

Chapter 35. Private Protective Services Licensing and Regulatory Act

62-35-101. Short title.

This chapter shall be known and may be cited as the “Private Protective Services Licensing and Regulatory Act.”

62-35-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1)** “Armed security guard/officer” means a security guard/officer who at any time wears, carries, possesses or has access to a firearm or any facsimile of any firearm that may leave the impression that the person is armed and who works in plainclothes or wears dress of a distinctive design or fashion or dress having any symbol, badge, emblem, insignia or device that identifies or tends to identify the wearer as a security guard/officer;
- (2)** “Branch manager” means the individual who is immediately responsible for the operation of a branch office;
- (3)** “Branch office” means any office of a contract security company within this state other than its principal place of business within this state;
- (4)** “Certified trainer” means any individual certified by the commissioner as qualified to administer and certify to successful completion of the minimum training requirements prescribed by this chapter for a security guard/officer;
- (5)** “Commissioner” means the commissioner of commerce and insurance or the commissioner's designee;
- (6)** “Contract security company” means any person engaging in the business of providing or undertaking to provide a security guard and patrol service on a contractual basis for another person;
- (7)** “Licensee” means any contract security company licensed in accordance with this chapter;
- (8)** “Person” means any individual, firm, association, company, partnership, corporation, nonprofit organization, institution or similar entity;
- (9)** “Principal corporate officer” means the chief executive officer, president, vice president, treasurer, secretary or comptroller, as well as any other responsible officer or executive employee who performs functions for the corporation corresponding to those performed by the chief executive officer, president, vice president, treasurer, secretary or comptroller;
- (10)** “Proprietary security organization” means any person or department of the organization that employs a security guard/officer solely for the person in an employer/employee relationship;
- (11)** “Qualifying agent” means a principal corporate officer meeting the qualifications set forth in this chapter for operating a contract security company;
- (12)** “Qualifying manager” means an individual designated by a proprietary security organization to be responsible for compliance with this chapter on behalf of the organization;

(13) “Registrant” means an individual who holds a valid registration card;

(14) “Registration card” means a pocket card issued by the commissioner evidencing that the holder has met the qualifications required by this chapter to perform the duties of a security guard/officer in this state;

(15) “Security guard/officer” means an individual employed by a contract security company or a proprietary security organization whose primary duty is to perform any function of a security guard and patrol service;

(16) “Security guard and patrol service” means protection of persons or property, or both, from criminal activities, including, but not limited to:

(A) Prevention or detection, or both, of intrusion, unauthorized entry, larceny, vandalism, abuse, fire or trespass on private property;

(B) Prevention, observation or detection of any unauthorized activity on private property;

(C) Enforcement of rules, regulations or local or state laws on private property;

(D) Control, regulation or direction of the flow or movements of the public, whether by vehicle or otherwise on private property; or

(E) Street patrol service;

(17) “Street patrol service” means the utilization of foot patrols, motor patrols or any other means of transportation in public areas or on public thoroughfares in order to serve multiple customers or facilities. “Street patrol service” does not apply to:

(A) A management supervisor moving from one (1) customer or facility to another to inspect personnel; or

(B) A security guard/officer traveling from one (1) facility to another to serve the same customer with multiple facilities;

(18) “Sworn peace officer” means any individual who derives plenary or special law enforcement powers, such as the power of arrest, from, and is an employee of, a federal, state, or local governmental agency or instrumentality;

(19) “Unarmed security guard/officer” means a security guard/officer who never wears, carries or has access to a firearm or any facsimile of a firearm that may leave the impression that the person is armed with a firearm, but who may carry other nonlethal devices as prescribed in this chapter with the proper certification and who works in plainclothes or wears dress of a distinctive design or fashion or dress having any symbol, badge, emblem, insignia, or device that identifies or tends to identify the wearer as a security guard/officer; and

(20) “Undercover agent” means an individual hired by another person, through a contract security company to perform a job in or for that person, and while performing the job, to act as an undercover employee, independent contractor or operative of the person, but under the supervision of the contract security company.

§ 62-35-103. Exemptions.

(a) This chapter does not apply to:

- (1)** A government officer or employee performing official duties;
- (2)** A consumer reporting agency, as defined by the Federal Fair Credit Reporting Act ([15 U.S.C. § 1681 et seq.](#));
- (3)** An attorney at law or the attorney's agent performing duties relating to the attorney's practice of law;
- (4)** An insurance company, agent, broker or adjuster performing investigative duties in connection with insurance business transacted;
- (5)** A holder of a purchase money security interest or the holder's agent repossessing the personal property in which the interest is held;
- (6)** A private business employee conducting investigations relating to the internal affairs of the business;
- (7)** A full-time sworn peace officer receiving compensation for services as a guard, patrol or watchperson under a contract with a private business that is properly licensed by the state;
- (8)** An unarmed employee, whether uniformed or nonuniformed, in the course and scope of employment of a hospital who exceeds all training requirements established in [§ 62-35-118](#) by having received no less than twelve (12) classroom hours of training. The course curriculum for the training shall be on file with the commissioner;
- (9)** Private entities contracting with governmental entities for the care, supervision or transportation of inmates. This exemption shall in no way authorize government contracts for the care, supervision or transportation of inmates;
- (10)** A private special deputy appointed pursuant to [§ 38-8-118](#);
- (11)** A special deputy appointed pursuant to [§ 8-8-212](#) or a special police officer appointed by the chief of police in a county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census;
- (12)** A retired peace officer receiving compensation for services as a guard, patrol, or watchperson under a contract with a private business that is properly licensed by the state; provided, that the retired peace officer:
 - (A)**
 - (i)** Completes the firearms and marksmanship training required by [§ 62-35-118\(b\)](#); and
 - (ii)** Has a written directive issued by the executive supervisor of the organization to which the person was attached or employed authorizing the person to carry a handgun; or
 - (B)** Is authorized to carry a firearm pursuant to [§ 38-8-116\(b\)](#);

(13)

(A) One (1) designated employee per business location of a private company, firm, partnership or corporation that is not a contract security company or proprietary security organization whose duties include those of an unarmed security guard/officer during nonbusiness hours;

(B) Pursuant to this subdivision (a)(13), no person, while performing any function of a security guard and patrol service during nonbusiness hours, shall:

(i) Wear or display any badge, insignia, shield, patch or pattern that:

(a) Indicates or tends to indicate that the person is a sworn peace officer;

(b) Contains or includes the word "police" or the equivalent of that word; or

(c) Is similar in wording to any law enforcement agency in this state; or

(ii) Have or utilize any vehicle or equipment that:

(a) Displays the words "police," "law enforcement officer," or the equivalent of those words; or

(b) Has any sign, shield, accessory or insignia that may indicate that the vehicle or equipment belongs to a public law enforcement agency;

(14) A special police officer appointed by a chief of police or by the sheriff in any county having a population of no less than one hundred fifty-three thousand (153,000) nor more than one hundred fifty-three thousand one hundred (153,100), according to the 2000 federal census or any subsequent census. A special police officer appointed pursuant to this subdivision (a)(14) shall have qualifications that are equivalent or superior to those required for a law enforcement officer under the standards established by the peace officer standards and training commission for law enforcement officers; or

(15)

(A) A company using or providing certified law enforcement officers to others exclusively for traffic control purposes within temporary work zones located in the public right-of-way and established in accordance with the manual on uniform traffic control devices (MUTCD); provided, however, that any department providing the law enforcement officers may require the company to have on staff a traffic control supervisor or a traffic engineer in order to insure compliance with the MUTCD and may also require the company to demonstrate proof of liability insurance; or

(B) Commissioned, uniformed police officers, state troopers and/or sheriff deputies, upon departmental approval, are authorized, regardless of primary jurisdiction, to direct traffic in departmental approved uniforms or utilizing other governmental equipment, as may be required, in temporary work zones or for incident management purposes, to meet the needs of and control all road users, whether motorists, bicyclists, or pedestrians, within the highway, including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Title II, Paragraph 35.130, upon any public roadway located within the state.

§ 62-35-104. Contract security company; unlicensed practice.

Except as otherwise provided in this chapter, it is unlawful for any person to act as a contract security company without having first obtained a license from the commissioner.

§ 62-35-105. Contract security companies; licenses; applications; temporary security guards/officers; special event permits

(a) An application for a contract security company license shall be filed with the commissioner on the prescribed form. The application shall include:

(1)

(A) The full name and business address of the applicant;

(B) If the applicant is a partnership, the name and address of each partner; or

(C) If the applicant is a corporation, the name and address of the qualifying agent;

(2) The name under which the applicant intends to do business;

(3) The address of the principal place of business and all branch offices of the applicant within this state;

(4) As to each individual applicant or, if the applicant is a partnership, as to each partner or, if the applicant is a corporation, as to the qualifying agent, the following information:

(A) Full name;

(B) Date and place of birth;

(C) [Deleted by 2020 amendment.]

(D) [Deleted by 2020 amendment.]

(E) One (1) set of classifiable electronic fingerprints;

(F) [Deleted by 2020 amendment.]

(G) A list of all convictions and pending charges of commission of a felony or misdemeanor in any jurisdiction;

(5) If the applicant is a corporation, the following information:

(A) The correct legal name of the corporation;

(B) The state and date of incorporation;

(C) The date the corporation qualified to do business in this state;

(D) The address of the corporate headquarters, if located outside this state; and

(E) The names of two (2) principal corporate officers other than the qualifying agent and the business address, residence address and the office held by each in the corporation; and

(6) Other information the commissioner may reasonably require.

(b) The application shall be subscribed and sworn to:

- (1)** By the applicant, if the applicant is an individual;
- (2)** By each partner, if the applicant is a partnership; or
- (3)** By the qualifying agent, if the applicant is a corporation.

(c) Any individual signing the application must be at least twenty-one (21) years of age.

(d)

(1) Notwithstanding any provision of this chapter to the contrary, a properly licensed contract security company may use temporary employees not registered with the department as temporary security guard/officers for special events upon the approval of a special event permit by the commissioner. A temporary security guard/officer used pursuant to this subdivision (d)(1) must:

- (A)** Be at least eighteen (18) years of age;
- (B)** Act as a temporary security guard/officer under a special event permit for no more than ten (10) days in a calendar year;
- (C)** Have no arrest authority; and
- (D)** Not be armed during the temporary employment.

(2) Applications for a special event permit must include:

- (A)** The names of the temporary employees;
- (B)** The addresses of the temporary employees;
- (C)** The birth dates of the temporary employees;
- (D)** The fee as set by subsection (e);
- (E)** The identity, location, and date of the special event or events for which the temporary employees are to be employed; and
- (F)** Other information as the commissioner may reasonably require.

(e) Applications for a special event permit must be submitted to the commissioner at least five (5) days prior to the commencement of the special event and accompanied by a fee for each temporary employee or special event permit as set by rule. If the commissioner has not set a fee for registration of a temporary employee or special event permit by rule, then the fee shall be thirty-five dollars (\$35.00) per temporary employee.

(f) A special event permit shall only be valid for the dates, locations, and events disclosed on the permit application. A new application for a special event permit must be filed for any additional dates or locations not authorized.

(g) The commissioner may decline to issue a special event permit if the commissioner, in the commissioner's sole discretion, determines that the issuance of such a permit is not in the best interest

of the public based on the size of the event, the level of security required by the event, the number of permits previously issued to a contract security company during the past year, or other factors as the commissioner may reasonably consider.

(h) Prior to approving the request for a special event permit, the commissioner may require that any person requesting a permit provide a bond on a form acceptable to the commissioner in an amount set by the commissioner. The bond shall be for the benefit of any person who is damaged by a temporary security guard/officer acting under a special event permit.

62-35-106. Qualifications of applicants.

Each individual applicant or, if the applicant is a partnership, each partner or, if the applicant is a corporation, the qualifying agent, must:

- (1)** Be at least twenty-one (21) years of age;
- (2)** Be a citizen of the United States or a resident alien;
- (3)** Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared the applicant competent;
- (4)** Not be suffering from habitual drunkenness or narcotics addiction or dependence;
- (5)** Be of good moral character; and
- (6)**
 - (A)** Possess at least three (3) years of experience as a manager, supervisor or administrator with a contract security company or proprietary security organization;
 - (B)** Possess at least three (3) years of experience satisfactory to the commissioner with any federal, United States military, state, county or municipal law enforcement agency; or
 - (C)** Pass an examination to be administered at least twice annually by the commissioner, designed to measure knowledge and competence in the contract security company business.

62-35-107. Action upon applications — Investigations — Approval or denial of licenses.

- (a)** Upon receipt of an application for a license, the commissioner shall:
- (1)** Conduct an investigation to determine whether the statements made in the application are true;
 - (2)** Compare or request that the Tennessee bureau of investigation compare the fingerprints submitted with the application to fingerprints filed with the bureau; and
 - (3)** Submit the fingerprints to the federal bureau of investigation for a search of its files to determine whether the individual fingerprinted has any recorded convictions.
- (b)** The commissioner shall issue a license in a form which the commissioner shall prescribe to qualified applicants upon receipt of a nonrefundable, nonproratable fee in accordance with the schedule promulgated by the commissioner.

(c) If an application for a license is denied, the commissioner shall notify the applicant in writing and shall set forth the grounds for denial. If the grounds are subject to correction by the applicant, the notice of denial shall so state and specify a reasonable period of time within which the applicant must make the required correction.

(d) An application shall be accompanied by a notarized statement sworn to by the applicant as to the number of employees in service. Making a false statement shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum application fee.

62-35-108. Posting of license.

Every license issued under this chapter shall be posted conspicuously in the licensee's principal place of business in this state.

62-35-109. License not transferable or assignable.

No contract security company license shall be transferable or assignable.

62-35-110. Renewal of license.

(a) A contract security company license or renewal of the license shall be valid for a period of two (2) years from the date of issuance. The commissioner shall provide each licensee with a renewal application form sixty (60) days prior to the expiration of the license.

(b) The fee for timely renewal of a license shall be in accordance with the schedule promulgated by the commissioner. A penalty fee as prescribed by the commissioner will be assessed on any renewal application postmarked after the expiration date of the license.

(c) Licenses may be renewed up to three (3) months after their expiration by the payment of the renewal fee plus a penalty established by the commissioner for each month or portion of a month that elapses before payment is tendered.

(d) A renewal application shall be accompanied by a notarized statement sworn to by the applicant as to the number of employees in service. Making a false statement shall be punishable by a civil penalty of two hundred fifty dollars (\$250) and assessment of the maximum renewal fee.

62-35-111. Qualifying agent ceasing to perform duties.

(a) If the qualifying agent of a licensee ceases to perform the qualifying agent's duties on a regular basis, the licensee shall:

(1) Within thirty (30) days, notify the commissioner by certified or registered mail; and

(2) Within three (3) months, obtain a substitute qualifying agent.

(b) The commissioner may, in the commissioner's discretion, extend the period for obtaining a substitute qualifying agent for a reasonable time.

62-35-112. Licensee to notify commissioner of certain changes in status.

A licensee shall notify the commissioner in writing within thirty (30) days of:

(1) Any change in the qualifying agent or principal corporate officers identified in its application for license;

(2) Any material change in the information previously furnished or required to be furnished to the commissioner; or

(3) Any occurrence that could reasonably be expected to affect the licensee's right to a license under this chapter.

62-35-113. Change in ownership — Application for license — Operation under old license.

(a) If the ownership of a contract security company changes, the new owner, if not already a licensee, may not operate that company more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner submits an application for a license. If the application is submitted, the new owner may continue to operate the company until the application has been finally determined by the commissioner.

(b) For good cause, the commissioner may extend the period for submitting an application pursuant to subsection (a) for a reasonable time.

62-35-114. Certificates of insurance — General liability coverage.

All licensees and employers of private security guards/officers shall retain a certificate of insurance evidencing general liability coverage for the negligent act or acts of the principal insured or the principal insured's agents operating in the course and scope of employment for bodily injury, personal injury and property damage, with endorsements for personal injury, including false arrest, libel, slander and invasion of privacy, in the minimum amount of three hundred thousand dollars (\$300,000) for bodily or personal injury and one hundred thousand dollars (\$100,000) for property damage. The certificate shall be available for inspection during normal business hours on request of the commissioner or duly appointed and identified representative or representatives. The certificates shall provide that the insurance shall not be modified or cancelled without thirty (30) days' prior notice to the commissioner. All persons required to be insured by this chapter must be insured by a carrier approved in the state in which the insurance has been purchased or in this state.

62-35-115. Registration cards — Guards, officers and agents.

(a) Except as otherwise provided in this chapter, it is unlawful for any individual to act as an armed or unarmed security guard/officer without having first obtained the appropriate registration card from the commissioner.

(b) Any individual who holds a valid armed security guard/officer registration card may act as an armed or unarmed security guard/officer under that registration card.

(c) Any individual who is employed exclusively as an undercover agent is not required to hold a registration card.

62-35-116. Registration cards — Filing — Form — Fee — Contents — Change of registration status.

(a) An application for a registration card shall be filed with the commissioner on the prescribed form. The application shall be accompanied by nonrefundable and nonproratable fees for both armed and

unarmed registrations. The commissioner shall establish the amounts of the fees in varying amounts for different types of registrations at reasonable levels. The applicant shall furnish the following information:

- (1) Name and current residence address;
- (2) Date and place of birth;
- (3) Social security number;
- (4) Telephone number, if any;
- (5) [Deleted by 2020 amendment.]
- (6) [Deleted by 2020 amendment.]
- (7) One (1) set of classifiable electronic fingerprints;
- (8) One (1) head-and-shoulder photograph taken within the last six (6) months;
- (9) A general physical description;
- (10) A list of all convictions and pending charges of commission of a felony or misdemeanor in any jurisdiction;
- (11) A list of all names used by the applicant other than the name by which the applicant is currently known, with a statement explaining where, when and why the names were used;
- (12) A statement whether the applicant has ever been issued or denied a registration card in any jurisdiction and whether the card, if issued, has ever been revoked or suspended;
- (13) Type of military discharge; and
- (14) Type of security guard/officer registration card, armed or unarmed, applied for. If the applicant seeks an armed registration card, the application shall also include a signed sworn statement that the applicant has had no convictions in any state for a felony.

(b) Any applicant who has already submitted an application for registration or to whom a valid registration card has been issued may submit an application to change registration status from unarmed to armed or from armed to unarmed status. The commissioner may establish the amounts of the fees at levels lower than those required for an initial application for registration.

62-35-117. Registration cards — Qualifications of applicants.

Each applicant for a registration card must:

- (1) Be at least twenty-one (21) years of age if applying for an armed registration card or at least eighteen (18) years of age if applying for unarmed registration;
- (2) Be a citizen of the United States or resident alien;
- (3) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared the applicant competent;

(4) If convicted in any jurisdiction of any of the crimes listed in this subdivision (4), have completed serving sentence or court ordered probation at least five (5) years prior to application. Conviction of the following crimes shall disqualify an applicant, subject to the conditions stated in this section:

(A) Any felony; or

(B) Any misdemeanor involving:

(i) Shooting a firearm or other weapon;

(ii) Shoplifting;

(iii) Assault and battery or other act of violence against persons or property;

(iv) Crimes involving the sale, manufacture or distribution of controlled substances, controlled substance analogues, drugs or narcotics;

(v) Theft of property; or

(vi) Theft of services;

(5) Not be suffering from habitual drunkenness or narcotics addiction or dependence;

(6) Not have any disability that, in the opinion of the commissioner, prevents the applicant from performing the duties of a security guard/officer; and

(7) Be of good moral character.

62-35-118. Registration cards — Training and examination of applicants.

(a)

(1) Within fifteen (15) days of employment, an unarmed security guard/officer applicant must complete general training and pass an examination and an armed security guard/officer applicant must complete general training, pass an examination and complete the training in subsection (b) within sixty (60) days of employment.

(2)

(A) An unarmed security guard/officer applicant or an armed security guard/officer applicant shall complete at least four (4) hours of general training administered by a certified trainer and pass an examination, covering, at a minimum, the following subjects:

(i) Orientation: one (1) hour;

(ii) Legal powers and limitations of a security guard/officer: one (1) hour;

(iii) Emergency procedures: one (1) hour; and

(iv) General duties: one (1) hour.

(B) Within fifteen (15) days of employment, an unarmed security guard/officer, or an armed security guard/officer, who is employed by a proprietary security organization that holds a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board, or is

employed by a contract security company for the purposes of performing security guard and patrol services at a commercial establishment that holds a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board, shall:

- (i) Complete training in de-escalation techniques and proper and safe restraint techniques; and
- (ii) Complete a first aid and cardiopulmonary resuscitation (CPR) training course.

(3) For applicants for private security guard/officer registration who will carry a club, stun gun, chemical spray, night stick or other less than lethal device, the commissioner shall require appropriate training specific to the device by a certified trainer who is certified to instruct for the specific device. It shall be the employers' responsibility to keep training records of their employees for each specific device. The security guard/officer shall also have in the person's possession a certification card issued by an instructor/trainer who is certified to instruct/train in the legal use of the specific device and shall exhibit the card upon demand by the commissioner, the commissioner's duly authorized agent or any full-time law enforcement officer.

(b) If applying for an armed security guard/officer registration card, before being issued a firearm, the applicant must also:

(1) Complete at least eight (8) additional classroom hours of firearms training administered by a certified trainer and pass an examination covering at least the following subjects:

- (A)** Legal limitations of the use of a firearm;
- (B)** Handling of a firearm; and
- (C)** Safety and maintenance; and

(2) Complete at least four (4) hours of marksmanship training administered by a certified trainer, and achieve a minimum of seventy percent (70%) on any silhouette target course approved by the commissioner.

(c) A certified trainer shall submit a statement to the commissioner certifying that an applicant has satisfactorily completed the required training within fifteen (15) days of training.

(d)

(1) The requirements of subsection (a) do not apply to those applicants for registration as unarmed security guards/officers who have at least one (1) year of experience as a security guard/officer as of July 1, 1988, or who have had no less than four (4) hours of training equivalent to that required in subsection (a) in the year prior to filing the application.

(2) The requirements of subsection (b) do not apply to those applicants for registration as armed security guards/officers who have had no less than twelve (12) hours of training equivalent to that required in subsection (b) in the year prior to filing the application.

(3) The requirements of subsections (a) and (b) do not apply to an applicant for registration who is a sworn peace officer and certified by the police officer standards and training commission. The commissioner may issue a temporary registration card to the officer upon the commissioner's verification of the officer's certification.

(4) The requirements of subsection (a) do not apply to an applicant for registration who is a state or local correctional officer or jailer; provided, that the state officer has successfully completed the appropriate basic training required by [§ 41-1-116](#) and is current on all annual refresher courses required by [§ 41-1-116](#) and the local officer or jailer has successfully completed comparable basic training and annual in-service training courses. The commissioner may issue a temporary registration card to the officer upon the commissioner's verification that the officer meets the requirements of this subdivision (d)(4).

62-35-119. Registration cards — Investigation of applicants — Issuance or denial of cards.

(a)

(1) Upon receipt of an application for a registration card, the commissioner:

(A) Shall conduct an investigation to determine whether the statements made in the application are true;

(B) Shall cause the applicant's fingerprints to be compared with fingerprints filed with the Tennessee bureau of investigation; and

(C) If the application is for an armed security guard/officer registration card, shall, or if the application is for an unarmed security guard/officer registration card may, submit the applicant's fingerprints and photograph to the federal bureau of investigation for a search of its files to determine whether the applicant has any recorded convictions.

(2)

(A) The department of commerce and insurance has the authority to query the Tennessee bureau of investigation's Tennessee criminal history records system for the following information:

(i) Tennessee criminal history records;

(ii) Tennessee repository for apprehension of persons (TRAP); and

(iii) State of Tennessee orders of protection files (STOP).

(B) The records may be used in lieu of fingerprint background checks for the issuance of unarmed security guard/officer registrations, if requested.

(b) Pending issuance, denial, or renewal of a registration card by the commissioner, the applicant may work as an unarmed security guard/officer, if the applicant submits a completed application form, one (1) set of classifiable electronic fingerprints, one (1) head-and-shoulder photograph taken within the last six (6) months, and the application fee to the commissioner, and the applicant keeps a copy of the completed application form on the applicant's person while on duty.

(c)

(1) The commissioner shall issue to a qualified applicant a registration card for armed security guard/officer or unarmed security guard/officer registration upon receipt of the appropriate payment of fees and a statement from a certified trainer that the training required by this chapter

has been completed. The commissioner shall establish the appropriate amounts for the fees required by this subsection (c).

(2) [Deleted by 2020 amendment.]

62-35-120. Registration cards — Possession and exhibition — Notice of arrest and conviction.

(a) The application or registration card shall be exhibited upon request of the commissioner, the commissioner's designee, a full-time law enforcement officer or an employer to verify that the security guard/officer is working pursuant to the requirements of this chapter.

(b) A security guard/officer shall provide written notice to the commissioner or the commissioner's designee and to the licensee or the proprietary security organization that employs the security guard/officer of any arrest and resulting conviction, except for minor traffic violations, within thirty (30) days of the arrest or conviction.

62-35-121. Registration cards — Not transferable or assignable.

No registration card shall be transferable or assignable.

62-35-122. Registration cards — Expiration — Renewal.

(a) All registration cards or renewals of registration cards shall expire two (2) years from date of issuance.

(b) The commissioner shall establish the fees in reasonable amounts for the timely renewal of armed or unarmed registration cards.

(c) Registrations may be renewed up to three (3) months after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month or portion of a month that elapses before payment is tendered.

(d) Every armed security guard/officer shall as a prerequisite for the renewal of the person's registration card:

(1) Complete four (4) hours of refresher training administered by a certified trainer in the subjects listed in [§ 62-35-118\(b\)\(1\)](#); and

(2) Requalify in the use of a firearm by achieving a minimum of seventy percent (70%) on any silhouette target course approved by the commissioner.

(e) An unarmed security guard/officer shall as a prerequisite for renewal of the person's registration card complete two (2) hours of refresher training administered by a certified trainer in the subjects listed in [§ 62-35-118\(a\)\(2\)\(A\)](#).

(f) An unarmed security guard/officer, or an armed security guard/officer, who is employed by a proprietary security organization that holds a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board, or is employed by a contract security company for the purposes of performing security guard and patrol services at a commercial establishment that holds a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board,

shall complete refresher training on the subjects listed in [§ 62-35-118\(a\)\(2\)\(B\)\(i\) and \(ii\)](#) as a prerequisite for renewal of the person's registration card.

62-35-123. Notice to commissioner prior to acting as proprietary security organization.

(a) It is unlawful for a person to act as a proprietary security organization without first having notified the commissioner in writing. Except as provided in subsection (d), the notice must include:

- (1)** The full name and business address of the proprietary security organization;
- (2)** The full name and the business and residence addresses of the qualifying manager; and
- (3)** Other information that the commissioner may reasonably require.

(b) An unarmed security guard/officer employed by a proprietary security organization shall not carry a weapon of any kind.

(c) Notwithstanding subsection (a), a hospital that employs only unarmed security guards/officers may voluntarily elect to submit to the requirements for a proprietary security organization under this chapter and evidence the election by filing with the commissioner the notice required in subsection (a). The hospital may revoke the notice at any time upon appropriate notice of revocation to the commissioner.

(d) A proprietary security organization that has a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board shall:

(1) Include with the initial notice to the commissioner in subsection (a):

- (A)** Documentation of insurance coverage compliant with [§ 62-35-114](#);
- (B)** One (1) set of classifiable electronic fingerprints of the qualifying manager; and
- (C)** A registration fee of one hundred dollars (\$100);

(2) Submit a biennial fee of one hundred dollars (\$100) to the commissioner to maintain the organization's status as a proprietary security organization; and

(3) Provide the commissioner with the full name, the business and residence addresses, and one (1) set of classifiable electronic fingerprints of the new qualifying manager within fifteen (15) days of a change in the qualifying manager if a proprietary security organization's qualifying manager changes. A proprietary security organization in violation of this subdivision (d)(3) is subject to a civil penalty pursuant to [§ 56-1-308](#).

(e) Upon receipt of a notice to act as a proprietary security organization from a person that has a license or permit for on-premises consumption from the alcoholic beverage commission or a beer board, the commissioner shall:

- (1)** Conduct an investigation to determine whether the statements made in the initial notice are true;
- (2)** Compare or request that the Tennessee bureau of investigation compare the fingerprints submitted with the notice to fingerprints filed with the bureau; and

(3) Submit the fingerprints to the federal bureau of investigation for a search of its files to determine whether the individual fingerprinted has recorded convictions.

62-35-124. Registration cards — Notice concerning eligibility to hold.

(a) A licensee or proprietary security organization shall immediately notify the commissioner upon receipt of any information relating to a registrant's continuing eligibility to hold a registration card under this chapter.

(b) A licensee or proprietary security organization shall provide written notice to the commissioner or the commissioner's designee of any arrest or conviction, or both, except for minor traffic violations, within thirty (30) days of being notified or learning of the arrest or conviction, or both, of:

(1) The licensee or its qualifying agent; or

(2) Any person employed as a security guard/officer by the licensee or the proprietary security organization.

62-35-125. Carrying of weapons by security guards/officers.

An armed security guard/officer may carry only the types of firearms that the commissioner prescribes, by rules and regulations, in the performance of the person's duties. A security guard/officer may carry a firearm only if certified to carry the firearm. With proper certification, an unarmed or armed security guard/officer may carry any other type weapon, including, but not be limited to, clubs or batons, stun guns, the chemical spray known as mace or any other tool or weapon that the commissioner may prescribe.

62-35-126. Certified trainers — Instructors.

(a) An individual is eligible to become a certified trainer only if the individual:

(1) Is at least twenty-one (21) years of age;

(2) Has at least one (1) year of supervisory experience satisfactory to the commissioner with a contract security company or proprietary security organization or with any federal, United States military, state, county or municipal law enforcement agency; and

(3) Is personally qualified to conduct the training required by this chapter.

(b) A certified trainer may, in the trainer's discretion, instruct personally or use a combination of personal instruction, audio or visual training aids.

(c) To assist in the implementation of the training program, the certified trainer may appoint as an instructor any individual who:

(1) Is at least twenty-one (21) years of age; and

(2) Has at least one (1) year of experience with any federal, United States military, state, county or municipal law enforcement agency or with a contract security company or proprietary security organization.

(d) A certified trainer may be an employee of a contract security company or proprietary security organization.

(e) The certified trainer shall certify to the successful completion of training required by this chapter and shall submit the certification to the commissioner prior to issuance of a registration card or renewal of the registration card, in the case of armed security guards/officers.

(f) All certifications shall expire the last day of the twenty-fourth month from issuance or renewal. The commissioner shall establish reasonable fees for the timely renewal of certifications.

(g) Certifications may be renewed up to three (3) months after their expiration by payment of the renewal fee, plus a penalty established by the commissioner for each month or portion of a month that elapses before payment is tendered.

62-35-127. Prohibited law enforcement representations on badges, insignias, vehicles or equipment.

While performing any function of a security guard and patrol service, no person shall:

(1) Wear or display any badge, insignia, shield, patch or pattern that:

(A) Indicates or tends to indicate that the person is a sworn peace officer;

(B) Contains or includes the word "police" or the equivalent of the word "police;" or

(C) Is similar in wording to any law enforcement agency in this state; or

(2) Have or utilize any vehicle or equipment that:

(A) Displays the words "police," "law enforcement officer," or the equivalent of those words; or

(B) Has any sign, shield, accessory or insignia that may indicate that the vehicle or equipment belongs to a public law enforcement agency.

62-35-128. Restrictions regarding military or police-style uniforms.

No security guard/officer shall wear any military or police-style uniform, except for rainwear or other foul-weather clothing, unless the uniform has:

(1) Affixed over the left breast pocket on the outermost garment and on any cap a badge or insignia distinct in design from that utilized by any law enforcement agency in this state, unless the licensed security guard/officer is in plain clothes; and

(2) Affixed over the right breast pocket on the outermost garment a name plate or tape with the name of the security guard/officer on it, unless the licensed security guard/officer is in plain clothes.

62-35-129. Administration and enforcement of chapter — Rules and regulations.

(a) The commissioner shall be responsible for administering and enforcing this chapter.

(b) The commissioner may promulgate rules that are reasonably necessary to effectuate the purposes of this chapter. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The commissioner may seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter or of any rule promulgated under this chapter. Jurisdiction is conferred upon the chancery and circuit courts of this state to hear and determine such a suit. No bond shall be required for the prosecution of the suit or for the issuance of an injunction.

(d) The commissioner or the commissioner's designee may at all reasonable hours conduct inspections/investigations of contract security companies, proprietary security organizations and security guards/officers to ensure compliance with this chapter.

62-35-130. Disciplinary powers of commissioner — Civil penalties.

(a) The commissioner may take disciplinary action against a licensee, registrant or applicant, deny an application for a license or registration or may suspend, revoke or refuse to issue or renew any certificate, certified trainer license, license or registration card under this chapter upon finding that the holder or applicant has:

(1) Violated this chapter or any rule promulgated under this chapter;

(2) Practiced fraud, deceit or misrepresentation;

(3) Knowingly and willfully made a material misstatement in connection with an application for a license or registration card;

(4) Been convicted by a court of competent jurisdiction of any felony or of a misdemeanor. However, an action taken under this subdivision (a)(4) shall be subject to the applicable provisions of the Fresh Start Act that are compiled in chapter 76, part 1 of this title;

(5) Committed any act that would have been cause for refusal to issue the license or registration card had it existed and been known to the commissioner at the time of issuance;

(6) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(7) Willfully deceived or defrauded a member of the public being protected;

(8) Acted as a contract security company or proprietary security company without a currently valid license;

(9) Acted as an armed security guard/officer or unarmed security guard/officer on a registration card that has expired or without a valid registration card as this chapter requires;

(10) Violated any disciplinary order of the commissioner; or

(11) Failed or refused to cooperate with any inspection or investigation to determine compliance with this chapter or rules and regulations promulgated pursuant to this chapter.

(b) In addition to or in lieu of any other lawful disciplinary action under this section, the commissioner may assess a civil penalty of up to two thousand dollars (\$2,000) for each statute or rule violation.

(c) The commissioner may assess a civil penalty of up to two thousand dollars (\$2,000) per occurrence upon any person who operates without the proper license or other authorization required.

(d) A license or registration card shall be subject to expiration and renewal during any period in which the license or registration card is suspended.

(e) Whenever an armed or unarmed security guard/officer pleads guilty or is convicted of any offense enumerated in this chapter, the licensee must within thirty (30) days notify the commissioner of that conviction and provide the commissioner with certified copies of the conviction. The licensee's license shall automatically be revoked thirty (30) days after the licensee's conviction unless the licensee makes a written request to the commissioner for a hearing during the thirty-day period. Following any such hearing held pursuant to this section, the commissioner may impose upon that licensee any sanction or discipline permitted by this chapter.

62-35-131. Regulation by municipalities, counties or other political subdivisions.

(a)

(1) No licensee or registrant shall be required to obtain any authorization, permit or license from or to pay any other fee or post a bond in any municipality, county or other political subdivision of this state to engage in any business or activity regulated under this chapter.

(2) Notwithstanding subdivision (a)(1), a municipality, county or other political subdivision of this state may impose:

(A) A bona fide business tax; and

(B) Regulations upon any person who furnishes street patrol services, including a requirement that the person register with a designated agency.

(b) When a security guard/officer is working in another jurisdiction other than the security guard/officer's primary county, the chief law enforcement officer of the county in which the security guard/officer is working shall be notified where the security guard/officer will be assigned and the length of the assignment. This shall be done in writing by the employer of the security guard/officer, unless other arrangements are made with the chief law enforcement officer of the county within five (5) days of the date of first service. The chief law enforcement officer and the officers/deputies shall recognize the state-issued security armed card as valid in their jurisdiction while any security guard/officer is traveling to or from a job site and while performing duties while at the job site, or while any representative of a security company, supervisor or officers are traveling to or from job sites or operating as a street patrol service.

(c) The chief law enforcement officer of a county may require an individual to present proof of compliance with this chapter.

(d) The chief law enforcement officer shall waive provisions relative to training for those individuals properly and duly registered and in possession of a valid armed registration card. If a valid objection exists, however, proof or information indicating training should not be waived shall be sent to the commissioner or the commissioner's designee within ten (10) days of the objection, along with a written explanation of the chief law enforcement officer's objection. A security guard/officer shall not work in any jurisdiction in which the chief law enforcement officer has a pending objection to the training qualifications of the security guard/officer.

(e) In any county having a metropolitan form of government, the chief of police shall be the chief law enforcement officer (CLEO). In counties not having a metropolitan form of government the sheriff shall be the CLEO.

62-35-132. Reciprocal agreements with officials of other states.

The commissioner may negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed or registered contract security companies or security guards/officers who meet or exceed the qualifications established in this chapter to operate across state lines under mutually acceptable terms.

62-35-133. Copies of chapter and rules.

The commissioner shall provide a copy of this chapter and any rules promulgated under this chapter to:

- (1) Each licensee and proprietary security organization every two (2) years, at no charge; and
- (2) Any other person, upon request, for a reasonable fee that the commissioner may fix.

62-35-134. Unlawful employments, publications and activities.

(a)

(1) It is unlawful for a person to knowingly employ as a security guard/officer an individual who does not hold a valid registration card of the appropriate type, except as provided in [§ 62-35-119\(b\)](#).

(2) A violation of this subsection (a) is a Class A misdemeanor, punishable by fine only.

(3) The alcoholic beverage commission or a beer board shall suspend a license or permit for on-premises consumption, as applicable and in accordance with title 57, of a person for a violation of this subsection (a) for a period of one (1) month per violation. However, this subsection (a) does not limit the alcoholic beverage commission's or a beer board's ability to seek to revoke or summarily suspend the license or permit.

(b) It is unlawful for any contract security company knowingly to publish any advertisement, letterhead, circular, statement or phrase of any sort that suggests that the company is a government agency or instrumentality.

(c) It is unlawful for any security guard/officer knowingly to:

(1) Fail to return immediately on demand, or within twenty-four (24) hours of termination of employment, a firearm issued to the security guard/officer by an employer;

(2) Fail to return immediately on demand, or within seven (7) days of termination of employment, any uniform, badge, device, insignia, credential, keys or other item of equipment issued to the security guard/officer by an employer;

(3) Carry a firearm or facsimile of any firearm or item that may leave the impression that the security guard/officer is armed with a firearm of any type in the performance of the security guard/officer's duties if not the holder of a valid armed security guard/officer registration card;

(4) Carry a firearm or facsimile of any firearm or item that may leave the impression that the security guard/officer is armed with a firearm of any type in performance of the security guard/officer's duties if not authorized to carry the firearm;

(5) Make any statement that would reasonably cause another person to believe that the security guard/officer functions as a sworn peace officer or other government official; or

(6) Divulge to anyone other than the security guard/officer's employer or to persons that the security guard/officer's employer may direct or as may be required by law any information acquired during the security guard/officer's employment that may compromise the security of any premises to which the security guard/officer has been assigned by the employer.

62-35-135. Administrative procedures regarding contested cases.

The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.

62-35-136. Penalty for violations.

Except as otherwise provided in this chapter or in any rule or regulation promulgated pursuant to this chapter, a violation of this chapter or any rule promulgated under this chapter is a Class A misdemeanor.

62-35-137. [Repealed.]

62-35-138. Preemption of local regulations.

No city, county or urban county government shall occupy any part of the field of regulation of private protective services unless expressly provided for in this chapter.

62-35-139. Limitation on exemption from licensing requirements.

No person who is exempt from the licensing requirements of this chapter pursuant to § 62-35-103(13) shall perform any private protective services duties at a shopping center complex or other business facility that has two (2) or more contiguous businesses. A person performing private protective services pursuant to § 62-35-103(13) shall perform the services solely upon the premises of the business of the person's employer.

62-35-140. Continuing education requirements.

Every certified trainer must complete twelve (12) hours of continuing education approved by the commissioner every two (2) years as a prerequisite for renewal. Proof of the continuing education must be submitted to the commissioner in conjunction with the application for renewal.

62-35-141. Notification and uniform requirements for peace officers providing security outside of primary jurisdiction.

(a)

(1) Notwithstanding any provision of this chapter to the contrary, if a full-time sworn peace officer is working to provide uniformed security, direct traffic, exercise crowd control or perform any other

such duty in a jurisdiction other than the officer's primary jurisdiction, then the chief law enforcement officer of the jurisdiction in which the full-time sworn peace officer is working shall be notified of the location of the officer's assignment as well as the length of the assignment. For work performed in unincorporated areas of a county or within the limits of a municipality that does not maintain a police department, the chief law enforcement officer of the jurisdiction is the county sheriff. For work performed within the limits of a municipality that maintains a police department, the chief law enforcement officer of the jurisdiction is the municipal police chief.

(2) Notice shall be provided in writing by the employer of the full-time sworn peace officer within five (5) days prior to the date of first service, unless other arrangements are made with the chief law enforcement officer of the jurisdiction.

(b)

(1) While a full-time sworn peace officer certified pursuant to § 38-8-107 is employed in a jurisdiction other than the full-time sworn peace officer's primary jurisdiction, the officer's clothing shall bear insignia and markings clearly designating that the peace officer is a private duty law enforcement officer. The Tennessee peace officer standards and training commission, created by title 38, chapter 8, part 1, shall establish design criteria for the insignia and markings.

(2) Notwithstanding subdivision (b)(1), a full-time sworn peace officer certified pursuant to § 38-8-107, while employed in a jurisdiction other than the officer's primary jurisdiction, may wear the primary jurisdiction's uniform, if the jurisdiction has authorized its officers to do so. The jurisdiction may establish reasonable regulations for the wearing of its uniforms during the employment.

(c) This section shall only apply to sworn peace officers engaged in employment outside their primary jurisdiction and within a county having a:

(1) Metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census; or

(2) Population of no less than one hundred eighty-two thousand (182,000) nor greater than one hundred eight-three thousand (183,000), according to the 2000 federal census or any subsequent federal census.

62-35-142. Private protective services in a restaurant licensed to sell alcohol.

(a)

(1) Each licensee shall submit to the local law enforcement agency of any jurisdiction in which the licensee provides services for a restaurant, as defined in § 57-4-102, licensed to serve alcoholic beverages, wine or beer for consumption on the premises, a form promulgated by the commissioner notifying the local law enforcement agency that the licensee provides services within the agency's jurisdiction. The form shall include the name, license number and armed or unarmed status of each security guard/officer providing services for compensation to the licensee and the name and location of the licensee's clients within the agency's jurisdiction.

(2) Any licensee providing services for a restaurant, as defined in § 57-4-102, licensed to serve alcoholic beverages, wine or beer for consumption on the premises on January 1, 2010, shall submit

the form required by this section to any applicable agency within fifteen (15) days of January 1, 2010. Otherwise, the licensee shall submit the form within fifteen (15) days of the date the licensee commences offering services in an agency's jurisdiction. The licensee shall ensure that the information submitted to the local law enforcement agency is kept current and shall notify the local law enforcement agency in writing of the substance of any change within fifteen (15) days of the date of the event necessitating the change.

(b) Any local law enforcement agency that has knowledge of a violation of this section or this chapter shall notify the commissioner. The commissioner shall communicate in writing to the local law enforcement agency any action taken in response to the notification.

(c) For purposes of this section, "local law enforcement agency" means:

(1) Within the territory of a municipality, the municipal police department;

(2) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(3) Within the unincorporated territory of a county, the sheriff's office.

(d) The commissioner of commerce and insurance is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

62-35-143. Detection services licensing program — Detection services advisory committee.

(a)

(1) The detection services licensing program includes the commissioner's implementation of the requirements of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title.

(2)

(A) All moneys collected pursuant to this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title are deposited in the state treasury in a separate account for the administration of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title, which is governed by § 56-1-310.

(B) Notwithstanding subdivision (a)(2)(A), disbursements from the account may be made for the purpose of defraying expenses incurred in the implementation and enforcement of chapter 11 of this title.

(b) The commissioner may establish a detection services advisory committee for the purpose of assisting the commissioner with the implementation of the detection services licensing program described in subdivision (a)(1).

(c) If the commissioner establishes the committee pursuant to subsection (b), then the committee may include eleven (11) members as follows:

(1) Three (3) members representing the alarm industry;

(2) Three (3) members representing the private investigation industry;

(3) Three (3) members representing the private security industry;

(4) One (1) polygraph examiner; and

(5) One (1) public member who is not eligible for membership under subdivisions (c)(1)-(4).

(d) The commissioner shall strive to achieve a diverse membership that represents the citizenry of Tennessee.

(e) The committee is administratively attached to the department's division of regulatory boards.

(f) Committee members shall receive no compensation but are reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter. All reimbursement for expenses must be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.