

## TITLE 13. LAW AND PUBLIC SAFETY

### CHAPTER 55A

#### SECURITY OFFICERS AND SECURITY OFFICER COMPANIES

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 13:55A-1.1 Purpose

The rules of this chapter are promulgated by the Superintendent in order to implement the Security Officer Registration Act, P.L. 2004, c.134. The Act provides, among other things, that there be procedures for the licensing of security officer companies and for the registration, certification, and training, of security officers employed by those companies.

###### 13:55A-1.2 Scope and application

The rules of this chapter shall only apply to security officer companies and security officers as defined under N.J.A.C. 13:55A-1.3 and shall not apply to security officers hired for proprietary or internal purposes by a company not engaged in the security officer business. Moreover, the rules of this chapter shall only apply to duly sworn law enforcement officers seeking to be employed as, or perform the functions and activities of, a security officer, who will be receiving compensation for his or her services directly from a licensed security officer company and shall not apply to duly sworn law enforcement officers working under color of law.

###### 13:55A-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Company maintaining a proprietary or in-house security function" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that is organized for the general purpose of conducting business, but which also employs persons who are required to carry a firearm in the performance of their duties to provide armed security services exclusively for their business or employees, and does not contract these employees to any other entity or person.

"Law enforcement officer" means any person who is employed as an active member of any state, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation

of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L. 1961, c. 56 (N.J.S.A. 52:17B-66 et seq.).

"Loss prevention employee" means an unarmed employee of a company whose primary responsibility is loss prevention and the protection of the assets of that company.

"Owner" or "operator" means an officer, director, member, sole proprietor, partner, or associate, of a private security company.

"Security officer" means any person who performs any of the following functions or activities as an employee, agent, or subcontractor, of a security officer company, as defined in this section, for a fee, hire, or reward, notwithstanding the fact that other functions and activities may also be performed by the same person for fee, hire, or reward, or any person who carries a firearm in the performance of the person's duties and performs any of the following functions and activities as an exclusive employee of a company maintaining a proprietary, or in-house, security function as defined at N.J.S.A. 45-6.1, whose primary duty is to provide these security functions and activities for that company and whose services are not contracted to any other entity or person:

1. Protection of person or property, real or personal, from injury or harm, or for any other purpose whatsoever;
2. Deterrence, observation, detection, or reporting, of incidents and activities for the purpose of preventing the theft, or the unlawful taking, conversion, concealment, or misappropriation of goods, wares, merchandise, money, bonds, stocks, notes, or other valuable instruments, documents, papers, or articles; or
3. Deterrence, observation, detection, or reporting, of incidents and activities for the purpose of preventing any unauthorized access, entry, or unlawful activity, including, but not limited to, robbery, burglary, arson, criminal mischief, vandalism, or trespass.

This term shall not mean or include, and nothing in this chapter shall apply to, any law enforcement officer of this State, or any political subdivision of this State, while in the actual performance of his or her duties. For the purposes of this section, a law enforcement officer shall be deemed to be in the actual performance of his or her duties if the law enforcement officer is in uniform, or is exhibiting evidence of his or her authority, is performing public safety functions on behalf of and as assigned by the chief of police or the chief law enforcement officer of the law enforcement agency and is receiving compensation, if any, from that law enforcement agency at the rates or stipends as are established by law. A law enforcement officer shall not be deemed to be in the actual performance of his or her duties, for the

purposes of this section, if the law enforcement officer is performing private security functions or activities for a private employer while receiving compensation for those duties from the private employer, and a law enforcement officer shall not wear the uniform, or otherwise exhibit evidence of their authority as a law enforcement officer, while performing private security functions or activities for a private employer.

"Security officer company" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity, that is organized for the purpose of, or primarily engages in, the business of furnishing for a fee, hire, reward, or compensation, one or more security officers. The term shall not mean or include, and nothing in this act shall apply to, any board, body, commission, or agency, of the United States of America or of this State or any other state, territory or possession of the United States of America, or any county, municipality, or school district, or any officer or employee solely, exclusively, and regularly employed by any of the foregoing. The term shall include any business of watch guard or patrol agency.

"Superintendent" means the Superintendent of the Division of State Police in the Department of Law and Public Safety.

#### 13:55A-1.4 Waiver of regulatory requirements

The Superintendent may waive a requirement of this chapter for reasons of undue hardship, economic or otherwise, provided that the waiver of the requirement would not unduly burden any affected parties, and that the waiver is consistent with the underlying purposes of this chapter. A licensee or an applicant shall submit a request for a waiver in writing, which shall include documentation that supports the licensee's or applicant's request.

#### 13:55A-2.1 Owners and operators; minimum qualifications

- (a) All owners and operators of a security officer company seeking to be licensed shall be at least 25 years of age.
- (b) All owners and operators of a security officer company seeking to be licensed shall have the following:
  - 1. Five years law enforcement experience and no longer be employed or attached in any capacity whatsoever to a law enforcement agency; or
  - 2. Five years of experience working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective Act of 1939, or the laws of any other jurisdiction.

### 13:55A-2.2 Application for a security officer company license

- (a) Each owner and operator of a security officer company seeking to be licensed shall file an application for a security officer company license on a form provided by and in a manner prescribed by the Superintendent. Each completed application shall contain information required by the Security Officer Registration Act, any supporting documentation requested by the Superintendent, and the written approval of not less than five reputable citizens who have known the applicant for at least three years preceding the date of application and who shall certify that the applicant is a person of good moral character and behavior.
- (b) Each owner and operator of a security officer company seeking to be licensed shall submit a non-refundable application fee of \$ 300.00 along with his or her completed application to the Superintendent.
- (c) Each owner and operator of a security officer company seeking to be licensed shall submit fingerprints and a written consent for a criminal history background check in a manner prescribed by the Superintendent. All owners or operators of a security officer company seeking a license shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.
- (d) Each application submitted by owners or operators of a security officer company seeking a license shall contain the location of the principal place of business for the company and the location of any other places of business, that is, offices, sub-agencies, branches, to be utilized in the company's operations.
- (e) Any owner and operator of a security officer company seeking to be licensed who makes a false statement in, or knowingly omits any material information from, an application as required by this chapter, shall be subject to criminal penalties as specified by the Security Officer Registration Act.

### 13:55A-2.3 Issuance of a security officer company license

- (a) The Superintendent, after examination of application(s) and such further inquiry and investigations as the Superintendent shall deem proper as to the good character, competency, and integrity of the applicant(s), shall advise the applicant(s) whether their application for a security officer company license has been approved or denied.
- (b) If approved, applicant(s) will be advised that a company license will be issued:
  - 1. Upon the execution and delivery to the Superintendent of a \$ 5,000 surety bond, conditioned for the faithful and honest conduct of business by the applicant, issued by a

surety company authorized to be surety in the State of New Jersey, as surety, and running to the State of New Jersey for the benefit of any person, firm, association, or corporation, injured by the willful, malicious, or wrongful act of the applicant; and

2. Upon payment of a non-refundable \$ 500.00 fee for each location and place of business, that is, offices, sub-agencies, branches, etc., listed in the initial application(s) submitted by owners or operators of a security officer company.

(c) Once the requirements of (b) above are met, the Superintendent shall issue a security officer company license for each location and place of business, which shall be valid for a period of two years and shall thereafter be renewable every two years.

#### 13:55A-2.4 Changes in owners or operators

(a) A person or business entity shall not act as owner or operator of a licensed security officer company without the approval of the Superintendent. Additional owners or operators of a licensed security officer company shall submit an application, fingerprints, and a written consent for a criminal history background check, in accordance with N.J.A.C. 13:55A-2.2(a) and (c), prior to gaining such an interest or control.

(b) The fee for licensing of additional owners or operators shall be the same as the fee for initial licensing set forth in N.J.A.C. 13:55A-2.2(b).

#### 13:55A-2.5 Additional location or place of business

(a) A security officer company shall not open additional locations or places of business, that is, offices, sub-agencies, branches, without the approval of the Superintendent. All requests to add additional locations or places of business shall be submitted on a form provided by and in a manner prescribed by the Superintendent.

(b) The fee for licensing of additional locations or places of business shall be the same as the fee for initial licensing of locations or places of business set forth in N.J.A.C. 13:55A-2.3(b)2.

#### 13:55A-2.6 Change in location or place of business

(a) No security officer company shall change its principal place of business or the location of any other licensed place of business, that is, offices, sub-agencies, branches, without the approval of the Superintendent. Requests for change of location(s) shall be submitted on a form provided by and a manner prescribed by the Superintendent.

(b) The security officer company shall submit with the request a non-refundable \$ 200.00 change of location fee for each location or place of business affected.

#### 13:55A-2.7 Renewal of a security officer company license

(a) All owners and operators of a licensed security officer company shall submit an application for renewal of the security officer company license, on a form provided by and a manner prescribed by the Superintendent, prior to the expiration of a current company license.

(b) Each owner and operator of a licensed security officer company seeking to be renewed shall submit to the Superintendent a non-refundable renewal fee of \$ 200.00 along with a completed application for renewal.

(c) For each location and place of business, that is, offices, sub-agencies, branches, etc., listed in the renewal application, including the principal place of business, the licensed security officer company seeking renewal shall submit a non-refundable location renewal fee of \$ 500.00.

(d) An owner or operator of a licensed security officer company may request an extension of time, in writing, from the Superintendent, if their renewal application will not be submitted prior to the expiration of a current company license. Requests for extension of time will be denied or approved on a case by case basis depending upon the circumstances which prevent a person from submission of the renewal application in a timely manner.

#### 13:55A-2.8 Reproduction of license

No security officer company license shall be reproduced in any manner without the written approval of the Superintendent. All locations or places of business of a licensed security officer company shall display the original license issued for that location or place of business.

#### 13:55A-2.9 Denial, revocation, suspension, or refusal to renew a license

(a) The Superintendent may deny any initial application for a security officer company license, revoke or suspend a current security officer company license, or refuse to renew a security officer company license, for any of the following reasons:

1. An owner or operator of the security officer company has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. An owner or operator of the security officer company has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. An owner or operator of the security officer company has been convicted of any offense where the issuance of a license would be contrary to the public interest, as determined by the Superintendent;
4. An owner or operator of the security officer company has violated one of the provisions of N.J.S.A. 45:19A-1 et seq., the Security Officer Registration Act;
5. An owner or operator of the security officer company has failed to comply with any of the rules in this chapter;
6. An owner or operator of the security officer company employs a person, or allows a person to perform the functions and activities of a security officer, who has failed to comply with the requirements for registration and certification specified in N.J.A.C. 13:55A-3;
7. An owner or operator of the security officer company has knowingly made a false material statement or omitted information in an application or any other form required by the Superintendent under these rules;

8. An owner or operator of the security officer company has demonstrated bad moral character, incompetence, or untrustworthiness; or
9. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a license in the interest of public safety.

#### 13:55A-3.1 Security officers minimum qualifications

A person seeking to be employed as, or perform the functions and activities of, a security officer shall be at least 18 years of age.

#### 13:55A-3.2 Application for a certificate of registration as a security officer

- (a) A person shall not be employed as a security officer by a security officer company or a company maintaining a proprietary or in-house security function or perform the functions and activities of a security officer, unless that person is registered with the Superintendent as required by this section. A security officer shall submit an application for registration as a security officer on a form provided by, and in a manner prescribed by, the Superintendent. The application shall include the applicant's full name, date and place of birth, Social Security number, residence, telephone number, and such other information as the Superintendent shall determine. The requirements of this section shall not apply to:

1. A loss prevention employee;
2. An employee of a company whose business includes hosting sporting and entertainment events at an arena or stadium where a State, county, or municipal law enforcement agency is on the premises during the event and whose in-house security employees do not carry handguns or other licensed weapons;
3. A security officer employed by a company maintaining a proprietary or in-house security function whose in-house security employees do not carry handguns or other licensed weapons; or
4. A security employee regulated under Federal law.

(b) An applicant for registration as a security officer shall submit a non-refundable application fee of \$ 50.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application to the Superintendent.

(c) Any person seeking to be employed as, or perform the functions and activities of, a security officer shall submit fingerprints and a written consent for a criminal history background check in a manner prescribed by the Superintendent. Applicants for registration as a security officer shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(d) Any active law enforcement officer seeking to be employed as, or perform the functions and activities of, a security officer, who will be receiving compensation for his or her services directly from a licensed security officer company, shall submit an application for registration as a security officer and comply with the requirements of (a), (b), and (c) above.

(e) Any active law enforcement officer who performs the functions and activities of a security officer pursuant to an agreement between a law enforcement agency and a private contractor, and receives

compensation from the law enforcement agency, shall be deemed to be employed within the scope of his or her employment with the law enforcement agency and shall be exempt from the requirements of (a) through (c) above.

(f) Any applicant who shall knowingly make a false statement in, or knowingly omit any material information from, an application as required by this chapter, shall be denied a certificate and shall be subject to criminal penalties as specified by the Security Officer Registration Act.

### 13:55A-3.3 Issuance of a certificate of registration as a security officer

The Superintendent, after examination of an application and such further inquiry and investigation as the Superintendent shall deem proper as to the good character, competency, and integrity of an applicant, shall advise the applicant in writing whether their application for a security officer certification has been approved or denied.

### 13:55A-3.4 Completion of an approved security officer training course required

(a) Except as provided at (b) below, any person who will be employed as, or will be performing the functions and activities of, a security officer shall complete a security officer training course, approved by the Superintendent, within 30 days of initial application for security officer certification, pursuant to N.J.A.C. 13:55A-3.3.

(b) Any duly sworn law enforcement officer who will be employed as, or will be performing the functions and activities of, a security officer pursuant to N.J.A.C. 13:55A-3.2(d) and who has completed police training at a recognized municipal, county, or state police academy, shall be exempt from the requirements of (a) above.

(c) Any person who will be employed as, or will be performing the functions and activities of, a security officer may request an extension of time, in writing, from the Superintendent if they have not completed a security officer training course within 30 days of initial application for security officer certification. Requests for extension will be approved or denied on a case by case basis depending upon the circumstances which prevent a person from completing the required security officer training course in a timely manner.

(d) Any person who has not completed a security officer training course within 30 days of initial application for security officer certification must re-submit an application and application fees in accordance with N.J.A.C. 13:55A-3.2, prior to resuming the functions and activities of, a security officer.

### 13:55A-3.5 Issuance of a certificate of registration and a security officer identification card

(a) Upon completion of the required security officer training course, applicants having met the requirements of N.J.A.C. 13:55A-3.2(a) through (c) shall be issued a certificate of registration which shall be valid for a period of two years and shall thereafter be renewable every two years.

(b) Upon completion of the required security officer training course, applicants having met the requirements of N.J.A.C. 13:55A-3.2(a) through (c) shall be issued a security officer identification card which shall be valid only so long as the person retains a valid certificate of registration as a security officer.

(c) A security officer shall be responsible for safekeeping of the security officer identification card and shall not lend, let, or allow, any other person to use, possess, exhibit, or display the card.



(d) No person shall use, possess, exhibit, or display any license, card, shield, or badge, of any design or material purporting to authorize the holder or wearer to act as a security officer, unless that person holds a valid certificate of registration as a security officer issued by the Superintendent.

(e) No person shall duplicate or reproduce a security officer identification card in any manner without the written approval of the Superintendent.

(f) If it is established that a security officer identification card has been lost or destroyed, the Superintendent shall, upon payment of a non-refundable \$ 20.00 duplication fee, cause to be issued a duplicate identification card.

(g) A security officer whose certificate of registration has been revoked, suspended, or not renewed, shall immediately surrender the identification card to the Superintendent. Any person who fails to surrender an identification card and/or misuses an identification card, as described in (c) through (e) above or as described in the Security Officer Registration Act, shall be subject to criminal penalties as specified in N.J.S.A. 45:19A-1 et seq.

### 13:55A-3.6 Renewal of security officer certificate of registration

(a) A person holding a valid security officer certificate of registration who wishes to renew, shall submit an application for renewal on a form provided by and in a manner prescribed by the Superintendent, and proof of having completed a biennial security officer refresher training course, as required by N.J.A.C. 13:55A-4.2, prior to the expiration of the current certification. The certificate of registration shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position.

(b) An applicant for renewal shall submit to the Superintendent a non-refundable renewal fee of \$ 40.00 and a non-refundable registry surcharge fee of \$ 20.00 along with the completed application.

### 13:55A-3.7 Denial, revocation, suspension of, or refusal to renew, a security officer certification of registration

(a) The Superintendent may deny any initial application for a security officer certificate of registration, revoke or suspend any current certificate of registration, or refuse to renew any certificate of registration, for any of the following reasons:

1. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense where certification would be contrary to the public interest, as determined by the Superintendent;
4. The person holding a certificate, applying for a certification, or applying for renewal of certification, is alleged to have violated one of the provisions of N.J.S.A. 45:19A-1 et seq., the Security Officer Registration Act;

5. The person holding a certificate, applying for a certification, or applying for renewal of certification, has failed to comply with any of the rules in this chapter;
6. The person holding a certificate, applying for a certification, or applying for renewal of certification, has knowingly made a false material statement or omitted information in an application or any other form required by the Superintendent under these rules;
7. The person holding a certificate, applying for a certification, or applying for renewal of certification, has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse renewal of a certificate of registration in the interest of public safety.

#### 13:55A-4.1 Security officer training course

(a) Except as provided in N.J.A.C. 13:55A-3.4(b), a person seeking to be employed as, or perform the functions and activities of, a security officer must complete an approved 24-hour course of classroom instruction taught by a certified security officer instructor.

(b) The course of instruction shall include, but not be limited to, a minimum of two hours of instruction in each of the following general subject areas:

1. Homeland security and counter-terrorism;
2. Communications/emergency response;
3. Theft prevention
4. Limits on the use of force/detention of suspects;
5. Critical incident awareness, including the following:
  - i. Suspicious packages;
  - ii. Arson; and
  - iii. Fire prevention;
6. Ethics and professional conduct;
7. First aid/CPR/AED; and
8. Any other subject areas the Superintendent determines are necessary in the interest of public safety.

#### 13:55A-4.2 Security officer refresher training course

(a) Except for law enforcement officers exempt from initial training under N.J.A.C. 13:55A-3.4(b), all registered security officers shall complete an approved eight-hour refresher course of classroom instruction taught by a certified security officer instructor prior to having the certification renewed pursuant to N.J.A.C. 13:55A-3.6.

(b) The course of instruction shall include, but not be limited to, additional instruction in each of the general subject areas listed in N.J.A.C. 13:55A-4.1(b).

#### 13:55A-5.1 Security officer instructor; minimum qualifications

(a) A person seeking to become a certified security officer instructor shall be at least 25 years of age.

(b) A person seeking to become a certified security officer instructor must have:

1. A combined 20 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective Act of 1939, or the laws of any other jurisdiction;
2. A combined 15 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective Act of 1939, or the laws of any other jurisdiction, and an associates degree from a fully accredited college or university; or
3. A combined 10 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective Act of 1939, or the laws of any other jurisdiction, and a bachelors degree from a fully accredited college or university.

#### 13:55A-5.2 Application to become a certified security officer instructor

(a) A person seeking to become a certified security officer instructor shall submit an application for registration as a security officer instructor on a form provided by, and in a manner prescribed by, the Superintendent. The application shall include the applicant's full name, date and place of birth, Social Security number, residence and telephone number, requisite experience, company name, location, name of supervisor, duties, contact telephone number for experience verification, and such other information as the Superintendent shall determine. An applicant for registration as a security officer instructor shall submit to the Superintendent a non-refundable initial application fee of \$ 200.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application.

(b) A person seeking to become a certified security officer instructor, or perform the functions and activities of, a certified security officer instructor, shall submit fingerprints and a written consent for a criminal history background check to the Superintendent or in a manner prescribed by the Superintendent. Applicants for registration as a certified security officer instructor shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(c) Only certified security officer instructors shall conduct security officer training courses or security officer refresher training courses for the purposes of these rules after the operative date of the Security Officer Registration Act, March 1, 2006.

#### 13:55A-5.3 Completion of an approved security officer instructor training course

(a) A person seeking to become a certified security officer instructor must complete a 40 hour course of instruction entitled "Security Officer Instructor Training Course," which is approved by, and administered in a manner prescribed by, the Superintendent.

(b) The Security Officer Instructor Training Course shall assure that persons seeking to become certified security officer instructors are knowledgeable in the general subject areas of instruction required by security officers under N.J.A.C. 13:55A-4.1(b) and are competent to impart that knowledge to security officers.

#### 13:55A-5.4 Issuance of a security officer instructor certificate of registration and a security officer instructor identification card

(b) Upon completion of the required security officer instructor training course, applicants having met the requirements of N.J.A.C. 13:55A-5.2(a) and (b) shall be issued a security officer instructor certificate of registration which shall be valid for a period of two years and shall thereafter be renewable every two years.

(c) Upon completion of the required security officer instructor training course, applicants having met the requirements of N.J.A.C. 13:55A-5.2(a) and (b) shall be issued a security officer instructor identification card which shall be valid so long as a person retains a valid certificate of registration as a security officer instructor.

(d) A security officer instructor shall be responsible for safekeeping of the identification card and shall not lend, let, or allow, any other person to use, possess, exhibit, or display, the card.

(e) No person shall use, possess, exhibit, or display, any license, card, shield, or badge, of any design or material purporting to authorize the holder or wearer to act as a security officer instructor, unless that person holds a valid certificate of registration as a security officer instructor issued by the Superintendent.

(f) No person shall duplicate or reproduce a security officer instructor identification card in any manner without the written approval of the Superintendent.

(g) If it is established to the satisfaction of the Superintendent that a security officer instructor identification card has been lost or destroyed, the Superintendent shall, upon payment of a \$ 20.00 duplication fee, cause to be issued a duplicate identification card.

(h) A security officer instructor whose certificate of registration has been revoked, suspended, or not renewed, shall immediately surrender the certificate of registration to the Superintendent. Any person who fails to surrender an identification card and/or misuses an identification card, as described in (c) through (e) above, or as described in the Security Officer Registration Act, shall be subject to criminal penalties as specified in N.J.S.A. 45:19A-1 et seq.

#### 13:55A-55 Renewal of a security officer instructor certificate of registration

(a) A security officer instructor who wishes to renew a certificate of registration shall submit an application for renewal on a form provided by and in a manner prescribed by the Superintendent, and proof of having completed a biennial security officer instructor refresher training course, as required by N.J.A.C. 13:55A-5.6, prior to the expiration of the current certification.

(b) An applicant for renewal shall submit a non-refundable renewal fee of \$ 100.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application to the Superintendent.

#### 13:55A-5.6 Security officer instructor refresher course

All licensed security officer instructors must complete an approved eight-hour refresher course of instruction entitled "Security Officer Instructor Refresher Course," approved by and administered in a manner prescribed by the Superintendent, prior to having their certification renewed pursuant to N.J.A.C. 13:55A-5.5.

#### 13:55A-5.7 Denial, revocation, suspension of, or refusal to renew, a security officer instructor certification of registration

(a) The Superintendent may deny any initial application for a security officer instructor certificate of registration, revoke, or suspend, any current certificate of registration or refuse to renew any certificate of registration for any of the following reasons:

1. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense where certification would be contrary to the public interest, as determined by the Superintendent;
4. The person holding a certificate, applying for a certification, or applying for renewal of certification, has violated one of the provisions of the Security Officer Registration Act, N.J.S.A. 45:19A-1 et seq.;
5. The person holding a certificate, applying for a certification, or applying for renewal of certification, has failed to comply with any of the rules in this chapter;
6. The person holding a certificate, applying for a certification, or applying for renewal of certification, has knowingly made a false material statement or omitted information in his/her application or any other form required by the Superintendent under these rules;
7. The person holding a certificate, applying for a certification, or applying for renewal of certification, has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a certificate of registration in the interest of public safety.

#### 13:55A-6.1 Badges and uniforms

(a) A licensed security officer company or employee of a licensed security officer company shall not use a title, badge, uniform, or other insignia, which is likely to be confused with that of any law enforcement officer of the Federal government, a state, or any political subdivision thereof.

(b) A security officer who carries a firearm in the performance of his or her duties shall wear a standardized uniform as prescribed by the Superintendent. This section requires SORA Level 2 armed security officers to wear a badge on their uniform indicating this status and armed security officers who wear company-issued shirts to have the word "SECURITY" printed on the reverse side of the shirt.

(c) A security officer, when carrying a firearm in the performance of his or her duties, shall secure the weapon in a Level 3 or higher security holster.

(d) The use, exhibit, and display, of the great Seal of the State of New Jersey by a licensed security officer company or employee of a licensed security officer company is strictly prohibited by N.J.S.A. 52:2-3.

#### 13:55A-6.2 Issuance of licensed security officer company identification card required

(a) A licensed security officer company shall issue a company identification card to any security officer that it employs, in a form prescribed by the Superintendent, which shall:

1. Identify the security officer by name and certification number;
2. Identify the security officer by a one square inch photograph;
3. Identify the security officer company by name and license number; and
4. Be signed by the security officer.

(b) A licensed security officer shall carry his or her company identification card and his/her security officer identification card, issued pursuant to N.J.A.C. 13:55A-3.5(b), whenever employed as, or performing the functions of, a security officer and shall produce same upon request, except where doing so would compromise the security officer's safety and/or assignment.

#### 13:55A-6.3 Maintenance and reporting of security company employee records

(a) A licensed security officer company shall require each person it employs to execute and furnish a signed and notarized "employee statement" on a form provided by and in a manner prescribed by the Superintendent. Employee statements will be retained in safekeeping by the security officer company and shall be accessible to the Superintendent at all times.

(b) A licensed security officer company shall record and maintain detailed work records of each person it employs as a security officer, which shall include the following:

1. Dates and hours worked;
2. Assignment and location of assignment;
3. Duties and responsibilities;
4. Special instructions, if any, given to employee prior to assignment; and
5. Brief summaries of any noteworthy incidents occurring during an employee's assignment, including but not limited to, incidents requiring police and/or other emergency responders to assist or be present at a scene.

(c) A licensed security officer company shall immediately, upon granting of the license, submit to the Superintendent a detailed list of all security officers in their employ. The list shall include the security officer's:

1. Full name;
2. Date of birth;
3. Social Security number;
4. Sex; and
5. Date of employment.

(d) A licensed security officer company shall, within five business days of employing additional security officers, submit to the Superintendent the information required in (c) above, on a form provided by and a manner prescribed by the Superintendent.

(e) A person who, as an owner or operator of a licensed security officer company employs a security officer who has not applied for registration with the Superintendent as required by N.J.A.C. 13:55A-3.2(a) through (d), shall be subject to civil and/or criminal penalties as specified by the Security Officer Registration Act.

(f) A licensed security officer company shall advise the Superintendent, in writing, of the voluntary resignation of a security officer within five business days.

(g) A licensed security officer company shall advise the Superintendent, in writing, within 48 hours of terminating the employment of a security officer for cause of the termination and the reasons for the termination.

#### 13:55A-6.4 Retention of security officer records

All security officer records which are required to be kept by licensed security officer companies under these rules or under the Security Officer Registration Act shall be retained for the duration of a security officer's employment with the security officer company and for an additional period of five years after a security officer's employment with the security officer company has ended.

#### 13:55A-6.5 Inspection of security officer worksite locations and records

(a) For the purpose of investigating whether a person has engaged in, or is engaging in, any act or practice declared unlawful under these rules or under the Security Officer Registration Act, or for the purpose of investigating the character, competency, integrity, or methods of operation of applicants, licensees or registrants therein, or of any owner or operator of any licensed security officer company, the Superintendent shall have the power to:

1. Inspect any premises owned and operated by a licensed security officer company, to include any worksite location where company employees are posted, at any time and without notification;
2. Examine and impound any record, book, computer, electronic database, recording device, document, account, paper, list of worksites, or other tangible thing, which is connected with any investigation; and
3. Require that any applicant, licensee, registrant, or any owner or operator of any licensed security officer company file, on such forms as may be prescribed by the Superintendent, a statement or report, in writing, under oath, or otherwise, as to the facts and circumstances concerning any matter being investigated.

#### 13:55A-7.1 Notice of security officer training courses required

A security officer instructor shall, by the last day of each month, forward a training schedule for the following month, which shall include dates, times, and locations, of any scheduled security officer training courses or security officer refresher training courses that he/she will be conducting pursuant to N.J.A.C. 13:55A-4.

#### 13:55A-7.2 Maintenance and reporting of security officer instructor training records

(a) A security officer instructor who is certified pursuant to these rules shall maintain detailed records of all security officer training courses or security officer refresher training courses which he/she has

conducted, which shall include the dates, times, and locations, of instruction and a detailed list of the security officers enrolled in the course.

(b) Upon completion of a security officer training course or security officer refresher training course, the security officer instructor conducting the course shall, within five business days, forward a detailed list of all security officers who attended the course, on a form provided by and in a manner prescribed by the Superintendent, which shall include the security officer's:

1. Full name;
2. Date of birth;
3. Social Security number;
4. Sex; and
5. Whether a security officer completed or failed to complete the required training.

(c) A security officer instructor shall retain all training records for a minimum of five years.

#### 13:55A-7.3 Observation of training and inspection of security officer instructor records

(a) The Superintendent, or a designee, may periodically attend security officer training courses, without prior notice, in order to assure that both the content and quality of instruction being provided to security officers is satisfactory.

(b) The Superintendent, or a designee, shall have the right to inspect any and all security officer instructor training records, without prior notice, in order to assure compliance with these rules.

#### 13:55A-8.1 Disposition of fees for implementation and administration; electronic registry

All application and registry fees required by and submitted pursuant to these rules shall be made payable to the "Superintendent of the Division of State Police" and shall be placed into a special fund, the Security Officer Registration Fund, which is to be used solely for implementation and administration of the Security Officer Registration Act and for maintenance of an electronic registry which shall list all persons who are registered as security officers and/or as security officer instructors.

#### 13:55A-8.2 Submission of applications, forms, and other documents

(b) All applications, forms, and other documents, required by these rules shall be forwarded to the headquarters of the Division of State Police in the Department of Law and Public Safety in a manner prescribed by the Superintendent which may include electronic submission.

(c) Unless otherwise prescribed by the Superintendent, applications, forms, and other documents shall be mailed to:

Superintendent  
Division of State Police  
Post Office Box 7068  
River Road  
West Trenton, N.J. 08628-0068



### 13:55A-8.3 Notice and hearings

(a) The Superintendent shall notify the applicant or licensee in writing denial, revocation, suspension of, or refusal to renew, a security officer company license, security officer certification of registration, or security officer instructor certification of registration, and shall state the reasons for the action.

(b) The Superintendent shall afford the applicant or licensee an opportunity to be heard thereon in person or by counsel. A request for such an opportunity to be heard shall be made in writing to the Superintendent within 15 days of the receipt of notice provided in (a) above.

(c) All hearings shall be held in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.