

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
CHAPTER 73
Statutory Authority: 1976 Code Section 40-18-30
(Administrative Regulations - Effective June 23, 2006)

Instructions:

Delete Regulation 73-40(1)-(36) and replace with the proposed regulations (73-400 through 73-422).

Text:

Chapter 73
Private Security and Private Investigation Businesses
Article 4

73-400. Definitions.

1. *Business license* means a license from SLED to operate a private investigation or private security business or entity, to solicit such business, perform or employ others to perform the activities specific to that business and to charge fees for performance of such activities.

2. *Registration* means the registration with SLED of a person to be employee by the licensed business to perform the specific activities of the business. Registration does not authorize the operation of a business.

3. *Principal* means the chief executive or other person employed and authorized to exercise day-to-day operational direction and control of the practices and employees of the entity.

4. *Licensee* means a person who holds a valid license to conduct a business authorized in Chapter 18, Title 40, South Carolina Code of Laws.

5. *Employee* means a person paid by a licensee to perform duties assigned by the licensee and under the supervision, direction and control of the licensee.

6. *Manager* means an employee, other than line supervisor, assigned general day-to-day operational management responsibilities to direct the affairs and employees of the employing entity.

7. *Qualifying experience* means experience as an employee in one or more of the following circumstances:

A. For a license to operate a private security entity: a minimum of two years of full time employment as a sworn police officer by a public law enforcement agency or as a manager of a licensed private security entity or other security program as approved by SLED.

B. For a license to operate a private investigation business: a minimum of three years of full time employment as a sworn police officer employed by a public law enforcement agency in an investigative capacity or an equivalent amount of experience, as determined by SLED, while a registered employee of licensed private investigation businesses. In its discretion, SLED may approve an equivalent period of other occupational experience that demonstrates the use of knowledge, skills, abilities, practices and techniques constructively similar to those necessary to provide, in the opinion of SLED, competent investigative services to the public.

C. For applicants for licenses to operate private investigation businesses, SLED will grant credit toward required experience, in the following amounts, to an applicant who has earned a certificate or degree from an educational institution accredited by a nationally recognized accreditation authority recognized by SLED:

- Certificate for study of private investigations 6 months
- Associates Degree 6 months
- Bachelor's Degree 1 year
- Graduate Degree 1.5 years

D. The applicant must supply information required by SLED to document employment experience.

8. *Firearm* means a handgun unless specific approval is provided in writing by SLED for use of other

types of firearms at specific sites.

73-401. Eligibility for business license; principal; private security; private investigations.

A business license must be issued only to a principal of the applicant business.

73-402. Principal; disclosure of identity; private security; private investigations.

The identity of each principal of an applicant or licensed entity must be fully disclosed as part of each new and renewal application on forms furnished by SLED.

73-403. Principal and employees; character; private security; private investigations.

Principals of applicant and licensed entities must be of suitable character and background, as defined in Chapter 18, Title 40, South Carolina Code, except for experience requirements. Failure of a principal to meet and maintain such suitability constitutes cause for suspension or revocation of the business license and registration of the principal or employee.

73-404. Licensee and business names; requirements; private security; private investigations.

All applications for licenses applied for pursuant to South Carolina Code Chapter 18, Title 40 must bear the same individuals' and business name(s) as the name(s) on any other license(s) or permit(s) issued to the same individual(s) or business by any authority.

73-405. Termination or death of licensee; private security; private investigations.

1. Upon termination of a licensee, a representative of the entity must immediately notify SLED. The entity will be immediately designated by SLED as *conditionally licensed*.

2. The chief executive or other principal of the entity must, within five calendar days of the date of termination of the licensee, submit an application for licensing of a new principal and the appropriate application fee.

3. The entity may operate as conditionally licensed for up to twenty calendar days after receipt of the new application by SLED.

4. In the event of the death of a licensee of a licensed business, a representative of the business must immediately notify SLED. The business will be designated by SLED as *conditionally licensed* and may continue operations.

5. The personal representative of the estate of the deceased licensee must furnish to SLED a notice of appointment by the probate court and may continue the operation of the business in accordance with directions of the court.

6. During the period of operation, licenses for such businesses must be renewed upon expiration using the standard license renewal procedure, including payment of license fees.

7. Authority of the personal representative to operate the licensed business without securing a new license will expire with the entry of an order by the court approving settlement, closure or distribution of the estate and discharging the personal representative, or an order terminating the personal representative or the proceeding.

8. An applicant for a license to continue operation of the business must meet all relevant qualifications to hold the license or SLED must deny the application.

9. Failure to comply renders the business license invalid and constitutes cause for revocation of the license.

73-406. Business and trade names; private security; private investigations.

1. Business and trade names used by licensed entities must be approved by SLED.

2. Materials, equipment, supplies and advertising used in connection with the entity may not imply affiliation with a law enforcement or other government agency.

3. The words "police", "enforcement", "bureau", or "public safety" may not be used in connection with a licensed entity.

4. The word “investigation(s)” may not be used in connection with a business unless the entity is licensed as a private investigation business.

5. The words “security” or “protection” may not be used in connection with a business unless the entity is licensed as a private security entity.

6. Unless otherwise approved by SLED, licensed entities are prohibited from using or advertising any business name other than the name shown on the license issued by SLED.

7. All paid advertisement to the general public by a licensed company must include the SLED license number issued to the licensee. Business cards are exempt from this requirement.

8. Names and materials existing and/or approved by SLED before the effective date of this regulation are exempt from these restrictions for the life of the license, if renewed as required by law.

73-407. Registration cards; private security; private investigations.

1. Private security and private investigation employee registration cards must display a recent and recognizable facial photograph of the registered individual, must be fully laminated and must legibly display all information placed on the card by SLED.

2. Registration cards that are altered or otherwise not in compliance with these requirements are invalid.

3. Registration cards issued to a private investigator authorize the performance of private investigation activities only while the registered individual is an employee of a licensed private investigation business and is performing activities assigned by his employer.

73-408. License and registration period; renewal; private security; private investigations.

1. Licenses and registrations issued by SLED are valid for one year from date of issue.

2. Failure to file a timely application for renewal renders the license or registration card invalid and, unless otherwise authorized by SLED, the holder is no longer licensed, registered or authorized to conduct the licensed or registered activity.

3. Application for renewal of licenses and registrations must be received by SLED at least thirty days, but not more than sixty days, prior to the date of expiration.

4. Required fees must be received with the application form and must be in the form of a valid business check, cashier check or money order.

5. Payment with a check that is dishonored by a financial institution will prevent issuance of a license or registration or result in its immediate suspension. The following fees are applicable and are non-refundable:

A.Private Security Contract/Proprietary Business:	\$350.00 annually
B.Private Security Officer Registration:	
1. armed:	\$110.00 annually
2. unarmed:	\$65.00 annually
3. replacement-lost or destroyed card:	\$20.00
C.Private Investigation Business	\$350.00 annually
D.Private Investigation	
1. employee registration:	\$350.00 annually
2. replacement-lost or destroyed card:	\$20.00

73-409. Law enforcement officers; private security; private investigations.

1. Except as permitted herein, persons holding commissions or appointments that confer law enforcement authority and administrative employees of public law enforcement agencies may not hold private security or private investigation licenses or registrations.

2. Officers of the South Carolina Department of Corrections who hold limited-authority law enforcement commissions, as defined by the South Carolina Criminal Justice Academy, are exempt from this restriction for purposes of employment as private security officers.

73-410. Surety bond cancellation; private security; private investigations.

1. Cancellation of a required surety bond will result in an immediate designation of *conditionally licensed* for the business.

2. The licensee must, within ten (10) days of notification of termination of bond, submit to SLED a new certificate of bond.

3. Failure to comply will render the company license invalid and the company must immediately cease the activities for which it is licensed.

73-411. Display of blue lights on private security vehicles.

1. Display of blue lights on security vehicles is prohibited unless authorized in writing by SLED pursuant to the following procedure:

A. The owner or designee of the owner of the property being patrolled must comply with the provisions of Article 45, Chapter 5, Title 56, South Carolina Code of Laws, concerning regulation of traffic on private roads.

B. The owner or designee of the owner of the property being patrolled must submit to SLED documentation of such compliance and a written request to display and use blue lights on the security vehicles to be used on the property.

C. The licensee of the private security business must have written approval from SLED before use of blue lights on the security vehicles to be used on the property.

2. Blue lights approved for use on private security vehicles may be displayed only on vehicles properly marked in accordance with R. 73-412 and on the property specifically described in the application for use of blue lights and otherwise must be removed from the vehicle or covered so as to be protected from public view.

3. Display of blue lights on private security company or other vehicles used by a private security officer, other than as approved by SLED, is prohibited.

73-412. Private security vehicle markings.

1. Unless otherwise approved in writing by SLED, vehicles used by private security officers for patrol and enforcement activities must be clearly marked with the word "security" and must display the name or symbol identifying the security company.

2. In its discretion, SLED may approve exemptions from this requirement upon written request submitted to SLED by a contract private security company principal and a representative of the client company citing specific special circumstances or by an official of the company holding a proprietary private security license.

73-413. State Uniform Traffic Summons tickets; private security.

1. Private security officers may not possess or issue State Uniform Traffic Summons tickets except as approved by SLED and the South Carolina Department of Public Safety. No such approval will attend unless the owner or designee of the owner of the private property involved is in compliance with the following procedure:

A. The owner or designee of the owner of the property being patrolled must be in compliance with the provisions of Article 45, Chapter 5, Title 56, South Carolina Code of Laws, concerning regulation of traffic on private roads;

B. The owner or designee of the owner of the property being patrolled must submit to SLED documentation of compliance with all requirements of law concerning enforcement of State traffic laws on private roads and must have written approval of SLED and the South Carolina Department of Public Safety to possess and issue State Uniform Traffic Summons tickets on the private property.

C. The licensee of the private security business must have written approval from SLED for use of blue lights on security company vehicles on the property.

2. State Uniform Traffic Summons tickets used pursuant to this authority may not be issued for any

offense if such issuance is not in compliance with provisions of South Carolina Code Section 56-5-6310, South Carolina Code Section 56-7-10, and South Carolina Code Section 56-7-15.

3. Private security officers authorized by their employing entity to issue State Uniform Traffic Summons tickets must receive training by their employer sufficient to ensure proper knowledge of the lawful use of such tickets.

73-414. Private tickets; private security.

1. Private security officers must not issue written instruments initiating any punitive action except to those persons described herein:

A. a person who is a signatory to a written acknowledgement of the rules and potential penalties related to the cited behavior;

B. an employee of a company whose representative is a signatory to such acknowledgement;

C. a visitor to the property who has been given constructive notice of such rules and penalties.

2. Signed written acknowledgements required by this regulation must be maintained on the property and available for inspection by SLED.

3. Constructive notice may be established by furnishing written materials to property owners and others entering the property or by posting signage identifying behavior subject to citation and potential penalties for violation.

73-415. Arrest reporting; private security.

Arrests made by private security officers must be reported to the law enforcement agency of primary jurisdiction immediately after the suspect and the scene of the incident are secured.

73-416. Transportation of prisoners; off-property authority; private security.

Private security officers exercising law enforcement authority of South Carolina Code Chapter 18, Title 40 must not transport prisoners or pursue suspects off the protected property.

73-417. Cooperation with law enforcement agencies and officers; private security.

Private security officers must fully cooperate in the prosecution and disposition of cases resulting from activities of the security officer, including but not limited to the furnishing of statements, provision of evidence, bail or bond hearings and court appearances. Private security officers are prohibited from hindering, obstructing or failing to cooperate with an investigation or other official law enforcement matter.

73-418. Discovered criminal activity; private security.

1. Private security officers are required to immediately secure the scene of a discovered crime on protected property, to immediately notify the law enforcement agency of jurisdiction, and to report suspected criminal activity on the protected property to the primary law enforcement agency of jurisdiction as soon as reasonably possible.

2. Private security officers must receive training by their employer sufficient to ensure adequate knowledge to properly and competently secure and preserve a crime scene.

73-419. Training; private security company certified training officers.

1. Each licensed private security business must employ or retain by other arrangement a SLED-certified private security training officer.

2. The training officer must have successfully completed a course of training specified by SLED or be otherwise approved by SLED.

3. Training officers must accurately certify to SLED, in the manner required, the results of training.

4. To maintain certification, training officers must successfully complete periodic training as required by SLED.

73-420. Training; private security officers.

1. Each candidate for registration as a private security officer must qualify by successfully completing a basic training course approved by SLED.

2. The standard basic training course consists of four or more hours of training by a certified private security company training officer and must consist of the latest material provided to the trainer by the South Carolina Technical College Private Security Training School. Such basic training must be completed, a written examination administered and scored, accurate results of the testing documented in the employer's files, and application for registration received by SLED before the security officer begins duties at a client site. The required written examination must be designed by the company certified training officer and must consist of questions taken from the lesson plan performance objectives used by the trainer.

A. A candidate who successfully completes such basic training will, upon issuance of a registration card by SLED, be designated as a *Registered Private Security Officer*.

3. An alternative basic training course approved by SLED may be substituted for standard basic training. For consideration of approval by SLED, an alternative training course must be developed and conducted by an agency or educational institution accredited by a nationally recognized accreditation authority recognized by SLED.

A. A candidate who successfully completes such alternative basic training will, upon employment by a licensed private security entity, qualify for registration by SLED as a *Certified Private Security Officer*.

B. The security officer must complete an additional minimum two hours of orientation and training by a certified company training officer. The training must be sufficient to ensure:

1. the safe, accurate and proper use of equipment to be used by the security officer,
2. knowledge adequate to properly and competently perform the duties and responsibilities specific to the assignment of the officer, and
3. additional topics specified by the employer.

3. In addition to the training required herein, a private security officer who will be authorized to carry a firearm must, before being issued, authorized or permitted to carry a firearm on duty, successfully complete a course approved by SLED, consisting of a minimum of four hours of training by a private security company certified training officer or law enforcement firearms instructor currently certified by the South Carolina Criminal Justice Academy, in the safe and proper use of the specific type(s) of firearm(s) to be issued or carried. Such training must:

A. adhere to the lesson plan(s) and course(s) of fire provided by the South Carolina Technical College Private Security Training School, and

B. include a demonstration of the safe and competent use of the firearm on a range supervised and documented by a private security company certified training officer or law enforcement firearms instructor currently certified by the South Carolina Criminal Justice Academy.

4. Unless otherwise specifically approved in writing by SLED at a specific site, private security officers are prohibited from possessing or using rifles or shotguns in connection with private security activities.

5. Accurate and complete documentation of all training of each private security officer must be retained by the employer and submitted to SLED as required. Complete and legible copies of each employee's training records must be furnished by the employer to the employee and must be retained by the employee as his permanent training record. Upon request by SLED, training documentation must be made available by the employing entity and the employee for inspection.

6. Upon change of employer, a registered private security officer must furnish to the new employer documentation of all training received. If such documentation is not available and cannot be secured from the immediate past employer, the new employer is required to conduct and document currently required minimum training.

7. Mere possession of a registration card does not serve as documentation of required training.

8. Failure of an employer and registered security officer to retain required training records is a violation punishable by suspension or revocation of the company license and the security officer's registration.

73-421. Training; private security officers; use of equipment or devices.

Private security officers must not be issued or use equipment or devices for which they have not

successfully completed training adequate to ensure the proper, accurate and safe use of such equipment. Documentation of such training must be maintained by the licensee and be available for inspection by SLED.

73-422. Training; private investigators; continuing education requirements.

1. SLED will establish and maintain a SLED Private Investigations Advisory Committee comprised of members appointed by SLED for advice concerning continuing education standards and policy. Such membership may be rotated as deemed necessary by SLED.

2. Licensed and registered private investigators must complete and report continuing education training as required by SLED.

3. SLED must develop and publish written rules governing continuing education program policy, procedures and content.

4. In its discretion, SLED may approve for credits programs it identifies as providing information directly related to the development or enhancement of investigative skills or as otherwise directly applicable to the operation of a private investigation business.

5. SLED must maintain and publish to licensed and registered practitioners a list of approved training providers and programs.

6. Licensees are responsible for remaining in compliance and ensuring compliance with these requirements by registered employees.