

---

HOUSE BILL 2949

---

State of Washington

55th Legislature

1998 Regular Session

By Representative Delvin

Read first time 01/23/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to functions and licensing of security guards; and  
2 amending RCW 18.170.010, 18.170.020, 18.170.040, 18.170.050,  
3 18.170.060, 18.170.130, 18.170.165, and 18.170.230.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.170.010 and 1991 c 334 s 1 are each amended to read  
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Armed private security guard" means a private security guard  
10 who has a current firearms certificate issued by the commission and is  
11 licensed as an armed private security guard under this chapter.

12 (2) "Armored vehicle guard" means a person who transports in an  
13 armored vehicle under armed guard, from one place to another place,  
14 valuables, jewelry, currency, documents, or any other item that  
15 requires secure delivery.

16 (3) "Burglar alarm response runner" means a person employed by a  
17 private security company to respond to burglar alarm system signals.

18 (4) "Burglar alarm system" means a device or an assembly of  
19 equipment and devices used to detect or signal unauthorized intrusion,

1 movement, or exit at a protected premises, other than in a vehicle, to  
2 which police or private security guards are expected to respond.

3 (5) "Crowd control" means security functions, such as enforcing  
4 rules, preventing access to restricted areas, evicting or detaining  
5 individuals who are breaking the law or causing a disturbance, and  
6 responding to disturbances, incidents, or problems.

7 (6) "Crowd management," "client services," or "guest services"  
8 means services provided in the process to safely and efficiently guide  
9 people arriving, attending, and departing from a crowd venue. These  
10 services are typically performed by ticket-takers, ushers, directors,  
11 sellers, parking attendants, traffic directors, and alcohol monitors.  
12 Crowd management personnel provide guest assistance and directional  
13 guidance while monitoring and regulating crowd-related events at  
14 entertainment venues.

15 (7) "Chief law enforcement officer" means the elected or appointed  
16 police administrator of a municipal, county, or state police or  
17 sheriff's department that has full law enforcement powers in its  
18 jurisdiction.

19 (~~(6)~~) (8) "Commission" means the criminal justice training  
20 commission established in chapter 43.101 RCW.

21 (~~(7)~~) (9) "Department" means the department of licensing.

22 (~~(8)~~) (10) "Director" means the director of the department of  
23 licensing.

24 (~~(9)~~) (11) "Employer" includes any individual, firm, corporation,  
25 partnership, association, company, society, manager, contractor,  
26 subcontractor, bureau, agency, service, office, or an agent of any of  
27 the foregoing that employs or seeks to enter into an arrangement to  
28 employ any person as a private security guard.

29 (~~(10)~~) (12) "Firearms certificate" means the certificate issued  
30 by the commission.

31 (~~(11)~~) (13) "Licensee" means a person granted a license required  
32 by this chapter.

33 (~~(12)~~) (14) "Person" includes any individual, firm, corporation,  
34 partnership, association, company, society, manager, contractor,  
35 subcontractor, bureau, agency, service, office, or an agent or employee  
36 of any of the foregoing.

37 (~~(13)~~) (15) "Principal corporate officer" means the president,  
38 vice-president, treasurer, secretary, comptroller, or any other person

1 who performs the same functions for the corporation as performed by  
2 these officers.

3 ~~((14))~~ (16) "Private security company" means a person or entity  
4 licensed under this chapter and engaged in the business of providing  
5 the services of private security guards on a contractual basis.

6 ~~((15))~~ (17) "Private security guard" means an individual who is  
7 licensed under this chapter and principally employed as or typically  
8 referred to as one of the following:

9 (a) Security officer or guard;

10 (b) Patrol or merchant patrol service officer or guard;

11 (c) Armed escort or bodyguard;

12 (d) Armored vehicle guard;

13 (e) Burglar alarm response runner; or

14 (f) Crowd control officer or guard, except a person solely  
15 performing the duties of crowd management or client services. The  
16 typical duties of a private security guard include, but are not limited  
17 to, the following:

18 (i) Prevention, deterrence, and detection crime, disorder, fires,  
19 safety violations, accidents, and vandalism by observing, patrolling,  
20 or operating specialized equipment;

21 (ii) Controlling facility access and egress;

22 (iii) Assessing crime vulnerability and recommending security  
23 processes to reduce risk or loss;

24 (iv) Responding to a variety of emergency situations by offering  
25 assistance to emergency response personnel;

26 (v) General public relations duties, such as answering phones,  
27 giving directions, taking messages, and providing information;

28 (vi) Enforcing lawful, specific client rules and regulations;

29 (vii) Performing crowd control functions; and

30 (viii) Writing detailed reports about all of the duties listed in  
31 this subsection (17)(f).

32 ~~((16))~~ (18) "Qualifying agent" means an officer or manager of a  
33 corporation who meets the requirements set forth in this chapter for  
34 obtaining a license to own or operate a private security company.

35 ~~((17))~~ (19) "Sworn peace officer" means a person who is an  
36 employee of the federal government, the state, a political subdivision,  
37 agency, or department branch of a municipality, or other unit of local  
38 government, and has law enforcement powers.

1       **Sec. 2.** RCW 18.170.020 and 1991 c 334 s 2 are each amended to read  
2 as follows:

3       The requirements of this chapter do not apply to:

4       (1) A person who is employed exclusively or regularly by one  
5 employer and performs the functions of a private security guard solely  
6 in connection with the affairs of that employer, if the employer is not  
7 a private security company;

8       (2) A sworn peace officer while engaged in the performance of the  
9 officer's official duties; ~~((or))~~

10       (3) A sworn peace officer while employed by any person to engage in  
11 off-duty employment as a private security guard, but only if the  
12 employment is approved by the chief law enforcement officer of the  
13 jurisdiction where the employment takes place and the sworn peace  
14 officer does not employ, contract with, or broker for profit other  
15 persons to assist him or her in performing the duties related to his or  
16 her private employer; or

17       (4) An individual solely providing crowd management, client  
18 services, or guest services functions.

19       **Sec. 3.** RCW 18.170.040 and 1991 c 334 s 4 are each amended to read  
20 as follows:

21       (1) An applicant must meet the following minimum requirements to  
22 obtain an armed private security guard license:

23       (a) Be licensed as a private security guard;

24       (b) Be at least twenty-one years of age;

25       (c) Have a current firearms certificate issued by the commission;  
26 ~~((and))~~

27       (d) Pay the fee established by the director; and

28       (e) Submit a set of fingerprints.

29       (2) An armed private security guard license may take the form of an  
30 endorsement to the security guard license if deemed appropriate by the  
31 director.

32       **Sec. 4.** RCW 18.170.050 and 1991 c 334 s 5 are each amended to read  
33 as follows:

34       (1) An armed private security guard license grants authority to the  
35 holder, while in the performance of his or her duties, to carry a  
36 firearm with which the holder has met the proficiency requirements

1 established by the commission and the caliber of which is printed on  
2 the license.

3 (2) All firearms carried by armed private security guards in the  
4 performance of their duties must be owned or leased by the employer  
5 and, if required by law, must be registered with the proper government  
6 agency.

7 **Sec. 5.** RCW 18.170.060 and 1995 c 277 s 4 are each amended to read  
8 as follows:

9 (1) In addition to meeting the minimum requirements to obtain a  
10 license as a private security guard, an applicant, or, in the case of  
11 a partnership, each partner, or, in the case of a corporation, the  
12 qualifying agent must meet the following requirements to obtain a  
13 license to own or operate a private security company:

14 (a) Be at least twenty-one years of age and possess three years'  
15 experience as a manager, supervisor, or administrator in the private  
16 security business or a related field approved by the director, or be at  
17 least twenty-one years of age and pass an examination determined by the  
18 director to measure the person's knowledge and competence in the  
19 private security business;

20 (b) Meet the insurance requirements of this chapter; and

21 (c) Pay any additional fees established by the director.

22 (2) If the qualifying agent upon whom the licensee relies to comply  
23 with subsection (1) of this section ceases to perform his or her duties  
24 on a regular basis, the licensee must promptly notify the director by  
25 certified or registered mail. Within sixty days of sending  
26 notification to the director, the licensee must obtain a substitute  
27 qualifying agent who meets the requirements of this section. The  
28 director may extend the period for obtaining a substitute qualifying  
29 agent.

30 (3) A company license issued pursuant to this section may not be  
31 assigned or transferred without prior written approval of the director.

32 (4) No license to own or operate a private security guard company  
33 may be issued to an applicant if the name of the company portrays the  
34 company as a public law enforcement agency, or in association with a  
35 public law enforcement agency, or includes the word "police."

36 **Sec. 6.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to  
37 read as follows:

1 (1) Applications for licenses required under this chapter shall be  
2 filed with the director on a form provided by the director. The  
3 director may require any information and documentation that reasonably  
4 relates to the need to determine whether the applicant meets the  
5 criteria.

6 (2) After receipt of an application for a license, the director  
7 shall conduct an investigation to determine whether the facts set forth  
8 in the application are true and shall request that the Washington state  
9 patrol compare the fingerprints submitted with the application to  
10 fingerprint records available to the Washington state patrol. The  
11 Washington state patrol shall forward the fingerprints of applicants  
12 for an armed private security guard license to the Federal Bureau of  
13 Investigation for a national criminal history records check. The  
14 director may require that fingerprint cards of licensees be  
15 periodically reprocessed to identify criminal convictions subsequent to  
16 registration. The director may accept proof of a recent national crime  
17 information center interstate identification index criminal background  
18 report or any national or interstate criminal background report in  
19 addition to fingerprints to accelerate the licensing process.

20 (3) ~~The director ((shall solicit comments from the chief law~~  
21 ~~enforcement officer of the county and city or town in which the~~  
22 ~~applicant's employer is located on issuance of a permanent private~~  
23 ~~security guard license))~~ may obtain access to juvenile offender records  
24 on applications including records sealed under RCW 13.50.050(10), to  
25 determine if the applicant's particular offense or offenses directly  
26 relate to his or her capacity to perform the duties of a private  
27 security guard. The restoration of employment rights act, chapter  
28 9.96A RCW, does not apply to the offense or offenses that are  
29 determined to directly relate to the applicant's capacity to perform  
30 the duties of a private security guard. Representatives of the private  
31 security guard industry, law enforcement agencies, and the director  
32 shall establish criteria for determining which offenses would  
33 disqualify an applicant and depending on the offense, the time period  
34 following conviction during which the offense can be considered for  
35 disqualification. Applicants who are determined to be disqualified  
36 under this section are entitled to appeal disqualification to the  
37 director through an administrative appeals process to be established by  
38 the director and industry representatives.

1 (4) A summary of the information acquired under this section, to  
2 the extent that it is public information, shall be forwarded by the  
3 department to the applicant's employer.

4 **Sec. 7.** RCW 18.170.165 and 1995 c 277 s 2 are each amended to read  
5 as follows:

6 A licensee who transfers from one company to another must submit a  
7 transfer application within seventy-two hours on a form prescribed by  
8 the director along with a transfer fee established by the director.

9 **Sec. 8.** RCW 18.170.230 and 1995 c 277 s 15 are each amended to  
10 read as follows:

11 Upon a finding that a license holder or applicant has committed  
12 unprofessional conduct or is unable to practice with reasonable skill  
13 and safety due to a physical or mental condition, the director may  
14 issue an order providing for one or any combination of the following:

- 15 (1) Denial or revocation of the license or application;
- 16 (2) Suspension of the license for a fixed or indefinite term;
- 17 (3) Restriction or limitation of the practice;
- 18 (4) Requiring the satisfactory completion of a specific program of  
19 remedial education or treatment;
- 20 (5) Monitoring of the practice by a supervisor approved by the  
21 director;
- 22 (6) Censure or reprimand;
- 23 (7) Compliance with conditions of probation for a designated period  
24 of time;
- 25 (8) Withholding a license request;
- 26 (9) Other corrective action;
- 27 (10) Refund of fees billed to and collected from the consumer; or
- 28 (11) The assessment of administrative penalties.

29 Any of the actions under this section may be totally or partly  
30 stayed by the director. All costs associated with compliance with  
31 orders issued under this section are the obligation of the license  
32 holder or applicant.

--- END ---