

BEFORE THE BOARD OF PRIVATE SECURITY PATROL OFFICERS
AND INVESTIGATORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.182.401 fee schedule and) PROPOSED AMENDMENT AND
the adoption of NEW RULES I) ADOPTION
through V training courses standards)
and curriculum)

TO: All Concerned Persons

1. On September 19, 2011, at 2:00 p.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Private Security Patrol Officers and Investigators (board) no later than 5:00 p.m., on September 14, 2011, to advise us of the nature of the accommodation that you need. Please contact Susan Wevley, Board of Private Security Patrol Officers and Investigators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2348; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdp@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The board determined it is reasonably necessary to adopt New Rules I through V to further implement the statutory directives of 37-60-202, MCA, by adopting rules for the certification of training programs for private investigator, private security guard, security alarm installer, and alarm response runner licensure categories. Additionally, 37-60-303, MCA, requires an applicant for licensure as a private security guard, security alarm installer, or alarm response runner to complete the requirements of a training program, certified by the board, and provide written notice of satisfactory completion of the training.

The board has concluded that the training program standards proposed in each licensure category constitute the minimum training requirements that are necessary to protect the public health, safety, and welfare, in an amount of time and area of study that appear to be generally consistent with training programs offered by law enforcement jurisdictions, other state licensing jurisdictions, and private associations.

4. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.182.401 FEE SCHEDULE (1) and (1)(a) remain the same.

(i) Company	\$225	<u>250</u>
(ii) Resident manager	450	<u>175</u>
(iii) Security guard, alarm installer, or alarm response runner	75	<u>100</u>
(iv) Branch office	75	<u>100</u>
(b) Private investigator	225	<u>250</u>
(c) Private investigator trainee	425	<u>150</u>
(d) Process server	75	<u>100</u>
(e) Certified firearms instructor	425	<u>150</u>
(f) Armed endorsement	30	<u>50</u>
(2) and (2)(a) remain the same.		
(i) Company	475	<u>200</u>
(ii) Resident manager	400	<u>125</u>
(iii) Security guard, alarm installer, or alarm response runner	75	<u>100</u>
(iv) Branch office	75	<u>100</u>
(b) Private investigator	450	<u>175</u>
(c) Private investigator trainee	75	<u>100</u>
(d) Process server	75	<u>100</u>
(e) Certified firearms instructor	400	<u>125</u>
(f) Armed endorsement	30	<u>50</u>
(3) remains the same.		
(a) Photo ID card (original lost or destroyed)	40	<u>20</u>
(b) remains the same.		
(c) Changes of employer, supervisor, address, or name	40	<u>20</u>
(d) <u>Changes of supervisor or address</u>		<u>10</u>
(d) remains the same, but is renumbered (e).		
(4) through (7) remain the same.		

AUTH: 37-1-134, 37-60-202, MCA

IMP: 25-1-1104, 37-1-134, 37-1-141, 37-60-202, 37-60-304, MCA

REASON: The board determined it is reasonably necessary to increase the board's fees as proposed to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with associated program costs. The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds by the 2012 licensure renewal period. The board ended fiscal year 2011 with a negative cash balance of -\$40,270. The board estimates that approximately 2,365 people will be affected by the proposed fee changes and that the changes will generate \$56,205 in annual board revenue.

The board is amending (3)(c) and (d) to separate the fees for licensees to change their supervisor or address from those fees for changing licensees' names or employers. Changes of employer or name require a new ID card to be printed, while changes of supervisor or address do not. The board is amending these fees to be

commensurate with the specific costs, as processing new ID cards is costlier than just changing a supervisor or address.

5. The proposed new rules provide as follows:

NEW RULE I PRIVATE INVESTIGATOR TRAINING PROGRAM

(1) The training of a private investigator shall, at a minimum, address the following:

- (a) role and function of the private investigator;
- (b) federal, state, and local statutes and rules applicable to the practice of private investigators;
- (c) interaction and cooperation with law enforcement;
- (d) criminal justice administration and information;
- (e) limitations on the use of force and self-defense and the use of force continuum;
- (f) emergency medical, fire, and hazardous material preparedness and response, including basic first aid, CPR, and AED training;
- (g) interviews, interrogations, and report writing;
- (h) crisis intervention;
- (i) preservation of crime scene and handling of evidence; and
- (j) ethical and legal issues, including, but not limited to:
 - (i) private investigator practice act and related rules;
 - (ii) criminal law and criminal procedure;
 - (iii) confidentiality and right of privacy;
 - (iv) searches of persons and property;
 - (v) limitations on the power to arrest and detain suspects; and
 - (vi) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., gender, racial, religious, or cultural).
- (k) distinctions between and special issues involved in the following types of investigations: accidents, arson, assets, background, civil, criminal, domestic, industrial/employee conduct, insurance, personal injury (other than auto), and missing person;
 - (l) investigative photography;
 - (m) surveillance; and
 - (n) skip tracing.

(2) Supervising private investigators of private investigator trainees shall submit evidence of completion of the training program on quarterly reports as provided in ARM 24.182.511. Private investigator applicants meeting experience requirements provided in ARM 24.182.503 are deemed to have met the training program requirements set forth above. All other applicants shall submit evidence of having completed the training program as provided by ARM 24.182.503.

(3) Armed private investigators shall complete firearms qualification and requalification in accordance with ARM 24.182.420 and 24.182.421.

AUTH: 37-60-202, 37-60-303, MCA

IMP: 37-60-202, 37-60-303, MCA

NEW RULE II PRIVATE SECURITY GUARD TRAINING PROGRAM

(1) Each security company or organization that employs or intends to employ an individual as a private security guard must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure and prior to undertaking any of the duties defined as the practice of a security guard.

(2) The training must address each of the following areas:

(a) role and function of the security guard;

(b) federal, state, and local statutes and rules applicable to the practice of private security guards;

(c) interaction and cooperation with law enforcement;

(d) limitations on the use of force and self-defense and the use of force continuum;

(e) emergency medical, fire, and hazardous material preparedness and response, including officer safety, basic first aid, CPR, and AED training;

(f) communication skills, report writing, and radio communication;

(g) crisis intervention and crowd control;

(h) patrol techniques; and

(i) ethical and legal issues, including, but not limited to:

(i) confidentiality and right of privacy;

(ii) searches of persons and property;

(iii) limitations on the power to arrest and detain suspects;

(iv) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., racial, religious, or cultural);

(v) preservation of crime scene and handling of evidence; and

(vi) preventing abuse of authority.

(3) In addition to these training requirements, armed security guards shall complete firearms qualification and requalification in accordance with ARM 24.182.420 and 24.182.421.

(4) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule.

AUTH: 37-60-202, 37-60-303, MCA

IMP: 37-60-202, 37-60-303, MCA

NEW RULE III SECURITY ALARM INSTALLER TRAINING PROGRAM

(1) Each electronic security company that employs or intends to employ an individual as a security alarm installer must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure, and prior to undertaking any of the duties defined as the practice of a security alarm installer.

(2) The training must address each of the following areas:

(a) role and function of the security alarm installer;

(b) federal, state, and local statutes and rules applicable to the practice of security alarm installers;

(c) national low voltage electrical codes, low voltage limitations, and wiring methods and types;

- (d) installation training, including:
 - (i) manufacturer's product training or industry standard training;
 - (ii) conducting site survey;
 - (iii) proper device placement;
 - (iv) wireless devices;
 - (v) central station monitoring;
 - (vi) false alarm prevention; and
 - (vii) troubleshooting.
 - (e) safety issues and the Montana Safety Culture Act, including, but not limited to:
 - (i) the proper use of tools and protective equipment;
 - (ii) working in enclosed spaces; and
 - (iii) the proper use and transportation of ladders.
- (3) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule.

AUTH: 37-60-202, 37-60-303, MCA

IMP: 37-60-202, 37-60-303, MCA

NEW RULE IV ALARM RESPONSE RUNNER TRAINING PROGRAM

- (1) Each electronic security company that employs or intends to employ an individual as an alarm response runner must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure, and prior to undertaking any of the duties defined as the practice of a security alarm installer.
- (2) The training must address each of the following areas:
- (a) role of the alarm response runner;
 - (b) federal, state, and local statutes and rules applicable to the practice of alarm response runners;
 - (c) interaction and cooperation with law enforcement;
 - (d) limitations on the use of force and self-defense and the use of force continuum;
 - (e) emergency medical, fire, and hazardous material preparedness and response, including officer safety, basic first aid, CPR, and AED training;
 - (f) communication skills, report writing, and radio communication;
 - (g) crisis intervention and crowd control;
 - (h) patrol techniques; and
 - (i) ethical and legal issues, including, but not limited to:
 - (i) confidentiality and right of privacy;
 - (ii) searches of persons and property;
 - (iii) limitations on the power to arrest and detain suspects;
 - (iv) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., racial, religious, or cultural);
 - (v) preservation of crime scene and handling of evidence; and
 - (vi) preventing abuse of authority.
- (3) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule.

AUTH: 37-60-202, 37-60-303, MCA
IMP: 37-60-202, 37-60-303, MCA

NEW RULE V CONTINUING EDUCATION (1) In addition to preemployment training, licensed companies or organizations that employ security guards, security alarm installers, or alarm response runners shall provide such individuals a minimum of eight hours of annual continuing education as refresher training.

(2) The continuing education requirement shall become effective after the first renewal of the individual's license and cover any combination of the preemployment training topics set forth for the individual's particular license category.

(3) Compliance with the requirements of continuing education is a prerequisite for license renewal as evidenced by the employer's affirmations on the license renewal application form, and is subject to random audit by the board.

(4) The employer must maintain documentation of the licensee's completion of continuing education for two years following the renewal cycle in which the hours were reported and submit documentation when audited. The burden is on the employer to satisfy the requirements of this rule.

(5) Failure of the employer to comply with these requirements constitutes unprofessional conduct and may subject the company license and resident manager license to disciplinary action.

AUTH: 37-1-131, 37-1-319, 37-60-202, 37-60-303, MCA
IMP: 37-1-131, 37-1-319, 37-60-202, 37-60-303, MCA

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Private Security Patrol Officers and Investigators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdp@mt.gov, and must be received no later than 5:00 p.m., September 27, 2011.

7. An electronic copy of this Notice of Public Hearing is available through the department and board's web site on the World Wide Web at www.privatesecurity.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Private Security Patrol Officers and Investigators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsdp@mt.gov; or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Colleen White, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PRIVATE SECURITY PATROL
OFFICERS AND INVESTIGATORS
HOLLY DERSHEM-BRUCE,
CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 15, 2011