

FIRST REGULAR SESSION

SENATE BILL NO. 48

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0031S.031

AN ACT

To amend chapter 374, RSMo, by adding thereto five new sections relating to security guards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 374, RSMo, is amended by adding thereto five new sections, to be known as sections 374.680, 374.682, 374.684, 374.686, and 374.688, to read as follows:

374.680. Sections 374.680 to 374.688 shall be known and may be cited as the "Security Agencies Act".

374.682. As used in sections 374.680 to 374.688, the following terms mean:

(1) "Department", the department of insurance;
(2) "Private security business", any business engaged in the business of, or accepting employment to provide, any or all of the following:

- (a) Private patrol service;**
- (b) Watchman service;**
- (c) Guard service;**
- (d) Armored car service; or**
- (e) The protection of persons from death or serious bodily harm.**

374.684. 1. Any individual, firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private security business in this state shall make a verified application in writing to the division director for a license therefor. If the applicant is a firm, association, company, partnership, limited liability company, or corporation, the person filing the application on behalf of such firm, association, company, partnership, limited liability company, or corporation shall be a corporate officer of such corporation or an officer of such firm,

association, partnership, or limited liability company; and such individual shall meet the qualifications set out in sections 374.680 to 374.688.

2. Upon being satisfied of the good character, competency, and integrity of an applicant for licensure pursuant to sections 374.680 to 374.688 or, if the applicant is a firm, association, company, partnership, limited liability company, or corporation, upon being satisfied of the good character, competency, and integrity of the corporate officer of such corporation or officer of such firm, association, partnership, or limited liability company, the department may grant a license to conduct a private security business to such individual, firm, association, company, partnership, limited liability company, or corporation if the applicant:

- (1) Is at least eighteen years of age;
- (2) Is a citizen of the United States or a registered resident alien;
- (3) Is of good moral character;
- (4) Has not been convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude; provided, however, that, if the applicant has been convicted of such crime, or has entered a plea of nolo contendere, or has entered a guilty plea, the department may inquire into the nature of the crime, the date of conviction or plea, and other underlying facts and circumstances surrounding such criminal proceedings and, in its discretion, may grant a license to such applicant;
- (5) Has not committed an act constituting dishonesty or fraud;
- (6) Successfully completes thirty hours of classroom training as the department may prescribe, including, but not limited to, areas of law, civil liability, use of force, safety techniques, searching buildings, handling persons who are mentally ill or under the influence of alcohol or a controlled substance, defensive tactics, and other subjects deemed appropriate by the department. The applicant must also pass a written test prescribed by the department encompassing the classroom training;
- (7) Have completed a minimum of twenty hours of firearm training approved by the department; and
- (8) Meets such other qualifications as the department may prescribe by rule.

3. The application for a license shall be made in writing, under oath, on a form to be furnished by the division director. The application shall state the applicant's full name, age, date and place of birth; residences and employment within the past five years, with the names and addresses of employers; present occupation; date and place of conviction or arrest for any crime, including the plea of nolo contendere or a guilty plea; and such additional information as the department may require to investigate the qualifications, character, competency, and integrity of the applicant. Each

applicant shall submit with the application two complete sets of fingerprints on forms specified and furnished by the department and one photograph, two inches wide by three inches high, full face, taken within six months prior to the application; provided, however, that the department may waive the submission of fingerprints and photograph for any employee who has been employed by a person licensed pursuant to sections 374.680 to 374.688 within the previous twelve months. The application shall contain such additional documentation as the department may prescribe by rule. The department shall have the discretion to deny a license to an applicant who fails to provide the information and supporting documentation required by this subsection.

4. In addition to the requirements enumerated in this section, each applicant for a license pursuant to sections 374.680 to 374.688 shall provide satisfactory evidence to the department that the prospective licensee has posted or has made provision for the posting of a bond in the amount of twenty-five thousand dollars. In lieu of the required bond, a prospective licensee may submit to the evidence of a policy of liability insurance in an amount of not less than one million dollars insuring such prospective licensee against personal liability for damages arising out of acts of the insured or his or her employees.

5. Immediately upon receipt of a license certificate issued by the department pursuant to sections 374.680 to 374.688, the licensee shall post and at all times display such license in a conspicuous place at his or her place of business. A copy of the duplicate of the license certificate shall be conspicuously posted at each branch office.

6. Notwithstanding any other provisions of this section, an applicant for a license shall agree in writing on the application that if such applicant makes a false statement in the application or if such applicant has been found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the department shall be authorized to suspend any license granted to such applicant. Upon request, any such person shall be entitled to an administrative hearing pursuant to chapter 621, RSMo, on such matter subsequent to the suspension.

7. The department may grant a license provided in this section to a person who is licensed in another state or territory of the United States which has licensing requirements substantially similar to the licensing requirements provided in this section.

374.686. 1. Any licensee may employ as many agents, guards, watchmen, or patrolmen as he or she deems necessary for the conduct of his or her business, provided that such employees meet the requirements and qualifications for registration pursuant to sections 374.680 to 374.688.

2. Within thirty days of hiring such agents, operators, assistants, guards, watchmen, or patrolmen, the licensee shall make application to register such employees with the department.

3. Upon being satisfied of the employee's character, competency, and eligibility for registration, the department may register such employee if the employee:

- (1) Is at least eighteen years of age;
- (2) Is a citizen of the United States or a registered resident alien;
- (3) Is of good moral character;
- (4) Has not been convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude; provided, however, that, if the employee has been convicted of such crime, or has entered a plea of nolo contendere to such crime, or has entered a guilty plea, the department may inquire into the nature of the crime, the date of conviction or plea, and other underlying facts and circumstances surrounding such criminal proceedings and, in its discretion, may allow the employee to be registered;
- (5) Has not committed an act constituting dishonesty or fraud;
- (6) Successfully pass a written examination as the department may prescribe;
- (7) Have completed a firearm training course approved by the department; and
- (8) Meets such other qualifications as the department may prescribe by rule.

4. The application for registration shall be made in writing, under oath, on a form to be furnished by the division director. The application shall state the employee's full name, age, and date and place of birth; residences and employment within the past five years; experience in the position applied for or held; the date and place of conviction or arrest for any crime, including the entry of a plea of nolo contendere or the entry of a guilty plea; and such other information as the department may require. The application for registration shall be accompanied by two sets of fingerprints of the employee and one photograph of the employee, two inches wide by three inches high, full face, taken within six months prior to the application. The department shall have discretion to deny registration to any individual when the information and supporting documentation required by this subsection are not provided.

5. Upon granting an application for registration pursuant to this section, the department shall so notify the employer-licensee. The employer-licensee shall notify the department within thirty days of the termination of employment of any registered employees.

6. Upon receipt of a registration card issued by the department pursuant to sections 374.680 to 374.688, the registrant shall maintain said card on his or her

person at all times while on his or her post or at his or her place of employment and at all times when the registrant wears a uniform in the course of his or her employment in the private detective or private security business.

7. Notwithstanding any other provisions of this section, any person who is to be registered pursuant to this section shall agree in writing on the application that if such person to be registered makes a false statement in the application or if such person has been found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the department shall be authorized to suspend any registration granted to such applicant without a prior hearing. Upon request, any such person shall be entitled to a hearing on such matter subsequent to the suspension.

374.688. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

Bill

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