

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

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

Source and Effective DateR.2013 d.119, effective September 6, 2013.
See: 45 N.J.R. 1351(a), 45 N.J.R. 2258(a).**Chapter Expiration Date**

Chapter 55A, Security Officers and Security Officer Companies, expires on September 6, 2020.

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: 37 N.J.R. 4180(a), 38 N.J.R. 1847(a).

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

Chapter 55A, Security Officers and Security Officer Companies, was readopted as R.2013 d.119, effective September 6, 2013. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking. See: 47 N.J.R. 301(c).

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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 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.).

“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.

Amended by R.2013 d.119, effective October 7, 2013.
See: 45 N.J.R. 1351(a), 45 N.J.R. 2258(a).

In definition “Law enforcement officer”, substituted “an active” for “a permanent full-time”.

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.

New Rule, R.2013 d.119, effective October 7, 2013.
See: 45 N.J.R. 1351(a), 45 N.J.R. 2258(a).

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.