

FULL NOTICE OF INTENT TO ENACT &
AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Private Investigation and Security Board (NDPISB) will hold a public hearing to address proposed additions of N.D. Admin. Code Sections 93-01-01-02, 93-02-02.1-17, 93-02-04-01, 93-02-04-02, 93-02-04-03, 93-02-04-04, 93-02-04-05; and to amend N.D. Admin Code Sections 93-01-01-01, 93-02-02.1-05, 93-02-02.1-06, 93-02-02.1-07, 93-02-02.1-09, and 93-02-03-06. The purpose of the new and amended rules is to articulate functions of the executive director, clarify the ability to conduct some training via live remote or online methods, establish standards related to issuance of instructor and course certifications of the Armed First Responder in School or Ambulance or Firefighter Crew Training Program, and modify fees for licenses, registrations, armed certifications, private security training certificates, duplicate license or registration, and renewals.

93-01-01-01. Organization of private investigative and security board

The purpose of the amendment to this rule is to add geographic considerations to the governor's appointment in alignment with the statute.

93-01-01-02. Executive Director

The purpose of the addition of this rule is to specify the duties and responsibilities of the executive director.

93-02-02.1-05. Qualifications for apprentice security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person, live remote, or online.

93-02-02.1-06. Qualifications for security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-07. Qualifications for commissioned security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-09. Qualifications for security officers.

The purpose of the amendment to this rule is to specify the mode of instruction as in-person or live remote.

93-02-02.1-17. Online training certification.

The purpose of this rule is to set conditions for board certification of security trainers to conduct non-live remote or on-line classroom instruction for apprentice security officers.

93-02-03-06. Fees - Amount - Late fees.

The purpose of the amendment to this rule is to update the fees charged by the board.

Chapter 93-02-04, Armed First Responder in School or Ambulance or Firefighter Crew Training Program

The purpose of this new chapter is to create and set the requirements for the armed first responder in school or ambulance or firefighter crew training program.

The proposed rules and amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The amendments and additions effectuate:

2021 SB 2126, which amends and reenacts section 43-30-03 of the North Dakota Century Code, relating to the membership of the private investigative and security board;

2021 SB 2095, which amends and reenacts sections 43-30-01 and 43-30-10, subsection 6 of section 43-30-10.1, and section 43-30-16 of the North Dakota Century Code, relating to the private investigative security board's executive director and the board's authority to impose penalties and injunctions for unlicensed activity, issue citations for unauthorized practice, and impose administrative fees;

2021 HB 1463, which creates and enacts a new subsection to section 43-30-16 and a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification and possession of a concealed firearm or dangerous weapon; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools; and,

2021 SB 2096, which creates and enacts a new subsection to section 43-30-16 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools.

The hearing will be at 9:00 am on April 8, 2022, at the Sanford Officers Training Center, 201 14th St N.W. Mandan, ND 58554.

The proposed rules may be reviewed at the office of the NDPI SB. A copy of the proposed rules and/or a regulatory analysis may be requested by writing addressed to 513 East Bismarck Expressway, Suite 5, Bismarck, ND 58504 or calling (701) 222-3063. Written or oral comments on the proposed rules sent to the above address or telephone number and received by April 20, 2022, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the NDPI SB at the above telephone number or address at least five days prior to the public hearing.

Dated this 4th day of March, 2022.

John J. Shorey III
Executive Director

STATE OF NORTH DAKOTA
PRIVATE INVESTIGATIVE AND SECURITY BOARD

Proposed Rule

February 28, 2022

NDPISB

CHAPTER 93-01-01
ORGANIZATION OF THE BOARD

93-01-01-01. Organization of private investigative and security board

The governor shall appoint a private investigative and security board. The board must consist of not less than five, nor more than eleven members appointed for staggered four-year terms. When making appointments, the governor shall consider whether there is member representation from the western, central, and eastern geographic regions of the state. Appointees to the board must be knowledgeable in private investigative or private security matters. A majority of the members of the board must be actively engaged in the private investigative or security profession. It is the practice of said board that at least one member be representative of the law enforcement community to better facilitate cooperative effectiveness within the industry.

Members of the board may not receive any compensation for their service on the board, but they are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

History: Effective April 1, 1994; amended effective July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-03

CHAPTER 93-01-02
EXECUTIVE DIRECTOR

93-01-02-01. Executive Director

The private investigative and security board shall appoint an executive director who shall keep a record of all proceedings, transactions, communications, and official acts of the board, be a custodian for all moneys received for licenses, certifications, and training, which must be deposited for safekeeping in depositories designated by the board. The executive director must be a custodian of all records of the board and perform such other duties and administrative functions as the board may require. The executive director shall be employed on either a full-time or part-time basis as directed by the board, and the board is authorized to fix the salary of the executive director.

History: Effective July 1, 2022.

CHAPTER 93-02-02.1
PRIVATE SECURITY SERVICES

93-02-02.1-01. Qualification for individuals providing private security services.

To receive and maintain any license or registration from the board to provide private security services, an individual first must:

1. Be at least eighteen years of age.
2. Be a high school graduate or hold the equivalent of a high school diploma.
3. Have not been convicted or adjudged guilty in any jurisdiction of one of the following offenses or its equivalent in another jurisdiction, including juvenile adjudications that the individual has engaged in similar conduct: any felony; any class A or B misdemeanor involving an act of violence or intimidation as defined in North Dakota Century Code chapters 12.1-16 through 12.1-25 and chapter 12.1-31.2, or involving controlled substances as defined in North Dakota Century Code chapter 19-03.1; any offense involving theft as defined in North Dakota Century Code chapter 12.1-23, including shoplifting; or any other offense that must be reported to the North Dakota bureau of criminal investigation under North Dakota Century Code section 12.1-32-15. This subsection does not prohibit the board from issuing a license or registration to an individual if the board determines the offense does not have a direct bearing upon the individual's ability to provide private security services to the public and the individual has been sufficiently rehabilitated pursuant to the provisions of North Dakota Century Code section 12.1-33-02.1, or a full pardon has been granted.
4. Be free of mental condition or defect that would interfere with the individual's ability to provide services in a professional and competent manner.
5. Have not committed an act that the board determines is indicative of bad moral character and which has a direct bearing on the applicant's ability to serve the public, including offenses other than those listed in subsection 3.

The requirements in this section are in addition to any other qualifications established in this chapter. Each individual who is required to meet the qualifications of this section has a continuing duty to notify the board of any conviction or adjudication of guilt of an offense described in subsection 3 within fourteen days of the conviction or adjudication. For individuals who are licensed or registered by the board on May 1, 2000, or who are officers or owners of at least a ten percent interest in a licensed agency on May 1, 2000, this section applies only to convictions or adjudications of guilt which occur after May 1, 2000.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-02. Licensing of individuals providing private security services.

1. An individual providing private security services must obtain a license from the board to provide those services unless the individual is registered as an employee or independent contractor of an agency that is licensed under this chapter and is providing those services within the scope of the individual's relationship with the agency. An agency is responsible for registering its employees and independent contractors under section 93-02-02.2-04. This section does not apply to individuals who are exempt from the board's jurisdiction under North Dakota Century Code section 43-30-02.
2. An individual is qualified to be licensed to provide private security services if the individual is currently a commissioned security officer and has passed an examination conducted by or under the supervision of the board within the twelve months preceding the date of the individual's application for the license.

History: Effective May 1, 2000; amended effective May 1, 2005
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-03. Licensing of private security agencies.

Any individual or entity hiring another person to perform private security services must obtain a private security agency license. An individual who applies for a private security agency license must be currently licensed in this state to provide private security services. An entity that applies for a private security agency license must have at least one individual who serves as the qualifying agent for that entity and who will be responsible for all agency personnel providing those services. The qualifying agent must be an individual who is an officer, director, partner, proprietor, or manager of the agency who exercises material authority in the conduct of the agency's business by making substantive technical and administrative decisions relating to the work performed for which a license is required and who is not involved in any other employment or activity which conflicts with these duties and responsibilities to ensure the agency's performance of work regulated under this chapter complies with applicable laws and does not jeopardize the public health, safety, and welfare. The qualifying agent and all nonlicensed officers and owners of at least a ten percent interest in the entity must be listed on the application and meet the qualifications in section 93-02-02.1-01.

History: Effective May 1, 2000; amended effective April 1, 2013
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-04. Registration of employees and independent contractors of private security agencies.

1. For the purposes of this chapter, the terms “employee” and “employment” refer to an employer-employee relationship in which the employee is working for compensation, the employer directly or indirectly controls the employee’s conduct, and the employer pays taxes or makes other payments because of the employment.
2. An individual providing private security services as an employee or independent contractor of a private security agency who is not licensed to provide those services must have a registration from the board as an apprentice security officer, security officer, or commissioned security officer. The agency is responsible for obtaining registration for all of its employees and independent contractors.
3. A private security agency may not employ or contract with an unregistered or unlicensed person to provide private security services on behalf of the agency. A person employed or contracted by a private security agency who does not provide any private security services need not be registered or licensed.
4. A private security agency is responsible for any activities of its licensed or registered employees and independent contractors and may be subject to administrative action by the board for the activities of its licensed or registered employees and independent contractors.
5. A registered employee or independent contractor may not provide private security services unless the employee or independent contractor is under the supervision of an individual who is licensed to provide private security services.

History: Effective May 1, 2000; amended effective May 1, 2005

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-16

93-02-02.1-05. Qualifications for apprentice security officers.

To qualify for registration as an apprentice private security officer, an individual:

1. Must complete, within thirty days after being registered with the board, a minimum of twelve hours of in-person, live remote, or online classroom instruction relating to the provision of private security services or twelve hours of field training. The field training must be supervised either by a security officer who has a minimum of two thousand hours of active service in that grade or equivalent combination of training and experience as defined in section 93-02-02.1-10 or by a commissioned security officer. The training must be at a ratio of no more than four trainees to one officer.
2. Until the apprentice private security officer has fulfilled the requirements in this section, the apprentice may only provide private security services under the direct,

onsite supervision of a security officer or commissioned security officer employed by the private security agency.

3. A registration under this section will not be issued after the expiration of a temporary registration issued under North Dakota Century Code section 43-30-05.1 unless the apprentice security officer provides sufficient proof to the board of the completion of the instruction and field training requirements of this section.

History: Effective May 1, 2000; amended July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-06. Qualifications for security officers.

To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of in-person or live remote classroom instruction as required by the board. An individual actively serving or honorably discharged from the United States armed forces, army national guard of the United States, army reserve, navy reserve, marine corps reserve, air national guard of the United States, air force reserve, or coast guard reserve is deemed to have met the one thousand hours of private security service requirement.

History: Effective May 1, 2000; amended July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-07. Qualifications for commissioned security officers.

To qualify for registration as a commissioned security officer, an individual must provide three thousand hours of private security service as a registered security officer, in addition to at least one thousand hours as an apprentice security officer, and complete an additional eighty hours of in-person or live remote classroom instruction as required by the board.

History: Effective May 1, 2000; amended effective July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-08. Armed personnel – Possession and use of firearms in the course of providing private security services.

It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;

2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

History: Effective May 1, 2000; amended effective May 1, 2005

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-09. Qualifications for trainers.

Except as provided in Section 93-02-02.1-17, in-person or live remote classroom ~~Classroom~~ instruction required of apprentice security officers, security officers, or commissioned security officers must be conducted by trainers certified by the board. To be certified as a trainer, an individual must have achieved the rank of commissioned security officer as defined in section 93-02-02.1-07 and meet at least one of the following requirements:

1. Completion of an instructor training course in a relevant discipline;
2. Equivalent combination of training and experience as defined in section 93-02-02.1-10;
3. One year of experience as an instructor in a relevant discipline at an educational institution or educational agency;
4. A degree from any educational institution in a relevant discipline; or
5. Certification from an accredited vocational education provider

History: Effective May 1, 2000; amended effective July 1, 2018; amended effective July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-09.1. Qualifications for armed instructors.

Written and practical instruction and testing must be conducted by a board-certified instructor. To be certified as an armed instructor, an individual must meet at least one of the following requirements:

1. Is a certified weapons instructor by the North Dakota peace officer standards and training board.

2. Is a certified law enforcement weapons instructor by the national rifle association.
3. Has completed twenty-four months of apprenticeship training under the direct, onsite supervision of a board-certified weapons instructor. During the twenty-four-month apprenticeship period, the candidate must be at least a security officer and hold an armed certificate. After completion of the apprenticeship, the instructor must submit a notice to the board showing that the candidate has successfully completed the candidate's apprenticeship and the instructor is requesting certification for the candidate.

History: Effective May 1, 2005. Amended by Administrative Rules Supplement 369, July 2018, effective July 1, 2018.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-10. Equivalency.

The board may waive part of or all of any training or experience requirements for individuals licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military security; proprietary security, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-11. Prohibitions.

1. An individual, while providing private security services, may not:
 - a. Wear, carry, use, display, or possess any identification, badge, uniform, patch, insignia, sign, decal, or other form of identification;
 - b. Make or utter any statement; or
 - c. Use, control, possess, or own any motor vehicle of any kind which is marked or identified by any sign, insignia, decal, equipment, device, or contrivance; which could or might reasonably lead the general public to believe or assume that the individual has any police-type powers or that the individual or vehicle is associated in any way with a governmental law enforcement agency or other governmental agency. Examples of prohibited conduct include use of the word

"police", the great seal of the state of North Dakota, or the seal of any political subdivision; or use of any type of common or customary military rank.

2. An individual licensed by the board under this chapter, including the holder of an agency license, may not be employed full time or part time in any capacity wherein such individual has any police-type powers or access to any official law enforcement records.
3. An individual licensed by the board under this chapter may not solicit or accept any commission or deputization that in any way involves the authority to use or employ, or the use or employment of, any police-type powers, except that of a special deputy sheriff or special police officer, and then, only in the case of an emergency or disaster and only for the immediate time of the emergency or disaster.
4. As used in this section, positions with police-type powers do not include official volunteer civil defense positions or membership in the national guard, reserve, or regular armed forces of the United States, but include positions or membership in the military police, security police, or similar police functions of the regular armed forces of the United States.
5. If a uniform is worn, for identification purposes, the name of the agency that the individual is employed by must be prominently displayed on the uniform.

History: Effective May 1, 2000; amended effective July 1, 2010

General Authority: NDCC 43-30-04

Law Implemented: NDCC 12.1-13-04

93-02-02.1-12. Surety requirements.

1. Before a license to provide private security services can be issued to any individual or agency, the applicant must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars of general liability with errors and omissions insurance.
2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees, and independent contractors. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

History: Effective May 1, 2000; amended effective May 1, 2005
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04

93-02-02.1-13. License - Posting.

Each individual who, or private security agency that, is licensed by the board shall conspicuously display that license at all times in the licensee's place of business. If the licensee has more than one office as a place of business, the licensee shall display a duplicate license at each office. An agency need not display the licenses of all the individual licensees employed or contracted by the agency. If the board revokes, suspends, or disapproves renewal of any license, the board may require the holder of the license to return the license to the board within fourteen days.

History: Effective May 1, 2000; amended effective May 1, 2005
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

93-02-02.1-14. Issuance of pocket cards.

1. To each individual licensed or registered by the board, the board shall issue a pocket card. Each individual licensed or registered by the board shall have on that individual's person, the pocket card issued while providing private security services.
2. When a registered employee or independent contractor of a private security agency terminates employment or a contract with the agency, that individual shall return the pocket card to the agency immediately after termination. Within seven days after receiving the pocket card of the terminated individual, the agency shall mail or deliver the pocket card to the board for cancellation, with a letter from the holder of the agency license stating the date the registered individual was terminated and the date the agency received the terminated individual's card.
3. If the board revokes, suspends, or disapproves the renewal of a license or registration of any individual, the board may require the individual to return the individual's pocket card within fourteen days.
4. If the board revokes, suspends, or disapproves renewal of a private security agency license, the board may require the agency to return the pocket cards of all its registered employees and independent contractors within fourteen days of the request by the board.

History: Effective May 1, 2000; amended effective May 1, 2005. Amended by Administrative Rules Supplement 369, July 2018, effective July 1, 2018
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

93-02-02.1-15. Change in ownership or other application information.

A private security agency license is not transferable. A licensed agency must notify the board in advance of any change in ownership of the agency and a new license application form must be submitted to the board by the new owner or owners. Payment of license fees is nontransferable. Each agency licensed by the board has a continuing duty to notify the board about any changes in information provided in the license application form within fourteen days of the change.

History: Effective May 1, 2000
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-05

93-02-02.1-16. Examination restrictions.

Any applicant for a license to provide private security services who fails to pass the first examination required by the board may apply for retesting no sooner than thirty days after notice of failure. Upon failure of a second and subsequent examination, the applicant may apply for retesting again after a one-year waiting period.

History: Effective May 1, 2000
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-04, 43-30-16

93-02-02.1-17. Online training certification.

Non-live remote or online classroom instruction may be permitted for apprentice security officers through a board certified security trainer under the following conditions:

1. The board certified security trainer shall apply on board approved application forms for approval of any online or non-live remote course, and provide all information requested by the board.
2. The curriculum must be a minimum of twelve hours in length and must include instruction on North Dakota private security requirements as listed under Chapter 93, NDCC § 12.1-05, NDCC § 43-30, and applicable North Dakota law related to providing private security services. The curriculum shall include an outline listing each topic to be covered and the corresponding time allotted for that topic.
3. Each board certified security trainer shall submit to the Board as part of the application process the manner in which the board certified security trainer verified completion of the online instruction, and that the student did participate and complete the online instruction course.
4. If the board determines that the training course application is consistent with this section, the board may issue a letter of approval to the board certified security trainer for the online or non-live remote course that includes a course approval number. Any

change in the application information for the course will require a new application and course approval by the board.

5. The board certified security trainer shall maintain attendance records for all training conducted for a period of three years and shall produce such records to the board upon request. Upon student completion of the approved online or non-live remote course the board certified security trainer shall provide the student with a certificate of completion that includes the board certified security trainer's name, signature, date of course completion, course approval number, hours of instruction, and the students name.
6. The failure of the board certified security trainer to comply with this chapter may result in the revocation of the letter of approval and the rejection of credit for classroom instruction obtained from that board approved online or non-live remote training course.

History: Effective July 1, 2022;

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

CHAPTER 93-02-03 GENERAL RULES

93-02-03-02. License fees – Proration – Refunds – Dual licensure.

License fees for providing private investigative services and private security services may be prorated on a quarterly basis for each period the license is in effect. However, license renewals will not be issued on a prorated basis, and no refunds may be made on license fees paid. Any agency providing both private investigative services and private security services shall meet all of the requirements for licensing as a private security agency and a detective agency.

History: Effective March 1, 1990; amended effective May 1, 2000

History: Effective March 1, 1990; amended effective May 1, 2000.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-11

93-02-03-03 - Renewal of licenses and registrations

1. Licenses and registrations issued by the board expire on September thirtieth of each year.
2. Every individual or agency who previously held a license or registration issued by the board and whose license or registration has expired may have the same restored immediately upon payment of all lapsed renewal fees and any applicable late fees; provided, however, that not more than sixty days has elapsed since the date of expiration, and provided that the individual or agency has not provided private

investigative or private security services during the time in which the license or registration was expired.

3. This section does not relieve any person from criminal prosecution for engaging in practice or providing services without a license as required by North Dakota Century Code chapter 43-30. Once a license or registration has lapsed, the individual or agency who held the license or registration may not provide private investigative or private security services until the license or registration is renewed or until a new license or registration is issued.
4. Any individual or agency who fails to renew a lapsed license or registration and who fails to pay all lapsed renewal fees and late fees within sixty days of the expiration date must reapply for a new license or registration and meet all the requirements for licensing or registration, including a state and nationwide criminal history record check.

History: March 1, 1990; amended effective May 1, 2000; May 1, 2005; July 1, 2007; July 1, 2010. Amended by Administrative Rules Supplement 369, July 2018, effective July 1, 2018.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-11

93-02-03-05. Suspension, revocation, or refusal to renew license.

In addition to the causes for suspension, revocation, or refusal to renew a license listed in North Dakota Century Code section 43-30-12, the board may either refuse to renew, suspend, revoke, or place on probationary status any licensee, or issue a letter of reprimand for any of the following causes:

1. Failure or refusal to furnish information required by statute, rule, or request of the board.
2. Making or causing to be made any false entry or written statement of fact in an application for license or registration, in reports, or in other written information to be filed with the board.
3. Fraud in the taking of examination for licensing.
4. Carrying a weapon in violation of any statute or rule specifically regulating the carrying of weapons by private investigators or private security personnel, or in violation of any state and federal laws.
5. Providing private investigative or private security services under a lapsed license or registration.
6. Violation of any of the rules in this article.
7. Insufficient supervision of registered employees by the employing agency, by the licensee who is responsible for agency personnel under section 93-02-01.1-03 or 93-

02-02.1-03, or by any other licensee who is responsible for supervising the employee's work under section 93-02-01.1 -04 or 93-02-02.1 -04.

8. Unprofessional conduct, which includes:
 - a. Engaging in criminal activity;
 - b. Providing incompetent services; and
 - c. Violating the code of ethics.

History: Effective March 1, 1990; amended effective May 1, 1998; May 1, 2000, July 1, 2007

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-12

93-02-03-05.1. Code of Ethics.

This code of ethics applies to every person licensed or registered by the board. All licensees and registered employees shall:

1. Respect the constitutional and legal rights of all people to liberty equality and justice;
2. Protect clients' property rights and promptly return all clients' property that was entrusted to them;
3. Safeguard the lives and property of those served and protect all persons against deception, intimidation, oppression, violence, and disorder;
4. Conduct operations professionally with honesty, sincerity, integrity, fidelity, morality, and good conscience and deal justly and impartially in each situation with each individual;
5. Preserve forever clients' confidence under any and all circumstances consistent with law, however, any physical evidence concerning crimes or planning for crimes must be reported to appropriate law enforcement or other authorities;
6. Protect clients' trade secrets or intellectual property rights;
7. Explain to the client's full satisfaction all applicable fees and charges and to render accurate, factual, and timely reports;
8. Counsel clients against any illegal or unethical course of action;
9. Avoid conflicts of interest between the licensee, registered employees, or their immediate family members and clients and avoid conflicts of interest between clients;

10. Avoid providing or recommending excessive services and avoid abusive billing practices, especially when a client may be emotionally distraught or unsophisticated; and
11. Refrain from excessive or grandiose advertising claims.

History: Effective July 1, 2007

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-12

93-02-03-06. Fees - Amount - Late fees.

In addition to statutory fees, the board charges the following fees:

1. An individual must pay a fee of one hundred dollars to take the examination to become licensed to provide investigative or private security services.
2. An individual must pay a fee of one hundred ~~thirty~~ fifty dollars to receive an initial license or renew the individual's license to provide private investigative or private security services. In addition, a late fee of fifty dollars must be paid for each month the renewal is late, up to a maximum cumulative late fee of one hundred dollars for a late renewal. After this two-month time frame, a new application, including criminal history background checks, fees, and testing, is required.
3. An individual or entity must pay a fee of one hundred dollars to apply for a license to operate a private security or detective agency.
4. An individual or entity must pay a fee of ~~three~~ two-hundred fifty dollars to receive an initial license or renew a license to operate a private security or detective agency. A late fee of one hundred dollars must also be paid for each month the renewal fee is late.
5. An individual must pay a fee of ~~twenty-five~~ thirty dollars to receive a private security training certificate. There is no expiration date for these certifications.
6. An individual must pay an annual fee of ~~twenty-five~~ thirty dollars to receive an armed ~~private security~~ certificate. Armed ~~private security~~ certificates expire on September thirtieth of each year. A late fee of ten dollars must also be paid for each month the renewal fee is late.
7. An individual or entity must pay a fee of ~~ten~~ twenty dollars to obtain a duplicate license or registration.
8. An individual must pay a fee of ~~twenty-five~~ thirty dollars to obtain an initial registration to provide private investigative or private security services. The registration shall be submitted by the licensed agency. An individual must pay ~~twenty-five~~ thirty dollars for

renewing registration to provide private investigative or private security services. A late fee of ten dollars must also be paid for each month the renewal is late.

9. An individual must pay a fee of four hundred dollars to obtain a training certification as a certified course instructor of the armed first responder program. An individual must pay three hundred dollars for renewal of a course instructor certification for the armed first responder program.

History: Effective May 1, 2000; amended effective May 1, 2005; July 1, 2010; October 1, 2013; July 1, 2018; July 1, 2022.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-16

CHAPTER 93-02-04

ARMED FIRST RESPONDER IN SCHOOL OR AMBULANCE OR FIREFIGHTER CREW TRAINING PROGRAM

93-02-04-01. Certified Training Course Application.

The following procedures apply to all training courses for which certification is requested by the Board:

1. An instructor or agency seeking course certification shall submit an application to conduct a training course and certification to the Board on a form provided by the Board.
2. All application forms shall be submitted to the Board at least ninety (90) days before training commences.
3. Each application shall include the following:
 - a. A course description showing the title of the course, the name of the person or agency preparing the training course, the course objective, testing methods if applicable, course content, estimated length of course, and references;
 - b. Payment to the Board of any fees established for certification of the course and instructors.
4. The training course shall consist of at least eighty (80) hours of training and must include the following curriculum and subject areas:
 - a. Firearms proficiency, including fulfillment of the equivalent requirements for firearm training as is required for North Dakota peace officers;
 - b. Use of force and deadly force;
 - c. Application of North Dakota law;
 - d. Legal Aspects;

- e. Defensive tactics and weapons retention;
 - f. Weapons storage;
 - g. Concealed carry of firearms tactics;
 - h. Protocol for identifying armed first responder in school or ambulance or firefighter crew;
 - i. Solo and team tactics;
 - j. Mind Set;
 - k. Active Threat Overview.
6. All certified courses are subject to periodic review by the Board.
 7. Certified instructors shall notify the Board, in writing at least 30 days prior to the commencement of any certified course the course dates and curriculum and permit the Board to monitor course content and instructor development.
 8. A certified instructor will complete rosters for all courses on a form approved by the Board. All rosters will be submitted to the Board within fifteen days of completion of the course.
 9. Upon approval by the Board, instructors and agencies shall receive a letter of course approval. Any change to the certified course curriculum or instructors shall require submission of a new application and recertification from the Board.

History: Effective July 1, 2022

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-02. Approved Basic Training Instructors.

The Board shall certify instructors for the North Dakota Armed First Responder in School or ambulance or firefighter crew Training Course and shall approve all course topics and curriculum prior to instruction. Instructors shall meet the following requirements:

1. Instructors shall possess education, training, and experience in the assigned subject area of instruction, and shall possess board-instructor certifications or North Dakota Peace Officer Standards and Training Board Instructor certifications or specialized academic preparation in the course subject areas.
2. Instructors shall submit to a criminal history records search in state and federal databases and shall provide a copy of the instructor-applicant's fingerprints. Instructors shall pay the fees associated with the searches directly to the Board.
3. Instructors shall meet the same requirements for individuals providing private security services found in NDAC 93-02-02.1-01.

- 4 Instructors shall pay any annual licensing fee set by the Board.
- 5 Instructors shall maintain course records for a period of no less than three years after the date of the completion of the course.

History: Effective July 1, 2022

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-03. Surety Requirements.

1. Before a course certification to provide armed first responder in schools or ambulance or firefighter crew training can be issued to any individual or agency, the individual or agency must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars (\$300,000.00) of general liability with errors and omissions insurance.
2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees, and independent contractors.
3. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.
4. The surety requirements in this section do not apply to instructors employed with a North Dakota public entity, or agencies that are a public entity in North Dakota while performing the duties of that entity.

History: Effective July 1, 2022

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-04. Successful Completion of Training Course.

Before any student attends a Board-certified course the instructors must ensure any students have met the following requirements under N.D. Admin. Code § 67-29-01-05 or N.D.C.C. § 62.1-02-05(2)(B)(1)-(2). To successfully complete the North Dakota Armed First Responder in School or Ambulance or Firefighter Crew Training Course, applicants must receive a passing score on all written and skills examinations administered by approved instructors or agencies in connection with the

course. Instructors shall, prior to the commencement of the training course, notify applicants of the level of performance that constitutes a passing score for each examination. Upon successful completion of a Board-certified course, the instructor and/or agency shall issue a certificate of completion to each student and submit a copy of each certificate of completion along with the required roster to the Board within 15 days.

History: Effective July 1, 2022

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-05. Application and Course Certification Fees

1. The initial application fee for a certified course, along with instructors is \$400.00. Once a course is certified by the Board the certification is valid for 2 years, expiring on September 30 of each calendar year.
2. Recertification of a certified course and instructors after the 2 year period is \$300.00, and is then valid for an additional 2 years.
3. Once a course is certified, any changes to the course and/or instructors requires a new application and fees.

History: Effective July 1, 2022

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).