



HOUSE BILL 299:
Occ.Lic./Private Protective Svcs. Act Changes-
AB

2015-2016 General Assembly

Committee:	House Judiciary III, if favorable, Finance	Date:	May 6, 2015
Introduced by:	Reps. Burr, McNeill	Prepared by:	Bill Patterson
Analysis of:	First Edition (as amended in committee and rolled into new committee substitute)		Committee Counsel

SUMMARY: *House Bill 299 would authorize the Private Protective Services Board ("PPS Board") and the Alarm Systems Licensing Board to acquire, rent, or otherwise deal with real property with the approval of the Governor and the Council of State.*

The bill would also authorize the PPS Board and the Secretary of Public Safety to investigate activities by persons who are not licensed under Chapter 74D, and would authorize the PPS Board to issue cease and desist letters with the concurrence of the Secretary of Public Safety.

The bill would modify the time within which a business entity licensed by the PPS Board must replace its qualifying agent after the agent's departure, and would require certain organizations employing an armed guard to be licensed by the PPS Board.

The bill would also authorize the PPS Board to: (1) assess a late fee for a business entity licensee's failure to replace the qualifying agent within the time required and for an applicant's failure to make required payments within 90 days of being notified of pending licensure approval; (2) grant an extension of time to meet license renewal requirements if needed because of a licensee's physical disability or medical condition; and (3) suspend or revoke a trainee's certification for making false statements in the certification application.

CURRENT LAW: Under Chapter 74C, the Private Protective Services Licensing Board ("PPS Board") regulates the following professions: security guards, private investigators, guard dog service, electronic countermeasures, detection of deception examiners, courier service, armored car, and special limited guards.

BILL ANALYSIS:

Section 1 would authorize the PPS Board to conduct investigations of unlicensed activity and issue cease and desist letters if concurred in by the Secretary of Public Safety, and to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, with the approval of the Governor and the Council of State. Property pledged as collateral for an encumbrance would be limited to the assets, income and revenues of the PPS Board.

Section 2 would empower the Secretary of Public Safety to investigate complaints of individuals who are not licensed by the PPS Board under Chapter 74C.

Section 3 would require a licensee that is a business entity to fill any vacancy in the position of its qualifying agent within 90 days (currently, within 30 days), unless extended by the PPS Board by an additional 30 days (currently, by up to an additional three months). The PPS Board would also be authorized to assess a late fee against a business entity not meeting these requirements.

Section 3 would also authorize the PPS Board to assess a late fee against any applicant that fails to pay the required initial license fee and make the required payment to the Private Protective Services

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Education Fund within 90 days after receiving notice of pending licensure approval. The PPS Board would have discretion to grant an additional 30 days to make these payments for good cause upon petition by the applicant.

Section 4 would authorize the PPS Board to assess a late fee of up to \$100 against any licensed business entity that failed to obtain a substitute qualifying agent within the time required and against any license applicant who failed to pay the initial license fee or make the required contribution to the Private Protective Services Education Fund within the time required.

Section 4 would also authorize the PPS Board to extend the time for a licensee, trainee or registrant to complete the renewal application requirements by up to 90 days if supported by documentation that the extension is needed because of a physical disability or medical condition. Such information provided to the PPS Board to document the applicant's physical disability or medical record would not be a public record.

Section 5 would authorize the PPS Board to suspend or revoke a trainee's certification if it determines that the trainee made a false statement in connection with the application for certification or for renewal or reinstatement of certification.

Section 6 would require a proprietary security organization that employs an armed security guard to apply to the PPS Board for a license and to renew its license every two years.

Section 7 would authorize the Alarm Systems Licensing Board to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, with the approval of the Governor and the Council of State. Property pledged as collateral for an encumbrance would be limited to the assets, income and revenues of the Alarm Systems Licensing Board.

EFFECTIVE DATE: This act becomes effective July 1, 2015.