

CHAPTER 55A**SECURITY OFFICERS AND
SECURITY OFFICER COMPANIES****Authority**

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

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See: 37 N.J.R. 4180(a), 38 N.J.R. 1847(a).**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 55A, Security Officers and Security Officer Companies, expires on May 1, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 55A, Security Officers and Security Officer Companies, was adopted as new rules by R.2006 d.147, effective May 1, 2006. See: Source and Effective Date.

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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.

“Law enforcement officer” means any person who is employed as a permanent full-time 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.).

“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:

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 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.

SUBCHAPTER 2. LICENSING OF SECURITY OFFICER COMPANIES

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’s 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 to the Superintendent or 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 these rules, shall be subject to civil and/or 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.

SUBCHAPTER 3. REGISTRATION AND CERTIFICATION OF SECURITY OFFICERS

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) Any person seeking to be employed as, or perform the functions and activities of, 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 and telephone number and such other information as the Superintendent shall determine.

(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 to the Superintendent or 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 duly sworn 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/her services directly from a licensed security officer company, shall submit an application for registration as a security officer and submit the required fees in accordance with (a) and (b) above. A duly sworn law enforcement officer seeking to be employed as, or perform the functions and activities of, a security officer shall be exempt from the requirements of (c) above.

(e) Any duly sworn law enforcement officer who performs the functions and activities of a security officer pursuant to an