
BOARD OF PRIVATE SECURITY RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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Subchapter 1

Organizational Rule

24.182.101 ORGANIZATION (1) The Board of Private Security adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, Eff. 9/4/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 589, Eff. 4/13/84; TRANS, from Commerce, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapter 2

Procedural Rules

24.182.201 PROCEDURAL RULES (1) The Board of Private Security adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, Eff. 9/4/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 589, Eff. 4/13/84; TRANS, from Commerce, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.202 PUBLIC PARTICIPATION (1) The Board of Private Security adopts and incorporates the public participation rules of the Department of Commerce as set out in chapter 2 of ARM Title 8. (History: 2-4-201, MCA; IMP, 2-3-103, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; TRANS, from Commerce, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapter 3

Definitions

24.182.301 DEFINITIONS (1) "Direct supervision" regarding private investigator trainees and temporary practice permit holders means daily contact between supervisor and trainee or temporary practice permit holder while engaged in the performance of licensed duties, including one in-person, face-to-face meeting per week.

(2) "Dishonorable discharge" means any military discharge specifically stating it is a dishonorable discharge.

(3) "POST" means the Montana Public Safety Officer Standards and Training Council.

(4) "Retail merchant" as used in 37-60-105, MCA, means a person who operates a store and sells goods to individuals solely for their own use.

(5) "Weapon" as used in 37-60-405, MCA, means a firearm. (History: 37-60-202, MCA; IMP, 37-60-101, 37-60-105, 37-60-202, 37-60-303, 37-60-405, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1986 MAR p. 946, Eff. 5/30/86; AMD, 1986 MAR p. 1697, Eff. 10/17/86; AMD, 1987 MAR p. 1779, Eff. 10/16/87; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapter 4

General Provisions

24.182.401 FEE SCHEDULE (1) License application fees are as follows:

(a) Contract security companies, proprietary security organizations, and electronic security companies:	
(i) Company	\$250
(ii) Resident manager	175
(iii) Security guard, alarm installer, or alarm response runner	100
(iv) Branch office	100
(b) Private investigator	250
(c) Private investigator trainee	150
(d) Process server	100
(e) Certified firearms instructor	150
(f) Armed endorsement	50
(2) License renewal fees are as follows:	
(a) Contract security companies, proprietary security organizations, and electronic security companies:	
(i) Company	200
(ii) Resident manager	125
(iii) Security guard, alarm installer, or alarm response runner	100
(iv) Branch office	100
(b) Private investigator	175
(c) Private investigator trainee	100
(d) Process server	100
(e) Certified firearms instructor	125
(f) Armed endorsement	50
(3) Inactive license renewal fees are as follows:	
(a) Contract security companies, proprietary security organizations, and electronic security companies:	
(i) Company	100
(ii) Resident manager	62.50
(iii) Security guard, alarm installer, or alarm response runner	50
(iv) Branch office	50
(b) Private investigator	87.50
(c) Private investigator trainee	50
(d) Process server	50
(e) Certified firearms instructor	62.50
(4) Miscellaneous fees are as follows:	
(a) Photo ID card (replacement)	20
(b) Temporary practice permit	25
(c) Changes of employer or name	20
(5) Examination fees are as follows:	
(a) Process server	25
(b) All other exams	20

(6) Fees for applicant fingerprint checks are set by the FBI and Montana Department of Justice, and are subject to change. Current fee amounts for fingerprint checks are available at the Montana Department of Justice.

(7) Additional standardized fees are specified in ARM 24.101.403.

(8) Fees are deemed earned by the board upon receipt and all fees are nonrefundable. (History: 37-1-134, 37-60-202, MCA; IMP, 25-1-1104, 37-1-134, 37-1-141, 37-60-202, 37-60-304, MCA; NEW, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2008 MAR p. 951, Eff. 5/9/08; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2011 MAR p. 2537, Eff. 11/26/11; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.402 reserved

24.182.403 IDENTIFICATION POCKET CARD (1) The licensee is responsible for the maintenance, custody, and control of the card, and shall not permit any unauthorized use of the card. If an identification card is altered in any way, it is invalid.

(2) Identification cards are renewed pursuant to ARM 24.182.513.

(3) Each photograph submitted must fairly and accurately represent the appearance of the applicant. If the department determines that its file copy does not bear substantial resemblance to the applicant, the department may require a new photograph.

(4) Persons licensed by the board who change employers must immediately notify the department to obtain new pocket identification cards naming the new employers. (History: 37-60-202, MCA; IMP, 37-60-309, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1987 MAR p. 1779, Eff. 10/16/87; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.404 reserved

24.182.405 INSURANCE AND SURETY BOND REQUIREMENTS

(1) Persons regulated by Title 37, chapter 60, MCA, and licensed as follows shall file a yearly certificate of insurance with the board:

(a) Private investigators shall maintain a minimum of \$500,000 occurrence form of commercial general liability which includes personal injury.

(b) Electronic security companies shall maintain a minimum of \$500,000 occurrence form of commercial general liability which includes personal injury and errors and omissions coverage.

(c) Contract and proprietary security companies shall maintain a minimum of \$500,000 occurrence form of commercial general liability which includes personal injury.

(d) Certified firearms instructors (CFIs) shall maintain a minimum of \$500,000 occurrence form of commercial general liability which includes personal injury and errors and omissions coverage.

(2) Process servers shall maintain a surety bond in the amount of \$10,000 for an individual or \$100,000 for a firm. A levying officer may not levy on a judgment that exceeds the value of the bond.

(3) Private investigators with a firearms endorsement, CFIs, and contract and proprietary security companies who employ security guards with firearms endorsements must carry firearms liability coverage.

(4) Except as provided in this rule, all licensees must be insured by a carrier:

(a) licensed in the state in which the insurance was purchased and covered by that state's insolvency fund; or

(b) licensed in the state of Montana.

(5) Each licensee shall direct and authorize the insurance carrier to inform the board if the coverage or surety bond is canceled or allowed to lapse.

(6) Licensees must maintain the insurance coverage, surety bond, and firearms liability coverage required by this rule at all times of active licensure status or place their licenses on inactive status. Failure to carry current insurance during active licensure status is grounds for administrative suspension. (History: 37-1-131, 37-60-202, MCA; IMP, 25-1-1111, 37-1-131, 37-1-321, 37-60-202, MCA; NEW, 1984 MAR p. 815, Eff. 5/18/84; AMD, 1986 MAR p. 946, Eff. 5/30/86; AMD, 1986 MAR p. 1898, Eff. 11/15/86; AMD, 1987 MAR p. 1779, Eff. 10/16/87; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1993 MAR p. 2413, Eff. 10/15/93; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.406 reserved

24.182.407 REGULATIONS OF UNIFORM (1) No individual shall, while performing any duty regulated by Title 37, chapter 60, MCA, have or utilize any:

(a) uniform, vehicle or equipment displaying the words, "police", "law enforcement officer", or the equivalent thereof; or

(b) patch, emblem, sign marking, accessory or insignia indicating such uniform, vehicle or equipment is the property of a public law enforcement agency, the state of Montana, or any of its political subdivisions.

(2) A licensee required to wear a uniform while performing any duty regulated by Title 37, chapter 60, MCA, must have the uniform approved by the board or its designee.

(a) All uniforms shall, on the outermost garment except for rainwear or foul weather clothing, clearly display:

- (i) the company name;
- (ii) the individual's name; and
- (iii) the occupational category.

(3) Uniformed security guards shall wear a patch on their uniforms as follows:

(a) no less than one inch by three inches in size;

(b) displaying the words "security", "security officer" or "security guard":

(i) in block letters; and

(ii) of contrasting colors; and

(c) above the left chest pocket. (History: 37-60-407, MCA; IMP, 37-60-407, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1992 MAR p. 1236, Eff. 6/12/92; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.408 through 24.182.412 reserved

24.182.413 RULES FOR BRANCH OFFICE (REPEALED) (History: 37-60-202, MCA; IMP, 37-60-302, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, 2005 MAR p. 1926, Eff. 10/7/05; REP, 2006 MAR p. 2918, Eff. 11/23/06.)

Rules 24.182.414 through 24.182.419 reserved

24.182.420 QUALIFICATION OF FIREARMS FOR ARMED ENDORSEMENT (1) Private investigators and security guards seeking authorization to wear, carry, or possess a firearm in the performance of licensed duties shall submit a complete armed endorsement application, on a form prescribed by the department, and submit evidence of:

(a) satisfactory completion of a firearms training program taught by a board-certified firearms instructor (CFI) and approved by the board or its designee under ARM 24.182.801; and

(b) the firearm(s) the licensee qualified with, by passing a shooting proficiency test following completion of the firearms training program required by (a).

(2) Licensees issued an armed endorsement are approved to wear, carry, or possess the firearms they qualified with, in the performance of licensed duties.

(History: 37-60-202, 37-60-303, MCA; IMP, 37-60-101, 37-60-202, 37-60-303, 37-60-405, MCA; NEW, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.421 REQUALIFICATION REQUIRED ANNUALLY (1) In order to maintain armed status, private investigators and armed security guards shall submit the following information annually:

(a) a complete armed endorsement renewal application, on a form prescribed by the department; and

(b) written notice of the firearms the licensee requalified with, by passing a shooting proficiency test conducted by a POST-certified firearms instructor or board-certified CFI.

(2) Licensees issued a renewed armed endorsement are approved to wear, carry, or possess the firearms they requalified with, in the performance of licensed duties. (History: 37-60-202, 37-60-303, MCA; IMP, 37-60-202, 37-60-303, 37-60-405, MCA; NEW, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapter 5

Licensure

24.182.501 REQUIRED INFORMATION FOR APPLICATION (1) Prior to granting any license, the board or its designee shall verify the statements made in applications for licensure as deemed necessary to protect the public health, safety, and welfare.

(2) Each application must be complete and submitted on a form prescribed by the department before a license can be issued or the application is ready for review by the full board as nonroutine under ARM 24.182.508.

(3) Fingerprints required under Title 37, chapter 60, MCA, shall be submitted to the Federal Bureau of Investigation and the Montana Department of Justice for examination. Final licensure is granted only following receipt and review of the Federal Bureau of Investigation report and any investigations thereof. A fingerprint report is valid for six months from date of receipt of the report from the Federal Bureau of Investigation.

(4) Proof of employment, education, and training must be submitted with the application and may include transcripts, diplomas, seminar certificates, course completion certificates, payroll records or income tax returns if self-employed, employee verification, or other supporting evidence.

(5) An incomplete application will time out one year after the date it was initially submitted, and the applicant must reapply and pay a new application fee to be considered for licensure. (History: 37-1-131, 37-60-202, MCA; IMP, 37-1-131, 37-60-303, 37-60-304, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1986 MAR p. 946, Eff. 5/30/86; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.502 reserved

24.182.503 EXPERIENCE REQUIREMENTS (REPEALED) (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-301, 37-60-303, 37-60-304, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1986 MAR p. 946, Eff. 5/30/86; AMD, 1993 MAR p. 2413, Eff. 10/15/93; AMD, 1997 MAR p. 633, Eff. 4/8/97; AMD, 1998 MAR p. 2705, Eff. 10/9/98; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2008 MAR p. 951, Eff. 5/9/08; AMD, 2010 MAR p. 1194, Eff. 5/14/10; REP, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.504 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure by the board of private security.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements by the board. Satisfactory evidence includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1087, Eff. 5/23/14; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.505 WRITTEN EXAMINATIONS (1) If a written examination is required for licensure, applicants must achieve a minimum score of 70 percent on each part of the exam to pass.

(2) Examinations may be administered at the board office or an off-site location approved by the board or its designee.

(3) In addition to the board's examination fee, a proctoring fee may apply and is set by and payable directly to the examination administrator or vendor.

(4) The examination may consist of questions on Montana criminal and civil procedures and Montana laws and rules applicable to the area(s) of licensure sought.

(5) Applicants must deposit with the proctor all electronic devices, books, notebooks and other papers prior to taking the examination. No applicant may remove any papers from the examination room.

(6) Process server examinations have a two-hour time limit and examinees may utilize the board-developed process server handbook.

(7) Private investigator and resident manager examinations have no time limit.

(8) Examination applicants must present photo identification and the notice of examination to be admitted to the examination.

(9) An applicant may retake any failed section of the examination upon payment of another examination fee.

(10) Applicants shall schedule examinations by appointment with the examination administrator. (History: 37-1-131, 37-60-202, MCA; IMP, 25-1-1104, 37-1-131, 37-60-303, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1990 MAR p. 1772, Eff. 9/14/90; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.506 reserved

24.182.507 TEMPORARY PRACTICE PERMIT (1) Except for a private investigator applicant or an armed endorsement applicant, the board authorizes the issuance of a temporary practice permit to an applicant meeting the requirements stated in 37-1-305, MCA.

(2) A person receiving a temporary permit must practice under direct supervision, as defined by ARM 24.182.301.

(3) A supervisor must hold a license issued by the board that is:

(a) unrestricted and in good standing; and

(b) the same license type sought by the temporary permit holder. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-305, 37-1-319, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1986 MAR p. 946, Eff. 5/30/86; AMD, 1987 MAR p. 1779, Eff. 10/16/87; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1992 MAR p. 1236, Eff. 6/12/92; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.508 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

24.182.509 INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS

(1) An individual licensee, or an authorized agent on behalf of a licensed business organization, may request inactive status on a renewal form or by informing the board office in writing. The inactive license holder must keep the board informed of any change of address during the period of time the license remains on inactive status and pay the inactive renewal fee annually to avoid expiration or termination of the license.

(2) A licensee may not practice or conduct business while the license is in an inactive status.

(3) The inactive license holder may convert the license to active status by submitting an application on a form prescribed by the department, and the following:

(a) payment of the license renewal fee;

(b) evidence that licensure in other jurisdictions is unrestricted and in good standing;

(c) evidence of required employment by a licensed security company (resident managers, security guards, alarm response runners, and security alarm installers);

(d) evidence of current insurance or bonding as required by ARM 24.182.405; and

(e) evidence of successful completion of continuing education requirements as required by ARM 24.182.2101 and 24.182.2103.

(4) Private investigators, resident managers, and process servers must successfully complete the examination required by ARM 24.182.505 when converting their inactive license to an active license if their license has been on inactive status for more than five years. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-319, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.510 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.182.511 PRIVATE INVESTIGATOR TRAINEE (1) Applicants who are at least 18 years of age, but not meeting the experience requirements of a private investigator, may apply for a private investigator trainee license.

(2) The application must comply with all of the requirements of ARM 24.182.501 and include a statement from a licensed private investigator:

(a) that the licensee will employ and provide direct supervision of the trainee, as defined in ARM 24.182.301; and

(b) setting forth the scope of the trainee's duties and training.

(3) A trainee may not conduct an independent business or act as an independent contractor.

(4) Employment and training of the trainee may not begin until:

(a) the board or its designee has approved the application; and

(b) the applicant has received the trainee license and identification card.

(5) Trainee licenses must be renewed as set forth in ARM 24.101.413.

(6) Trainee licenses may be renewed a maximum of four times.

(7) Private investigator trainees must take the private investigator licensure examination within one year from meeting the age and experience requirements.

(8) Private investigators shall submit quarterly reports, on a board-approved form, regarding each private investigator trainee they supervise.

(9) Trainees must complete a training program required by ARM 24.182.804. (History: 37-1-131, 37-60-202, MCA; IMP, 37-1-131, 37-60-202, MCA; NEW, 1986 MAR p. 46, Eff. 5/30/86; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1997 MAR p. 633, Eff. 4/8/97; AMD, 1998 MAR p. 2705, Eff. 10/9/98; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.512 PRIVATE INVESTIGATOR (1) Each private investigator applicant shall submit an application compliant with ARM 24.182.501.

(2) Each private investigator applicant shall submit evidence that the applicant passed a written examination as set forth in ARM 24.182.505.

(3) A private investigator applicant must submit proof of insurance or surety bond per ARM 24.182.405 requirements.

(4) An applicant for private investigator must list the names and telephone numbers of three references not related to the applicant by blood or marriage. Two of the three references must be:

(a) former employers;

(b) individuals or firms with which the applicant had a contractual working agreement if self-employed;

(c) individuals or firms having knowledge of the agreement or working relationship; or

(d) as determined acceptable by the board or its designee.

(5) Applicants for licensure as private investigators must demonstrate three years of full-time experience (5,400 cumulative hours) as follows:

(a) employment performing investigative-related duties that do not require licensure as a private investigator, or as a private investigator trainee under an approved supervisor;

(b) governmental or military employment as a peace officer, detective, special agent, or another investigative position;

(c) employment in the fire investigative business or as a fire investigator; or

(d) employment as a licensed insurance investigator, with a maximum allowable credit of 2,700 hours.

(6) Applicants not meeting the required 5,400 hours of experience in (5) may count up to 2,700 hours of training or education as follows:

(a) successful completion and verification of the basic course at the Montana Law Enforcement Academy, which is 900 hours;

(b) training related to the practice of a private investigator, per 37-60-101, MCA; or

(c) credits earned from an institution of higher learning related to criminal justice or law. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.513 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The renewal date is set by ARM 24.101.413.

(3) At renewal, the board may require applicants to submit one recent photograph showing full face, head, and shoulders of the applicant, with the application for renewal to be used for the current identification card.

(4) The provisions of ARM 24.101.408 apply. (History: 37-1-141, 37-60-202, MCA; IMP, 37-1-141, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.182.514 PRIVATE SECURITY GUARD (1) Each private security guard applicant shall submit an application compliant with ARM 24.182.501.

(2) Each private security guard applicant shall complete the training program required by ARM 24.182.807.

(3) Each private security guard applicant shall provide evidence that the applicant is currently employed, or a contractual promise of future employment of the applicant upon issuance of a license, with a contract security company, a proprietary security organization, or an electronic security company.

(4) The employer shall verify the employment and that it has exercised due diligence to verify as true the information provided by the applicant for licensure. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.515 reserved

24.182.516 PROCESS SERVER (1) Each process server applicant shall submit an application compliant with ARM 24.182.501.

(2) A process server applicant must show proof of residence in the state of Montana for at least one year immediately preceding the submission of the application, pursuant to 25-1-1102, MCA.

(3) Each process server applicant shall submit evidence that the applicant passed a written examination as set forth in ARM 24.182.505.

(4) A process server applicant must submit proof of surety bond pursuant to ARM 24.182.405. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 25-1-1101, 25-1-1102, 25-1-1111, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.517 reserved

24.182.518 SECURITY ALARM INSTALLER (1) Each security alarm installer applicant shall submit an application compliant with ARM 24.182.501.

(2) Each security alarm installer applicant shall complete the training program required by ARM 24.182.810.

(3) Each security alarm installer applicant shall provide evidence that the applicant is currently employed, or a contractual promise of future employment of the applicant upon issuance of a license, with a contract security company, a proprietary security organization, or an electronic security company.

(4) The employer shall verify the employment and that it has exercised due diligence to verify as true the information provided by the applicant for licensure. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.519 ALARM RESPONSE RUNNER (1) Each alarm response runner applicant shall submit an application compliant with ARM 24.182.501.

(2) Each alarm response runner applicant shall complete the training program required by ARM 24.182.813.

(3) Each alarm response runner applicant shall provide evidence that the applicant is currently employed, or a contractual promise of future employment of the applicant upon issuance of a license, with a contract security company, a proprietary security organization, or an electronic security company.

(4) The employer shall verify the employment and that it has exercised due diligence to verify as true the information provided by the applicant for licensure. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

24.182.520 CERTIFIED FIREARMS INSTRUCTOR (1) An applicant for licensure as a certified firearms instructor (CFI) shall submit an application that complies with all of the requirements of ARM 24.182.501 and evidence the applicant:

- (a) is at least 21 years of age;
- (b) meets the insurance requirements stated in ARM 24.182.405; and
- (c) has successfully completed a firearms instructor training course

conducted by any of the following:

- (i) National Rifle Association (NRA);
- (ii) Public Safety Officer Standards and Training Council (POST);
- (iii) United States military; or
- (iv) federal law enforcement.

(2) An applicant shall provide the following additional information at the time of application:

- (a) detailed outlines of all courses to be instructed; and
- (b) proof of education and training, which may include:
 - (i) transcripts;
 - (ii) diplomas;
 - (iii) seminar certificates;
 - (iv) course completion certificates; or
 - (v) other supporting evidence.

(3) Licensed firearms instructors shall:

- (a) file a yearly certificate of insurance with the board; and
- (b) conduct at least one board approved combat shooting course annually.

(4) Instructors may only offer courses in which they have been approved by the board to instruct. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, MCA; NEW, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2010 MAR p. 1194, Eff. 5/14/10; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.521 and 24.182.522 reserved

- 24.182.523 RESIDENT MANAGER (1) Each resident manager applicant shall:
- (a) submit an application compliant with ARM 24.182.501;
 - (b) submit evidence that the applicant passed a written examination as set forth in ARM 24.182.505; and
 - (c) provide the names and telephone numbers of three references not related to the applicant by blood or marriage. Two of the three references must be:
 - (i) former employers;
 - (ii) individuals or firms with which the applicant had a contractual working agreement if self-employed;
 - (iii) individuals or firms having knowledge of the agreement or working relationship; or
 - (iv) as determined acceptable by the board or its designee.
- (2) Applicants for licensure as resident managers of contract security companies or proprietary security organizations must:
- (a) complete vocational training of at least two 12-credit semesters in security company operations and two 12-credit semesters in business operations; or
 - (b) demonstrate two years of full-time experience (3,600 cumulative hours) as follows:
 - (i) practice as a licensed security guard or alarm response runner for the same type of company the applicant is seeking licensure as a resident manager;
 - (ii) employment as a sworn peace officer or military police officer; or
 - (iii) employment as governmental or industrial supervisor or administrator, with security duties as a primary function.
- (3) Applicants for licensure as resident managers of electronic security companies must:
- (a) complete vocational training of at least two 12-credit semesters in electronic security operations and two 12-credit semesters in business operations; or
 - (b) demonstrate two years of full-time experience (3,600 cumulative hours) as follows:
 - (i) practice as a licensed security alarm installer or alarm response runner for an electronic security company; or
 - (ii) employment as governmental or industrial supervisor or administrator, with electronic security duties as a primary function. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, 37-60-304, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.524 reserved

24.182.525 COMPANY LICENSURE AND BRANCH OFFICES (1) An applicant for licensure as a contract security company, electronic security company, or proprietary security organization must obtain a company license for the applicant's principal place of business. Subsequent company locations within Montana may be licensed as branch offices. All applications must comply with the requirements stated in ARM 24.182.405, 24.182.407, 24.182.501, 24.182.807, 24.182.810, and 24.182.813.

(2) Company licensees shall provide proof of registration with the Montana Secretary of State's office and provide the following information:

- (a) for individual ownership, the name of the owner and the owner's address;
- (b) for a partnership, a list of partners and their addresses;
- (c) for a limited liability company, a list of the members and their addresses;

or

- (d) for a corporation, a list of principal officers and their addresses.

(3) No branch office shall be authorized for any category of licensure without approval by the board or its designee.

(4) An applicant for licensure as a company or branch office shall provide the name of the resident manager appointed to exercise direct supervision, control, charge, management, or operation of each company or branch office located in Montana.

(5) Each branch office shall have at least one resident manager who:

- (a) is typically present during regular Monday through Friday office hours;

and

(b) has established to the board's satisfaction that the resident manager meets the necessary experience qualifications of ARM 24.182.523. (History: 37-1-131, 37-60-202, MCA; IMP, 37-60-202, 37-60-302, 37-60-303, MCA; NEW, 2006 MAR p. 2918, Eff. 11/23/06; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapters 6 and 7 reserved

Subchapter 8

Training Programs

24.182.801 FIREARMS TRAINING COURSES (PROGRAM) (1) Certified firearms instructors (CFI) shall submit course outlines for approval by the board or its designee. Firearms training courses must meet the objectives of firearm safety and shooting proficiency, with emphasis on shooting distances of less than 15 yards.

(2) Firearms training courses must address the following issues:

(a) firearm familiarization, including:

- (i) safety levers;
- (ii) decocking levers;
- (iii) magazine release;
- (iv) slide-lock release; and
- (v) reloading;

(b) safe handling of the firearm, emphasizing:

- (i) negligent discharge;
- (ii) muzzle direction;
- (iii) dropping a firearm;
- (iv) finger on trigger;
- (v) proper grip;
- (vi) sight picture;
- (vii) proper holstering;
- (viii) firearm retention;
- (ix) management of malfunctions; and
- (x) firearms in the home;

(c) relevant Montana law regarding the use of deadly force, including civil and criminal liability; and

(d) shooting judgment.

(3) Applicants must include a detailed summary of the firearms training courses required in (2).

(4) Demonstrated competency for both the proficiency test and the written test shall be determined by the certified firearms instructor. (History: 37-60-202, 37-60-303, MCA; IMP, 37-60-202, 37-60-303, MCA; NEW, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.802 and 24.182.803 reserved

24.182.804 PRIVATE INVESTIGATOR TRAINING PROGRAM (1) The training of a private investigator shall, at a minimum, address the following:

- (a) role and function of the private investigator;
- (b) federal, state, and local statutes and rules applicable to the practice of private investigators;
- (c) interaction and cooperation with law enforcement;
- (d) criminal justice administration and information;
- (e) limitations on the use of force and self-defense and the use-of-force continuum;
- (f) emergency procedures and hazardous material preparedness;
- (g) interviews, interrogations, and report writing;
- (h) crisis intervention;
- (i) preservation of crime scene and handling of evidence;
- (j) ethical and legal issues, including, but not limited to:
 - (i) Private Investigator Practice Act and related rules;
 - (ii) criminal law and criminal procedure;
 - (iii) confidentiality and right of privacy;
 - (iv) searches of persons and property;
 - (v) limitations on the power to arrest and detain suspects; and
 - (vi) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., gender, racial, religious, or cultural);
- (k) distinctions between and special issues involved in the following types of investigations: accidents, arson, assets, background, civil, criminal, domestic, industrial/employee conduct, insurance, personal injury (other than auto), and missing person;
 - (l) investigative photography;
 - (m) surveillance; and
 - (n) skip tracing.

(2) Private investigators supervising trainees under ARM 24.182.511 shall submit evidence of completion of the training program on quarterly reports as provided in ARM 24.182.511. Private investigator applicants meeting experience requirements provided in ARM 24.182.512 are deemed to have met the training program requirements set forth above. All other applicants shall submit evidence of having completed the training program as provided by ARM 24.182.512.

(3) Armed private investigators shall complete firearms qualification and requalification in accordance with ARM 24.182.420 and 24.182.421. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.505 and 24.182.506 reserved

24.182.807 PRIVATE SECURITY GUARD TRAINING PROGRAM (1) Each security company or organization that employs or intends to employ an individual as a private security guard must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure and prior to undertaking any of the duties defined as the practice of a security guard.

(2) The training must address each of the following areas:

(a) role and function of the security guard;

(b) federal, state, and local statutes and rules applicable to the practice of private security guards;

(c) interaction and cooperation with law enforcement;

(d) limitations on the use of force and self-defense and the use-of-force continuum;

(e) emergency procedures and hazardous material preparedness;

(f) communication skills, report writing, and radio communication;

(g) crisis intervention and crowd control;

(h) patrol techniques; and

(i) ethical and legal issues, including, but not limited to:

(i) confidentiality and right of privacy;

(ii) searches of persons and property;

(iii) limitations on the power to arrest and detain suspects;

(iv) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., racial, religious, or cultural);

(v) preservation of crime scene and handling of evidence; and

(vi) preventing abuse of authority.

(3) In addition to these training requirements, armed security guards shall complete firearms qualification and requalification in accordance with ARM 24.182.420 and 24.182.421.

(4) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.808 and 24.182.809 reserved

24.182.810 SECURITY ALARM INSTALLER TRAINING PROGRAM

(1) Each electronic security company that employs or intends to employ an individual as a security alarm installer must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure, and prior to undertaking any of the duties defined as the practice of a security alarm installer.

(2) The training must address each of the following areas:

(a) role and function of the security alarm installer;

(b) federal, state, and local statutes and rules applicable to the practice of security alarm installers;

(c) national low voltage electrical codes, low voltage limitations, and wiring methods and types;

(d) installation training, including:

(i) manufacturer's product training or industry standard training;

(ii) conducting site survey;

(iii) proper device placement;

(iv) wireless devices;

(v) central station monitoring;

(vi) false alarm prevention; and

(vii) troubleshooting;

(e) safety issues and the Montana Safety Culture Act, including, but not limited to:

(i) the proper use of tools and protective equipment;

(ii) working in enclosed spaces; and

(iii) the proper use and transportation of ladders; and

(f) emergency procedures and hazardous material preparedness.

(3) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.811 and 24.182.812 reserved

24.182.813 ALARM RESPONSE RUNNER TRAINING PROGRAM

(1) Each electronic security company that employs or intends to employ an individual as an alarm response runner must certify, as part of the individual's license application, that the individual has successfully completed a minimum of 16 hours of training as a prerequisite to licensure, and prior to undertaking any of the duties defined as the practice of an alarm response runner.

(2) The training must address each of the following areas:

(a) role and function of the alarm response runner;

(b) federal, state, and local statutes and rules applicable to the practice of alarm response runners;

(c) interaction and cooperation with law enforcement;

(d) limitations on the use of force and self-defense and the use-of-force continuum;

(e) emergency procedures and hazardous material preparedness;

(f) communication skills, report writing, and radio communication;

(g) crisis intervention and crowd control;

(h) patrol techniques; and

(i) ethical and legal issues, including, but not limited to:

(i) confidentiality and right of privacy;

(ii) searches of persons and property;

(iii) limitations on the power to arrest and detain suspects;

(iv) treatment of juveniles, persons with physical or mental disabilities, and other special classes (e.g., racial, religious, or cultural);

(v) preservation of crime scene and handling of evidence; and

(vi) preventing abuse of authority.

(3) Training on policies, systems, and procedures internal to the employer may not be included within the total hours of training required by this rule. (History: 37-1-131, 37-60-202, 37-60-303, MCA; IMP, 37-1-131, 37-60-202, 37-60-303, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapters 9 through 20 reserved

Subchapter 21

Continuing Education

24.182.2101 STANDARDS FOR CONTINUING EDUCATION

- (1) Continuing education for licensees is formal training that:
- (a) provides new knowledge and skills to assist with advanced decision making;
 - (b) offers greater depth of knowledge and skills in a particular area of operation;
 - (c) enhances professional attitudes and behaviors;
 - (d) advances career goals;
 - (e) promotes professional development and currency in operations;
 - (f) supports innovation and creativity in operations;
 - (g) implements change within the individual's professional operations; or
 - (h) addresses new and developing standards of operations.
- (2) To qualify, continuing education courses must relate to the licensee's occupation. In addition to training and education that is specific to a licensee's occupation, the board approves the following topics of study:
- (a) Private investigators and process servers may complete continuing legal education (CLE) approved by a state bar on legal topics that relate to their respective operations.
 - (b) Alarm runners, installers, resident managers, and security guards may complete continuing education on the topics related to their practice defined in 37-60-101, MCA.
 - (3) Providers of continuing education that are acceptable to the board include:
 - (a) professional organizations that establish standards and criteria for continuing education programs, and/or serve or represent practitioners of the licensee's occupation;
 - (b) academic institutions of higher learning;
 - (c) continuing education courses that have been approved in another state;and
 - (d) POST-approved instruction.
 - (4) Licensees cannot count any firearms training received under ARM 24.182.420 and 24.182.421 toward the continuing education requirement. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.2102 reserved

24.182.2103 ANNUAL CONTINUING EDUCATION REQUIREMENTS

(1) All licensees must verify on the renewal application the completion of eight continuing education hours during the one-year license renewal period.

(2) Licensees holding licensure in more than one license type are required to meet the continuing education requirements for each type of licensure.

(3) Licensees seeking reactivation or reinstatement of an inactive license must complete eight hours of continuing education during the one-year period immediately preceding application for reinstatement.

(4) Licensees may submit a written request for a waiver or time extension for all or a portion of continuing education requirements on the grounds of extreme hardship. The board, in its discretion, must review and consider a written request for a waiver or time extension. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rule 24.182.2104 reserved

24.182.2105 NON-APPROVED ACTIVITIES (1) The following activities may not be used by a licensee to satisfy the continuing education requirements set forth in this chapter:

(a) repetition of a continuing education class with identical content and course objectives within a single renewal period;

(b) agency-specific orientation or in-service program designed for work at a specific institution or for a specific employer that teaches and tests for skill competency or addresses institution-based or employer-based standards of operation;

(c) any training program required by rule as a requirement for licensure;

(d) self-directed study such as reading of texts or journal articles;

(e) participation in community service or volunteer practice; and

(f) participation as a member in a professional organization. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Rules 24.182.2106 and 24.182.2107 reserved

24.182.2108 AUDITING OF CONTINUING EDUCATION HOURS (1) The board may conduct a retrospective random audit of the completion of continuing education by licensees during each one-year renewal period.

(2) The board shall notify licensees of the audit by U.S. mail.

(3) Licensees shall respond to the notice of audit by the date specified in the notice by submitting proof of completion of continuing education for the renewal period specified by the board. Proof may consist of copies of the continuing education certificates issued by the continuing education provider, transcripts with course descriptions, or other verified documentation of course completion.

(4) Licensees must retain proof of completion of continuing education for the period of no less than one year following the last day of the renewal period during which the continuing education was obtained.

(5) The audit may include five percent of each license category during each renewal period.

(6) Failure to respond to a board notice of audit may result in disciplinary action against the licensee. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 2017 MAR p. 1957, Eff. 10/28/17.)

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

- 24.182.2301 UNPROFESSIONAL CONDUCT (1) Becoming involved in investigations on behalf of a client with intent to break the law or to use the information unlawfully;
- (2) Performing services outside of the licensee's area of training, expertise, competence or scope of practice or licensure;
- (3) Using the professional position of trust for illegal gains;
- (4) Accepting investigations which conflict with previous or current investigations;
- (5) Failing to provide a client with an accurate and factual report within a time frame specified by mutual agreement;
- (6) Expressly or impliedly representing oneself as a member of law enforcement by conduct, dress, advertisement or other representation;
- (7) Filing a complaint with, or providing information to the board, which the licensee knows or ought to know is false or misleading. This provision does not apply to any filing of complaint or providing information to the board when done in good faith;
- (8) Violating, or attempting to violate, directly or indirectly, or assisting or abetting the violation of, or conspiring to violate any provision of Title 37, chapter 60, MCA, or rule promulgated thereunder, or any order of the board;
- (9) Violating any state, federal, provincial or tribal statute or administrative rule governing or affecting the professional conduct of any licensee;
- (10) Acting in such a manner as to present a danger to public health or safety, or to any client including, but not limited to, incompetence, negligence or malpractice;
- (11) Accepting an assignment adverse in any way to a present client or former client if the assignment is substantially related to the prior professional relationship with the former client;
- (12) Failing to render adequate supervision, management, training or control of auxiliary staff or other persons, including licensees, practicing under the licensee's supervision or control;
- (13) Discontinuing professional services unless:
- (a) services have been completed,
 - (b) the client requests the discontinuation,
 - (c) alternative or replacement services are arranged, or
 - (d) the client is given reasonable opportunity to arrange alternative or replacement services;

(14) Delegating a professional responsibility to a person when the licensee knows or has reason to know that the person is not qualified by training, experience, license or certification to perform the delegated task;

(15) Failing to report an incident of unsafe practice or unethical conduct of another licensee to the licensing authority;

(16) Failing to account for funds received in connection with any services rendered or to be rendered;

(17) Failing to put in trust or otherwise properly segregate funds in connection with a specific project for a specific purpose; and

(18) Failure to respond to a board or department request or inquiry. (History: 37-1-131, 37-1-319, 37-60-202, MCA; IMP, 37-1-131, 37-1-316, 37-60-202, 37-60-401, MCA; NEW, 1984 MAR p. 589, Eff. 4/13/84; AMD, 1990 MAR p. 1772, Eff. 9/14/90; AMD, 1997 MAR p. 633, Eff. 4/8/97; TRANS, from Commerce, 2005 MAR p. 1926, Eff. 10/7/05; AMD, 2010 MAR p. 1194, Eff. 5/14/10.)