

(a)

DIVISION OF STATE POLICE**Security Officers and Security Officer Companies
Scope and Application; Security Officer Training
Course****Readoption with Amendments: N.J.A.C. 13:55A**

Proposed: October 5, 2020, at 52 N.J.R. 1811(a).

Adopted: January 19, 2021, by Colonel Patrick J. Callahan, Office of the Superintendent, Division of State Police, with the approval of Gurbir S. Grewal, Attorney General.

Filed: April 13, 2021, as R.2021 d.045, **without change**.

Authority: N.J.S.A. 45:19A-12.

Effective Date: April 13, 2021, Readoption;
May 17, 2021, Amendments.

Expiration Date: April 13, 2028.

Summary of Public Comment and Agency Response:The official comment period ended December 4, 2020. **No comments were received.****Federal Standards Statement**

The rules readopted with amendments are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:55A.**Full text** of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

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.

“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.

“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.-2. (No change.)

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.

SUBCHAPTER 3. REGISTRATION AND CERTIFICATION OF SECURITY OFFICERS

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)-(f) (No change.)

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-3.6 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) (No change.)

SUBCHAPTER 6. IDENTIFICATION CARDS AND INSIGNIA;
RECORDKEEPING AND REPORTING

13:55A-6.1 Badges and uniforms

(a) (No change.)

(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) (No change in text.)

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)-(g) (No change.)

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. (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Requirements for Standard Driver Licenses and
Non-Driver Identification Cards

Adopted Amendment: N.J.A.C. 13:21-8.2

Proposed: February 16, 2021, at 53 N.J.R. 232(a).

Adopted: April 22, 2021, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: April 23, 2021, as R.2021 d.052, **without change**.

Authority: N.J.S.A. 39:2A-28, 39:2-3.4(a), 39:3-10, 39:3-10o, 39:3-13, 39:3-13.1, 39:3-13.4, and 39:3-29.3.

Effective Date: May 17, 2021.

Expiration Date: September 9, 2027.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (Commission) regarding its February 16, 2021, notice of proposal are available for inspection through email to rulecomments@mvc.nj.gov or mail request to Administrative Practice Officer, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, PO Box 162, Trenton, New Jersey 08666-0162.

The comments received and the Commission's responses are summarized below. Each commenter is identified at the end of the comment by a number that corresponds to the following list (email addresses truncated):

- 1) bkXXXX@aol.com
- 2) María A. Aguilar Pavon
- 3) Hera Mir
- 4) Fabian Gonzalez Carrillo
- 5) Evelyn Murphy
- 6) Charlene Walker on behalf of Faith in New Jersey
- 7) Frank McGorry
- 8) Farrin R. Anello, on behalf of American Civil Liberties Union of New Jersey
- 9) Juanita Aguilar
- 10) Danae Palomino
- 11) Amy Torres, Executive Director and Katherine M. Sastre, Campaign Strategist, on behalf of New Jersey Alliance for Immigrant Justice

1. COMMENT: The commenter expresses general disapproval with the issuance of driver licenses to undocumented individuals, and specifically states that the regulations permit such individuals to provide little to no documentation establishing their identity and, therefore, discriminate against American citizens who are forced to provide six proofs of identification. The commenter also urges that the "taxation department(s)" should get the names of such individuals that are "included in the economy of this State and yet, are not paying taxes." (1)

RESPONSE: The six points of identification required to obtain a standard driver's license or non-driver ID applies to all applicants regardless of status and, therefore, the Commission finds that the commenter's statements contain inaccuracies. The Commission further notes that matters concerning taxes are outside the scope of the proposed rulemaking and the purview of the Commission. For these reasons, the Commission declines to make any changes based on the comment.

2. COMMENT: The commenter believes that the proposed regulations create barriers for access to driver licenses for excluded members of various community groups, including undocumented individuals. The commenter also states that the proposed rulemaking, requiring applicants to obtain an Individual Taxpayer Identification Number (ITIN) or (alternatively) to prove ineligibility for a Social Security number, creates risks for the undocumented community associated with the interaction and sharing of personal information with a Federal agency. The commenter notes that requiring applicants to obtain proof of ineligibility for a Social Security number, is not a requirement of the statute, suggesting that an indication of such ineligibility would be sufficient. (2)

RESPONSE: The Commission thanks the commenter for their comments, and notes that these comments pertain to the rules that were previously adopted and published in the New Jersey Register, at 53 N.J.R. 251(a), and which prompted the existing rulemaking to allow driver's license and non-driver ID applicants ineligible for a Social Security number and without an Individual Taxpayer Identification Number to use an MVC-approved affidavit when applying. There would be no requirement for an applicant to provide proof from the Federal government of ineligibility for a Social Security number.

3. COMMENT: Multiple commenters express their general support for the proposed amendment to N.J.A.C. 13:21-8.2, and urge the Commission to "swiftly adopt" the amendment to help create a "more accessible and equitable process for obtaining a driver's license or non-driver ID." The commenters state that the current regulations requiring immigrants without status to provide either an Individual Taxpayer Identification Number (ITIN) or a Social Security Administration (SSA) letter of Social Security number (SSN) ineligibility, require undocumented New Jerseyans to share their personal information with a Federal agency as the only means of obtaining a State benefit—thereby deterring many members of the immigrant community. As a result, the commenters believe that the proposed amendment replacing the SSA letter with an affidavit of ineligibility for an SSN, will expand the uptake among the immigrant community. (6, 9, and 10)

RESPONSE: The Commission accepts this comment and thanks the commenters for their support.