

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1081

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 a new section to chapter 43-30 of the North Dakota
2 Century Code, relating to temporary private investigative and security service licenses or
3 registrations; and to amend and reenact sections 43-30-04, 43-30-06, and 43-30-16, of the
4 North Dakota Century Code, relating to fees and criminal history record checks for applicants
5 for a license or registration to provide private investigative and security services.

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

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

9 **43-30-04. Powers of the board.** The board shall establish by rule the qualifications
10 and procedures for classifying, qualifying, licensing, bonding, and regulating persons providing
11 private investigative and security services. ~~The board shall establish the qualifications required~~
12 ~~for licensing, including~~ armed security personnel. All rules adopted by the board and appeals
13 therefrom, must be in accordance with chapter 28-32.

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

16 **43-30-06. License and registration applications.** Every person who desires to
17 obtain a license or registration shall apply to the board on applications prepared and furnished
18 by the board. Each application must include the information required by the board and must be
19 accompanied by the required fee. As a requirement of receiving a license or registration, the
20 board ~~may~~ shall require each applicant ~~for certification~~ to file with the board a complete set of
21 the applicant's fingerprints, ~~taken by a law enforcement officer~~, and all other information
22 necessary to complete a state and nationwide criminal history record check with the bureau of
23 criminal investigation for state processing and filing with the federal bureau of investigation for
24 federal processing. All costs associated with the background check and with obtaining and

1 processing the fingerprints are the responsibility of the applicant. Criminal history records
2 provided to the board pursuant to this section are confidential and closed to the public and may
3 be used by the board for the sole purpose of determining an applicant's eligibility for licensure
4 and obtaining documentation to support a denial of licensure. A criminal history record check is
5 not required under this section if an applicant for registration has previously been the subject of
6 a state and nationwide criminal history check, has held a registration issued by the board within
7 the sixty days immediately preceding the application, and is applying for a new registration due
8 solely to a change in employment. A nationwide criminal history check is not required under
9 this section if an applicant for licensure or registration provides to the board the results of a
10 nationwide criminal history check performed by the federal bureau of investigation at the
11 request of another state and if the nationwide criminal history check was performed within the
12 sixty days immediately preceding the date of the application. A state criminal history check is
13 not required under this section if an applicant for registration provides to the board the results of
14 a state background check performed by the state in which the applicant currently resides and if
15 the state background check was performed within the sixty days immediately preceding the
16 date of the application.

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

19 **Temporary license or registration.** The board may issue a temporary license or
20 registration upon payment of the required application fee and satisfaction of all other
21 requirements set by the board for licensure or registration under this chapter except for
22 completion of a nationwide criminal history record check on the applicant under section
23 43-30-06. A temporary license or registration issued under this section expires without further
24 action by the board on the date the board receives the results of the nationwide criminal history
25 record check on the applicant. An additional fee may not be charged for the temporary license
26 or registration, but an application fee is not refundable if the board denies the application.

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

29 **43-30-16. Examination and, license, and registration fees.** The board may
30 establish by rule and charge the following fees:

- 1 1. The fee to be paid by an applicant for an examination to determine the applicant's
2 fitness to receive a license as a private investigator or a license to provide private
3 security services ~~is~~ may not exceed one hundred dollars.
- 4 2. The fee to be paid by an applicant for the initial issuance or the renewal of a
5 license as a private investigator or a license to provide private security services ~~is~~
6 may not exceed one hundred fifty dollars. A late fee not to exceed fifty dollars may
7 be charged for each month the renewal fee is due and unpaid.
- 8 3. The fee to be paid by an applicant to apply for a license to conduct a private
9 security or detective agency ~~is~~ may not exceed one hundred dollars.
- 10 4. The fee for the issuance or the renewal of a license to conduct a private security or
11 detective agency ~~is~~ may not exceed three hundred dollars. A late fee not to
12 exceed one hundred dollars may be charged for each month the renewal fee is
13 due and unpaid.
- 14 5. The one-time fee to be paid by an applicant for the issuance of a private security
15 training certificate ~~is~~ may not exceed twenty-five dollars.
- 16 6. The annual fee to be paid by an applicant for the issuance of an armed private
17 security certificate ~~is~~ may not exceed twenty-five dollars. A late fee not to exceed
18 ten dollars may be charged for each month the renewal fee is due and unpaid.
- 19 7. The fee to be paid for the issuance of a duplicate license ~~is~~ may not exceed twenty
20 dollars.
- 21 8. The initial registration fee to provide private investigative service or private security
22 service ~~is~~ may not exceed twenty dollars. The fee for the renewal of a registration
23 to provide private investigative service or private security service ~~is~~ may not
24 exceed five dollars. A late fee not to exceed ten dollars may be charged for each
25 month the renewal fee is due and unpaid.