CHAPTER 93-02-02.1
PRIVATE SECURITY SERVICES

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93-02-02.1-01. Qualifications for individuals providing private security services.

To receive and maintain any license or registration from the board to provide private security services, an individual first must:

1. Be at least eighteen years of age.

2. Be a high school graduate or hold the equivalent of a high school diploma.

3. Have not been convicted or adjudged guilty in any jurisdiction of one of the following offenses or its equivalent in another jurisdiction, including juvenile adjudications that the individual has engaged in similar conduct: any felony; any class A or B misdemeanor involving an act of violence or intimidation as defined in North Dakota Century Code chapters 12.1-16 through 12.1-25 and chapter 12.1-31.2, or involving controlled substances as defined in North Dakota Century Code chapter 19-03.1; any offense involving theft as defined in North Dakota Century Code chapter 12.1-23, including shoplifting; or any other offense that must be reported to the North Dakota bureau of criminal investigation under North Dakota Century Code section 12.1-32-15. This subsection does not prohibit the board from issuing a license or registration to an individual if the board determines the offense does not have a direct bearing upon the individual's ability to provide private security services to the public and the individual has been sufficiently rehabilitated pursuant to the provisions of North Dakota Century Code section 12.1-33-02.1, or a full pardon has been granted.

4. Be free of mental condition or defect that would interfere with the individual's ability to provide services in a professional and competent manner.

5. Have not committed an act that the board determines is indicative of bad moral character and which has a direct bearing on the applicant's ability to serve the public, including offenses other than those listed in subsection 3.

The requirements in this section are in addition to any other qualifications established in this chapter. Each individual who is required to meet the qualifications of this section has a continuing duty to notify

the board of any conviction or adjudication of guilt of an offense described in subsection 3 within fourteen days of the conviction or adjudication. For individuals who are licensed or registered by the board on May 1, 2000, or who are officers or owners of at least a ten percent interest in a licensed agency on May 1, 2000, this section applies only to convictions or adjudications of guilt which occur after May 1, 2000.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-02. Licensing of individuals providing private security services.

1. An individual providing private security services must obtain a license from the board to provide those services unless the individual is registered as an employee or independent contractor of an agency that is licensed under this chapter and is providing those services within the scope of the individual's relationship with the agency. An agency is responsible for registering its employees and independent contractors under section 93-02-02.2-04. This section does not apply to individuals who are exempt from the board's jurisdiction under North Dakota Century Code section 43-30-02.

2. An individual is qualified to be licensed to provide private security services if the individual is currently a commissioned security officer and has passed an examination conducted by or under the supervision of the board within the twelve months preceding the date of the individual's application for the license.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-03. Licensing of private security agencies.

Any individual or entity hiring another person to perform private security services must obtain a private security agency license. An individual who applies for a private security agency license must be currently licensed in this state to provide private security services. An entity that applies for a private security agency license must have at least one individual who serves as the qualifying agent for that entity, and who will be responsible for all agency personnel providing those services. The qualifying agent must be an individual who is an officer, director, partner, proprietor, or manager of the agency who exercises material authority in the conduct of the agency's business by making substantive technical and administrative decisions relating to the work performed for which a license is required and who is not involved in any other employment or activity which conflicts with these duties and responsibilities to ensure the agency's performance of work regulated under this chapter complies with applicable laws and does not jeopardize the public health, safety, and welfare. The qualifying agent and all nonlicensed officers and owners of at least a ten percent interest in the entity must be listed on the application and meet the qualifications in section 93-02-02.1-01.

History: Effective May 1, 2000; amended effective April 1, 2013.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-04. Registration of employees and independent contractors of private security agencies.

1. For the purposes of this chapter, the terms "employee" and "employment" refer to an employer-employee relationship in which the employee is working for compensation, the employer directly or indirectly controls the employee's conduct, and the employer pays taxes or makes other payments because of the employment.

2. An individual providing private security services as an employee or independent contractor of a private security agency who is not licensed to provide those services must have a registration from the board as an apprentice security officer, security officer, or commissioned security officer. The agency is responsible for obtaining registration for all of its employees and independent contractors.

3. A private security agency may not employ or contract with an unregistered or unlicensed person to provide private security services on behalf of the agency. A person employed or contracted by a private security agency who does not provide any private security services need not be registered or licensed.

4. A private security agency is responsible for any activities of its licensed or registered employees and independent contractors and may be subject to administrative action by the board for the activities of its licensed or registered employees and independent contractors.

5. A registered employee or independent contractor may not provide private security services unless the employee or independent contractor is under the supervision of an individual who is licensed to provide private security services.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-16

93-02-02.1-05. Qualifications for apprentice security officers.

To qualify for registration as an apprentice private security officer, an individual:

1. Must complete, within thirty days after being registered with the board, a minimum of twelve hours of in-person, live remote, or online classroom instruction relating to the provision of private security services or twelve hours of field training. The field training must be supervised either by a security officer who has a minimum of two thousand hours of active service in that grade or equivalent combination of training and experience as defined in section 93-02-02.1-10 or by a commissioned security officer. The training must be at a ratio of no more than four trainees to one officer.

2. Until the apprentice private security officer has fulfilled the requirements in this section, the apprentice may only provide private security services under the direct, onsite supervision of a security officer or commissioned security officer employed by the private security agency.

3. A registration under this section will not be issued after the expiration of a temporary registration issued under North Dakota Century Code section 43-30-05.1 unless the apprentice security officer provides sufficient proof to the board of the completion of the instruction and field training requirements in this section.

History: Effective May 1, 2000; amended effective July 1, 2010; October 1, 2022.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

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 in-person or live remote 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 July 1, 2018; October 1, 2022.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-07. Qualifications for commissioned security officers.

To qualify for registration as a commissioned security officer, an individual must provide three thousand hours of private security service as a registered security officer, in addition to at least one thousand hours as an apprentice security officer, and complete an additional eighty hours of in-person or live remote classroom instruction as required by the board.

History: Effective May 1, 2000; amended effective October 1, 2022.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-08. Armed personnel - Possession and use of firearms in the course of providing private security services.

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security 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 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. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-09. Qualifications for trainers.

Except as provided in section 93-02-02.1-17, in-person or live remote 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 93-02-02.1-07 and meet at least one of the following requirements:

1. 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 relevant discipline; or

5. Certification from an accredited vocational education provider.

History: Effective May 1, 2000; amended effective July 1, 2018; October 1, 2022.
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 July 1, 2018.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-10. Equivalency.

The board may waive part of or all of any training or experience requirements for individuals licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military security; proprietary security, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-11. Prohibitions.

1. An individual, while providing private security services, may not:

   a. Wear, carry, use, display, or possess any identification, badge, uniform, patch, insignia, sign, decal, or other form of identification;

   b. Make or utter any statement; or

   c. Use, control, possess, or own any motor vehicle of any kind which is marked or identified by any sign, insignia, decal, equipment, device, or contrivance;

   which could or might reasonably lead the general public to believe or assume that the individual has any police-type powers or that the individual or vehicle is associated in any way with a governmental law enforcement agency or other governmental agency. Examples of prohibited conduct include use of the word "police", the great seal of the state of North Dakota, or the seal of any political subdivision; or use of any type of common or customary military rank.

2. An individual licensed by the board under this chapter, including the holder of an agency license, may not be employed full time or part time in any capacity wherein such individual has any police-type powers or access to any official law enforcement records.

3. An individual licensed by the board under this chapter may not solicit or accept any commission or deputization that in any way involves the authority to use or employ, or the use or employment of, any police-type powers, except that of a special deputy sheriff or special police officer, and then, only in the case of an emergency or disaster and only for the immediate time of the emergency or disaster.

4. As used in this section, positions with police-type powers do not include official volunteer civil defense positions or membership in the national guard, reserve, or regular armed forces of the United States, but include positions or membership in the military police, security police, or similar police functions of the regular armed forces of the United States.

5. If a uniform is worn, for identification purposes, the name of the agency that the individual is employed by must be prominently displayed on the uniform.

History: Effective May 1, 2000; amended effective July 1, 2010.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 12.1-13-04

93-02-02.1-12. Surety requirements.

1. Before a license to provide private security services can be issued to any individual or agency, the applicant must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars of general liability with errors and omissions insurance.

2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees, and independent contractors. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-13. License - Posting.

Each individual who, or private security agency that, is licensed by the board shall conspicuously display that license at all times in the licensee's place of business. If the licensee has more than one office as a place of business, the licensee shall display a duplicate license at each office. An agency need not display the licenses of all the individual licensees employed or contracted by the agency. If the board revokes, suspends, or disapproves renewal of any license, the board may require the holder of the license to return the license to the board within fourteen days.

History: Effective May 1, 2000; amended effective May 1, 2005.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

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

1. To each individual licensed or registered by the board, the board shall issue a pocket card. Each individual licensed or registered by the board shall have on that individual's 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; July 1, 2018.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

93-02-02.1-15. Change in ownership or other application information.

A private security agency license is not transferable. A licensed agency must notify the board in advance of any change in ownership of the agency and a new license application form must be submitted to the board by the new owner or owners. Payment of license fees is nontransferable. Each agency licensed by the board has a continuing duty to notify the board about any changes in information provided in the license application form within fourteen days of the change.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

93-02-02.1-16. Examination restrictions.

Any applicant for a license to provide private security services who fails to pass the first examination required by the board may apply for retesting no sooner than thirty days after notice of failure. Upon failure of a second and subsequent examination, the applicant may apply for retesting again after a one-year waiting period.

History: Effective May 1, 2000.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-16

93-02-02.1-17. Online training certification.

Non-live remote or online classroom instruction may be permitted for apprentice security officers through a board-certified security trainer under the following conditions:

1. The board-certified security trainer shall apply on board-approved application forms for approval of any online or non-live remote course, and provide all information requested by the board.

2. The curriculum must be a minimum of twelve hours in length and must include instruction on North Dakota private security requirements as listed under chapter 93, North Dakota Century Code chapters 12.1-05 and 43-30, and applicable North Dakota law related to providing private security services. The curriculum must include an outline listing each topic to be covered and the corresponding time allotted for that topic.

3. Each board-certified security trainer shall submit to the board as part of the application process the manner in which the board-certified security trainer verified completion of the online instruction, and that the student did participate and complete the online instruction course.

4. If the board determines that the training course application is consistent with this section, the board may issue a letter of approval to the board-certified security trainer for the online or non-live remote course that includes a course approval number. Any change in the application information for the course will require a new application and course approval by the board.

5. The board-certified security trainer shall maintain attendance records for all training conducted for a period of three years and shall produce such records to the board upon request. Upon student completion of the approved online or non-live remote course the board-certified security trainer shall provide the student with a certificate of completion that includes the board-certified security trainer's name, signature, date of course completion, course approval number, hours of instruction, and the student's name.

6. The failure of the board-certified security trainer to comply with this chapter may result in the revocation of the letter of approval and the rejection of credit for classroom instruction obtained from that board-approved online or non-live remote training course.

History: Effective October 1, 2022.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04