

SENATE BILL NO. 454

INTRODUCED BY J. SMALL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PRIVATE SECURITY; REPEALING THE BOARD OF PRIVATE SECURITY; TRANSFERRING AUTHORITY FROM THE BOARD OF PRIVATE SECURITY TO A DEPARTMENT PROGRAM; ELIMINATING LICENSURE OF ALARM RESPONSE RUNNERS, BRANCH OFFICES OF PRIVATE SECURITY COMPANIES, AND RESIDENT MANAGERS OF PRIVATE SECURITY COMPANIES; REQUIRING THE DESIGNATION OF A MANAGER; COMBINING PROPRIETARY AND CONTRACT PRIVATE SECURITY COMPANIES INTO A SINGLE LICENSE TYPE; PROVIDING RULEMAKING AUTHORITY; REVISING DEFINITIONS; AMENDING SECTIONS 25-1-1104, 37-1-401, 37-60-101, 37-60-103, 37-60-104, 37-60-105, 37-60-202, 37-60-301, 37-60-303, 37-60-304, 37-60-314, 37-60-320, 37-60-403, 37-60-404, 37-60-405, 37-60-407, 37-60-411, AND 45-8-338, MCA; AND REPEALING SECTIONS 2-15-1781, 37-60-201, 37-60-211, 37-60-302, AND 37-60-309, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-1-1104, MCA, is amended to read:

"25-1-1104. Handbook for process servers. (1) The department of labor and industry shall publish a handbook for process servers and levying officers.

(2) ~~The board of private security, established in 2-15-1781,~~ department of labor and industry shall develop and administer an examination for applicants for registration as a process server based on the handbook.

(3) The department of labor and industry may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section."

Section 2. Section 37-1-401, MCA, is amended to read:

"37-1-401. Uniform regulation for licensing programs without boards -- definitions. As used in

1 this part, the following definitions apply:

2 (1) "Complaint" means a written allegation filed with the department that, if true, warrants an
3 injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

4 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

5 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the
6 department, with respect to a complaint or other information before the department, that is carried out for the
7 purpose of determining:

8 (a) whether a person has violated a provision of law justifying discipline against the person;

9 (b) the status of compliance with a stipulation or order of the department;

10 (c) whether a license should be granted, denied, or conditionally issued; or

11 (d) whether the department should seek an injunction.

12 (4) "License" means permission in the form of a license, permit, endorsement, certificate,
13 recognition, or registration granted by the state of Montana to engage in a business activity or practice at a
14 specific level in a profession or occupation governed by:

15 (a) Title 37, chapter 35, 60, 72, or 73; or

16 (b) Title 50, chapter 39, 74, or 76.

17 (5) "Profession" or "occupation" means a profession or occupation regulated by the department
18 under the provisions of:

19 (a) Title 37, chapter 35, 49, 60, 72, or 73; or

20 (b) Title 50, chapter 39, 74, or 76."

21

22 **Section 3.** Section 37-60-101, MCA, is amended to read:

23 **"37-60-101. Definitions.** As used in this chapter, the following definitions apply:

24 ~~(1) "Alarm response runner" means an individual employed by an electronic security company, a~~
25 ~~contract security company, or a proprietary security organization to respond to security alarm system signals.~~

26 ~~(2)(1) "Armed" means an individual who at any time wears, carries, or possesses a firearm an~~
27 ~~endorsement authorizing a private investigator or a private security guard to possess and use one or more~~
28 ~~firearms in the performance of professional duties according to training and reporting requirements prescribed~~

1 by this chapter and department rule.

2 ~~(3)(2)~~ "Armed carrier service" means any person or security company who transports or offers to
3 transport under armed private security guard from one place to another any currency, documents, papers,
4 maps, stocks, bonds, checks, or other items of value that require expeditious delivery a private security firm that
5 provides the transport or the offer to transport items of value under an armed private security guard.

6 ~~(4)~~ "Armed private investigator" means a private investigator who at any time wears, carries, or
7 possesses a firearm in the performance of the individual's duties.

8 ~~(5)~~ "Armed private security guard" means an individual employed by a contract security company or a
9 proprietary security organization whose duty or any portion of whose duty is that of a security guard, armored
10 car service guard, or carrier service guard and who at any time wears or carries a firearm in the performance of
11 the individual's duties.

12 ~~(6)~~ "Armored car service" means any person or security company who transports or offers to transport
13 under armed private security guard from one place to another any currency, jewels, stocks, bonds, paintings, or
14 other valuables of any kind in a specially equipped motor vehicle that offers a high degree of security.

15 ~~(7)~~ "Board" means the board of private security provided for in 2-15-1781.

16 ~~(8)~~ "Branch office" means any office of a licensee within the state, other than its principal place of
17 business within the state.

18 ~~(9)~~ "Contract security company" means any person who undertakes to provide a private security
19 guard, alarm response runner, armored car service, street patrol service, or armed carrier service on a
20 contractual basis to another person who exercises no direction and control over the performance of the details
21 of the services rendered.

22 ~~(40)(3)~~ "Department" means the department of labor and industry provided for in 2-15-1701.

23 ~~(11)(4)~~ (a) "Electronic security ~~company~~ firm" means a person who sells, installs, services, or
24 maintains a security alarm system and who ~~undertakes to hire, employ, and provide alarm response runners~~
25 ~~and employs~~ security alarm installers ~~on a contractual basis to another person who does not exercise direction~~
26 ~~and control over the performance of the services rendered.~~

27 (b) The term does not include a person whose primary business is that of a locksmith and who
28 may also install closed-circuit television cameras and battery-operated door devices.

1 ~~(12) "Firearms course" means the course approved by the board and conducted by a firearms~~
2 ~~instructor.~~

3 ~~(13) "Firearms instructor" means an individual who has been approved by the board to instruct firearms~~
4 ~~courses in the use of weapons.~~

5 ~~(14) "Insurance adjuster" means a person employed by an insurance company, other than a private~~
6 ~~investigator, who for any consideration conducts investigations in the course of adjusting or otherwise~~
7 ~~participating in the disposal of any claims in connection with a policy of insurance but who does not perform~~
8 ~~surveillance activities or investigate crimes against the United States or any state or territory of the United~~
9 ~~States.~~

10 ~~(15)~~(5) "Licensee" means a person licensed under this chapter.

11 ~~(16) "Paralegal" or "legal assistant" means a person qualified through education, training, or work~~
12 ~~experience to perform substantive legal work that requires knowledge of legal concepts and that is customarily~~
13 ~~but not exclusively performed by a lawyer and who may be retained or employed by one or more lawyers, law~~
14 ~~offices, governmental agencies, or other entities or who may be authorized by administrative, statutory, or court~~
15 ~~authority to perform this work.~~

16 ~~(17) "Person" means an individual, firm, company, association, organization, partnership, or~~
17 ~~corporation.~~

18 ~~(18)~~(6) "Private investigator" means ~~a person other than an insurance adjuster~~ an individual who for
19 any consideration makes or agrees to make any investigation ~~with reference~~ relevant to:

20 (a) crimes against the United States or any state or territory of the United States;

21 (b) the identity, habits, conduct, business, occupation, honesty, integrity, trustworthiness,
22 efficiency, loyalty, activity, movement, location, affiliations, associations, transactions, reputation, or character
23 of any person;

24 (c) the location, disposition, or recovery of lost or stolen property;

25 (d) the cause of or responsibility for any fires, libels, losses, accidents, or injury to persons or
26 property; or

27 (e) gathering evidence to be used before any court, board, officer, or investigating committee.

28 (7) "Private security firearms instructor" means an individual who instructs private investigators and

1 private security guards in the use of firearms that may be used while performing professional duties.

2 (8) "Private security firm" means a person who provides one or more of the following:

3 (a) private security guard services;

4 (b) armed private security guard services; or

5 (c) armed carrier services.

6 ~~(19)(9)~~ "Private security guard" means an individual employed or assigned duties by a private security
 7 firm to protect a person or property or both a person and property from criminal acts and whose duties or any
 8 portion of whose duties include but are not limited to the prevention of unlawful entry, theft, criminal mischief,
 9 arson, or trespass on private property or the direction of the movements of the public persons or property or to
 10 direct public movement in public areas.

11 ~~(20)(10)~~ "Process-Registered process server" means a person described in 25-1-1101(4).

12 ~~(21)~~ "Proprietary security organization" means any person who employs a private security guard, alarm
 13 response runner, armored car service, street patrol service, or armed carrier service on a routine basis solely
 14 for the purposes of that person and exerts direction and control over the performance of the details of the
 15 service rendered.

16 ~~(22)~~ "Resident manager" means the person appointed to exercise direct supervision, control, charge,
 17 management, or operation of each office located in this state where the business of the licensee is conducted.

18 ~~(23)(11)~~ (a) "Security alarm installer" means an individual who sells, installs, services, or maintains
 19 employed by an electronic security firm to sell, install, service, or maintain security alarm systems to detect and
 20 signal unauthorized intrusion, movement, break-in, or criminal acts and is employed by an electronic security
 21 company.

22 (b) The term does not include a person whose primary business is that of a locksmith and who
 23 may also install closed-circuit television cameras and battery-operated door devices.

24 ~~(24)(12)~~ (a) "Security alarm system" means an assembly of equipment and devices or a single device
 25 or a portion of a system intended to detect or signal or to both detect and signal unauthorized intrusion,
 26 movement, or criminal acts at a location.

27 (b) The term does not include systems that monitor temperature, humidity, or any other
 28 atmospheric condition not directly related to the detection of an unauthorized intrusion or criminal act at a

1 location.

2 ~~(25) "Security company" means an electronic security company, a proprietary security organization, or~~
 3 ~~a contract security company.~~

4 ~~(26) "Street patrol service" means a person providing patrols by means of foot, vehicle, or other~~
 5 ~~method of transportation using public streets, thoroughfares, or property in the performance of the person's~~
 6 ~~duties and responsibilities.~~

7 ~~(27) "Unarmed private investigator" means a private investigator who does not wear, carry, or possess~~
 8 ~~a firearm in the performance of the individual's duties.~~

9 ~~(28) "Unarmed private security guard" means an individual who is employed by a contract security~~
 10 ~~company or a proprietary security organization, whose duty or any portion of whose duty is that of a private~~
 11 ~~security guard, armored car service guard, or alarm response runner, and who does not wear, carry, or possess~~
 12 ~~a firearm in the performance of those duties."~~

13

14 **Section 4.** Section 37-60-103, MCA, is amended to read:

15 **"37-60-103. Purpose.** The purpose of this chapter is to ~~increase the levels of integrity, competency,~~
 16 ~~and performance of security companies and their employees who are required to be licensed, firearms~~
 17 ~~instructors, private investigators, and process servers to safeguard~~ regulate the qualifications and standards of
 18 practice of private security firms, electronic security firms, private investigators, private security firearms
 19 instructors, private security guards, registered process servers, and security alarm installers to protect the
 20 public health, safety, and welfare against illegal, improper, or incompetent actions committed by security
 21 companies and their licensed employees, firearms instructors, private investigators, or process servers."

22

23 **Section 5.** Section 37-60-104, MCA, is amended to read:

24 **"37-60-104. Restrictions on contract private security company and proprietary security**
 25 **organization firms.** An employee of a ~~contract private security company or proprietary security organization~~
 26 firm may not make any investigation or investigations except those that are incidental to the theft, loss,
 27 embezzlement, misappropriation, or concealment of any property or any other thing that the employee has
 28 been hired or engaged to protect, guard, or watch."

1

2 **Section 6.** Section 37-60-105, MCA, is amended to read:3 "**37-60-105. Exemptions.** (1) ~~Except as provided in subsection (2), this~~ This chapter does not apply
4 to:5 (a) ~~any one person~~ an individual employed singly and exclusively by ~~any one employer~~ an
6 employer other than a private security firm in connection with the affairs of that employer only and when there
7 exists an employer-employee relationship and the employee is unarmed, does not wear a uniform, and is
8 guarding inside a structure that at the time is not open to the public;9 (b) ~~a person~~ an individual:10 (i) ~~employed~~ singly and exclusively by a retail merchant as a private security guard;11 (ii) ~~performing at least some work for the retail merchant as a private security guard; and~~12 (iii) ~~who has received training as a private security guard from the employer or at the employer's~~
13 ~~direction;~~14 (c) an officer or employee of the United States, of this state, or of a political subdivision of the
15 United States or this state while the officer or employee is engaged in the performance of official duties;16 (d) ~~a person engaged exclusively in the business of obtaining and furnishing~~ an individual who
17 provides information ~~as to~~ about the financial rating of persons ~~or as to the personal, financial~~ habits, and
18 financial responsibility of applicants for insurance, indemnity bonds, or commercial credit;19 (e) an attorney ~~at law while performing duties as an attorney at~~ engaged in the practice of law;20 (f) a law student, legal intern, paralegal, or legal assistant ~~employed by~~ under the direction of one
21 or more ~~lawyers, law offices, governmental agencies, or other entities~~ attorneys;22 (g) ~~a law student who is serving a legal internship;~~23 (h) (g) a collection agency or finance company ~~licensed to do business under the laws of this state, or~~
24 ~~an employee of a collection agency or finance company licensed in this state while acting within the scope of~~
25 ~~employment, while making an investigation incidental to the business of the agency or company, including an~~
26 ~~investigation of the location of a debtor or the debtor's property when the contract with an assignor creditor is~~
27 ~~for the collection of claims owed or due or asserted to be owed or due or the equivalent;~~28 (i) (h) special agents employed by railroad companies, ~~provided that the railroad company notifies the~~

1 ~~board that its agents are operating in the state;~~

2 ~~(j)(i)~~ insurers and insurance producers and insurance brokers licensed by the state while performing
3 duties in connection with insurance transacted by them;

4 ~~(k)(j)~~ individuals engaged in the collection and examination of physical material for forensic
5 purposes;

6 ~~(l)(k)~~ an insurance adjuster, as defined in 37-60-104 who investigates insurance claims to determine
7 the extent of liability under an insurance policy but does not engage in surveillance or investigate crime;

8 ~~(m)(l)~~ an internal investigator or auditor while making an investigation incidental to the business of the
9 agency or company by which the investigator or auditor is singularly and regularly employed;

10 ~~(n)(m)~~ a person an individual who evaluates and advises management on personnel and human
11 resource issues in the workplace;

12 (n) a confidential intermediary under 42-6-104; or

13 (o) a certified public accountant ~~with a license or permit to practice or a practice privilege under 37-~~
14 ~~50-314 or 37-50-325 to the extent that the person is engaged in an investigation relating to the practice of~~
15 ~~accounting.~~

16 (2) (a) Except as provided in subsection (2)(b), persons listed as exempt in subsection (1) are not
17 exempt for the purposes of acting as registered process servers.

18 (b) Subsection (2)(a) does not apply to attorneys or persons who make 10 or fewer services of
19 process in a calendar year, as provided in 25-1-1101."

20

21 **Section 7.** Section 37-60-202, MCA, is amended to read:

22 **"37-60-202. Rulemaking power.** The ~~board~~ department shall adopt and enforce rules:

23 (1) ~~fixing~~ establishing the qualifications of ~~resident managers, licensees, holders of identification~~
24 ~~cards, and process servers, in addition to those prescribed in Title 25, chapter 1, part 11, and in this chapter,~~
25 ~~necessary to promote and protect the public welfare~~ for licensure and standards of practice for licensees under
26 this chapter and for registered process servers under Title 25, chapter 1, part 11;

27 ~~(2) establishing, in accordance with 37-1-134, application fees for original licenses and identification~~
28 ~~cards, and providing for refunding of any fees;~~

- 1 ~~(3) (a) requiring approval of the board prior to the establishment of branch offices of any licensee;~~
- 2 and
- 3 ~~(b) establishing qualification requirements and license fees for branch offices identified in subsection~~
- 4 ~~(3)(a);~~
- 5 ~~(4) for the certification of private investigator, private security guard, security alarm installer, and~~
- 6 ~~alarm response runner training programs, including the certification of firearms training programs;~~
- 7 ~~(5) for the licensure of firearms instructors;~~
- 8 ~~(6)(2) for the approval of weapons;~~
- 9 ~~(7)(3) requiring licensees, except registered process servers, to file an insurance policy with the~~
- 10 ~~board department; and~~
- 11 ~~(8)(4) providing for the issuance of probationary identification cards for private investigators and~~
- 12 ~~security alarm installers who do not meet the experience or examination requirements for age, employment~~
- 13 ~~experience, or written examination."~~

Section 8. Section 37-60-301, MCA, is amended to read:

"37-60-301. License Private security license required -- process server registration required -- armed endorsement. (1) ~~(a) Except as provided in 37-60-105, it is unlawful for any Unless licensed under Title 37, chapter 1, and this chapter, a person to act as or perform the duties, as defined in 37-60-101, of a contract security company, a proprietary security organization, may not practice as:~~

- 20 ~~(a) a private security firm;~~
- 21 ~~(b) an electronic security company, a branch office, firm;~~
- 22 ~~(c) a private investigator_;~~
- 23 ~~(d) a security alarm installer, an alarm response runner, a resident manager_;~~
- 24 ~~(e) a certified private security firearms instructor_; or~~
- 25 ~~(f) a private security guard without having first obtained a license from the board.~~

~~(b)(2) Except as provided in 25-1-1101(2), it is unlawful for any person to act as or perform the duties of a process server for more than 10 services of process in a calendar year without being issued a certificate of registration by the board a person may not practice as a registered process server or use the title "registered~~

1 process server" without a registration issued by the department.

2 (3) A private investigator or a private security guard may not possess or use firearms while
 3 performing professional duties without meeting the qualifications specified by the department and maintaining a
 4 current armed endorsement from the department.

5 ~~(2)~~(4) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
 6 the person is licensed, registered, or endorsed as a ~~contract security company, a proprietary security~~
 7 ~~organization, an electronic security company, a branch office, a private investigator, a security alarm installer,~~
 8 ~~an alarm response runner, a resident manager, a certified firearms instructor, or a private security guard~~ any of
 9 the license types listed in subsections (1) through (3).

10 ~~(3)~~(5) A person appointed by the court as a confidential intermediary under 42-6-104 is not required
 11 to be licensed under this chapter. A person who is licensed under this chapter is not authorized to act as a
 12 confidential intermediary, as defined in 42-1-103, without meeting the requirements of 42-6-104.

13 ~~(4) A person who knowingly engages an unlicensed contract security company, proprietary security~~
 14 ~~organization, electronic security company, branch office, private investigator, security alarm installer, alarm~~
 15 ~~response runner, resident manager, certified firearms instructor, or private security guard is guilty of a~~
 16 ~~misdemeanor punishable under 37-60-411."~~

17

18 **Section 9.** Section 37-60-303, MCA, is amended to read:

19 **"37-60-303. License or registration Private security services licensure qualifications --**
 20 **fingerprinting -- insurance.** (1) ~~Except as provided in subsection (7)(a), an~~ An applicant for licensure under
 21 this chapter or an applicant for registration as a process server under this chapter is subject to the provisions of
 22 ~~this section and~~ as a private investigator, private security firearms instructor, private security guard, registered
 23 process server, or security alarm installer shall submit evidence satisfactory to the department that the
 24 applicant:

25 (a) is at least 18 years of age;

26 (b) ~~is a citizen of the United States or a legal, permanent resident of the United States~~ has
 27 completed high school or equivalent education;

28 (c) ~~has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude~~

1 or illegal use or possession of a dangerous weapon, for which a full pardon or similar relief has not been
2 granted meets character and fitness for licensure as demonstrated by a lack of unprofessional conduct; and
3 ~~(d) has not been judicially declared incompetent by reason of any mental disease or disorder or, if so~~
4 ~~declared, has been fully restored;~~
5 ~~(e) is not suffering from habitual drunkenness or from narcotics addiction or dependence;~~
6 ~~(f) is of good moral character; and~~
7 ~~(g)(d) has complied with other experience qualifications as may be set by the rules of the board~~ has
8 successfully completed training, experience, and examination requirements as the department may prescribe
9 by rule.

10 ~~(2) In addition to meeting the qualifications in subsection (1), an applicant for licensure as a private~~
11 ~~security guard, security alarm installer, or alarm response runner shall:~~

12 ~~(a) complete the requirements of a training program certified by the board and provide, on a form~~
13 ~~prescribed by the department, written notice of satisfactory completion of the training; and~~

14 ~~(b) fulfill other requirements as the board may by rule prescribe.~~

15 ~~(3) In addition to meeting the qualifications in subsection (1), each applicant for a license to act as a~~
16 ~~private investigator shall submit evidence under oath that the applicant:~~

17 ~~(a) is at least 21 years of age;~~

18 ~~(b) has at least a high school education or the equivalent;~~

19 ~~(c) has not been dishonorably discharged from any branch of the United States military service; and~~

20 ~~(d) has fulfilled any other requirements as the board may by rule prescribe.~~

21 ~~(4) The board may require an applicant to demonstrate by written examination additional~~
22 ~~qualifications as the board may by rule require.~~

23 ~~(5) An applicant for a license as a private security patrol officer or private investigator who will wear,~~
24 ~~carry, or possess a firearm in performance of the applicant's duties shall submit written notice of satisfactory~~
25 ~~completion of a firearms training program certified by or satisfactory to the board, as the board may by rule~~
26 ~~prescribe.~~

27 ~~(6) Except for an applicant subject to the provisions of subsection (7)(a), the board shall require a~~
28 ~~background investigation of each applicant for licensure or registration under this chapter that includes a~~

1 ~~fingerprint check by the Montana department of justice and the federal bureau of investigation.~~

2 (2) In accordance with 34 U.S.C. 40316, the department shall require private investigator, private
 3 security firearms instructor, private security guard, registered process server, and security alarm installer
 4 license applicants to submit a full set of fingerprints to obtain a national criminal history background check by
 5 the Montana department of justice and the federal bureau of investigation for the purposes of licensure.

6 ~~(7)(3) (a) A firm, company, association, partnership, limited liability company, corporation, or other~~
 7 ~~entity that intends to engage in business governed by the provisions of this chapter. An applicant for licensure~~
 8 ~~as a private security firm must:~~

9 ~~(a) be incorporated under the laws of this state or lawfully organized and registered with the~~
 10 ~~secretary of state or otherwise qualified to do business within this state and must be licensed by the board or, if~~
 11 ~~doing business as a process server, must be registered by the board. ; and~~

12 ~~(b) Individual employees, officers, directors, agents, or other representatives of an entity described~~
 13 ~~in subsection (7)(a) who engage in duties that are subject to the provisions of this part must be licensed~~
 14 ~~pursuant to the requirements of this part or, if doing business as a process server, must be registered by the~~
 15 ~~board designate a manager to act as the primary contact between the firm and the department."~~

16

17 **Section 10.** Section 37-60-304, MCA, is amended to read:

18 **"37-60-304. Licenses and registration — application Application form and content.** ~~(1) An~~
 19 ~~application for a license or for a certificate of registration as a process server must be submitted to the~~
 20 ~~department and accompanied by the application fee set by the board.~~

21 ~~(2)(1) An application must be made under oath and must include: applicant for licensure under this~~
 22 ~~chapter must complete an application on a form, pay a fee prescribed by the department, and include~~

23 ~~(a) the full name and address of the applicant;~~

24 ~~(b) the name under which the applicant intends to do business;~~

25 ~~(c) a statement as to the general nature of the business in which the applicant intends to engage;~~

26 ~~(d) a statement as to whether the applicant desires to be licensed as a contract security company, a~~
 27 ~~proprietary security organization, an electronic security company, a branch office, a certified firearms instructor,~~
 28 ~~a private investigator, a security alarm installer, an alarm response runner, a resident manager, or a private~~

1 security guard or registered as a process server;

2 (e) ~~except for an applicant pursuant to 37-60-303(7)(a), one recent photograph of the applicant, of a~~
3 ~~type prescribed by the department, and one classifiable set of the applicant's fingerprints;~~

4 (f) ~~a statement of the applicant's age and experience qualifications, except for an applicant pursuant~~
5 ~~to 37-60-303(7)(a); and~~

6 (g) ~~other information, evidence, statements, or documents as may be prescribed by the rules of the~~
7 ~~board department.~~

8 (3) ~~The board shall verify the statements in the application.~~

9 (4)(2) ~~The submittal of fingerprints is a prerequisite to the issuance of a license or certificate of~~
10 ~~registration to an applicant, other than an applicant under 37-60-303(7)(a), by means of fingerprint checks by~~
11 ~~the Montana department of justice and the federal bureau of investigation. On verification of each applicant's~~
12 ~~qualifications and fitness for licensure, endorsement, or registration, the department shall issue a license,~~
13 ~~subject to the renewal and termination provisions of 37-1-141.~~"

14

15 **Section 11.** Section 37-60-314, MCA, is amended to read:

16 **"37-60-314. Nontransferability of license -- record changes.** (1) A license issued under this
17 chapter is not transferable.

18 (2) A licensee shall notify the ~~board department~~ within 5 days of any change in its officers or
19 directors, name, address, employment, or other material change in the information previously furnished or
20 required to be furnished to the ~~board department~~ or any other material change or occurrence that could
21 reasonably be expected to affect the licensee's right to a license. ~~Upon~~ On the change or occurrence, the ~~board~~
22 ~~department~~ may suspend or revoke the license or may allow the business to be carried on for a temporary
23 period under terms and conditions as the ~~board department~~ may require.

24 (3) This section may not be applied to restrict the sale of a business if the buyer qualifies for a
25 license under the provisions of this chapter."

26

27 **Section 12.** Section 37-60-320, MCA, is amended to read:

28 **"37-60-320. Fees.** (1) The fees ~~prescribed by the board and~~ collected by the department must be

1 deposited ~~into~~ in the state special revenue fund ~~for the use of the board~~ established to administer the provisions
2 of this chapter, subject to 37-1-101(6).

3 (2) The department shall keep an accurate account of funds received and vouchers issued by the
4 department."

5

6 **Section 13.** Section 37-60-403, MCA, is amended to read:

7 **"37-60-403. Licensee advertising.** Every advertisement by a licensee soliciting or advertising
8 business must contain the licensee's name, address, and license number as they appear in the records of the
9 ~~board~~ department."

10

11 **Section 14.** Section 37-60-404, MCA, is amended to read:

12 **"37-60-404. Duty to maintain ~~employee records~~.** Each ~~employer~~ private security firm, electronic
13 security firm, and private investigator shall maintain ~~a record containing information relative to the employer's~~
14 ~~employees that may be~~ and produce, on department request, employment and training records as prescribed
15 ~~by the board~~ department rule."

16

17 **Section 15.** Section 37-60-405, MCA, is amended to read:

18 **"37-60-405. Approval of weapons.** The weapons to be carried by armed licensees or holders of
19 identification cards as private security personnel or private investigators must be approved by the ~~board~~
20 department."

21

22 **Section 16.** Section 37-60-407, MCA, is amended to read:

23 **"37-60-407. Regulation of uniforms, badges, and equipment.** ~~(1) No licensee or officer, director,~~
24 ~~partner, manager, or employee of a licensee may wear, carry, or display a badge in connection with the~~
25 ~~activities of the licensee's business.~~

26 ~~(2)~~(1) The ~~board is authorized to~~ department shall establish rules regulating uniforms ~~and any, badges,~~
27 identification cards, emblems, patches, insignias, and or other devices that may be ~~either~~ worn or displayed on
28 uniforms, vehicles, or equipment used by any private security firm, electronic security firm, or private

1 investigator.

2 (2) The department shall design the rules to clearly distinguish any licensee conducting private
3 security functions and avoid confusion with government law enforcement personnel."

4

5 **Section 17.** Section 37-60-411, MCA, is amended to read:

6 **"37-60-411. Penalties -- investigation -- enforcement -- review.** (1) Any person who violates any of
7 the provisions of this chapter or who conspires with another person to violate any of the provisions of this
8 chapter relating to licensure is guilty of a misdemeanor punishable by a fine of not more than \$1,000, by
9 imprisonment of not more than 1 year, or by both fine and imprisonment.

10 (2) The ~~board~~ department shall:

11 (a) gather evidence of violations of this chapter, and of any rule established pursuant to this
12 chapter, by persons engaged in a business subject to licensure under this chapter who fail to obtain licenses;
13 and

14 (b) furnish that evidence to prosecuting officers of any county or city.

15 (3) The prosecuting officer of any county or city shall prosecute all violations of this chapter
16 occurring within the prosecutor's jurisdiction."
17

18 **Section 18.** Section 45-8-338, MCA, is amended to read:

19 **"45-8-338. Firearms certificates for qualified retired law enforcement officers.**(1) The purpose of
20 this section is to establish a process for issuing proof of firearms qualifications to a resident of the state who is
21 otherwise a qualified retired law enforcement officer as defined in 7-32-201, or a peace officer as defined in 46-
22 1-202, under the Federal Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926B and 926C, for the
23 purpose of satisfying the qualification requirements contained in that act.

24 (2) A retired law enforcement officer or peace officer satisfies the federal certification requirements
25 if the officer possesses a valid firearms qualification certificate that:

26 (a) uses a current target from any law enforcement agency in the state that may be used by a
27 certified firearms instructor that is qualified to conduct a firearms qualification test for active-duty officers within
28 the state that indicates that the individual has, not less than 1 year before the date the individual is carrying the

1 concealed firearm, been tested or otherwise found by the state or a certified firearms instructor that is qualified
2 to conduct a firearms qualification test for active duty officers within the state to have met the requirements
3 under the Federal Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926B and 926C;

4 (b) provides that either a law enforcement agency as defined in 7-32-201 or an individual or entity
5 ~~certified-licensed~~ to provide firearms training as provided in 37-60-101 acknowledges that the bearer has been
6 found qualified or otherwise found to meet the standards established by the firearms qualification for the peace
7 officer basic course at the Montana law enforcement academy; and

8 (c) complies with the time restrictions provided under subsection (3).

9 (3) The firearms certification is valid for a period of 1 year from the date that the law enforcement
10 agency or individual or entity verified that the firearms qualification standards were met by the bearer on an
11 equivalency course of fire established by any law enforcement agency in the state as an appropriate standard
12 duty qualification course as it would relate to qualified retired officers. The date of the successful qualification
13 must be on the certification card.

14 (4) The retired law enforcement officer or peace officer is responsible for paying the costs of the
15 firearms qualification required under subsection (2)."

16
17 **NEW SECTION. Section 19. Repealer.** The following sections of the Montana Code Annotated are
18 repealed:

19 2-15-1781. Board of private security.

20 37-60-201. Organization -- meetings -- records.

21 37-60-211. Compensation of board members -- expenses.

22 37-60-302. Resident manager required.

23 37-60-309. Form of license and identification cards.

24 - END -