hundred fifty dollars. A late fee not to exceed fifty dollars may be charged for each month the renewal fee is due and unpaid.
3. The fee to be paid by an applicant to apply for a license to conduct a private security or detective agency ~~is~~ may not exceed one hundred dollars.
4. The fee for the issuance or the renewal of a license to conduct a private security or detective agency ~~is~~ may not exceed three hundred dollars. A late fee not to exceed one hundred dollars may be charged for each month the renewal fee is due and unpaid.
5. The one-time fee to be paid by an applicant for the issuance of a private security training certificate ~~is~~ may not exceed twenty-five dollars.
6. The annual fee to be paid by an applicant for the issuance of an armed private security certificate ~~is~~ may not exceed twenty-five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.
7. The fee to be paid for the issuance of a duplicate license ~~is~~ may not exceed twenty dollars.
8. The initial registration fee to provide private investigative service or private security service ~~is~~ may not exceed twenty dollars. The fee for the renewal of a registration to provide private investigative service or private security service ~~is~~ may not exceed five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.

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-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1081.

House Vote: Yeas 97 Nays 0 Absent 1

Senate Vote: Yeas 44 Nays 2 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State