

**As Reported by the Senate Transportation, Commerce and Labor
Committee**

131st General Assembly

**Regular Session
2015-2016**

Sub. S. B. No. 183

**Senators LaRose, Thomas
Cosponsor: Senator Manning**

A BILL

To amend sections 109.75, 109.78, 109.801, 4749.01, 1
4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 2
4749.08, 4749.09, 4749.10, 4749.11, 4749.13, and 3
4749.99; to amend, for the purpose of adopting a 4
new section number as indicated in parentheses, 5
section 4749.031 (4749.035); to enact new 6
sections 4749.03, 4749.031, 4749.04, and 4749.12 7
and sections 4749.032, 4749.033, 4749.034, 8
4749.041, 4749.061, 4749.062, 4749.063, and 9
4749.151; and to repeal sections 4749.03, 10
4749.04, and 4749.12 of the Revised Code to 11
amend the requirements related to the licensing 12
and registration of private investigators and 13
security guards. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.75, 109.78, 109.801, 4749.01, 15
4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 4749.08, 4749.09, 16
4749.10, 4749.11, 4749.13, and 4749.99 be amended; section 17
4749.031 (4749.035) be amended for the purpose of adopting a new 18

section number as shown in parentheses; and new sections 19
4749.03, 4749.031, 4749.04, and 4749.12 and sections 4749.032, 20
4749.033, 4749.034, 4749.041, 4749.061, 4749.062, 4749.063, and 21
4749.151 of the Revised Code be enacted to read as follows: 22

Sec. 109.75. The executive director of the Ohio peace 23
officer training commission, on behalf of the commission, shall 24
have the following powers and duties, which shall be exercised 25
with the general advice of the commission and only in accordance 26
with section 109.751 of the Revised Code and the rules adopted 27
pursuant to that section, and with the rules adopted by the 28
attorney general pursuant to sections 109.74, 109.741, 109.742, 29
and 109.743 of the Revised Code: 30

(A) To approve peace officer training schools ~~and firearms-~~ 31
~~requalification programs~~ administered by the state, counties, 32
municipal corporations, and the department of natural resources, 33
to issue certificates of approval to approved schools, and to 34
revoke an approval or certificate; 35

(B) To certify, as qualified, instructors at approved 36
peace officer training schools, to issue appropriate 37
certificates to these instructors, and to revoke for good cause 38
shown certificates of these instructors; 39

(C) To certify, as qualified, commanders at approved peace 40
officer training schools, to issue appropriate certificates to 41
these commanders, and to revoke for good cause shown 42
certificates of these commanders. As used in this division, 43
"commander" means the director or other head of an approved 44
peace officer training school. 45

(D) To certify peace officers and sheriffs who have 46
satisfactorily completed basic training programs and to issue 47

appropriate certificates to these peace officers and sheriffs;	48
(E) To cause studies and surveys to be made relating to	49
the establishment, operation, and approval of state, county, and	50
municipal peace officer training schools;	51
(F) To consult and cooperate with state, county, and	52
municipal peace officer training schools for the development of	53
advanced in-service training programs for peace officers;	54
(G) To consult and cooperate with universities, colleges,	55
and institutes for the development of specialized courses of	56
study in the state for peace officers in police science and	57
police administration;	58
(H) To consult and cooperate with other departments and	59
agencies of the state and federal government concerned with	60
peace officer training;	61
(I) To perform any other acts that may be necessary or	62
appropriate to carry out the executive director's powers and	63
duties as set forth in sections 109.71 to 109.77 of the Revised	64
Code;	65
(J) To report to the commission at each regular meeting of	66
the commission and at any other times that the commission may	67
require;	68
(K) To certify persons who have satisfactorily completed	69
approved training programs for correction officers in full-	70
service jails, five-day facilities, or eight-hour holding	71
facilities or approved training programs for others who provide	72
correction services in those jails or facilities and to issue	73
appropriate certificates to those persons;	74
(L) <u>To approve firearms requalification programs</u>	75

administered by the state, counties, municipal corporations, the 76
department of natural resources, or any other qualified 77
organization, to issue certificates of approval to qualified 78
programs, and to revoke an approval or certificate. 79

(M) To maintain any records associated with the powers and 80
duties set forth in this section. Certification examinations, 81
either before or after completion, are not public records for 82
purposes of section 149.43 of the Revised Code, but the results 83
of such examinations are public records under that section. 84

Sec. 109.78. (A) The executive director of the Ohio peace 85
officer training commission, on behalf of the commission and in 86
accordance with rules promulgated by the attorney general, shall 87
certify persons who have satisfactorily completed approved 88
training programs designed to qualify persons for positions as 89
special police, security guards, private investigators, or 90
persons otherwise privately employed in a police capacity and 91
issue appropriate certificates to such persons. Application for 92
approval of a training program designed to qualify persons for 93
such positions shall be made to the commission. An application 94
for approval shall be submitted to the commission with a fee of 95
one hundred twenty-five dollars, which fee shall be refunded if 96
the application is denied. Such programs shall cover only duties 97
and jurisdiction of such security guards, private investigators, 98
and special police privately employed in a police capacity when 99
such officers do not qualify for training under section 109.71 100
of the Revised Code. ~~A person attending an approved basic~~ 101
~~training program administered by the state shall pay to the~~ 102
~~agency administering the program the cost of the person's~~ 103
~~participation in the program as determined by the agency. A~~ 104
~~person attending an approved basic training program administered~~ 105
~~by a county or municipal corporation shall pay the cost of the~~ 106

~~person's participation in the program, as determined by the~~ 107
~~administering subdivision, to the county or the municipal~~ 108
~~corporation.~~ A person who is issued a certificate for 109
satisfactory completion of an approved basic training program 110
shall pay to the commission a fee of fifteen dollars. A 111
duplicate of a lost, spoliated, or destroyed certificate may be 112
issued upon application and payment of a fee of fifteen dollars. 113
Such certificate or the completion of twenty years of active 114
duty as a peace officer shall satisfy the educational 115
requirements for appointment or commission as a special police 116
officer or special deputy of a political subdivision of this 117
state. 118

(B) ~~(1)~~ The executive director of the Ohio peace officer 119
training commission, on behalf of the commission and in 120
accordance with rules promulgated by the attorney general, shall 121
certify basic firearms training programs, and shall issue 122
certificates to class A, B, or C licensees or prospective class 123
A, B, or C licensees under Chapter 4749. of the Revised Code and 124
to registered or prospective employees of such class A, B, or C 125
licensees who have satisfactorily completed a basic firearms 126
training program of the type described in division ~~(A) (1)~~ (B) of 127
section 4749.10 of the Revised Code. 128

Application for approval of a basic firearms training 129
program shall be made to the commission. An application shall be 130
submitted to the commission with a fee of one hundred dollars, ~~—~~ 131
which for a program that opens with fewer than ten students, a 132
fee of one hundred fifty dollars for a program that opens with 133
between eleven and twenty students, and a fee of two hundred 134
dollars for a program that opens with more than twenty students. 135
That fee shall be refunded if the application is denied. 136

A person who is issued a certificate for satisfactory completion of an approved basic firearms training program shall pay a fee of ten dollars to the commission. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of five dollars.

~~(2) The executive director, on behalf of the commission and in accordance with rules promulgated by the attorney general, also shall certify firearms requalification training programs and instructors for the annual requalification of class A, B, or C licensees under Chapter 4749. of the Revised Code and registered or prospective employees of such class A, B, or C licensees who are authorized to carry a firearm under section 4749.10 of the Revised Code. Application for approval of a training program or instructor for such purpose shall be made to the commission. Such an application shall be submitted to the commission with a fee of fifty dollars, which fee shall be refunded if the application is denied.~~

~~(3) The executive director, upon request, also shall review firearms training received within three years prior to November 23, 1985, by any class A, B, or C licensee or prospective class A, B, or C licensee, or by any registered or prospective employee of any class A, B, or C licensee under Chapter 4749. of the Revised Code to determine if the training received is equivalent to a basic firearms training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used. If the executive director determines the training was received within the three-year period and that it is equivalent to such a program, the executive director shall issue written evidence of approval of the equivalency training to the licensee or employee.~~

(C) There is hereby established in the state treasury the peace officer private security fund, which shall be used by the Ohio peace officer training commission to administer the training program to qualify persons for positions as special police, security guards, private investigators or other private employment in a police capacity, as described in division (A) of this section, ~~and the training program in basic firearms and the training program for firearms requalification, both as described~~ in division (B) of this section, and the training program for firearms requalification described in section 109.801 of the Revised Code. All fees paid to the commission by applicants for approval of a training program designed to qualify persons for such private police positions, or a basic firearms training program, or a firearms requalification training program or instructor, as required by division (A) or (B) of this section, or for approval of a firearms requalification training program or instructor, as required by section 109.801 of the Revised Code; by persons who satisfactorily complete a private police training program or a basic firearms training program, as required by division (A) or (B) of this section, ~~or~~ by persons who satisfactorily requalify in firearms use, as required by division ~~(B)(2)~~ (C) of section 4749.10 of the Revised Code, shall be transmitted to the treasurer of state for deposit in the fund. The fund shall be used only for the purpose set forth in this division.

(D) No public or private educational institution or superintendent of the state highway patrol shall employ a person as a special police officer, security guard, private investigator, or other position in which such person goes armed while on duty, who has not received a certificate of having satisfactorily completed an approved basic peace officer

training program, unless the person has completed twenty years 199
of active duty as a peace officer. 200

Sec. 109.801. (A) (1) Each year, any of the following 201
persons who are authorized to carry firearms in the course of 202
their official duties shall complete successfully a firearms 203
requalification program approved by the executive director of 204
the Ohio peace officer training commission in accordance with 205
rules adopted by the attorney general pursuant to section 206
109.743 of the Revised Code: any peace officer, sheriff, chief 207
of police of an organized police department of a municipal 208
corporation or township, chief of police of a township police 209
district or joint police district police force, superintendent 210
of the state highway patrol, state highway patrol trooper, or 211
chief of police of a university or college police department; 212
any parole or probation officer who carries a firearm in the 213
course of official duties; the house of representatives sergeant 214
at arms if the house of representatives sergeant at arms has 215
arrest authority pursuant to division (E) (1) of section 101.311 216
of the Revised Code; any assistant house of representatives 217
sergeant at arms; the senate sergeant at arms; any assistant 218
senate sergeant at arms; ~~or~~ any employee of the department of 219
youth services who is designated pursuant to division (A) (2) of 220
section 5139.53 of the Revised Code as being authorized to carry 221
a firearm while on duty as described in that division; or any 222
special police, security guard, private investigator, or other 223
person privately employed in a police capacity who is authorized 224
by the director of public safety to carry a firearm while on 225
duty, in accordance with section 4749.10 of the Revised Code. 226

(2) No person listed in division (A) (1) of this section 227
shall carry a firearm during the course of official duties if 228
the person does not comply with division (A) (1) of this section. 229

(B) The hours that a sheriff spends attending a firearms 230
requalification program required by division (A) of this section 231
are in addition to the sixteen hours of continuing education 232
that are required by division (E) of section 311.01 of the 233
Revised Code. 234

(C) As used in this section, "firearm" has the same 235
meaning as in section 2923.11 of the Revised Code. 236

Sec. 4749.01. As used in this chapter: 237

(A) "Private investigator" means any person who engages in 238
the business of private investigation. 239

(B) "Business of private investigation" means, except when 240
performed by one ~~excluded under division (H) of this section~~ 241
~~exempt by law, the conducting, furnishing for hire, in person or~~ 242
~~through a partner or employees, of any investigation relevant to~~ 243
persons to do any of the following: 244

(1) Investigate any crime or wrong done or threatened, ~~or~~ 245
~~to obtain;~~ 246

(2) Obtain information on the identity, habits, conduct, 247
movements, whereabouts, affiliations, transactions, reputation, 248
credibility, or character of any person, ~~or to locate;~~ 249

(3) Locate and recover lost or stolen property, ~~or to~~ 250
~~determine;~~ 251

(4) Determine the cause of or responsibility for any libel 252
or slander, or any fire, accident, or damage to property, ~~or to~~ 253
~~secure;~~ 254

(5) Secure evidence for use in any legislative, 255
administrative, or judicial investigation or proceeding. 256

(C) "Security guard provider" means any person who engages	257
in the business of security services.	258
(D) "Business of security services" means either of the	259
following:	260
(1) <u>Furnishing, furnishing for hire, watchpersons, guards,</u>	261
<u>guard dogs, armored motor vehicle security services, private</u>	262
patrol officers, or other persons whose primary duties are to	263
protect <u>do either of the following:</u>	264
(1) <u>Protect persons or property;</u>	265
(2) <u>Furnishing, for hire, guard dogs, or armored motor</u>	266
<u>vehicle security services, in connection with the protection of</u>	267
<u>persons or property from injury or harm, or for any other</u>	268
<u>purpose including deterring, observing, detecting, or reporting</u>	269
<u>incidents or activities for the purpose of preventing theft, or</u>	270
<u>the unlawful taking, conversion, concealment or misappropriation</u>	271
<u>of goods, wares, merchandise, or any valuable instrument;</u>	272
(2) <u>Deter, observe, detect or report incidents and</u>	273
<u>activities for the purpose of preventing any unauthorized access</u>	274
<u>or entry, violation of organizational rules, or unlawful</u>	275
<u>activity.</u>	276
(E) "Class A license" means a license issued under section	277
sections 4749.03 to 4749.034 of the Revised Code that qualifies	278
the person issued the license to engage in the business of	279
private investigation and the business of security services.	280
(F) "Class B license" means a license issued under section	281
sections 4749.03 to 4749.034 of the Revised Code that qualifies	282
the person issued the license to engage only in the business of	283
private investigation.	284

(G) "Class C license" means a license issued under ~~section~~ 285
sections 4749.03 to 4749.034 of the Revised Code that qualifies 286
the person issued the license to engage only in the business of 287
security services. 288

(H) "Crime of moral turpitude" has the same meaning as in 289
section 4776.10 of the Revised Code. 290

(I) "Disqualifying offense" has the same meaning as in 291
section 4776.10 of the Revised Code. 292

(J) "Employee" means every person who may be required or 293
directed by any employer, in consideration of direct or indirect 294
gain or profit, to engage in any employment, or to go, work, or 295
be present at any time in any place of employment, provided that 296
the employer of the employee deducts all applicable state and 297
federal employment taxes on behalf of the employee. 298

(K) "Licensee" means the holder of a class A, B, or C 299
license issued under sections 4749.03 to 4749.034 of the Revised 300
Code. 301

(L) "Private investigator," "business of private 302
investigation," "security guard provider," and "business of 303
security services" do not include: 304

(1) Public officers and employees ~~whose official duties~~ 305
~~require them to engage in investigatory activities~~ of the United 306
States, this state, or any other state, or any political 307
subdivision thereof, when in performance of their official 308
duties; 309

(2) ~~Attorneys at law or any expert hired by an attorney at~~ 310
~~law for consultation or litigation purposes~~ Persons and their 311
employees holding a professional license certification or 312
registration under Title XLVII of the Revised Code, when such 313

persons are providing services pursuant to the authority granted 314
to that profession by law; 315

(3) Certified public adjusters that hold a certificate of 316
authority pursuant to Chapter 3951. of the Revised Code, while 317
the adjuster is investigating the cause or responsibility for a 318
fire, accident, or other damage to property with respect to a 319
claim or claims for loss or damage under a policy of insurance 320
covering real or personal property; 321

(4) A consumer reporting agency, as defined in the "Fair 322
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 323
amended, provided that the consumer reporting agency is in 324
compliance with the requirements of that act and that the 325
agency's activities are confined to any of the following: 326

(a) The issuance of consumer credit reports; 327

(b) The conducting of limited background investigations 328
that pertain only to a client's prospective tenant and that are 329
engaged in with the prior written consent of the prospective 330
tenant; 331

(c) The business of pre-employment background 332
investigation. As used in division ~~(H)~~~~(3)~~(L) (4) (c) of this 333
section, "business of pre-employment background investigation" 334
means, and is limited to, furnishing for hire, in person or 335
through a partner or employees, the conducting of limited 336
background investigations, in-person interviews, telephone 337
interviews, or written inquiries that pertain only to a client's 338
prospective employee and the employee's employment and that are 339
engaged in with the prior written consent of the prospective 340
employee. 341

~~(4)~~ (5) Any local, state, or federal law enforcement 342

<u>officer when either of the following apply:</u>	343
<u>(a) The officer is engaged in the officer's official</u>	344
<u>duties including mutual aid as described in section 2744.02 of</u>	345
<u>the Revised Code.</u>	346
<u>(b) The officer is performing special duty security</u>	347
<u>activities authorized and approved by the law enforcement</u>	348
<u>officer's superiors within the law enforcement officer's</u>	349
<u>jurisdiction or outside the law enforcement officer's</u>	350
<u>jurisdiction through requested mutual aid or pursuant to advance</u>	351
<u>authorization from the chief law enforcement officer of the</u>	352
<u>outside jurisdiction.</u>	353
<u>(6) Attorneys at law or any expert retained by an attorney</u>	354
<u>at law for consultation or litigation purposes who qualifies as</u>	355
<u>an expert under the federal rules of evidence or the Ohio rules</u>	356
<u>of evidence;</u>	357
<u>(7) Certified public insurance adjusters that hold a</u>	358
<u>certificate of authority issued pursuant to sections 3951.01 to</u>	359
<u>3951.09 of the Revised Code, while the adjuster is investigating</u>	360
<u>the cause of or responsibility for a fire, accident, or other</u>	361
<u>damage to property with respect to a claim or claims for loss or</u>	362
<u>damage under a policy of insurance covering real or personal</u>	363
<u>property;</u>	364
<u>(5)(8) Personnel placement services and persons who act as</u>	365
<u>employees of such entities engaged in investigating matters</u>	366
<u>related to personnel placement activities;</u>	367
<u>(6)(9) An employee in the regular course of the employee's</u>	368
<u>employment, engaged in investigating matters pertinent to the</u>	369
<u>business of the employee's employer or protecting property in</u>	370
<u>the possession of the employee's employer, provided the business</u>	371

invitees or tenants, or property in possession of the employee's 372
employer if both of the following apply: 373

(a) The employer is deducting all applicable state and 374
federal employment taxes on behalf of the employee ~~and neither~~. 375

(b) Neither the employer nor the employee is employed by, 376
associated with, or acting for or on behalf of any private 377
investigator or security guard provider~~;~~. 378

~~(7)~~ (10) Any better business bureau or similar organization 379
or any of its employees while engaged in the maintenance of the 380
quality of business activities relating to consumer sales and 381
services; 382

~~(8) An accountant who is registered or certified under~~ 383
Chapter 4701. ~~of the Revised Code or any of the accountant's~~ 384
~~employees while engaged in activities for which the accountant~~ 385
~~is certified or registered;~~ 386

~~(9)~~ (11) Persons engaged solely in the remote monitoring of 387
audio, video, and other event or alarm signals and then 388
dispatching public safety or security personnel; 389

(12) Any person who, for hire or otherwise, conducts 390
genealogical research in this state. 391

As used in division ~~(H)~~ ~~(9)~~ (L) (12) of this section, 392
"genealogical research" means the determination of the origins 393
and descent of families, including the identification of 394
individuals, their family relationships, and the biographical 395
details of their lives. "Genealogical research" does not include 396
furnishing for hire services for locating missing persons or 397
natural or birth parents or children. 398

~~(10)~~ (13) Any person residing in this state who conducts 399

research for the purpose of locating the last known owner of 400
unclaimed funds, provided that the person is in compliance with 401
Chapter 169. of the Revised Code and rules adopted thereunder. 402
~~The This exemption set forth in division (H) (10) of this section~~ 403
applies only to the extent that the person is conducting 404
research for the purpose of locating the last known owner of 405
unclaimed funds. 406

As used in division ~~(H) (10)~~ (L) (13) of this section, 407
"owner" and "unclaimed funds" have the same meanings as in 408
section 169.01 of the Revised Code. 409

~~(11) A professional engineer who is registered under~~ 410
~~Chapter 4733. of the Revised Code or any of his employees.~~ 411

~~As used in division (H) (11) of this section and~~ 412
~~notwithstanding division (I) of this section, "employee" has the~~ 413
~~same meaning as in section 4101.01 of the Revised Code.~~ 414

~~(12)~~ (14) Any person residing in this state who, for hire 415
or otherwise, conducts research for the purpose of locating 416
persons to whom the state of Ohio owes money in the form of 417
warrants, as defined in division (S) of section 131.01 of the 418
Revised Code, that the state voided but subsequently reissues. 419

~~(13)~~ (15) An independent insurance adjuster who, as an 420
individual, an independent contractor, an employee of an 421
independent contractor, adjustment bureau association, 422
corporation, insurer, partnership, local recording agent, 423
managing general agent, or self-insurer, engages in the business 424
of independent insurance adjustment, or any person who 425
supervises the handling of claims except while acting as an 426
employee of an insurer licensed in this state while handling 427
claims pertaining to specific policies written by that insurer. 428

As used in division ~~(H) (13)~~ (L) (15) of this section, 429
"independent insurance adjustment" means conducting 430
investigations to determine the cause of or circumstances 431
concerning a fire, accident, bodily injury, or damage to real or 432
personal property; determining the extent of damage of that 433
fire, accident, injury, or property damage; securing evidence 434
for use in a legislative, administrative, or judicial 435
investigation or proceeding, adjusting losses; and adjusting or 436
settling claims, including the investigation, adjustment, 437
denial, establishment of damages, negotiation, settlement, or 438
payment of claims in connection with insurance contractors, 439
self-insured programs, or other similar insurance programs. 440
"Independent adjuster" does not include either of the following: 441

(a) An attorney who adjusts insurance losses incidental to 442
the practice of law and who does not advertise or represent that 443
the attorney is an independent insurance adjuster; 444

(b) A licensed agent or general agent of an insurer 445
licensed in this state who processes undisputed or uncontested 446
losses for insurers under policies issued by that agent or 447
general agent. 448

~~(14) Except for a commissioned peace officer who engages~~ 449
~~in the business of private investigation or compensates others~~ 450
~~who engage in the business of private investigation or the~~ 451
~~business of security services or both, any commissioned peace~~ 452
~~officer as defined in division (B) of section 2935.01 of the~~ 453
~~Revised Code.~~ 454

~~(I) "Employee" means every person who may be required or~~ 455
~~directed by any employer, in consideration of direct or indirect~~ 456
~~gain or profit, to engage in any employment, or to go, or work,~~ 457
~~or be at any time in any place of employment, provided that the~~ 458

~~employer of the employee deducts all applicable state and
federal employment taxes on behalf of the employee.~~ 459
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(M) "Person" includes an individual, firm, partnership,
association, joint stock company, corporation, and any
combination of individuals. 461
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(N) "Qualifying agent" means an individual designated in
writing under sections 4749.03 to 4749.034 of the Revised Code
who meets certain minimum requirements for licensure on behalf
of the person applying for a license and who is responsible for
ensuring the licensee's compliance with this chapter and its
accompanying rules. 464
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(O) "Registrant" means a qualifying agent or any
individual registered in accordance with section 4749.06 of the
Revised Code as a private investigator, security guard, or both. 470
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(P) "Security provider," "security guard provider,"
"private investigator provider," and "private investigator" mean
any business licensed under this chapter to engage in the
business of private investigation, security services, or both. 473
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(Q) "Business" means a person that is not an individual. 477

(R) "Peace officer" has the same meaning as in section
2935.01 of the Revised Code. 478
479

(S) "Firearm" has the same meaning as in section 2923.11
of the Revised Code. 480
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Sec. 4749.02. The director of public safety shall 482
administer this chapter, and for that purpose, may appoint 483
employees and adopt rules that the director considers necessary. 484

~~The director shall implement electronic licensing and
registration procedures under this chapter not later than~~ 485
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~~December 31, 2006. The application procedures in effect on the~~ 487
~~effective date of this amendment shall continue until such time~~ 488
~~as electronic licensing and registration procedures are~~ 489
~~implemented.~~The director shall devise an examination to test the 490
competency of each qualifying agent as a private investigator, 491
security guard, or both. Unless the director has waived the 492
examination requirement under section 4749.032 of the Revised 493
Code, at least one qualifying agent of each applicant must pass 494
the examination. 495

Sec. 4749.021. (A) There is hereby created the Ohio 496
private investigation and security services commission, 497
consisting of the director of public safety or the director's 498
designee, who shall be a nonvoting member; the superintendent of 499
the highway patrol or the superintendent's designee, who shall 500
be a voting member; and twelve members appointed by the governor 501
with the advice and consent of the senate, as follows: 502

(1) Three members shall be owners or operators of a 503
business that maintains a class A license and shall have at 504
least five years' experience in this state in the business of 505
private investigation or security services. 506

(2) One member shall be an owner or operator of a business 507
that maintains a class B license and shall have at least five 508
years' experience in this state in the business of private 509
investigation or security services. 510

(3) One member shall be an owner or operator of a business 511
that maintains a class C license and shall have at least five 512
years' experience in this state in the business of private 513
investigation or security services. 514

(4) Two members shall be owners or operators of a business 515

that maintains a class A, B, or C license and shall have at 516
least five years' experience in this state in the business of 517
private investigation or security services. 518

(5) One member shall be an incumbent chief of police. 519

(6) One member shall be an active law enforcement officer, 520
not above the rank of lieutenant. 521

(7) One member shall be an incumbent sheriff. 522

(8) Two members who shall be representatives of the 523
general public ~~who have never had a direct employment~~ 524
~~relationship with any class A, B, or C licensee. A general~~ 525
public representative shall not have been employed by a class A, 526
B, or C licensee or as a commissioned peace officer for the five 527
years prior to the appointment. During the term of appointment, 528
the general public representative shall not become employed by a 529
class A, B, or C licensee or as a commissioned peace officer. 530

(B) (1) ~~The governor shall make initial appointments to the~~ 531
~~commission by January 1, 2005, and the commission shall hold its~~ 532
~~first meeting, at the call of the director of public safety, in~~ 533
~~January 2005. Of the initial appointments made to the~~ 534
~~commission, three shall be for a term ending December 31, 2005,~~ 535
~~three shall be for a term ending December 31, 2006, three shall~~ 536
~~be for a term ending December 31, 2007, and three shall be for a~~ 537
~~term ending December 31, 2008. Thereafter, terms~~ Terms of office 538
shall be for five years, with each term ending on the same day 539
of the same month as did the term that it succeeds. Each member 540
shall hold office from the date of appointment until the end of 541
the term for which the member was appointed. Members may be 542
reappointed, but may serve not more than two complete 543
consecutive five-year terms. Vacancies shall be filled in the 544

manner provided for original appointments. Any member appointed 545
to fill a vacancy occurring before the expiration date of the 546
term for which the member's predecessor was appointed shall hold 547
office as a member for the remainder of that term. A member 548
shall continue in office subsequent to the expiration of the 549
member's term until the member's successor takes office ~~or until~~ 550
~~a period of sixty days has elapsed, whichever occurs first.~~ The 551
governor, after notice and the opportunity for a hearing, may 552
remove any appointed member for misfeasance, malfeasance, or 553
nonfeasance. 554

(2) Ninety days before the expiration of a member's term, 555
or in the event of a vacancy, the Ohio association of security 556
and investigation services and other interested parties may 557
submit names to the governor for consideration of appointment to 558
the commission. 559

(C) The commission shall advise the director of public 560
safety on all matters related to the regulation of private 561
investigation and the business of security services and on all 562
matters related to this chapter. The commission shall advise the 563
director on the format, content, and all other aspects of all 564
private investigation and security services licensure 565
examinations. 566

(D) In accordance with Chapter 119. of the Revised Code, 567
the department may establish rules on behalf of the commission. 568

(E) The commission shall meet not less than four times 569
each year. It also shall meet upon the call of the chairperson, 570
upon the request of five members, or at the request of the 571
director of public safety or the director's designee. 572

(F) At the first regular meeting of each year, which shall 573

be called by the chairperson, the members shall elect a 574
chairperson and a vice-chairperson by a majority vote, and also 575
shall establish its meeting schedule for the remainder of the 576
year. The chairperson and vice-chairperson shall serve until 577
their successors are elected. No member may serve as chairperson 578
more than three times during a five-year term. The chairperson 579
shall preside over the commission's meetings, shall set the 580
meeting agenda, and shall serve as the commission's chief 581
spokesperson and liaison to the department of public safety. The 582
chairperson or vice-chairperson shall approve all vouchers of 583
the commission. Subject to the commission's approval, the 584
chairperson may appoint committees to assist the commission. 585
Committee members may be members of the commission. The vice- 586
chairperson shall exercise the duties of the chairperson when 587
the chairperson is not available. 588

(G) A quorum of ~~seven appointed~~ at least one more than 589
half of the currently serving members is necessary for a meeting 590
to convene or continue. All actions of the commission shall be 591
by a majority of the members present. Members may not 592
participate or vote by proxy. In accordance with Chapter 121. of 593
the Revised Code, at least fourteen days before a regular 594
meeting and twenty-four hours before a special meeting, the 595
chairperson shall notify all members of the commission in 596
writing of the agenda. Upon a timely request, any member of the 597
commission may have an item added to the commission's agenda. 598

(H) Each member of the commission shall receive the 599
member's necessary expenses incurred in the performance of 600
official duties, including travel, hotel, and other necessary 601
expenses. Members of any special committee, which may be 602
appointed by the commission to assist it, who are not members of 603
the commission also may receive necessary expenses. 604

(I) The department of public safety shall provide the 605
commission with suitable office and meeting space and necessary 606
technical, clerical, and administrative support. The department 607
shall serve as the official repository of the commission's 608
records. Expenses of the commission shall be paid from the 609
private investigator and security guard provider fund created in 610
section 4749.07 of the Revised Code. 611

(J) In the absence of fraud or bad faith, the commission, 612
a current or former commission member, or an agent, 613
representative, or employee of the commission is not liable in 614
damages to any person because of any act, omission, proceeding, 615
or decision related to official duties. 616

Sec. 4749.03. (A) Any person may apply for a license to 617
engage in the business of private investigation and security 618
services under a class A license, to engage in the business of 619
private investigation under a class B license, or to engage in 620
the business of security services under a class C license by 621
submitting an application on a form prescribed by the director 622
of public safety for that purpose. In addition to any other 623
information required by the director, the application shall 624
include all of the following: 625

(1) The name, address, date and place of birth, and 626
citizenship of each person having a legal or beneficial interest 627
in the ownership of the business and of each person that will 628
act as a qualifying agent for the business; 629

(a) If any such person is a corporation or limited 630
liability company, the applicant shall list all of the 631
following: 632

(i) The names of each officer of the person and the names 633

of the managing members of the person or, if the management of 634
the person is not reserved to its managing members, the managers 635
of the person; 636

(ii) The names of each person owning or controlling five 637
per cent or more of the capital stock of such a person that is a 638
corporation; 639

(iii) The names of each person owning or controlling five 640
per cent or more of either the voting interests or membership 641
interests in such a person that is a limited liability company. 642

(b) If any such person is a partnership or association, 643
the applicant shall list the names of each partner or member of 644
the association. 645

(2) The address of each of the applicant's places of 646
business; 647

(3) A brief physical description of each individual named 648
in the application as a qualifying agent; 649

(4) Any other information the director may require, as set 650
forth in rules adopted pursuant to Chapter 119. of the Revised 651
Code. 652

(B) The application described in division (A) of this 653
section shall be accompanied by all of the following: 654

(1) One recent full-face photograph of each individual 655
specified in the application as a qualifying agent; 656

(2) References from at least five reputable citizens for 657
each individual named in the application as a qualifying agent, 658
each of whom shall have known the named individual for at least 659
five years preceding the application, and none of whom are 660
connected with any of the named individuals by blood or 661

marriage; 662

(3) (a) Verification that, depending on the class of 663
license applied for, each individual named in the application as 664
a qualifying agent has, for a continuous two-year period, been 665
engaged in any of the following: 666

(i) The business of private investigation, the business of 667
security services, or both; 668

(ii) Investigatory or security services work for a law 669
enforcement or other public agency; 670

(iii) The practice of law. 671

(b) An applicant may meet the requirement prescribed in 672
division (B) (3) (a) of this section for any individual named in 673
the application as a qualifying agent by verifying that the 674
individual has acquired equivalent experience as determined in 675
rules adopted by the director of public safety. Such rules shall 676
address both of the following: 677

(i) The use of military programs of training, military 678
primary specialties, and lengths of service to meet the 679
experience requirements specified in division (B) (3) (a) of this 680
section; 681

(ii) The use of a college degree in lieu of one of the two 682
years of required experience. 683

(4) (a) A license fee in the amount the director 684
determines, not to exceed six hundred fifty dollars; 685

(b) An examination fee of twenty-five dollars for each 686
individual named in the application as a qualifying agent. 687

(5) (a) Evidence of comprehensive, general liability 688

insurance coverage, or other equivalent guarantee approved by 689
the director in such form and in principal amounts satisfactory 690
to the director; 691

(b) The director shall not approve comprehensive, general 692
liability coverage or another equivalent guarantee in an amount 693
less than one hundred thousand dollars for each person and three 694
hundred thousand dollars for each occurrence for bodily injury 695
liability, and one hundred thousand dollars for property damage 696
liability. 697

(6) Each person named in division (A)(1) of this section 698
shall submit an affidavit, on a form prescribed by the director, 699
stating all of the following: 700

(a) Whether or not the applicant has previously applied 701
for a class A, B, or C license or registration and the result of 702
the application; 703

(b) Whether or not the applicant has ever been the holder 704
of any such license or registration that was revoked or 705
suspended; 706

(c) Whether or not the applicant has been convicted of or 707
pleaded guilty to an offense in a criminal action; 708

(d) Whether or not the applicant is currently or has ever 709
previously held a license or registration to engage in the 710
business of private investigation, security services, or both in 711
another state or foreign jurisdiction, and, if so, the name of 712
the state or foreign jurisdiction and the status of the license 713
or registration. 714

(C)(1)(a) Each individual listed in the application as a 715
qualifying agent shall submit one complete set of fingerprints 716
directly to the superintendent of the bureau of criminal 717

identification and investigation for the purpose of conducting a 718
criminal records check. The individual shall provide the 719
fingerprints using a method the superintendent prescribes 720
pursuant to division (C) (2) of section 109.572 of the Revised 721
Code and complete the form the superintendent prescribes 722
pursuant to division (C) (1) of section 109.572 of the Revised 723
Code. 724

(b) The superintendent shall conduct the criminal records 725
check as set forth in division (B) of section 109.572 of the 726
Revised Code. 727

(c) The person requesting the criminal records check shall 728
pay the fee the superintendent prescribes. 729

(2) A qualifying agent who intends to carry a firearm in 730
the course of business or employment shall also notify the 731
superintendent of criminal identification and investigation of 732
this intent. This notification is in addition to any other 733
requirement related to carrying a firearm that applies to the 734
qualifying agent. 735

Upon receiving this notification, the superintendent shall 736
also request from the federal bureau of investigation any 737
relevant information and review the information the federal 738
bureau of investigation provides pursuant to division (B) (2) of 739
section 109.572 of the Revised Code. 740

(3) The superintendent shall submit all results of the 741
completed records check to the director. 742

(4) If the bureau of identification and investigation 743
assesses the director of public safety a fee for any activity 744
carried out under division (C) of this section, the director, in 745
addition to any other fee assessed pursuant to this chapter, may 746

assess the applicant a fee that is equal to the fee assessed by 747
the bureau. 748

Sec. 4749.031. (A) The director of public safety shall 749
deny a license to any person applying under section 4749.03 of 750
the Revised Code and refund all but one hundred dollars of the 751
license fee if the director finds any of the following with 752
regard to the applicant: 753

(1) (a) The applicant does not have a good reputation for 754
integrity. 755

(b) In determining whether the applicant has a good 756
reputation for integrity, the director may consider whether any 757
of the persons named in an application in accordance with 758
division (A) (1) of section 4749.03 of the Revised Code meet any 759
of the following: 760

(i) Has ever been convicted of or pleaded guilty to any 761
crime of moral turpitude; 762

(ii) Has been convicted of a disqualifying offense within 763
three years of the date of submitting an application in 764
accordance with section 4749.03 of the Revised Code; 765

(iii) Has been subject to discipline within five years of 766
making application in accordance with section 4749.03 of the 767
Revised Code for violations of this chapter or its accompanying 768
rules or a violation of any former or existing law of another 769
state that is or was substantially equivalent to any of the 770
violations set forth in this chapter; 771

(iv) Has voluntarily surrendered a license issued in 772
accordance with this chapter within five years of applying or 773
voluntarily surrendered a substantially equivalent license 774
issued under former or existing law of another state; 775

<u>(v) Has had a license issued in accordance with this</u>	776
<u>chapter previously revoked or suspended or has had a</u>	777
<u>substantially equivalent license issued under former or existing</u>	778
<u>law of another state revoked or suspended.</u>	779
<u>(2) The applicant failed to name in the application at</u>	780
<u>least one person who will act as a qualifying agent.</u>	781
<u>(3) Any person named as a qualifying agent on the</u>	782
<u>application meets any of the following:</u>	783
<u>(a) Has been convicted of or pleaded guilty to any crime</u>	784
<u>of moral turpitude;</u>	785
<u>(b) Has been convicted of or pleaded guilty to a</u>	786
<u>disqualifying offense within three years of the date of</u>	787
<u>submitting an application in accordance with this section;</u>	788
<u>(c) Has been adjudicated incompetent for the purpose of</u>	789
<u>holding the license, as provided in section 5122.301 of the</u>	790
<u>Revised Code, without having been restored to legal capacity for</u>	791
<u>that purpose;</u>	792
<u>(d) Has failed to pass the examination required by section</u>	793
<u>4749.02 of the Revised Code.</u>	794
<u>(4) The person has failed to submit all documentation and</u>	795
<u>pay the fees required by section 4749.03 of the Revised Code.</u>	796
<u>(B) If the director denies a person a license, the</u>	797
<u>director shall explain the reasons for the denial in writing.</u>	798
<u>(C) Divisions (C) (1) and (2) of this section only apply to</u>	799
<u>offenses for which the director, prior to September 1, 2012, was</u>	800
<u>required or authorized to deny an application.</u>	801
<u>(1) If a qualifying agent for an applicant has been</u>	802

convicted of or pleaded guilty to a misdemeanor that is not a 803
crime of moral turpitude or a disqualifying offense less than 804
one year prior to making the application, the director may use 805
the director's discretion in granting or denying the applicant a 806
license. 807

(2) If a qualifying agent for an applicant for a license 808
has been convicted of or pleaded guilty to a felony that is not 809
a crime of moral turpitude or a disqualifying offense less than 810
three years prior to making the application, the director may 811
use the director's discretion in granting or denying the 812
applicant a license. 813

(D) Subject to divisions (A) and (B) of this section, 814
divisions (B) and (E) of section 4749.033, and sections 4749.032 815
and 4749.04 of the Revised Code, the director shall not adopt, 816
maintain, renew, or enforce any rule, or take any other action, 817
that prevents a person from receiving or renewing a license 818
under this chapter due to any past criminal activity or 819
interpretation of moral character. 820

Sec. 4749.032. (A) If the director of public safety 821
determines that an applicant meets the requirements of section 822
4749.03 of the Revised Code and will not be denied an 823
application under section 4749.031 of the Revised Code, the 824
director shall notify the applicant that the applicant's 825
qualifying agents qualify to take the examination required by 826
section 4749.02 of the Revised Code and of the time and place 827
for the examination. 828

(B) The director may waive the examination requirement, 829
but not the examination fee specified in division (B) (4) (b) of 830
section 4749.03 of the Revised Code, of any applicant who 831
currently holds a class A, B, or C license in this state or an 832

applicant who is licensed as a private investigator provider, 833
security provider, or both, in another state. 834

Sec. 4749.033. (A) (1) If the director of public safety 835
finds that the applicant meets the requirements of sections 836
4749.03 to 4749.032 of the Revised Code and, unless the 837
requirement was waived under section 4749.032 of the Revised 838
Code, at least one qualifying agent of the applicant has passed 839
the examination required under section 4749.02 of the Revised 840
Code, the director shall issue the applicant a class A, B, or C 841
license. 842

(2) The license shall state all of the following: 843

(a) The licensee's name; 844

(b) The classification of the license; 845

(c) The location of the licensee's principal place of 846
business; 847

(d) The expiration date of the license; 848

(e) The names of the qualifying agents who have passed the 849
examination or for whom the examination was waived. 850

(3) (a) In addition to the license, the director also shall 851
issue a registration card to each qualifying agent who has 852
passed the examination required by section 4749.02 of the 853
Revised Code or for whom examination was waived. 854

(b) The registration card issued in accordance with this 855
division shall be the same registration card issued in 856
accordance with section 4749.06 of the Revised Code, except that 857
the registration card shall specify that the individual is a 858
qualifying agent. 859

(B) The director may grant an applicant a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the applicant shall be considered fully licensed. 860
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(C) All licenses issued on or after the effective date of this section expire on the first day of March of the second year following the date issued, and on the first day of March every two years thereafter. Renewals shall be conducted in accordance with division (D) of this section. 864
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(D) (1) To renew a license issued under this section or former section 4749.03 of the Revised Code, a license holder shall complete an application for renewal and pay a renewal fee determined by the director, which shall not exceed five hundred fifty dollars. Both the application and the fee shall be submitted to the director prior to the first day of March of the year in which the license expires. 869
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(2) Applications for license renewal and the accompanying fee submitted on or after the first day of March, but prior to the first day of April, in the year the license expires shall be accepted by the department if accompanied by the payment of a late fee of one hundred fifty dollars, that is in addition to the renewal fee prescribed in this section. 876
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(3) No reexamination shall be required for renewal of a valid license that has not expired. 882
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(4) (a) If an application for renewal is not submitted or is submitted on or after the first day of April in the year it expires, the licensee will be required to submit an application for a new license in accordance with section 4749.03 of the Revised Code. 884
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(b) A business that does not submit an application for 889
renewal before the first day of April in the year its license 890
expires is prohibited from engaging in the business of private 891
investigation, security guard services, or both, and is subject 892
to sanctions for operating an unlicensed business if it 893
continues to operate. 894

(E) (1) The director shall not renew the license of a 895
licensee that no longer meets the applicable requirements of 896
this section. 897

(2) No license shall be renewed unless the licensee 898
provides all of the following: 899

(a) Evidence of comprehensive, general liability insurance 900
coverage; 901

(b) Certificate of good standing from the secretary of 902
state; 903

(c) A full force and effect certificate from the secretary 904
of state, if applicable; 905

(d) The renewal fee established pursuant to division (D) 906
(1) of this section; 907

(e) A five-dollar fee for each qualifying agent listed on 908
the license. 909

(3) If the director denies a person a license renewal, the 910
director shall explain the reasons for the denial in writing. 911

(F) In considering the first renewal of a license, the 912
director shall not consider any conviction or plea of guilty 913
prior to the initial licensing, but may consider a conviction or 914
plea of guilty that occurred on or after the initial licensing. 915
For subsequent renewals, the director may consider only a 916

conviction or plea of guilty that occurred after the most recent 917
license renewal. 918

(G) The director may issue a duplicate copy of a license 919
issued under this section for the purpose of replacing a lost, 920
spoiled, or destroyed license, upon payment of a fee the 921
director determines, not exceeding twenty-five dollars. 922

Sec. 4749.034. (A) A qualifying agent may qualify more 923
than one business for licensure, provided that the qualifying 924
agent is actively engaged in each business. 925

(B) A business may transfer the business's class A, B, or 926
C license to another business upon completion of all of the 927
following: 928

(1) Submission of written notification to the director; 929

(2) Completion of an application for licensure by the 930
transferee; 931

(3) Surrender of the transferring business's current 932
license; 933

(4) Payment of a twenty-five-dollar fee. 934

(C) (1) Any officer or qualifying agent who qualified a 935
business for licensure under this chapter may obtain a similar 936
license in the individual's own name without reexamination upon 937
completion of all of the following: 938

(a) Written notification to the director; 939

(b) Completion of an application similar to that of an 940
individual seeking class A, B, or C licensure; 941

(c) Payment of a twenty-five-dollar fee. 942

(2) A request by an officer or qualifying agent for an 943

individual license shall not affect a business's license unless 944
the individual is the only individual that qualified the 945
business for licensure or all the other individuals who 946
qualified the business for licensure submit such requests. 947

(D) (1) Each business licensed under this chapter shall be 948
associated with at least one qualifying agent. 949

(2) If a business is, for any reason, no longer associated 950
with an individual who qualified it for licensure under this 951
chapter, a representative of the business shall notify the 952
director by certified mail, return receipt requested, within ten 953
days after the association terminates. 954

(3) If notification is so given, and the individual was 955
the only individual that qualified the business for licensure, 956
the business may submit the name of another individual to 957
qualify the business for the license within thirty days after 958
the association terminates. If the business submits the name of 959
another individual within that time period, the business may 960
continue to operate in the business of private investigation, 961
the business of security services, or both businesses in this 962
state under that license for ninety days after the association 963
terminates. 964

(4) If the individual whose name is submitted satisfies 965
the requirements of division (A) of this section and sections 966
4749.03 to 4749.032 of the Revised Code, the director shall 967
issue a new license to the business within ninety days after 968
receiving the application. 969

(5) The names of more than one individual may be 970
submitted. 971

Sec. ~~4749.031~~ 4749.035. (A) The department of public 972

safety shall be a participating public office for purposes of 973
the retained applicant fingerprint database established under 974
section 109.5721 of the Revised Code. The department shall elect 975
to participate in the continuous record monitoring service for 976
all persons licensed or registered under this chapter. When the 977
superintendent of the bureau of criminal identification and 978
investigation, under section 109.57 of the Revised Code, 979
indicates that an individual in the retained applicant 980
fingerprint database has been arrested for, convicted of, or 981
pleaded guilty to any offense, the superintendent promptly shall 982
notify the department either electronically or by mail that 983
additional arrest or conviction information is available. 984

(B) In addition to any other fees charged by the 985
department under this chapter, an applicant for a license under 986
~~section sections 4749.03 to 4749.034 or registration under~~ 987
section 4749.06 of the Revised Code, at the time of making an 988
initial or renewal application, shall pay any initial or annual 989
fee charged by the superintendent pursuant to rules adopted 990
under division (F) of section 109.5721 of the Revised Code. 991

Sec. 4749.04. (A) The director of public safety may take 992
any action specified in division (C) of this section against a 993
person who has applied for or holds a class A, B, or C license 994
or registration card. Actions taken against a person shall be 995
taken in accordance with Chapter 119. of the Revised Code, 996
except as provided in section 4749.041 of the Revised Code. 997

(B) The director may impose sanctions against an 998
applicant, licensee, or registrant for any of the following 999
reasons: 1000

(1) Any violation of this chapter or the rules adopted 1001
pursuant to this chapter or for allowing another to violate this 1002

<u>chapter or the rules adopted pursuant to this chapter;</u>	1003
<u>(2) Conviction of or plea of guilty to any crime of moral turpitude in which the defendant is a registrant, licensee, qualifying agent, or any other person listed on the license application in accordance with division (A) (1) (a) of section 4749.03 of the Revised Code;</u>	1004
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<u>(3) A conviction of or plea of guilty to a disqualifying offense within the last three years, where the defendant is a registrant, licensee, qualifying agent, or any other person listed on the license application in accordance with division (A) (1) (a) of section 4749.03 of the Revised Code;</u>	1009
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<u>(4) Knowingly making a false report with respect to any matter with which the licensee or registrant is employed or knowingly falsifying any business records;</u>	1014
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<u>(5) Testifying falsely under oath, or suborning perjury in any judicial proceeding;</u>	1017
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<u>(6) Divulging any information acquired from or for a client to persons other than the client or the client's authorized agent without express authorization to do so or unless required by law;</u>	1019
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<u>(7) Knowingly accepting employment that includes obtaining information intended for illegal purposes.</u>	1023
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<u>(C) The director may take any of the following actions against an applicant, licensee, or registrant for a violation described in division (B) of this section:</u>	1025
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<u>(1) Refuse to issue, renew, restore, or reinstate a license or registration;</u>	1028
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<u>(2) Reprimand or censure a licensee or registrant in</u>	1030

<u>writing;</u>	1031
<u>(3) Place limits, restrictions, or probationary conditions</u>	1032
<u>on a licensee's operations;</u>	1033
<u>(4) Other than a reason described in division (B) (2) or</u>	1034
<u>(3) of this section, impose on a licensee or registrant a civil</u>	1035
<u>penalty of not more than one hundred dollars for each day of</u>	1036
<u>violation, up to twenty-five thousand dollars;</u>	1037
<u>(5) Suspend a license or registration;</u>	1038
<u>(6) Revoke a license or registration;</u>	1039
<u>(7) Permanently revoke a license or registration.</u>	1040
<u>(D) This chapter does not require the director to act on</u>	1041
<u>minor paperwork violations of this chapter or the rules adopted</u>	1042
<u>under it, if the violations are committed by licensees and the</u>	1043
<u>director determines that the public interest is adequately</u>	1044
<u>served by issuing a notice or warning to the alleged offender.</u>	1045
<u>(E) Nothing in this section shall be construed as</u>	1046
<u>prohibiting the director from taking action against both a</u>	1047
<u>licensee and registrant for actions taken by a registrant.</u>	1048
<u>(F) The director shall adopt a rule in accordance with</u>	1049
<u>this chapter to provide guidelines for proposed disciplinary</u>	1050
<u>sanctions on applicants, licensees, and registrants for</u>	1051
<u>violations of this chapter.</u>	1052
<u>Sec. 4749.041.</u> (A) <u>If the director of public safety</u>	1053
<u>determines that there is clear and convincing evidence that a</u>	1054
<u>licensee or a registrant presents a danger of immediate and</u>	1055
<u>serious harm to the public, the director may summarily suspend</u>	1056
<u>the person's license or registration without a prior hearing.</u>	1057

(B) If the director summarily suspends a license or a registration, or both, the director shall issue a written order of suspension and cause it to be delivered in accordance with section 119.07 of the Revised Code. Such order shall inform the person subject to the suspension of the reason for suspension and of the person's right to request an adjudication hearing within fifteen days after the date of mailing the notice. If the person does not timely request an adjudication hearing, the summary suspension becomes a final adjudication order. 1058
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(C) (1) If the person subject to the summary suspension requests an adjudication hearing, such hearing shall be held in compliance with the provisions of sections 119.06 to 119.12 of the Revised Code. 1067
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(2) The director shall immediately set the date, time, and place for the hearing and promptly notify the person thereof. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the person has requested a hearing, unless otherwise agreed to by both the director and the person. 1071
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(D) The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The order shall not be subject to suspension by any court while an appeal filed under section 119.12 of the Revised Code is pending. 1077
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(E) The director shall issue a final adjudication order not later than sixty days after completion of the adjudication. If the director does not issue a final order within a sixty-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the sixty-day period 1083
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shall not be affected. 1088

Sec. 4749.05. ~~(A) Each class A, B, or C licensee shall~~ 1089
~~report the location of branch offices to the department of~~ 1090
~~public safety, and to the sheriff of the county and the police-~~ 1091
~~chief of any municipal corporation in which the office is-~~ 1092
~~located, and shall post a branch office license conspicuously in~~ 1093
~~that office. Application for a branch office license shall be~~ 1094
~~made on a form prescribed by the director of public safety, and~~ 1095
~~a license shall be issued upon receipt of the form and payment~~ 1096
~~of a fee fixed by the director, not exceeding one hundred~~ 1097
~~dollars. If a licensee moves an office, the licensee shall~~ 1098
~~notify, in writing, the department of public safety and any-~~ 1099
~~affected sheriff and chief of police within forty-eight hours of~~ 1100
~~the change.~~ 1101

~~This division does not apply to a licensed private-~~ 1102
~~investigator who is engaging in the business of private-~~ 1103
~~investigation as a registered employee of a licensed private-~~ 1104
~~investigator.~~ 1105

~~(B) Pursuant to Chapter 119. of the Revised Code, the-~~ 1106
~~director of public safety shall adopt rules regarding when a-~~ 1107
~~class A, B, or C licensee, or any of such a licensee's-~~ 1108
~~employees, is required to report the licensee's or employee's-~~ 1109
~~presence and length of stay to the sheriff and police chief of-~~ 1110
~~any county or municipal corporation in which the licensee or-~~ 1111
~~employee operates. The rules shall include reporting-~~ 1112
~~requirements for licenses or employees conducting fraud-~~ 1113
~~investigations or physical surveillance.~~ 1114

Sec. 4749.06. ~~(A) Each class A, B, or C licensee shall~~ 1115
~~register the licensee's investigator or security guard-~~ 1116
~~employees, with the department of public safety, which shall~~ 1117

~~maintain a record of each licensee and registered employee and~~ 1118
~~make it available, upon request, to any law enforcement agency.~~ 1119
~~The class A, B, or C licensee shall file an application to~~ 1120
~~register a new employee no sooner than three days nor later than~~ 1121
~~seven calendar days after the date on which the employee is~~ 1122
~~hired.~~ 1123

~~(B) (1) Each employee's registration application shall be~~ 1124
~~accompanied by one recent photograph of the employee, the~~ 1125
~~employee's physical description, and the registration fee the~~ 1126
~~director determines, not to exceed forty dollars.~~ 1127

~~(2) The employee~~ Any person, who is eighteen years of age 1128
or older on the date of making application, may apply to the 1129
director of public safety for a class A private investigator and 1130
security guard registration, a class B private investigator 1131
registration, or class C security guard registration. A 1132
registration application shall be made on a form prescribed by 1133
the director and shall include all of the following: 1134

(1) The applicant's name, address, date and place of 1135
birth, citizenship, and one recent photograph of the applicant; 1136

(2) A brief physical description of the applicant; 1137

(3) The registration fee the director determines, not to 1138
exceed eighty dollars for a two-year registration; 1139

(4) Any other information the director may require, as set 1140
forth in rules adopted pursuant to Chapter 119. of the Revised 1141
Code. 1142

(B) In addition to the application required in division 1143
(A) of this section, the applicant shall submit one complete set 1144
of fingerprints directly to the superintendent of the bureau of 1145
criminal identification and investigation for the purpose of 1146

conducting a criminal records check. The employee shall provide 1147
the fingerprints using a method the superintendent prescribes 1148
pursuant to division (C) (2) of section 109.572 of the Revised 1149
Code and ~~fill out~~ complete the form the superintendent 1150
prescribes pursuant to division (C) (1) of section 109.572 of the 1151
Revised Code. An employee who intends to carry a firearm ~~as~~ 1152
~~defined in section 2923.11 of the Revised Code~~ in the course of 1153
the employee's business or employment shall so notify the 1154
superintendent. This notification is in addition to ~~any other~~ 1155
~~requirement related to carrying a firearm that applies to the~~ 1156
~~employee meeting the requirements set forth in section 4749.10~~ 1157
of the Revised Code for carrying a firearm. The individual ~~or~~ 1158
~~corporation~~ requesting the criminal records check shall pay the 1159
fee the superintendent prescribes. 1160

The superintendent shall conduct the criminal records 1161
check as set forth in division (B) of section 109.572 of the 1162
Revised Code. If an employee intends to carry a firearm in the 1163
course of business or employment, pursuant to division (B) (2) of 1164
section 109.572 of the Revised Code the superintendent shall 1165
make a request of the federal bureau of investigation for any 1166
information and review the information the bureau provides. The 1167
superintendent shall submit all results of the completed 1168
investigation to the director of public safety. 1169

~~(3) If, after investigation, the bureau finds that the~~ 1170
~~employee~~ (C) The director shall issue to the applicant a private 1171
investigator, security guard, or private investigator and 1172
security guard registration card if the director finds that the 1173
applicant meets all of the following criteria: 1174

(1) The applicant has not been convicted of a 1175
disqualifying offense as defined in section 4776.10 of the 1176

Revised Code within the last three years, ~~the~~. 1177

(2) The applicant has not been convicted of any crime of moral turpitude. 1178
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(3) (a) The applicant has a good reputation of integrity. 1180

(b) The director shall adopt a rule in accordance with Chapter 119. of the Revised Code setting forth the factors the director may consider when determining whether an applicant has a good reputation for integrity. The rule shall include all of the following: 1181
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(i) Whether or not the applicant has been subject to discipline for a violation of this chapter or its accompanying rules or a violation of any former or existing law of another state that is or was substantially equivalent to any of the prohibitions set forth in this chapter, within five years of making application; 1186
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(ii) Whether or not the applicant has voluntarily surrendered a license or registration issued in accordance with this chapter within five years of making application or voluntarily surrendered a substantially equivalent license or registration issued under former or existing laws of another state; 1192
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(iii) Whether or not the applicant has had a license or registration issued in accordance with this chapter previously revoked or suspended or has had a substantially equivalent license or registration issued under former or existing law of another state revoked or suspended. 1198
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(4) The applicant has submitted a completed application, registration fee, and all required materials in accordance with divisions (A) and (B) of this section. 1203
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~~(D) The director shall issue to the employee an~~ 1206
~~identification applicant a registration card~~ bearing the license 1207
~~number and signature of the licensee, which in the case of a~~ 1208
~~corporation shall be the signature of its president or its~~ 1209
~~qualifying agent, and containing the employee's name, address,~~ 1210
~~age, physical description, and right thumb print or registrant's~~ 1211
~~name, signiture, and recent photograph of the applicant and any~~ 1212
~~other identifying mark as the director prescribes, a recent~~ 1213
~~photograph of the employee, and the employee's signature by~~ 1214
rule. The director may issue a duplicate of a lost, ~~spoiled~~ 1215
~~spoiled,~~ or destroyed ~~identification registration~~ card issued 1216
under this section, upon payment of a fee fixed by the director, 1217
not exceeding five dollars. 1218

~~(C)~~ (E) A registration card issued by the director in 1219
accordance with this section shall expire two years from the 1220
date of issuance and shall be renewed in accordance with section 1221
4749.061 of the Revised Code. The registration card authorizes 1222
the registrant to provide private investigator services, 1223
security services, or both anywhere in this state, only if the 1224
registrant is employed by a private investigator, security 1225
services provider, or both that is licensed in accordance with 1226
sections 4749.03 to 4749.034 of the Revised Code. The 1227
registration card issued by the department shall be carried by 1228
the registrant at all times while on duty. 1229

(F) Any registrant holding a valid registration card may 1230
change the registrant's registration class by submitting a 1231
change of classification request on a form prescribed by the 1232
director and payment of a five-dollar fee. Upon receiving a 1233
change of classification request and the accompanying fee the 1234
director shall issue a new registration card. 1235

(G) (1) Except as provided in division ~~(E)~~ (G) (2) of this 1236
section and section 4749.061 of the Revised Code, no class A, B, 1237
or C licensee shall permit an employee, other than an individual 1238
who qualified a corporation for licensure, a registrant in the 1239
licensee's employ to engage in, and no registrant shall engage 1240
in, the business of private investigation, the business of 1241
security services, or both businesses until unless the employee 1242
receives an registrant holds a valid registration or 1243
identification card from issued by the department, except that 1244
pending the issuance of an identification card, a class A, B, or 1245
C licensee may offer for hire security guard or investigator 1246
employees provided the licensee obtains a waiver from the person 1247
who receives, for hire, security guard or investigative 1248
services, acknowledging that the person is aware the employees 1249
have not completed their registration and agreeing to their 1250
employment. 1251

~~(D) If a class A, B, or C licensee, or a registered~~ 1252
~~employee of a class A, B, or C licensee, intends to.~~ 1253

(2) (a) Any person employed by a class A, B, or C licensee, 1254
who has submitted an application for registration to the 1255
department in accordance with the requirements set forth in 1256
division (A) of this section, and whose application is pending 1257
approval by the director, may, at the direction and 1258
authorization of the employing licensee, engage in the business 1259
of private investigation, the business of security services, or 1260
both for a period of time not to exceed ninety days from the 1261
date the application for registration was submitted to the 1262
department. During the period in which the person's application 1263
for registration is pending approval, the person shall have the 1264
receipt of application issued by the department in the 1265
applicant's possession at all times while engaged in the 1266

provision of services for the applicant's employing licensee. 1267

(b) No person whose application for a firearm-bearer notation on the person's registration card, as set forth in section 4749.10 of the Revised Code, is pending approval by the director may carry a firearm while engaged in the business of private investigation, the business of security services, or both, whether or not the person has the person's receipt of application issued by the department. 1268
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(3) While engaged in the duties of a registrant, upon the demand of any law enforcement officer who identifies him or herself as a law enforcement officer, an employee of the department of public safety who identifies him or herself as such an employee, or the client of the licensee, the registrant, or a person whose application for registration is pending approval by the director, shall display his or her registration card or receipt of application to that officer, employee, or client. 1275
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(H) No registrant shall carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's 1284
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~~identification card, and shall annually requalify on a firearms- 1297
range, all as described in division (A) of private 1298
investigation, the business of security services, or both, until 1299
the registrant has obtained a firearm-bearer notation on the 1300
registrant's registration card in accordance with section 1301
4749.10 of the Revised Code. A private investigator, security- 1302
guard provider, or employee is authorized to carry a firearm- 1303
only in accordance with that division. 1304~~

~~(E) This (I) The registration requirements of this section 1305
does do not apply to commissioned peace officers, as defined in- 1306
division (B) of section 2935.01 of the Revised Code, working 1307
for, either as an employee or independent contractor, a class A, 1308
B, or C licensee. For purposes of this chapter, a commissioned- 1309
peace officer is an employee exempt from registration. 1310~~

~~(F) The registration of an investigator or security guard- 1311
employee expires annually on the anniversary date of its initial- 1312
issuance. Annual renewals shall be made pursuant to procedures- 1313
the director establishes by rule and upon payment of a renewal- 1314
fee the director determines, not to exceed thirty five dollars.- 1315
The director shall not renew the registration of any- 1316
investigator or security guard employee who no longer meets the- 1317
requirements of this section. No background check is required- 1318
for annual renewal, but an investigator or security guard- 1319
employee shall report any conviction of a disqualifying offense- 1320
to the employer and the director of public safety as a condition- 1321
of continued registration. 1322~~

Sec. 4749.061. (A) Renewal of a registration card issued 1323
under section 4749.06 of the Revised Code shall occur every two 1324
years by meeting the requirements of this section and in 1325
accordance with all of the following: 1326

(1) Renewals shall be made by submitting an application 1327
for renewal on a form prescribed by the director of public 1328
safety, on or before the registrant's expiration date. 1329

(2) The application for renewal shall be accompanied by a 1330
renewal fee determined by the director, not to exceed eighty 1331
dollars. 1332

(3) Renewal applications submitted within thirty days 1333
after an applicant's registration expires shall be accompanied 1334
by the payment of a late fee of twenty dollars, that is in 1335
addition to the renewal fee prescribed in this division. 1336

(4) If a renewal application is not submitted or is 1337
submitted more than thirty days after the registration expires, 1338
the registrant will be required to submit an application for a 1339
new registration in accordance with this section. The expired 1340
registrant is prohibited from providing private investigation, 1341
security guard services, or both and is subject to sanctions for 1342
providing unregistered or unlicensed private investigator or 1343
security services or both if the expired registrant provides 1344
those services. 1345

(B) The director shall not renew the registration of a 1346
person who no longer meets the requirements of this section or 1347
fails to pay the renewal fee. 1348

(C) If a registrant is convicted of or pleads guilty to a 1349
disqualifying offense or offense of moral turpitude that is a 1350
felony, the registrant shall report that conviction or plea of 1351
guilty in writing to the registrant's employer and the director 1352
of public safety as a condition of continued registration. No 1353
registrant shall fail to comply with this division. 1354

Sec. 4749.062. (A) Each licensee shall report the 1355

licensee's private investigator or security guard employees, 1356
including those exempted from the registration requirements by 1357
division (I) of section 4749.06 of the Revised Code, with the 1358
department of public safety. 1359

(B) The department shall maintain a record of each 1360
licensee and each such employee and make it available upon 1361
request to any law enforcement agency and to the public. 1362

(C) The licensee shall report a new such employee not 1363
later than seven calendar days after the date on which the 1364
employee is hired. 1365

(D) Each licensee shall notify the department not later 1366
than seven calendar days after such an employee's employment is 1367
terminated for any reason. 1368

(E) A licensee shall allow a registrant in the licensee's 1369
employ to work only within the registrant's class. 1370

(F) Nothing in this section shall be construed as limiting 1371
registrants from being employed by more than one licensee at the 1372
same time. 1373

Sec. 4749.063. The director of public safety shall adopt 1374
rules in accordance with Chapter 119. of the Revised Code 1375
governing the training curriculum for applicants for a private 1376
investigator or security guard registration or both. The 1377
director shall address all of the following in the rules: 1378

(A) A requirement that applicants for a private 1379
investigator or security guard registration or both on or after 1380
the effective date of this section take eight hours of training; 1381

(B) The training curriculum, which shall, at a minimum, 1382
contain content pertaining to all of the following: 1383

<u>(1) The role of private investigators and security guards;</u>	1384
<u>(2) The laws and rules governing the business of private investigation and security services in this state;</u>	1385
<u>(3) The legal powers and limitation on private investigators and security guards, including civil liability;</u>	1387
<u>(4) Emergency procedures;</u>	1388
<u>(5) Communications and human and public relations;</u>	1389
<u>(6) Access control;</u>	1390
<u>(7) Ethics and professional conduct.</u>	1391
Sec. 4749.08. (A) No class A, B, or C licensee, or registered employee-registrant of a class A, B, or C licensee shall be considered, because of licensure or registration under this chapter, a law enforcement officer <u>or peace officer</u> for any purpose. Nothing in this chapter shall be construed as granting the right to carry a concealed weapon.	1392
(B) The rules of the department of public safety adopted for the administration of this chapter shall include provisions to assure that any uniform, <u>badge,</u> or identification <u>or registration</u> card shall be so designed as to avoid confusion of a private investigator, security guard provider, or registered-employee-class A, B, or C licensee or registrant with any law enforcement officer <u>or peace officer</u> in this state.	1393
<u>(C) (1) No licensee shall publish or cause to be published any document containing either of the following or use either of the following in relation to the services it provides:</u>	1394
<u>(a) The words "law enforcement," "police," "sheriff," "deputy," "peace officer," "trooper," "constable," or "patrol"</u>	1400
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in conjunction with the terms "Ohio" or "State"; 1411

(b) Any other phrase or statement of any sort that 1412
suggests that the licensee is an official law enforcement or 1413
governmental, investigative agency or that a registrant in the 1414
licensee's employ is an official law enforcement officer or 1415
peace officer. 1416

As used in this division, "document" includes any 1417
advertisement, letterhead, circular, electronic site, statement, 1418
or phrase. 1419

(2) Division (C) (1) of this section shall not apply to the 1420
licensee if the licensee has been commissioned as a peace 1421
officer pursuant to section 109.71 of the Revised Code, 1422
commissioned as a special police officer pursuant to section 1423
4973.17 of the Revised Code, commissioned as a private policeman 1424
pursuant to section 737.05 of the Revised Code, or as a 1425
commissioned or appointed police officer pursuant to any other 1426
statute in the Revised Code, and the licensee is acting pursuant 1427
to his or her authority as a commissioned officer. 1428

(D) No vehicle used by a licensee or registrant in the 1429
performance of the business of private investigation or security 1430
services shall be marked with the words "law enforcement," 1431
"police," "sheriff," "deputy," "peace officer," "trooper," 1432
"constable," or "patrol" in conjunction with "Ohio" or "State." 1433

Sec. 4749.09. Any class A, B, or C licensee, or ~~registered~~ 1434
~~employee~~ registrant of a class A, B, or C licensee, who operates 1435
in a municipal corporation that provides by ordinance for the 1436
licensing, registering, or regulation of private investigators, 1437
security guard providers, or their employees shall conform to 1438
those ordinances insofar as they do not conflict with this 1439

chapter. No license or registration fees shall be charged by the 1440
state or any of its subdivisions for conducting the business of 1441
private investigation, the business of security services, or 1442
both businesses other than as provided in this chapter. 1443

Sec. 4749.10. (A) ~~No class A, B, or C licensee and no~~ 1444
~~registered employee of a class A, B, or C licensee shall~~ No 1445
registrant shall carry a firearm in the course of the 1446
registrant's duties as a private investigator, security guard, 1447
or both unless the registrant is authorized to do so by the 1448
director of public safety in accordance with this section. 1449
Nothing in this section shall be construed as authorizing a 1450
registrant to carry a concealed firearm under any circumstance, 1451
unless the registrant complies with sections 2923.124 to 1452
2923.1213 of the Revised Code or 18 U.S.C. 926C. 1453

(B) In order to carry a firearm, as defined in section 1454
2923.11 of the Revised Code, in the course of engaging in the 1455
business of private investigation, the business of security 1456
services, or both businesses, unless all of the following apply 1457
the registrant shall comply with the provisions of this section, 1458
including all of the following: 1459

(1) The licensee or employee-registrant shall have done 1460
either has successfully of the following: 1461

(a) Successfully completed a basic-private security 1462
firearm basic training program at a training school approved by 1463
the Ohio peace officer training commission, which and has 1464
received a certificate of satisfactory completion and has 1465
qualified with each firearm type to be carried in the course of 1466
engaging in the business of private investigation or security 1467
services. The program includes twenty shall include forty hours 1468
of training in handgun use and, if any firearm other than a 1469

~~handgun is to be used, five hours of training in the use of~~ 1470
~~other firearms, and has received a certificate of satisfactory~~ 1471
~~completion of that program from the executive director of the~~ 1472
~~commission; the licensee or employee has, within three years~~ 1473
~~prior to November 27, 1985, satisfactorily completed firearms~~ 1474
~~training that has been approved by the commission as being~~ 1475
~~equivalent to such a program and has received written evidence~~ 1476
~~of approval of that training from the executive director of the~~ 1477
~~commission; or the licensee or employee is a former peace~~ 1478
~~officer, as defined in section 109.71 of the Revised Code, who~~ 1479
~~previously had successfully completed a firearms training course~~ 1480
~~at a training school approved by the Ohio peace officer training~~ 1481
~~commission and has received a certificate or other evidence of~~ 1482
~~satisfactory completion of that course from the executive~~ 1483
~~director of the commission. that addresses all of the following~~ 1484
topics: 1485

(i) The legal aspects of firearms use; 1486

(ii) Handgun marksmanship; 1487

(iii) Handgun handling and tactics; 1488

(iv) Shotgun marksmanship; 1489

(v) Shotgun handling and tactics. 1490

(b) Provided documentation that establishes both of the 1491
following: 1492

(i) That the applicant is an active or reserve member of 1493
the armed forces of the United States, was honorably discharged 1494
within the last three years from military service in the active 1495
or reserve armed forces of the United States, is a qualified law 1496
enforcement officer as defined in 18 U.S.C. 926B, or is a 1497
qualified retired law enforcement officer as defined in 18 1498

U.S.C. 926C; 1499

(ii) That, through participation in the military service 1500
or through employment described above, the applicant acquired 1501
experience with handling handguns and shotguns, and the 1502
experience so acquired was equivalent to training that the 1503
applicant could have acquired in the program described in 1504
division (B) (1) (a) of this section. 1505

(2) ~~The licensee or employee~~ registrant submits an 1506
application to the director of public safety, on a form 1507
prescribed by the director, in which the ~~licensee or employee~~ 1508
registrant requests ~~registration as a class A, B, or C licensee~~ 1509
~~or employee authorization as a registrant~~ who may carry a 1510
firearm of the type for which the registrant has received the 1511
applicable training. The application shall be accompanied by a 1512
copy of the certificate or the written evidence or other 1513
evidence described in division ~~(A)~~ (B) (1) of this section, ~~the~~ 1514
~~identification card issued pursuant to section 4749.03 or~~ 1515
~~4749.06 of the Revised Code if one has previously been issued, a~~ 1516
~~statement of the duties that will be performed while the~~ 1517
~~licensee or employee is armed, and a fee the director~~ 1518
~~determines, not to exceed fifteen dollars. In the case of a~~ 1519
~~registered employee, the statement shall be prepared by the~~ 1520
~~employing class A, B, or C licensee.~~ 1521

(3) ~~The licensee or employee~~ After the registrant receives 1522
a notation on the ~~licensee's or employee's identification~~ 1523
registrant's registration card that the ~~licensee or employee~~ 1524
registrant is a firearm-bearer ~~and, the registrant~~ carries the 1525
~~identification registration~~ card whenever the licensee or 1526
employee carries a firearm in the course of engaging in the 1527
business of private investigation, the business of security 1528

services, or both businesses. 1529

~~(4) At any time within the immediately preceding twelve- 1530
month period, the licensee or employee has requalified in 1531
firearms use on a firearms training range at a firearms- 1532
requalification program certified by the Ohio peace officer- 1533
training commission or on a firearms training range under the 1534
supervision of an instructor certified by the commission and has 1535
received a certificate of satisfactory requalification from the 1536
certified program or certified instructor, provided that this 1537
division does not apply to any licensee or employee prior to the 1538
expiration of eighteen months after the licensee's or employee's 1539
completion of the program described in division (A) (1) of this 1540
section. A certificate of satisfactory requalification is valid 1541
and remains in effect for twelve months from the date of the 1542
requalification. 1543~~

~~(5) If division (A) (4) of this section applies to the 1544
licensee or employee, the licensee or employee carries the 1545
certificate of satisfactory requalification that then is in 1546
effect or any other evidence of requalification issued or 1547
provided by the director. 1548~~

~~(B) (1) The director of public safety shall register an 1549
applicant under division (A) of this section who satisfies 1550
divisions (A) (1) and (2) of this section, and place a notation 1551
on the applicant's identification card indicating that the 1552
applicant is a firearm bearer and the date on which the 1553
applicant completed the program described in division (A) (1) of 1554
this section. 1555~~

~~(2) A firearms requalification training program or 1556
instructor certified by the commission for the annual 1557
requalification of class A, B, or C licensees or employees who 1558~~

~~are authorized to carry a firearm under section 4749.10 of the~~ 1559
~~Revised Code shall award a certificate of satisfactory~~ 1560
~~requalification to each class A, B, or C licensee or registered~~ 1561
~~employee of a class A, B, or C licensee who satisfactorily~~ 1562
~~requalifies in firearms training. The certificate shall identify~~ 1563
~~the licensee or employee and indicate the date of the~~ 1564
~~requalification. A licensee or employee who receives such a~~ 1565
~~certificate shall submit a copy of it to the director of public~~ 1566
~~safety. A licensee shall submit the copy of the requalification~~ 1567
~~certificate at the same time that the licensee makes application~~ 1568
~~for renewal of the licensee's class A, B, or C license. The~~ 1569
~~director shall keep a record of all copies of requalification~~ 1570
~~certificates the director receives under this division and shall~~ 1571
~~establish a procedure for the updating of identification cards~~ 1572
~~to provide evidence of compliance with the annual~~ 1573
~~requalification requirement. The procedure for the updating of~~ 1574
~~identification cards may provide for the issuance of a new card~~ 1575
~~containing the evidence, the entry of a new notation containing~~ 1576
~~the evidence on the existing card, the issuance of a separate~~ 1577
~~card or paper containing the evidence, or any other procedure~~ 1578
~~determined by the director to be reasonable. Each person who is~~ 1579
~~issued a requalification certificate under this division~~ 1580
~~promptly shall pay to the Ohio peace officer training commission~~ 1581
~~established by section 109.71 of the Revised Code a fee the~~ 1582
~~director determines, not to exceed fifteen dollars, which fee~~ 1583
~~shall be transmitted to the treasurer of state for deposit in~~ 1584
~~the peace officer private security fund established by section~~ 1585
~~109.78 of the Revised Code.~~ 1586

~~(C) Nothing in this section prohibits a private~~ 1587
~~investigator or a security guard provider from carrying a~~ 1588
~~concealed handgun if the private investigator or security guard~~ 1589

~~provider complies with sections 2923.124 to 2923.1213 of the~~ 1590
~~Revised Code.~~ 1591

(C) (1) The basic firearms training described in division 1592
(B) (1) of this section is valid until the end of the following 1593
calendar year in which it is successfully completed. 1594

(2) In order to carry a firearm pursuant to this section, 1595
a registrant shall requalify annually pursuant to section 1596
109.801 of the Revised Code and in accordance with rules adopted 1597
by the attorney general pursuant to section 109.743 of the 1598
Revised Code. 1599

(3) Each firearms requalification is valid until the 1600
thirty-first of December of the year following the 1601
requalification. 1602

(4) A registrant who has not re-qualified within the prior 1603
three calendar years shall complete the initial training 1604
described in division (B) (1) of this section before carrying a 1605
firearm pursuant to this section. 1606

(5) The director of public safety shall receive the 1607
registrant's evidence of requalification signed by the 1608
instructor on a form prescribed by the director. 1609

(6) Upon receipt of that evidence and the payment of a fee 1610
prescribed by the director, the director shall renew the firearm 1611
bearer notation on the registrant's registration card. 1612

(D) (1) Private security firearms instructors and firearms 1613
requalification instructors with active certification by the 1614
Ohio peace officer training commission in the appropriate 1615
firearm type may requalify registrants pursuant to this 1616
division. 1617

(2) Registrants desiring to carry firearms other than 1618
handguns or shotguns in the course of engaging in the business 1619
of private investigation, the business of security services, or 1620
both businesses, shall comply with division (B) of this section 1621
and then subsequently shall complete a training course conducted 1622
by an instructor with active certification from the commission 1623
for the other firearm type and requalify annually with that 1624
other firearm type. 1625

(E)(1) The director of public safety may immediately 1626
revoke firearm-bearer privileges without a prior hearing upon 1627
receiving notice that a registrant is prohibited from carrying a 1628
firearm under 18 U.S.C. 922, section 2923.13 of the Revised 1629
Code, or a violation of any other state or federal law that 1630
disqualifies a person from carrying a firearm. 1631

(2) Upon revoking firearm-bearer privileges, the director 1632
of public safety shall provide the registrant with notice of 1633
opportunity of hearing in accordance with section 4749.041 of 1634
the Revised Code. 1635

Sec. 4749.11. (A) The director of public safety may 1636
investigate ~~any applicant for the person listed on a class A, B,~~ 1637
~~or C license, any principal officer or qualifying agent of a~~ 1638
~~corporation who is specified in an application for licensure as~~ 1639
~~satisfying the requirements of divisions (A)(1) and (F)(1) of~~ 1640
~~section 4749.03 of the Revised Code, and any employee of a class~~ 1641
~~A, B, or C licensee who seeks to be registered under section~~ 1642
~~4749.06 of the Revised Code~~ application and any person applying 1643
for a class A, B, or C registration to determine whether the 1644
~~individual person~~ satisfies the applicable requirements for 1645
licensure or registration. 1646

(B)(1) The director may investigate, on the director's own 1647

initiative, the actions or proposed actions of ~~a~~any of the 1648
following persons to determine whether the person is, has been, 1649
or will be in violation of any of the provisions of this chapter 1650
or rules adopted thereunder: 1651

~~(a) A class A, B, or C licensee, or registered employee of~~ 1652
~~a class A, B, or C licensee to determine whether the person is,~~ 1653
~~has been, or will be in violation of section 4749.13 of the~~ 1654
~~Revised Code.;~~ 1655

(b) A person having a legal or beneficial interest in the 1656
ownership of a business that falls under the jurisdiction of 1657
this chapter; 1658

(c) A qualifying agent; 1659

(d) If a person listed on a license issued under this 1660
chapter is a corporation or limited liability company, any of 1661
the following: 1662

(i) Each officer of the person; 1663

(ii) Each managing member of the person; 1664

(iii) If the management of the company is not reserved to 1665
its members, the managers of the company; 1666

(iv) Any person owning or controlling five per cent or 1667
more of the capital stock of such a person that is a 1668
corporation; 1669

(v) Each person owning or controlling five per cent or 1670
more of either the voting interests or membership interests of 1671
such a person that is a limited liability company. 1672

(e) If a person listed on a license issued under this 1673
chapter is a partnership or association, each partner or member 1674

of the association. 1675

(2) The director ~~shall~~ may investigate any of these 1676
persons if a ~~verified written~~ complaint is filed indicating that 1677
a person has violated, or is or will be violating, ~~section~~ 1678
~~4749.13 of the Revised Code; the complaint is supported by~~ 1679
~~evidence submitted with it; and the director determines that a~~ 1680
~~prima facie case exists that a violation of that section is~~ 1681
~~being, has been, or will be committed by the person~~ any 1682
provision of this chapter. 1683

(C) The director may investigate, on the director's own 1684
initiative, the actions or proposed actions of a person who is 1685
not licensed or registered under this chapter and who appears to 1686
be acting as a class A, B, or C licensee, ~~or employee of a class~~ 1687
~~A, B, or C licensee registrant.~~ The director ~~shall~~ may 1688
investigate such a person if a ~~verified written~~ complaint is 1689
filed indicating that a person was, is, or will be acting as a 1690
class A, B, or C licensee or ~~employee of a class A, B, or C~~ 1691
~~licensee registrant~~ but is not licensed or registered as such 1692
under this chapter; ~~the complaint is supported by evidence that~~ 1693
~~is submitted with it; and the director determines that a prima-~~ 1694
~~facie case exists that the person was, is, or will be acting in~~ 1695
~~the alleged manner.~~ 1696

(D) In connection with investigations under divisions (B) 1697
and (C) of this section, the director may file an action with 1698
the court of common pleas of Franklin county or the court of 1699
common pleas of the county in which the person who is the 1700
subject of the investigation resides, is engaging in actions, or 1701
proposing to engage in actions, to obtain an injunction, 1702
restraining order, or other appropriate relief. 1703

(E) The director may compel by subpoena witnesses to 1704

appear and testify in relation to investigations under this 1705
chapter and may require by subpoena duces tecum the production 1706
of any book, paper, or document pertaining to an investigation. 1707
If a person does not comply with a subpoena or subpoena duces 1708
tecum, the director may apply to the court of common pleas of 1709
Franklin county for an order compelling the person to comply 1710
with the subpoena or subpoena duces tecum or, for failure to do 1711
so, to be held in contempt of court. 1712

(F) If, in an investigation under division (C) of this 1713
section, the director determines that a person is not a class A, 1714
B, or C licensee, ~~or a registered employee of a class A, B, or C~~ 1715
~~licensee registrant~~, and that the person was, is, or will be 1716
acting in the alleged manner, the director may issue an order to 1717
the person to show cause why the person should not be subject to 1718
licensing or registration under this chapter. The director shall 1719
hold a hearing on the order, and if following the hearing the 1720
director determines that the person has engaged, or is or will 1721
be engaging, in activities requiring licensure or registration 1722
under this chapter, the director may issue a cease and desist 1723
order that shall describe the person and the activities that are 1724
the subject of it. The cease and desist order is enforceable in 1725
and may be appealed to a court of common pleas pursuant to 1726
Chapter 119. of the Revised Code. 1727

(G) In any proceeding or action brought under this 1728
chapter, the burden of proving an exemption from the licensure 1729
requirements of this chapter is on the person claiming the 1730
benefit of the exemption to a preponderance of the evidence. 1731

Sec. 4749.12. (A) A person who is a resident of another 1732
state and is validly licensed and in good standing in that state 1733
as a private investigator, security provider, or both, may 1734

conduct temporary assignments in this state for up to thirty 1735
days annually if the business or contract originated outside 1736
this state. 1737

(B) Any person conducting a temporary assignment in this 1738
state may not solicit business in this state. 1739

Sec. 4749.13. (A) No person shall engage in the business 1740
of private investigation, the business of security services, or 1741
both businesses in this state unless the person is licensed 1742
pursuant to this chapter or a registrant registered under this 1743
chapter and working for a licensee. Each day of continuing 1744
violation constitutes a separate offense. Nothing in this 1745
chapter shall be construed to require ~~any employee of a class A,~~ 1746
~~B, or C licensee~~ a registrant to obtain a class A, B, or C 1747
license, provided that ~~an employee shall be registered by a~~ 1748
~~licensee when required by section 4749.06 of the Revised Code.~~ 1749
~~Nothing in this chapter shall be construed to require a partner~~ 1750
~~to be a class A, B, or C licensee except as provided in division~~ 1751
~~(A) (3) of section 4749.03 of the Revised Code. Nothing in this~~ 1752
~~chapter shall be construed to require a director, officer, or~~ 1753
~~qualifying agent of a corporation to individually be a class A,~~ 1754
~~B, or C licensee if the corporation is licensed pursuant to this~~ 1755
~~chapter.~~ 1756

~~(B) No class A, B, or C licensee, or registered employee~~ 1757
~~of a class A, B, or C licensee shall:~~ 1758

~~(1) Knowingly violate any provision of this chapter or any~~ 1759
~~rule of the director of public safety adopted for the~~ 1760
~~administration of this chapter;~~ 1761

~~(2) Knowingly make a false report with respect to any~~ 1762
~~matter with which the licensee or registered employee is~~ 1763

~~employed;~~ 1764

~~(3) Divulge any information acquired from or for a client to persons other than the client or the client's authorized agent without express authorization to do so or unless required by law;~~ 1765
1766
1767
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~~(4) Knowingly accept employment which includes obtaining information intended for illegal purposes.~~ 1769
1770

~~(C) No person shall knowingly authorize or permit another person to violate any provision of this chapter or any rule of the director adopted for the administration of this chapter.~~ 1771
1772
1773

~~(D) the registrant is engaging in the business of private investigation, the business of security services, or both as an employee of a licensee.~~ 1774
1775
1776

(B) No person who is not licensed as a class A, B, or C licensee shall advertise that the person is or otherwise hold his or her self out as a class A, B, or C licensee. This division does not prohibit ~~registered employees registrants~~ from indicating in the course of authorized employment for a class A, B, or C licensee that they are authorized to engage in ~~investigatory investigation, security services activities, or both activities.~~ 1777
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Sec. 4749.151. Except as provided in division (I) of section 4749.06 of the Revised Code, any person providing private investigator services, security services, or both and holding the person's self out as an independent contractor shall either: 1785
1786
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(A) Hold a class A, B, or C license in accordance with sections 4749.03 to 4749.034 of the Revised Code; 1790
1791

(B) Hold a class A, B, or C registration in accordance 1792
with section 4749.06 of the Revised Code and be providing 1793
services on behalf of a class A, B, or C licensee; 1794

(C) Be exempt from this chapter pursuant to division (L) 1795
of section 4749.01 of the Revised Code. 1796

Sec. 4749.99. (A) Except as otherwise provided in this 1797
division, whoever violates division (A) of section 4749.13 of 1798
the Revised Code is guilty of a misdemeanor of the first degree. 1799
Whoever violates division (A) of section 4749.13 of the Revised 1800
Code and previously has been convicted of one or more violations 1801
of division (A) of that section is guilty of a felony of the 1802
fifth degree. If the offender previously has been convicted of 1803
two or more violations of division (A) of that section, the 1804
offender shall be fined ten thousand dollars and also may be 1805
imprisoned not more than one year. 1806

(B) Whoever violates division (B), ~~(C), or (D)~~ of section 1807
4749.13 of the Revised Code shall be fined not less than one 1808
hundred or more than one thousand dollars, imprisoned not more 1809
than one year, or both. 1810

Section 2. That existing sections 109.75, 109.78, 109.801, 1811
4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 4749.08, 1812
4749.09, 4749.10, 4749.11, 4749.13, and 4749.99 and section 1813
4749.12 of the Revised Code are hereby repealed. 1814

Section 3. That sections 4749.03 and 4749.04 of the 1815
Revised Code are hereby repealed. 1816

Section 4. (A) Except as provided in division (B) of this 1817
section, Sections 1 and 2 of this act take effect on the 1818
effective date of this act. 1819

(B) Sections 4749.031, 4749.06, 4749.10, 4749.11, 4749.13, 1820

and 4749.99, as amended by this act; sections 4749.032, 1821
4749.033, 4749.034, 4749.041, 4749.061, 4749.062, and 4749.151, 1822
as enacted by this act; and new sections 4749.03, 4749.031, and 1823
4749.04 of the Revised Code, as enacted by this act, take effect 1824
one year after the effective date of this act. 1825

(C) Section 3 of this act takes effect one year after the 1826
effective date of this act. 1827

Section 5. (A) A license issued under section 4749.03 of 1828
the Revised Code prior to repeal of that section by this act 1829
shall expire on the first day of March in the year indicated on 1830
the license. 1831

(1) If the business name associated with the license 1832
starts with a letter from A through L, it may be renewed for one 1833
year if all other requirements of section 4749.033 of the 1834
Revised Code, as enacted by this act, are met and with payment 1835
of a renewal fee determined by the director, which shall not 1836
exceed two hundred seventy-five dollars. Thereafter, renewals 1837
shall occur every two years according to division (D) of section 1838
4749.033 of the Revised Code, as enacted by this act. 1839

(2) If the business name associated with the license 1840
begins with a letter from M through Z, the license shall be 1841
renewed according to division (D) of section 4749.033 of the 1842
Revised Code, as enacted by this act. 1843

(B) (1) An identification card issued under section 4749.06 1844
of the Revised Code prior to the amendment of that section by 1845
this act, shall expire on the date listed on the identification 1846
card. 1847

(2) When renewing such an identification card, the 1848
director of public safety shall issue a new registration card 1849

according to the following: 1850

(a) If the last name of the registrant starts with the 1851
letters A through L, the registrant shall receive a registration 1852
card valid for one year if all other requirements of section 1853
4749.06 of the Revised Code, as amended by this act, are met and 1854
with payment of a renewal fee in an amount the director 1855
determines, not to exceed forty dollars. 1856

(b) If the last name of the registrant starts with the 1857
letters M through Z, the registrant shall receive a registration 1858
card valid for two years, if all other requirements of section 1859
4749.06 of the Revised Code, as amended by this act, are met and 1860
with payment of a renewal fee the director determines, not to 1861
exceed eighty dollars. 1862