

Notice of Public Hearing

LSA Document #07-342

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on October 29, 2008, at 10:10 a.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana, the Private Investigator and Security Guard Licensing Board will hold a public hearing on a proposed rule to add 874 IAC concerning private investigators and security guards to establish the requirements for licensure and renewal for private investigator firms and security guard agencies as mandated by SEA 506, P.L.185-2007, which significantly improves the manner in which state government regulates the private investigator and security guard industries.

The Indiana Professional Licensing Agency (IPLA) has determined that the proposed rule will have an insignificant fiscal impact on the regulated entities. It amounts to a nominal fee that a state may assess to obtain a criminal history background check or a verification of a license, which are needed to complete the application process for a private investigator firm license and a security guard agency license.

Prior to the enactment of P.L.185-2007, the IPLA issued a "Private Detective Agency" license to both actual private detective agencies as well as to security guard companies. The prior law did not distinguish between the two. The IPLA did not issue individual licenses to private detectives or to security guards. Rather, individuals were issued "Authorized Employee ID Cards" that tied them to a licensed private detective agency.

The Act differentiates between the two industries. A company that is solely involved in the private investigator industry will be issued a "Private Investigator Firm" license. A company that is solely involved in the security guard industry will be issued a "Security Guard Agency" license. A company involved with both industries will need to obtain both licenses. The Act also eliminated the Authorized Employee (AE) identification card and extended the licensing period to a four year license with the expiration date of all the licenses expiring every four years on October 1.

The new law removes some exemptions that prior to the enactment of P.L.185-2007 existed within both industries. The Act exempts certain professions from the need to obtain a Private Investigator Firm license, such as on-duty law enforcement, collection agencies licensed by the Secretary of State, attorneys, and insurance adjusters to name some. The Act also maintains certain exemptions within the security guard industry. Unless a company is in the business of providing security "for hire or reward", that company will remain exempt. If a manufacturing plant hires its own employees to serve as security, then that plant would not need to obtain a Security Guard Agency license. The same is true for entertainment venues and retail stores. However, other exemptions are removed, such as the armored vehicle security industry as this particular area of the industry provides security for hire or reward for banks.

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

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