

DEPARTMENT OF ARKANSAS STATE POLICE
RULES FOR LICENSING AND REGULATION OF PRIVATE INVESTIGATORS,
PRIVATE SECURITY AGENCIES, ALARM SYSTEMS COMPANIES, POLYGRAPH
EXAMINERS, AND VOICE STRESS ANALYSIS EXAMINERS

SECTION 1. TITLE/AUTHORITY/DEFINITIONS

17 CAR § 350-101. Title.

This part shall be known as the “Rules for Licensing and Regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners” (“rules”).

17 CAR § 350-102. Purpose.

The purpose of this part is to establish the process and procedures for the licensing and regulation of:

- (1) Private investigators;
- (2) Private security agencies;
- (3) Alarm systems companies;
- (4) Polygraph examiners; and
- (5) Voice stress analysis examiners.

17 CAR § 350-103. Definitions.

As used in this part:

- (1) “ABAT” means advanced burglar alarm technician;
- (2) “Administrator” means the designee of the Director of the Division of Arkansas State Police pursuant to Arkansas Code § 17-39-110;
- (3) “AFPC” means the Arkansas Fire Prevention Code, 12 CAR pt. 15;
- (4) “Applicant” means any person who has submitted a properly completed application to be licensed, credentialed, or commissioned under this part to the Division of Arkansas State Police;
- (5) “Commission holder” means a person who is a commissioned security officer or commissioned school security officer;
- (6) “Credential holder” means a person who is:
 - (A) A credentialed private investigator;
 - (B) A manager;
 - (C) A private security officer;
 - (D) An alarm systems technician;
 - (E) An alarm systems monitor;
 - (F) An alarm systems apprentice;
 - (G) An alarm systems agent;
 - (H) An assistant training administrator;
 - (I) A training administrator;
 - (J) A training instructor; or
 - (K) A branch office manager;

- (7) “Director” means the Director of the Division of Arkansas State Police or his or her designee;
- (8) “Disqualifying factor or offense” means any factor or offense that could cause an applicant to be ineligible to hold a license credential or commission;
- (9) “Division” means the Division of Arkansas State Police;
- (10) “ESA” means the Electronic Security Association (formerly National Burglar and Fire Alarm Association (NBFAA)/National Training School (NTS));
- (11) “FAIM” means fire alarm installation methods;
- (12) “Hearing officer” means the appointed presiding officer over cases of adjudication pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;
- (13) “Institution of instruction” or “IOI” means a teaching entity that has been approved by the Division of Arkansas State Police to instruct:
- (A) Licensees;
 - (B) Credential holders; and
 - (C) Commission holders;
- (14) “Licensee” means a person who has been issued a Class A, Class B, Class C, Class D, Class E-M, Class E Restricted, Class E-S, Class E Unrestricted, Class G, polygraph examiner, or voice stress analysis examiner license;
- (15) “NESA” means the National Electronic Security Alliance; and
- (16) “NICET” means the National Institute for Certification in Engineering Technologies.

17 CAR § 350-104. Authority to issue.

The Director of the Division of Arkansas State Police may issue a license, credential, or commission pursuant to this part and applicable law, including the Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq., and the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.

SECTION 2. APPLICATION

17 CAR § 350-201. Penalty for false response or document.

Submitting false answers or false documentation with an application or in other communications with the Division of Arkansas State Police shall subject the applicant to the following:

- (1) **Criminal penalty.** Class A misdemeanor pursuant to Arkansas Code § 5-53-103; and/or
- (2) **Noncriminal penalty.** Denial, suspension, revocation, or the imposition of fines and restrictions.

17 CAR § 350-202. Application design.

- (a) The application shall be of such size and design so as to include necessary and relevant information required by current Arkansas laws.
- (b) The Director of the Division of Arkansas State Police has the authority to design and revise the initial, renewal, transfer, or replacement application forms as he or she deems necessary.

17 CAR § 350-203. Application form.

The application form for a license, credential, or commission shall be issued by the Director of the Division of Arkansas State Police and shall include:

- (1) The name, address, place and date of birth, and sex of the applicant;
- (2) The driver's license number and Social Security number of the applicant;
- (3) If the applicant was born outside of the United States, proof of eligibility to work in the United States, including, but not limited to, a United States passport, born abroad certificate, naturalization papers, permanent residency card, visa/Green Card, I-9 form, I-766 form or "work permit", etc.;
- (4) A statement as to which license or licenses, credential or credentials, or commission or commissions the applicant is seeking; and
- (5) Questions related to the applicant's qualifications specified in:
 - (A) Arkansas Code § 17-39-202, § 17-39-206, § 17-39-304, § 17-40-306, or § 17-40-337; or
 - (B) 17 CAR § 250-901, 17 CAR § 350-902, or 17 CAR § 350-1005(3).

17 CAR § 350-204. Complete application.

(a) An application will not be considered by the Division of Arkansas State Police unless it is complete.

(b) The documentation received from an applicant shall be deemed complete when it contains all the requirements under Arkansas law and this part, as follows:

- (1) The completed application form;
- (2) Nonrefundable application fee in the amount prescribed by Arkansas Code § 17-39-207, § 17-39-305, or § 17-40-302;
- (3) The applicable fees for state and national background checks, as prescribed by law;
- (4) A properly completed, legible, signed waiver authorizing the division access to the applicant's medical and criminal records;
- (5) Two (2) classifiable sets of fingerprints;
- (6) Two (2) recent passport-style photographs of the applicant;
- (7) Confirmation of the applicant's successful completion of the examination required by the type of license, credential, or commission for which he or she is applying;
- (8) Proof of certification, training, or education required by the type of license, credential, or commission for which he or she is applying;
- (9) Proof of the security bond or insurance policy necessary for the particular license, credential, or commission for which he or she is applying or a sworn statement that the applicant is not required to post a bond or hold an insurance policy pursuant to Arkansas law and this part;
- (10) Executed consent form required by Arkansas Code § 17-39-204 or a sworn statement that the applicant is not required to execute the consent pursuant to Arkansas law and this part; and
- (11) Any other information the Director of the Division of Arkansas State Police may require from the applicant to determine the applicant's qualifications to hold a:
 - (A) License;
 - (B) Credential; or
 - (C) Commission.

17 CAR § 350-205. Reciprocity and temporary licensing.

(a) An applicant who holds a substantially similar license, credential, or commission in another state, territory, or district of the United States may obtain a reciprocal or temporary Arkansas license, credential, or commission as follows:

(1) An applicant for a polygraph examiner license or a private investigator credential must meet the qualifications set forth in Arkansas Code § 17-39-205 or § 17-40-353;

(2) An applicant for any other reciprocal license, credential, or commission must demonstrate that he or she:

(A) Holds the license, credential, or commission in good standing;

(B) Has not had his or her license, credential, or commission revoked for an act of bad faith or a violation of:

(i) Law;

(ii) Rule; or

(iii) Ethics;

(C) Is not holding any suspended or probationary:

(i) License;

(ii) Credential; or

(iii) Commission;

(D) Is sufficiently competent in his or her field;

(E) Has been actively and lawfully engaged in the particular profession requiring the license, credential, or commission for one (1) or more years prior to submitting the reciprocal application; and

(F) Has completed any Arkansas-specific education or training required by the particular:

(i) License;

(ii) Credential; or

(iii) Commission;

(3) An applicant for a reciprocal license, credential, or commission who resides in a state, territory, or district of the United States that does not require licensure to practice a profession covered by this subpart must demonstrate that he or she:

(A) Has not had his or her license, credential, or commission revoked for an act of bad faith or a violation of:

(i) Law;

(ii) Rule; or

(iii) Ethics;

(B) Is not holding any suspended or probationary:

(i) License;

(ii) Credential; or

(iii) Commission;

(C) Is sufficiently competent in his or her field;

(D) Has been actively and lawfully engaged in the particular profession requiring the license, credential, or commission for five (5) or more years prior to submitting the reciprocal application; and

(E) Has completed any Arkansas-specific education or training required by the particular:

- (i) License;
- (ii) Credential; or
- (iii) Commission; and

(4) An applicant who meets the requirements of subdivisions (a)(1), (a)(2), or (a)(3) of this section, may obtain a ninety-day temporary license, credential, or commission upon request.

(b)(1) The applicant seeking the reciprocal or temporary license, credential, or commission must submit the required:

- (A) Forms;
- (B) Nonrefundable application fee; and
- (C) National and state background check fees.

(2) The applicant must also have his or her background check successfully completed through state and federal background check systems.

17 CAR § 350-206. Transfer license, credential, or commission.

(a) Individuals who wish to transfer a license, credential, or commission from one (1) company to another must:

- (1) Complete the transfer application; and
- (2) Submit the required background check and transfer fees.

(b) The transfer fee is twenty dollars (\$20.00) for:

- (1) Alarm systems agents;
- (2) Alarm systems apprentices;
- (3) Alarm systems technicians;
- (4) Alarm systems monitors; and
- (5) Security guards.

(c) The transfer fee is seventy-five dollars (\$75.00) for credentialed private investigators.

17 CAR § 350-207. Fingerprinting for initial application.

(a) In the event a legible and classifiable set of fingerprints cannot be obtained, as determined by the Division of Arkansas State Police or the Federal Bureau of Investigation, the applicant shall be:

- (1) Contacted; and
- (2) Required to be fingerprinted again.

(b) After two (2) unsuccessful fingerprint card submissions, a name search through the Federal Bureau of Investigation will be conducted.

(c) Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the Director of the Division of Arkansas State Police is allowed.

(d) The director shall determine the applicant's eligibility for licensing only after successful completion of the Federal Bureau of Investigation fingerprint-based check.

17 CAR § 350-208. Issuance.

A license, credential, or commission shall be issued by the Director of the Division of Arkansas State Police if, after submission of a complete application:

(1) The applicant satisfies the qualification requirements for the license, credential, or commission for which he or she is applying; and

(2) The applicant has had his or her background check successfully completed through state and federal background check systems.

17 CAR § 350-209. Unresolved arrests.

(a) If a check of the applicant's criminal records uncovers any unresolved arrest that may lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge and return the disposition to the Division of Arkansas State Police within sixty (60) days.

(b) The application will not be processed to completion without the division having received the disposition information.

17 CAR § 350-210. Prior offenses.

(a) The Director of the Division of Arkansas State Police shall deny an application if the applicant has been found guilty or has pleaded guilty or nolo contendere to a criminal offense as set forth in Arkansas Code § 17-39-202, § 17-39-206, § 17-39-304, § 17-40-306, or § 17-40-337.

(b)(1) A prior conviction will disqualify the applicant even if the conviction has been sealed or expunged, but a prior conviction will not disqualify an applicant if the applicant has received a pardon for the conviction in accordance with Arkansas Code § 16-93-201 et seq.

(2) To qualify for a commission, the pardon must include a provision for full restoration of firearms rights.

17 CAR § 350-211. Designated offenses.

(a)(1) Pursuant to Arkansas Code § 17-40-306(e), the Division of Arkansas State Police is required to designate the Class A misdemeanors under Arkansas law that constitute disqualifying offenses involving:

- (A) Theft;
- (B) Sexual offenses;
- (C) Violence;
- (D) An element of dishonesty; or
- (E) A crime against a person.

(2) This list shall not be deemed to exclude comparable offenses from another state or comparable offenses in the State of Arkansas that have been renumbered or repealed if such an offense otherwise falls within the requirements of Arkansas Code § 17-40-306(d).

(b) Offenses involving theft:

- (1) Robbery and aggravated robbery, Arkansas Code §§ 5-12-102 and 5-12-103;
- (2) Theft, Arkansas Code §§ 5-36-101 – 5-36-405;
- (3) Worthless checks (Arkansas Hot Check Law, Arkansas Code § 5-37-301 et seq.), Arkansas Code § 5-37-307;
- (4) Theft of communication services, Arkansas Code § 5-37-402;
- (5) Residential and commercial burglary, Arkansas Code § 5-39-201;
- (6) Breaking or entering, Arkansas Code § 5-39-202;
- (7) Aggravated residential burglary, Arkansas Code § 5-39-204; and
- (8) Timber theft, Arkansas Code § 15-32-603.

(c) Sexual offenses:

- (1) Sexual offenses, Arkansas Code §§ 5-14-101 – 5-14-134;
 - (2) Voyeurism, Arkansas Code § 5-16-102;
 - (3) Unlawful distribution of sexual images or recordings, Arkansas Code § 5-26-314;
 - (4) Sexual exploitation of children, Arkansas Protection of Children Against Exploitation Act of 1979, Arkansas Code § 5-27-301 et seq.;
 - (5) Use of children in sexual performances, Arkansas Code §§ 5-27-401 – 5-27-405;
 - (6) Computer crimes against minors, Arkansas Code §§ 5-27-601 – 5-27-609;
 - (7) Prostitution, Arkansas Code §§ 5-70-101 – 5-70-106; and
 - (8) Sex offender registration, Sex Offender Registration Act of 1997, Arkansas Code §§ 12-12-901 – 12-12-927.
- (d) Offenses involving violence:
- (1) Homicide, Arkansas Code §§ 5-10-101 – 5-10-106;
 - (2) Battery, Arkansas Code §§ 5-13-201 – 5-13-203;
 - (3) Assault, Arkansas Code §§ 5-13-204 – 5-13-207 and 5-13-211;
 - (4) Abuse of an athletic contest official, Arkansas Code § 5-13-209;
 - (5) Domestic battering, Arkansas Code §§ 5-26-303 – 5-26-305 ;
 - (6) Assault on a family or household member, Arkansas Code §§ 5-26-306 – 5-26-309;
 - (7) Resisting arrest, Arkansas Code § 5-54-103(a);
 - (8) Interference with a law enforcement officer, Arkansas Code § 5-54-104;
 - (9) Killing or injuring animals used by law enforcement or search and rescue dogs, Arkansas Code § 5-54-126;
 - (10) Cruelty to animals, Arkansas Code § 5-62-103;
 - (11) Riot, Arkansas Code § 5-71-201(a)(3);
 - (12) Threatening a fire or bombing, Arkansas Code § 5-71-211;
 - (13) Possession of a firearm by certain persons, Arkansas Code § 5-73-103;
 - (14) Criminal use of prohibited weapons, Arkansas Code § 5-73-104;
 - (15) Carrying certain prohibited weapons, Arkansas Code § 5-73-120;
 - (16) Carrying a loaded weapon in a state building, Arkansas Code § 5-73-122;
 - (17) Use of tear gas or pepper spray against law enforcement, Arkansas Code § 5-73-124; and
 - (18) Negligent homicide/involuntary manslaughter, Arkansas Code § 27-50-307.
- (e) Offenses involving an element of dishonesty:
- (1) Concealing birth, Arkansas Code § 5-26-203;
 - (2) Possession of fraudulent or altered identification, Arkansas Code § 5-27-503;
 - (3) Forgery and fraudulent practices, Arkansas Code § 5-37-201 et seq.;
 - (4) Marking or altering the brand of an animal, Arkansas Code § 5-37-502;
 - (5) Defrauding materialmen, Arkansas Code § 5-37-525;
 - (6) Unlawful act involving electronic mail, Arkansas Code § 5-41-205;
 - (7) Corruption in public office, Arkansas Code §§ 5-52-101, 5-52-102 [repealed], 5-52-103 [repealed], and 5-52-104 – 5-52-108;
 - (8) False swearing, Arkansas Code § 5-53-103;
 - (9) Tampering, Arkansas Code § 5-53-110;
 - (10) Simulating legal process, Arkansas Code § 5-53-116;
 - (11) Obstructing governmental operations, Arkansas Code § 5-54-102(a)(4);
 - (12) Hindering apprehension or prosecution, Arkansas Code § 5-54-105;
 - (13) Filing false reports, Arkansas Code § 5-54-122;

- (14) Violation of the Medicaid Fraud Act, Arkansas Code § 5-55-103;
 - (15) Medicaid fraud, Arkansas Code § 5-55-111;
 - (16) Controlled substances — Fraudulent practices, Arkansas Code § 5-64-403;
 - (17) Communicating a false alarm, Arkansas Code § 5-71-210;
 - (18) Falsification of petition, Arkansas Code § 7-9-103;
 - (19) Making a false child abuse report, Arkansas Code § 12-12-504 [repealed];
 - (20) False report of adult abuse, Arkansas Code § 12-12-1720(d);
 - (21) False report of child abuse, Arkansas Code § 12-18-203;
 - (22) Violation of ethics and conflict of interest laws, Arkansas Code § 21-8-403;
 - (23) Unlawful act by a notary, Arkansas Code § 21-14-111;
 - (24) Fraudulent or deceitful actions (securities fraud), Arkansas Code § 23-42-507; and
 - (25) Fraudulent application for CDL, Arkansas Code § 27-23-114.
- (f) Offenses involving a crime against a person:
- (1) False imprisonment, Arkansas Code § 5-11-104;
 - (2) Coercion, Arkansas Code § 5-13-208;
 - (3) Administering controlled substances to another person, Arkansas Code § 5-13-210;
 - (4) Video voyeurism, Arkansas Code § 5-16-101;
 - (5) Endangering the welfare of an incompetent person or minor, Arkansas Code §§ 5-27-201 – 5-27-207;
 - (6) Permitting abuse of a minor, Arkansas Code § 5-27-221;
 - (7) Abuse, neglect, or exploitation of an endangered/impaired person, Arkansas Code § 5-28-103;
 - (8) Unlawful computerized communications, Arkansas Code § 5-41-108;
 - (9) Retaliation against a witness, informant, or juror, Arkansas Code § 5-53-112;
 - (10) Violation of a protection order, Arkansas Code § 5-53-134;
 - (11) Interference with emergency communication in the first degree, Arkansas Code § 5-60-124;
 - (12) Cyberbullying, Arkansas Code § 5-71-217;
 - (13) Stalking, Arkansas Code § 5-71-229;
 - (14) Violation of order of protection, Arkansas Code § 9-15-207; and
 - (15) Violation of no contact order, Arkansas Code § 16-85-714.

17 CAR § 350-212. Incomplete application.

- (a) Applicants must tender all documents and information necessary for a complete application upon submission.
- (b) Application deficiencies must be corrected within thirty (30) days.
- (c) Dispositions must be received within sixty (60) days of request for same or the application shall be voided.
- (d) Applications not complete after one hundred twenty (120) days of submission shall be voided.

17 CAR § 350-213. Denial.

- (a) If the Director of the Division of Arkansas State Police denies an application, he or she shall notify the applicant in writing, stating the grounds for denial.
- (b) The letter shall be sent certified mail, return receipt requested.

17 CAR § 350-214. New employees.

(a) If a licensee hires an individual required to be licensed, credentialed, or commissioned by the Division of Arkansas State Police, the licensee must file an application to obtain a license, credential, or commission for the employee within fourteen (14) days of the hire.

(b)(1) The employee may work under the supervision of the licensee or credential holder until the application has been processed by the division.

(2) "Supervision" is defined as the licensee or credential holder watching and directing the applicant's activities while in the immediate presence (line of sight proximity) of the applicant at all times.

(3) If the required state and federal background check uncovers a potential disqualifying factor in the applicant's criminal history, the applicant shall immediately cease work upon notification by the division until the disqualifying factor has been resolved.

(4) A commissioned applicant cannot work in an armed capacity until the application has been fully processed and the identification card issued.

17 CAR § 350-215. Upgrades.

(a) A licensee, credential holder, or commission holder may upgrade the status of his or her license, credential, or commission during the active period of his or her license.

(b) In order to receive an upgrade, the company or individual must:

(1) Complete any additional training required by the new:

- (A) License;
- (B) Credential; or
- (C) Commission;

(2) Successfully complete the examination required by the new:

- (A) License;
- (B) Credential; or
- (C) Commission;

(3) Undergo and successfully complete new federal and state background checks;

(4) Pay any fees associated with the federal and state background checks; and

(5) Pay the difference between the application fee for the initial license, credential, or commission and the application fee for the new:

- (A) License;
- (B) Credential; or
- (C) Commission.

(c) The upgraded license, credential, or commission will expire on the date the initial license, credential, or commission is due to expire.

17 CAR § 350-216. Fees.

All fees for original licensure, registration, transfer, renewal, and delinquencies shall be charged as outlined in Arkansas Code §§ 17-39-207, 17-39-210, 17-39-305, and 17-40-302.

17 CAR § 350-217. Prelicensure criminal background determination.

(a)(1) An individual with a criminal record may seek a determination from the Division of Arkansas State Police of whether his or her criminal record will disqualify him or her from obtaining a:

- (A) License;
- (B) Credential; or
- (C) Commission.

(2) It is not necessary for an individual seeking a prelicensure criminal background determination to complete training or submit to the full application process.

(b)(1) A petitioner for a prelicensure criminal background determination shall submit to the division the following items:

- (A) A completed criminal background determination request form provided by the division;
- (B) The applicable fees for state and national background checks, as prescribed by law;
- (C) A properly completed, legible, signed waiver authorizing the division access to the petitioner's criminal records;
- (D) Two (2) classifiable sets of fingerprints; and
- (E) Full and complete details of the criminal record of the individual.

(2) Upon receipt of the above items, the division will notify the petitioner whether his or her criminal record would disqualify him or her from obtaining a:

- (A) License;
- (B) Credential; or
- (C) Commission.

(c) The determination of the division is not binding:

- (1) In the event the petitioner commits subsequent criminal offenses; or
- (2) If additional information about the petitioner's criminal background is uncovered that was not previously disclosed.

(d) In order to obtain a license, credential, or commission, the petitioner must:

- (1) Submit to the full application process, including additional background checks; and
- (2) Meet all other qualifications for licensure.

17 CAR § 350-218. Expedited process for active duty service members, returning military veterans, and spouses.

(a) The Division of Arkansas State Police will expedite the licensure process for:

- (1) A uniformed service member stationed in the State of Arkansas;
- (2) A uniformed service veteran who resides in or establishes residency in the state of Arkansas; or

(3) The spouse of:

- (A) A person listed in subdivision (a)(1) or (a)(2) of this section;
- (B) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and

(C) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(b) To qualify for expedited licensure, the applicant must notate his or her status as requested on the application and provide the division with a copy of the active duty orders or DD Form 214.

17 CAR § 350-219. Fee waivers.

The Division of Arkansas State Police will waive the initial application fees prescribed by Arkansas Code § 17-39-207, § 17-39-305, or § 17-40-302 if the applicant:

- (1) Is receiving assistance through the:
 - (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;
 - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

SECTION 3. RENEWAL

17 CAR § 350-301. Process for renewal of license.

(a) A licensee, credential holder, or commission holder may renew his or her license, credential, or commission no more than ninety (90) days prior to its expiration date by submitting to the Division of Arkansas State Police the following items:

- (1) A completed renewal form provided by the division;
- (2) A renewal fee in the amount prescribed by law;
- (3) Proof of successful completion of any required continuing education or training within the time period prescribed by law; and
- (4) Two (2) passport-style photographs taken within one (1) year of submitting a new application or of the most recent renewal.

(b) The license shall be renewed upon timely receipt of the items listed herein, subject to a background investigation conducted pursuant to law that does not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under state or federal law.

17 CAR § 350-302. Expired card.

Upon renewal of a credential card, the expired card must be returned to the licensee who shall make it a part of the employee's file.

17 CAR § 350-303. Renewal license denial.

(a) The Director of the Division of Arkansas State Police may deny the renewal of a license on the same bases for denial of an initial application for license.

(b)(1) If the director denies the renewal application, he or she shall notify the applicant in writing, stating the grounds for denial.

(2) The letter shall be sent certified mail, return receipt requested.

17 CAR § 350-304. Late fee.

(a) Delinquency fees shall be imposed in accordance with Arkansas Code §§ 17-39-207, 17-39-305, and 17-40-302 if the renewal application is not received by the Division of Arkansas State Police on or before the date on which it would otherwise expire.

(b) A renewal application may be submitted to the division at any time within ninety (90) days prior to the expiration of the license, but under no circumstances will an application be accepted before the ninety (90) days prior to expiration.

17 CAR § 350-305. Previously issued license, credential, or commission.

Any application for renewal of a previously issued license, credential, or commission that is submitted after the effective date of this part shall be evaluated in accordance with the provisions contained herein and current laws and rules.

SECTION 4. OTHER CHANGES TO LICENSE, CREDENTIAL, OR COMMISSION

17 CAR § 350-401. Voluntary termination.

When a company or individual licensed under this part ceases to conduct business in this state, it must return all certificates of licensure and all credential cards issued to its employees to the Division of Arkansas State Police, accompanied by a notarized writing stating:

- (1) It is no longer actively in business; and
- (2) The date it ceased any activity encompassed by this part.

17 CAR § 350-402. Lost or destroyed license or credential card.

(a)(1) A licensee or any credentialed employee of a licensee shall report a lost or stolen license or credential card to the administrator and the licensee within five (5) days of any such loss or theft.

(2) The report shall be in writing, by notarized statement, and a Division of Arkansas State Police form shall be provided for that purpose.

(b) If a person complies with this provision, he or she may obtain a replacement license or credential card with up-to-date information upon the payment to the division of a fee as established by law.

17 CAR § 350-403. Change of name.

(a)(1) Within fourteen (14) days after the changing of a legal name, the licensee, credential holder, or commission holder shall notify the Director of the Division of Arkansas State Police in writing of the change and provide court documentation that officially created the change.

(2) A Division of Arkansas State Police form shall be provided for that purpose.

(b) If the person would like a new license or credential card printed with updated information, he or she may destroy the old document and apply for a replacement with payment of a fee.

17 CAR § 350-404. Voluntary surrender.

If a licensee, credential holder, or commission holder voluntarily surrenders his or her license, credential, or commission to the Division of Arkansas State Police in the absence of suspension or revocation proceedings, the division will accept and cancel it.

SECTION 5. GENERAL RULES OF OPERATION & COMPLIANCE

17 CAR § 350-501. Manager.

(a)(1) All licensees, except for those licensed under the Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq., shall register a manager.

(2) The manager must be in a supervisory position with the company on a daily basis.

(b) An individual who was previously authorized as a manager before the effective date of this part may continue serving in the capacity of manager provided he or she submits a notarized statement attesting to his or her familiarity with Acts 2015, No. 393, and this part.

17 CAR § 350-502. Employee files.

(a)(1) Each licensee shall maintain a record of its licensed, credentialed, and/or commissioned employees.

(2) This record shall be kept at the address of the licensee.

(b) The records shall contain the following information:

(1) A complete application for employment of the type that is submitted to the Division of Arkansas State Police;

(2) One (1) classifiable set of fingerprints;

(3) One (1) passport-style photograph taken within one (1) year of submitting a new application or of the most recent renewal; and

(4) Records of all certifications provided to the division for registration.

(c) These records must be maintained by the licensee for a period of one (1) year after the date the employee was terminated.

17 CAR § 350-503. Personnel transactions.

(a) Each licensee shall furnish the Division of Arkansas State Police a list of personnel transactions on a weekly basis.

(b) The list shall include all:

(1) New employees to be qualified under this part and their date of hire; and

(2) Terminated employees qualified under this part and the date of and reason for their termination.

(c) If there are no personnel transactions in any given week, the licensee is not required to send a list to the division.

17 CAR § 350-504. Termination of manager.

(a) If the manager of any licensee ceases to be the manager for any reason, the licensee shall name a person responsible for the conduct of the company and notify the Division of Arkansas State Police of the changes in writing within fourteen (14) days from the date of cessation of employment.

(b)(1) The license shall remain in effect for thirty (30) days from the date the division receives the notification, during which time the business of the licensee may continue pending the qualification of another manager.

(2) The division will notify the licensee in writing by certified mail of the date on which the thirty-day period expires.

17 CAR § 350-505. Termination of licensed or credentialed individual.

(a) When an individual whose license or credential was the basis for qualification of a business regulated by this part ceases to be connected with the business, the business must notify the Division of Arkansas State Police of the change in writing within fourteen (14) days of cessation.

(b) The business may be carried on for thirty (30) days from the date of cessation, during which time the business may:

- (1) Associate a new licensed or credentialed individual for qualification; or
- (2) Take the necessary action to wind up the affairs of the business.

17 CAR § 350-506. Identification.

(a) All licensed, credentialed, or commissioned individuals shall:

(1) Wear their pocket identification or credential card in plain sight while performing any function described in Arkansas Code § 17-40-102; and

(2) Produce said card upon request in such a manner that enables the requestor to identify the licensee, credential holder, or commission holder.

(b)(1) **Exception.** This section does not apply to:

- (A) Individuals possessing a Class A or Class D license; or
- (B) A credentialed private investigator.

(2) However, he or she must produce his or her credential card or license upon request in such a manner that enables the requestor to identify the licensee or credential holder.

(c) Any card holder who fails to comply with this provision shall be brought to the Division of Arkansas State Police to answer why their registration should not be revoked.

17 CAR § 350-507. Resemblance to law enforcement.

A badge, uniform, or insignia used by a licensee or its employees cannot resemble those worn by police agencies in the State of Arkansas.

17 CAR § 350-508. Vehicle usage.

(a) Vehicles used by licensees or their employees are not authorized emergency vehicles.

(b) The vehicle may not display flashing or rotating lights on any public road, street, highway, or property, and the drivers must obey all traffic and other laws in responding to an alarm or in the performance of any function listed in Arkansas Code § 17-40-102.

17 CAR § 350-509. Required company information display.

(a) All contracts, bid sheets, invoices, and/or bills given to a customer or client shall contain the company name and license number.

(b) At all times a licensee is engaged in an activity regulated by this subpart, the licensee shall display on all advertising and marketing materials, including, but not limited to, letterhead, printed advertisements, electronic media advertisements, decals, and yard signs:

- (1) The company name; and
- (2) Either:

- (A) Its license number; or
- (B) A statement referring to a website or toll-free number to obtain licensing information.

(c) All contracts, bid sheets, invoices, and/or bills given to a customer or client shall contain, in a conspicuous place, the following statement:

“Regulated by:
Division of Arkansas State Police
1 State Police Plaza Drive
Little Rock, Arkansas 72209
501-618-8600”

17 CAR § 350-510. Company name.

No officer, employee, partner, or other person employed by a licensee may use any company name other than the name approved by and registered with the Division of Arkansas State Police.

17 CAR § 350-511. Audits.

(a) The manager is responsible for ensuring that copies of all training documents, including graded applicants’ exams, are maintained.

(b) The manager is required to produce copies of any training documents upon request by the Division of Arkansas State Police.

SECTION 6. DENIAL, SUSPENSIONS, REVOCATIONS, AND REPRIMANDS

17 CAR § 350-601. Compliance.

At all times an applicant, licensee, credential holder, or commission holder must:

- (1) Meet the qualifications outlined in this part; and
- (2) Abide by:
 - (A) This part;
 - (B) The Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq.;

and

(C) The Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.

17 CAR § 350-602. Investigation.

(a) The Division of Arkansas State Police shall have the power to conduct an investigation, on its own initiative or as the result of a complaint, to determine whether there exists sufficient proof that an applicant, licensee, credential holder, or commission holder has violated:

- (1) This part;
- (2) The Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq.; or
- (3) The Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.

(b) In the course of any such investigation, the Director of the Division of Arkansas State Police may issue subpoenas to compel the attendance of witnesses and the production of pertinent:

- (1) Books;
- (2) Accounts;

- (3) Records; and
- (4) Documents.

17 CAR § 350-603. Adverse action.

Upon a determination by the Division of Arkansas State police that there exists good cause to believe that the acts or omissions of an applicant, licensee, credential holder, or commission holder constitute a violation of this part, the Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., the division may:

- (1) Deny an application;
- (2) Revoke or suspend a:
 - (A) License;
 - (B) Credential; or
 - (C) Commission;
- (3) Levy fines; and/or
- (4) Reprimand a:
 - (A) Licensee;
 - (B) Credential holder; or
 - (C) Commission holder.

17 CAR § 350-604. Notice to employees.

(a) The licensee or manager of a licensee shall notify any employee of charges brought by the Division of Arkansas State Police against the employee, a denial of license, credential, or commission, or of any summons or subpoena to appear before the Director of the Division of Arkansas State Police within five (5) days of receipt of such notification.

(b) In any case where charges are brought against the employee or of a denial, the licensee, manager, or a designated representative (who holds a supervisory position) shall appear with the employee before the director.

17 CAR § 350-605. Suspension for arrest or criminal charge.

(a) If the licensee, credential holder, or commission holder is arrested or formally charged with a crime that would disqualify him or her from having a license, credential, or commission:

- (1) He or she shall immediately notify the Division of Arkansas State Police; and
- (2) The Director of the Division of Arkansas State Police shall suspend a license until final disposition of the case.

(b) If the division is notified of such arrest or charges by any law enforcement agency or a court and receives subsequent written verification, the director shall suspend a license until final disposition of the case.

(c) If the charges are dismissed (including a dismissal by nolle prosequi) or the individual is found not guilty, then the license, credential, or commission will be returned unless it has expired.

(d) If it has expired, then the individual may apply for renewal under this part under Arkansas Code § 17-39-210 or § 17-40-313.

17 CAR § 350-606. Suspension for nonpayment of child support.

(a) The Division of Arkansas State Police is required by Arkansas law to suspend a license, credential, or commission if so ordered by the Office of Child Support Enforcement.

(b) Once the division receives official notification from the Office of Child Support Enforcement to release the suspension, then the license, credential, or commission will be returned, unless it has expired.

(c) If it has expired, then the individual may apply for renewal under this part under Arkansas Code § 17-39-210 or § 17-40-313.

17 CAR § 350-607. Revocation.

(a) The Director of the Division of Arkansas State Police may revoke a license, credential, or commission if during the term of the license, credential, or commission:

(1) An individual becomes ineligible under the criteria set forth in state or federal law or this part; or

(2) The Division of Arkansas State Police receives notification from any law enforcement agency, court, or the individual that a licensee, credential holder, or commission holder has been found guilty or has pleaded guilty or nolo contendere to any crime.

(b) The director may issue instructions for possible reapplication after revocation.

17 CAR § 350-608. Temporary suspension.

Pending an appeal of a denial, suspension, revocation, or reprimand, the Director of the Division of Arkansas State Police may suspend a license, credential, or commission when that person has been convicted in any jurisdiction of a disqualifying offense under Arkansas Code § 17-39-202, § 17-39-206, § 17-39-211, § 17-39-304, § 17-39-306, § 17-40-306, § 17-40-344, or § 17-40-350.

17 CAR § 350-609. Notice of denial, suspension, revocation, or reprimand.

(a) When the Director of the Division of Arkansas State Police denies an application or takes adverse action for violations of this part, the Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., the Division of Arkansas State Police shall provide written notice to the applicant, licensee, credential holder, or commission holder of the denial or adverse action.

(b) The notice shall:

(1) Include the:

(A) Basis for the determination;

(B) Rules or laws violated; and

(C) Action taken as a result; and

(2) Inform the applicant, licensee, credential holder, or commission holder of his or her right to a hearing.

(c) The notice shall be sent by certified mail, return receipt requested, to the individual's last known address.

17 CAR § 350-610. Fines and consent judgment.

(a) The Director of the Division of Arkansas State Police may assess the maximum fines allowed by Arkansas Code §§ 17-39-103 and 17-40-350 for each violation of:

- (1) This part;
- (2) The Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq.; and
- (3) The Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.

(b) The director may authorize the administrator to enter into consent judgments with the licensee, credential holder, or commission holder providing for the payment of agreed upon fines and restrictions in lieu of a hearing or further administrative action.

SECTION 7. APPEALS

17 CAR § 350-701. Hearing request.

(a)(1) The applicant, licensee, credential holder, or commission holder may request an administrative hearing to appeal the denial or adverse action taken by the Director of the Division of Arkansas State Police.

(2) The hearing must be requested within ten (10) days of receiving the notice, and the director shall set the matter for hearing as soon as is practicable by issuing a notice of hearing.

(3) The notice of hearing shall:

- (A) State the legal authority and jurisdiction under which the hearing is to be held;
- (B) Appoint a hearing officer; and
- (C) Contain a brief and concise statement of the matters of fact and law involved.

(b) The notice of hearing shall further:

- (1) Set forth the time, place, and date of the hearing; and
- (2) Be served on the person at least fourteen (14) days prior to the hearing by:
 - (A) Mailing a copy to his or her last known address by certified mail; or
 - (B) Hand delivering the notice personally.

17 CAR § 350-702. Docketing.

(a) The administrator shall assign a file number to each appellate matter and thereafter, all documents pertaining to the matter shall bear that assigned number.

(b) All pleadings and motions to be filed relative to the hearing shall be submitted to the administrator in duplicate, signed, verified, and dated.

17 CAR § 350-703. Power and authority of hearing officer.

The hearing officer shall conduct the administrative hearing, and he or she may:

- (1) Administer oaths;
- (2) Require testimony; and
- (3) Issue subpoenas for the:
 - (A) Attendance of witnesses; and
 - (B) Production of:
 - (i) Relevant books, papers, documents; or
 - (ii) Other relevant evidence.

17 CAR § 350-704. Rights of appellant.

Any person whose rights may be affected at any hearing has the right to appear personally and by counsel to:

- (1) Introduce evidence on their behalf;
- (2) Cross-examine witnesses;
- (3) Examine any document or other evidence submitted; and
- (4) Request the issuance of subpoenas pursuant to 17 CAR § 350-705.

17 CAR § 350-705. Subpoenas.

(a) A person desiring the issuance of a subpoena must file a written request with the administrator for same at least seven (7) days prior to the hearing.

(b) The witness or matter to be subpoenaed must be described with such particularity to allow the hearing officer to locate the witness or matters without undue burden or expense.

(c) Any costs associated with the subpoenas must be deposited with the administrator at the time of filing such requests.

17 CAR § 350-706. Consideration of evidence.

(a) The hearing officer:

- (1) Shall not be bound by the technical rules of evidence; and
- (2) May admit any evidence if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.

(b) However, the hearing officer:

- (1) Shall give effect to the rules of privilege recognized by the law;
 - (2) May exclude hearsay, incompetent, irrelevant, immaterial, or repetitious evidence;
- and
- (3) May make rulings to protect witnesses from undue harassment or oppression.

17 CAR § 350-707. Record.

All evidence, including records and documents, considered by the hearing officer shall be offered and made part of the record in a hearing, and no other factual information or evidence shall be considered in the determination of any matter.

17 CAR § 350-708. Burden of proof.

(a) In any hearing held for the purpose of affording an applicant the opportunity to contest a denial, the burden of proof shall be on the applicant.

(b) In hearings held for the purpose of revocation, suspension, assessment of fines, and/or reprimand of a licensee, credential holder, or commission holder, the burden of proof shall be on the Division of Arkansas State Police or complainant.

17 CAR § 350-709. Decisions.

(a) The hearing officer shall submit his or her recommendations to the Director of the Division of Arkansas State Police within sixty (60) days of the hearing.

(b) All decisions shall be:

- (1) In writing and signed by the director; and
- (2) Accompanied by or incorporated into an appropriate order including findings of fact and conclusions of law.

(c) A copy of the decision shall be mailed to the applicant, licensee, credential holder, or commission holder within sixty (60) days of the execution of the director's decision.

SECTION 8. APPROVED INSTITUTIONS OF INSTRUCTION (IOI) AND TRAINING ADMINISTRATORS

17 CAR § 350-801. Approval.

(a) A school, college, university, or the security department of a private business may become an approved institution of instruction (IOI) to conduct the training required for certification as a licensee, credential holder, or commission holder by this part.

(b) The IOI shall be required to register with the Division of Arkansas State Police.

(c) The IOI must submit a course syllabus and be approved by the division.

(d) Each approved IOI shall provide the division a list of its instructors and their qualifications (e.g., curriculum vitae, resume, certifications, etc.).

(e) Each approved IOI shall provide the division a list of its enrolled students.

(f) Upon completion of the training, the IOI will be required to issue the student a certificate of completion prepared in accordance with division requirements.

17 CAR § 350-802. Training administrator, assistant training administrator, and training instructors.

(a) Before a training administrator (TA), assistant training administrator (ATA), or training instructor (TI) begins instruction under this part, he or she must receive a credential through a specific company as its TA, ATA, or TI and be approved by the Division of Arkansas State Police.

(b) All approved IOIs shall be required to register a training administrator and may register assistant training administrators or training instructors.

(c) To qualify as a TA, ATA, or TI, the individual must:

(1) Successfully complete the required examination for the license, credential, or commission on which he or she is instructing;

(2) Have his or her background check successfully completed through state and federal background check systems;

(3) If applying as a TA, ATA, or TI for an approved IOI that also maintains a Class B, Class C, or Class G license, the individual must meet the requirements for a manager; and

(4) A TA, ATA, or TI may have his or her training credential suspended or revoked by the division for a violation of:

(A) This part;

(B) The Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq.; or

(C) The Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.

17 CAR § 350-803. Previously approved training administrator, assistant training administrator, or training instructor.

(a) Individuals approved as training administrators, assistant training administrators, or training instructors prior to the effective date of this part who wish to continue conducting firearms training must obtain required firearms trainer certifications, as set forth below in 17

CAR § 350-1008, by September 1, 2016, in order for the firearms training to be valid and accepted by the Division of Arkansas State Police.

(b) If certification is not obtained, guest instructors must be utilized.

17 CAR § 350-804. Training certification.

The TA or ATA is required to sign a student's application attesting that all training requirements have been met.

17 CAR § 350-805. Company registration of trainers.

(a) A company that provides training for its employees through the use of a TA or one (1) or more ATAs or TIs is required to identify the trainers used and register those trainers with the Division of Arkansas State Police.

(b) Upon the initial registration, the company must submit the trainer's information and fingerprints for a background check, which must be successfully completed through state and federal background check systems.

17 CAR § 350-806. Guest instructor.

(a) Guest instructors or guest subject matter experts can be utilized to teach training requirements under the guidance and supervision of a registered training administrator.

(b)(1) If a guest instructor teaches any portion of the required training the credentialed training administrator or assistant training administrator must be present during the instruction.

(2) This requirement does not apply to instruction provided to private investigator applicants by a two-year or four-year college, university, or technical program with regional and/or national accreditation.

(c) The guest instructor must:

(1) Sign the section of the training page containing the curriculum they instructed; and

(2) Include his or her:

(A) Name;

(B) Address;

(C) Telephone number; and

(D) Date of birth.

17 CAR § 350-807. Course of instruction — License, credential, or commission.

To become authorized to conduct the training for a particular license, credential, or commission, an approved IOI must submit proof that its course of instruction covers the necessary training requirements and examination topics for that:

(1) License;

(2) Credential; or

(3) Commission.

17 CAR § 350-808. Termination of training administrator, assistant training administrator, or training instructor.

(a) If a TA, ATA, or TI ceases to be employed with an approved IOI for any reason whatsoever, the IOI shall notify the Division of Arkansas State Police in writing within seven (7) days.

(b) The business of the IOI may be carried on for thirty (30) days from the date the TA was terminated, pending the qualification of another TA.

(c) If the IOI fails to have an approved TA when the thirty (30) day period expires, they shall be subject to decertification by the administrator.

17 CAR § 350-809. Current certifications.

(a) If an IOI is certified by an accrediting association or organization, it shall provide a copy of the current certification to the Division of Arkansas State Police.

(b) If the IOI is decertified by the accrediting association or organization, the IOI must notify the division in writing within seven (7) days of decertification and list the reason or reasons why it was decertified.

17 CAR § 350-810. Ownership changes.

If the ownership of an IOI changes, it must:

(1) Notify the Division of Arkansas State Police in writing within seven (7) days of such changes; and

(2) List the new owner.

17 CAR § 350-811. Violations.

If any IOI violates any provision of this part it shall be subject to decertification.

SECTION 9. ALARM SYSTEMS COMPANIES

17 CAR § 350-901. Class E Unrestricted alarm systems company.

(a)(1) A Class E Unrestricted alarm systems company installs alarm systems, including those systems in structures that are required by the Arkansas Fire Prevention Code, 12 CAR pt. 15, to have a fire alarm system.

(2) An applicant that is qualified for a Class E Unrestricted license is also qualified for a Class E Restricted license.

(b) To be licensed as a Class E Unrestricted alarm system company, the applicant must meet the following qualifications:

(1) **Manager certification requirements.** The manager must have completed all of the courses from one (1) of the following organizations:

(A) NICET:

(i) Level III; or

(ii) Level IV;

(B) ESA:

(i) Level I;

(ii) Level IIA, Electronics or ABAT; and

(iii) FAIM;

(C) NESAS:

(i) Electronics; and

(ii) Fire Installation and Wiring Codes; or

(D) Elite Continuing Education University (CEU):

(i) Elite CEU Level I;

- (ii) Advanced Electronic Intrusion Technician (AEIT); and
- (iii) Fire Alarm Installation Techniques (FAIT); and
- (2) **Alarm technician or alarm agent requirements.** The applicant must have completed one (1) of the following courses:
 - (A) NICET Level II;
 - (B) ESA Level I;
 - (C) NESA Level I;
 - (D) Elite CEU Level I; or
 - (E) Complete Electrical Academy – Level I.

17 CAR § 350-902. Class E Restricted alarm systems company.

(a) A Class E Restricted alarm systems company installs alarm systems in structures that are not required by the Arkansas Fire Prevention Code, 12 CAR pt. 15, to have a fire alarm system.

(b) To be licensed as a Class E Restricted alarm system company, the applicant must meet the following qualifications:

(1) **Manager certification requirements.** The manager must have completed all of the courses from one (1) of the following organizations:

- (A) NICET, Level II;
- (B) ESA:
 - (i) Level 2A Electronics or ABAT; and
 - (ii) Level 2B fire systems installation standards or FAIM;
- (C) NESA:
 - (i) Electronics; and
 - (ii) Fire Installation and Wiring Codes; or
- (D) Elite Continuing Education University (CEU):
 - (i) Elite CEU Level I;
 - (ii) Advanced Electronic Intrusion Technician (AEIT); and
 - (iii) Fire Alarm Installation Techniques (FAIT); and

(2) **Alarm technician or alarm agent requirements.** The applicant must have completed one (1) of the following courses:

- (A) NICET Level II;
- (B) ESA Level I;
- (C) NESA Level I;
- (D) Elite CEU Level I; or
- (E) Complete Electrical Academy – Level I.

17 CAR § 350-903. Class E-S license examination.

(a)(1) The licensee or the licensee’s manager shall be required to successfully pass a written examination administered by the Division of Arkansas State Police.

(2) The examination will test the licensee’s or licensee’s manager’s knowledge in fire protection and the proper use and placement of single-station fire and heat detectors pursuant to the Arkansas Fire Prevention Code, 12 CAR pt. 15, and NFPA.

(b) Alarm system agents, alarm system apprentices, and alarm system technicians for Class E-S are exempt from the requirements for:

- (1) NICET Level II;

- (2) ESA Level I;
- (3) NESA Level I; or
- (4) Elite CEU Level I.

17 CAR § 350-904. Monitoring companies.

(a) Alarm systems monitors and the managers of alarm system monitoring companies are not required to complete any courses or examinations.

(b) The manager of an alarm system monitoring company must execute an affidavit that he or she has read and understands the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., and this part.

17 CAR § 350-905. Approved equivalents.

(a) The Director of the Division of Arkansas State Police has the authority to modify or expand the training requirements necessary to qualify for a license or credential under this subpart pursuant to Arkansas Code § 17-40-318.

(b) The director or designee has the authority to administratively approve a company meeting the required criteria set out in 17 CAR § 350-801 et seq., to provide training that meets the required standards under this subpart pursuant to Arkansas Code § 17-40-318.

17 CAR § 350-906. Licensee and credential holder examination.

(a) An applicant for a license or credential under this subpart must demonstrate his or her qualifications by successfully completing an examination covering the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., and this part.

(b) The owner of a company is exempt from an exam if they have a credentialed manager.

(c)(1) The applicant must take the examination in person.

(2) If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.

(d) Scoring seventy percent (70%) or above on the examination constitutes successful completion.

(e) If an applicant fails to successfully complete the required examination he or she:

(1) Must wait five (5) working days to be eligible to retake the test; and

(2) Pay a reexamination fee of fifty dollars (\$50.00) if the test is administered by the Division of Arkansas State Police.

(f)(1) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application.

(2) Upon cancellation, the applicant:

(A) Must reapply as a new applicant; and

(B) Is subject to pay required application fees.

17 CAR § 350-907. Apprentices.

(a) An individual may be employed as an alarm system apprentice for a period of six (6) months without providing proof of NICET Level II, ESA Level I, NESA Level I, or Elite CEU Level I certification to the Division of Arkansas State Police.

- (b) At the expiration of the six-month period:
 - (1) The alarm system company must provide proof of certification to the division; or
 - (2) The individual must cease work as an apprentice.
- (c) All alarm system apprentices must work under the direct supervision of an alarm system agent or technician.

17 CAR § 350-908. Vehicle appearance.

- (a) All vehicles used by licensees or their employees under this subpart must display the company name and license number on both sides of the vehicle.
- (b) The display shall be:
 - (1) No less than three inches (3”) high; and
 - (2) A contrasting color from the vehicle color.

SECTION 10. SECURITY AGENCIES

17 CAR § 350-1001. Private security officer.

An applicant for a PSO credential must complete Phase I training requirements and pass an examination administered by the:

- (1) Training administrator;
- (2) Assistant training administrator; or
- (3) Trainer.

17 CAR § 350-1002. Commissioned security officer.

An applicant for a CSO credential must complete Phase I and Phase II training requirements and pass an examination administered by the:

- (1) Training administrator;
- (2) Assistant training administrator; or
- (3) Trainer.

17 CAR § 350-1003. Commissioned school security officer.

(a) An applicant for a CSSO credential must complete Phase I, Phase II, and Phase III training requirements and pass an examination administered by the:

- (1) Training administrator;
- (2) Assistant training administrator; or
- (3) Trainer.

(b) Any individual holding a CSSO commission is responsible for ensuring the dissemination of all security plans instituted or adopted by the school to other employees of the school.

17 CAR § 350-1004. Phase I.

The training requirements for Phase I must be taught to all PSO, CSO, and CSSO applicants and shall consist of eight (8) hours minimum on the following subjects:

- (1) Legal authority:
 - (A) Legal authority of PSOs;
 - (B) Classification of crimes;

- (C) Arrests and detentions by PSOs;
- (D) Use of force, including:
 - (i) Nondeadly force;
 - (ii) Deadly force;
 - (iii) Civil penalties; and
 - (iv) Criminal penalties;
- (E) Case studies and discussion:
 - (i) Common crimes encountered by PSOs;
 - (ii) Other crimes; and
 - (iii) Appropriate actions for PSOs;
- (F)(i) Company/site/account-specific legal issues.
 - (ii) Discussion geared toward the specific legal issues relating to the type of property to which the PSO is assigned (e.g., college, school, university, hotel, bar, etc.); and
- (G) The Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., and this part, including:
 - (i) Purpose of the statute;
 - (ii) Who is covered by the statute;
 - (iii) Definitions;
 - (iv) Minimum qualifications for PSOs, CSOs, and CSSOs, including, but not limited to:
 - (a) Disqualifying factors;
 - (b) Fee structure; and
 - (c) Renewals;
 - (v) PSO, CSO, and CSSO responsibilities; and
 - (vi) Key provisions of the statute, including:
 - (a) Training requirements;
 - (b) Reporting requirements; and
 - (c) Penalties for violations; and
- (2) Field note taking and report writing:
 - (A) Importance and purpose of reports;
 - (B) Required equipment and an explanation of importance;
 - (C) Notebook contents and an explanation of importance;
 - (D) The six (6) most important questions that must be answered by a report;
 - (E) A review of basic English grammar and writing skills; and
 - (F) Practical exercises, such as:
 - (i) A review of several examples of well-written reports;
 - (ii) A review of several examples of poorly written reports; and
 - (iii) Practice of writing one (1) or more reports and critique by the instructor.

17 CAR § 350-1005. Phase II.

In addition to Phase I training, the training requirements for Phase II must be taught to all CSO and CSSO applicants and shall consist of sixteen (16) hours minimum (at least eight (8) hours in the classroom and eight (8) hours on the firing range) on the following subjects:

- (1) Use of deadly force and Arkansas law:
 - (A) Relevant statutes and case law;

- (B) Discussion about fleeing individuals;
- (C) Discussion of the criminal ramifications of firing a warning shot;
- (D) Criminal penalties;
- (E) Civil penalties; and
- (F) Other considerations;
- (2) Weapons and safety:
 - (A) Fundamental firearm safety;
 - (B) Weapons nomenclature;
 - (C) Cleaning and maintenance;
 - (D) Storage; and
 - (E) Weapon retention; and
- (3) Live fire training, marksmanship, and qualifications:
 - (A) Range procedures and range safety;
 - (B) Fundamentals of firearms;
 - (C) Holster drills;
 - (D) Movement drills;
 - (E) Dry fire exercises;
 - (F) Clearing stoppages;
 - (G) Practice and evaluation;
 - (H) Tactical and emergency reloading;
 - (I)(i) Pistol qualification course.
 - (ii) The course must mirror the Arkansas Commission on Law Enforcement Standards and Training (www.clest.org) firearms qualification course; and
 - (J)(i) Rifle or shotgun qualification course.
 - (ii) This course is required if a CSO is required to carry a rifle or shotgun during the course of their employment.
 - (iii) The course must mirror the www.clest.org rifle/shotgun qualification course.

17 CAR § 350-1006. Phase III.

In addition to Phase I and Phase II training, the training requirements for Phase III must be taught to all CSSO applicants and shall consist of thirty-six (36) hours minimum on the following subjects:

- (1) Legal limitations on the use of firearms and on the powers and authority of a CSSO;
- (2) Active shooter training:
 - (A)(i) ALERRT active shooter training or an approved equivalent.
 - (ii) This training must comprise at least sixteen (16) of the total thirty-six (36) hours; and
 - (B) Incorporating security response with law enforcement;
- (3)(A) Active shooter simulations and live-fire range practice.
 - (B) This training must comprise at least ten (10) of the total thirty-six (36) hours and include, but not be limited to:
 - (i) Shoot/don't shoot drills;
 - (ii) Rapid situational awareness; and
 - (iii) Simulated live-fire weapon training, such as:
 - (a) Simunition;

- (b) Paintball;
 - (c) Airsoft; or
 - (d) Other simulated weapons;
- (4) Trauma care:
- (A) Wound management pertaining to active shooter situations; and
 - (B)(i) CPR training and certification.
 - (ii) **Note.**
 - (a) Prior CPR and/or wound management training or certification will not be accepted.
 - (b) CPR and wound management training and certification must be taught during Phase III training to ensure that the certification will not expire during the credential period;
- (5) Defensive tactics:
- (A) Strikes and kicks, including blocks and stunning strikes;
 - (B) Handcuffing techniques;
 - (C) Joint manipulation; and
 - (D) Weapon disarming techniques; and
- (6)(A) Weapon retention.
- (B) Blocks, strikes, and maneuvers designed to maintain possession and control of a firearm from the holster and from the drawn position.

17 CAR § 350-1007. Law enforcement officers.

- (a) Certified law enforcement officers are exempt from the training requirements to qualify as a PSO, CSO, or CSSO.
- (b) The officer must be a current, active law enforcement officer.

17 CAR § 350-1008. Firearms training instructor.

- (a) A qualified firearms training instructor must conduct the firearms training portion for CSOs and CSSOs.
- (b) An individual seeking to be a qualified firearms training instructor must prove that he or she meets the following requirements of the Division of Arkansas State Police:
 - (1) Hold a current firearms training instructor certificate from a recognized instruction course, such as:
 - (A) Firearms instructor certificate issued by the Arkansas Law Enforcement Standards and Training Commission;
 - (B) Firearms instructor certificate issued by any federal, state, or local law enforcement agency;
 - (C) Certificate of completion of a certified pistol instructor-basic pistol shooting course and a current certificate of completion of a range safety officer course by a chief range safety officer instructor; or
 - (D) Certificate of completion of a certified instructor rifle shooting course and a certificate of completion of a range safety officer course by a chief range safety officer instructor; or
 - (2) Been approved by the Director of the Division of Arkansas State Police.

17 CAR § 350-1009. Certificate to be included.

A current copy of the firearms training instructor's certificate must be included with the submission of each application for CSO and CSSO.

17 CAR § 350-1010. Renewal training requirements.

(a) Renewal training for a PSO, CSO, or CSSO is required every two (2) years and must be completed within the twelve-month period prior to renewal.

(b) Renewal training must be completed and the applicant must submit certification that the renewal training requirements have been met before a credential or commission will be renewed.

(c) An individual may count completed hours of renewal training toward the minimum hours of refresher training required to be completed each year.

17 CAR § 350-1011. Renewal training requirements for PSOs.

(a) The training requirements for renewal of a PSO credential shall consist of a minimum of six (6) hours.

(b) The training shall include, but not be limited to, the subjects found in Phase I as described in 17 CAR § 350-1004.

17 CAR § 350-1012. Renewal training requirements for CSOs.

(a) The training requirements for renewal of a CSO commission shall consist of a minimum of twelve (12) hours.

(b) The training shall include, but not be limited to, the subjects found in Phase I and Phase II, as described in 17 CAR §§ 350-1005 and 350-1006.

(c) The renewal training shall include:

- (1) Firing range qualification on an ALETA qualification course; and
- (2) A safety course.

17 CAR § 350-1013. Renewal training requirements for CSSOs.

(a) The training requirements for renewal of a CSSO commission shall consist of a minimum of twenty-four (24) hours.

(b) The training shall include, but not be limited to, the subjects found in Phase I, Phase II, and Phase III, as described in 17 CAR §§ 350-1004 – 350-1006.

(c) The renewal training shall include:

- (1) Firing range qualification on an ALETA qualification course; and
- (2) A safety course.

17 CAR § 350-1014. Annual refresher training certification.

(a) Commissioned individuals must complete annual refresher training.

(b) Failure to complete refresher training will result in suspension of the credential.

(c)(1) CSOs are required to complete a minimum of twelve (12) hours of refresher training each year.

(2) The refresher training shall include, but not be limited to:

- (i) Firing range qualification on an ALETA qualification course; and
- (ii) A safety course.

(d)(1) CSSOs and security service contractors holding a CSSO credential are required to complete a minimum of twenty-four (24) hours of refresher training each year.

(2) The refresher training shall include, but not be limited to the following:

(A) Twelve (12) hours of firing range qualification and practice on an ALETA qualification course;

(B) Four (4) hours of ALERRT Active Shooter refresher training; and

(C) Eight (8) hours of simulated live-fire weapon training, such as:

(i) Simunition;

(ii) Paintball;

(iii) Airsoft; or

(iv) Other simulated weapons.

17 CAR § 350-1015. Refresher training form.

Once a CSO or CSSO has completed annual refresher training, the training administrator or assistant training administrator shall immediately submit the annual refresher training completion form to the Division of Arkansas State Police.

17 CAR § 350-1016. Previously authorized CSOs with a school security department.

(a) An employee of a school security department who was previously registered as a CSO and whose registration is due to be revoked on September 11, 2015, will be converted to a CSSO for the remainder of his or her two-year registration (now credential) period, on the following terms:

(1) Submit a formal request for conversion in writing to the Division of Arkansas State Police prior to September 11, 2015;

(2) In the first full year from the date of the conversion, the CSSO must complete sixteen (16) hours of ALERRT active shooter training; and

(3) Prior to renewal of the CSSO credential, the credential holder must complete the required twenty-four (24) hours of renewal training described in 17 CAR § 350-1013.

(b) The sixteen (16) hours of ALERRT active shooter training may count toward the minimum hours of ALERRT active shooter training required to be completed in annual refresher training.

17 CAR § 350-1017. PSO, CSO, and CSSO examination.

(a) An applicant for a credential or commission under this subpart must demonstrate his or her qualifications by successfully completing an examination developed and administered by a training administrator or assistant training administrator covering the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq., and this part.

(b) The length and topics covered by the examination are as follows:

(1) **PSO examination.** Minimum of seventy (70) questions on the subjects found in Phase I as described in 17 CAR § 350-1004;

(2) **CSO examination.** Minimum of one hundred (100) questions on the subjects found in Phase I and Phase II as described in 17 CAR §§ 350-1004 and 350-1005; and

(3) **CSSO examination.** Minimum of one hundred twenty (120) questions on the subjects found in Phase I, Phase II, and Phase III as described in 17 CAR §§ 350-1004 – 350-1006.

- (c)(1) The applicant must take the examination in person.
- (2) If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.
- (d) Scoring seventy percent (70%) or above on the examination constitutes successful completion.
- (e) If an applicant fails to successfully complete the required examination he or she:
 - (1) Must wait five (5) working days to be eligible to retake the test; and
 - (2) Pay a reexamination fee of fifty dollars (\$50.00) if the test is administered by the Division of Arkansas State Police.
- (f)(1) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application.
- (2) Upon cancellation, the applicant:
 - (A) Must reapply as a new applicant; and
 - (B) Is subject to pay the required application fees.

17 CAR § 350-1018. Uniform.

All CSOs shall wear a company uniform in the performance of armored car functions pursuant to Arkansas Code § 17-40-102(7).

17 CAR § 350-1019. Limitations.

- (a) All CSOs and CSSOs shall carry their weapons only:
 - (1) On their assigned site; and
 - (2) In the performance of their assigned duties.
- (b) The carrying of a weapon is prohibited when the CSO or CSSO is not performing his or her assigned duties.

17 CAR § 350-1020. Discharge of firearm.

- (a) When a licensee, credential holder, or commission holder is involved in any incident where a firearm is discharged, he or she shall submit a written report to his or her employer detailing the incident.
- (b) The report shall be submitted to their employer within twelve (12) hours of the incident and shall be prepared on a form provided by the Division of Arkansas State Police.
- (c) The licensee, credential holder, commission holder, or his or her manager shall submit a copy of the report to the division within forty-eight (48) hours of the incident.

17 CAR § 350-1021. Equipment.

- (a) When an employee of a licensee under this subpart fails to return any issued equipment to their employer upon said employer's request, the employee shall not be eligible to transfer his or her credential.
- (b) The employee may only transfer after the prior employer certifies to the Division of Arkansas State Police that all equipment has been returned.

17 CAR § 350-1022. Arrest.

Except in cases of shoplifting as defined by Arkansas Code § 5-36-116(a), no employee of a licensee may arrest, detain, or otherwise take any action that a private citizen may not take.

SECTION 11. PRIVATE INVESTIGATION COMPANIES AND INDIVIDUALS

17 CAR § 350-1101. Credentialed private investigator.

An applicant for a CPI credential must work under the supervision of a qualified manager of a Class A company and pass an examination administered by the Division of Arkansas State Police.

17 CAR § 350-1102. PI course of instruction.

All applicants for a Class A or D license must complete the following training requirements if they do not meet the experience of a manager as outlined in Arkansas Code § 17-40-306:

- (1) Fifteen (15) hours of basic doctrines of private security (orientation), including history, ethics, organization, and functions of private security;
- (2) Fifteen (15) hours of purposes of security;
- (3) Twenty-five (25) hours of criminal law;
- (4) Twenty-five (25) hours of civil law;
- (5) Five (5) hours of legal powers and limitations;
- (6) Forty (40) hours of security functions, including:
 - (A) Report writing;
 - (B) Patrol;
 - (C) Interviewing and interrogation;
 - (D) Investigations;
 - (E) Surveillance;
 - (F) Evidence;
 - (G) Public relations; and
 - (H) Safety;
- (7) Five (5) hours of the Polygraph Examiners Licensing Act, Arkansas Code § 17-39-101 et seq., and the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, Arkansas Code § 17-40-101 et seq.;
- (8) Sixty (60) hours of security supervision management, including:
 - (A) Administrative responsibilities;
 - (B) Investigative responsibilities;
 - (C) Managerial responsibilities; and
 - (D) Business communications;
- (9) Ten (10) hours of emergencies and disaster control; and
- (10) Ten (10) hours of self-defense (armed and unarmed).

17 CAR § 350-1103. Private investigator examination.

(a) An applicant for a private investigator or a private investigations company license under this subpart must demonstrate his or her qualifications by successfully completing an examination.

(b) The examination shall consist of a minimum of one hundred (100) questions covering the following:

- (1) The subjects described in 17 CAR § 350-1102;
- (2) This part;
- (3) Field note taking and report writing; and

- (4) The Arkansas Criminal Code.
- (c)(1) The applicant must take the examination in person.
 - (2) If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.
- (d) Scoring seventy percent (70%) or above on the examination constitutes successful completion.
- (e) If an applicant fails to successfully complete the required examination he or she:
 - (1) Must wait five (5) working days to be eligible to retake the test; and
 - (2) Pay a reexamination fee of fifty dollars (\$50.00) if the test is administered by the Division of Arkansas State Police.
- (f)(1) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application.
 - (2) Upon cancellation, the applicant:
 - (A) Must reapply as a new applicant; and
 - (B) Is subject to pay the required application fees.
- (g) Applicants who have five (5) years of consecutive experience in law enforcement and are either currently employed in law enforcement or retired or former law enforcement within the last five (5) years are exempt from examination requirements.

17 CAR § 350-1104. Reports.

- (a) Private investigators must submit written reports to any and all clients upon request.
- (b) Written reports shall include, but not be limited to, the investigative report detailing all relevant information obtained during the investigation.

17 CAR § 350-1105. Badge or shield.

No licensee, officer, director, partner, or employee of an investigations company shall wear, carry, accept, or show any badge or shield.

17 CAR § 350-1106. Confidential information.

- (a) No licensee, officer, director, partner, or employee of an investigations company shall reveal or attempt to reveal confidential information to the subject of the investigation.
- (b) Any contact with the subject of the investigation, whether intentional or unintentional, shall be made a part of the investigative file of such case.

17 CAR § 350-1107. Invoices.

- (a) All licensees or credential holders shall furnish to the client upon request a complete, comprehensive, itemized statement for services.
- (b) The statement shall include, but not be limited to, a complete description of the:
 - (1) Services rendered;
 - (2) Hours worked;
 - (3) Expenses incurred; and
 - (4) If a Class A company, the number of registrant private investigators used and hours each worked.

17 CAR § 350-1108. Individual prohibition.

(a) No Class D licensee shall express or imply in any communication, whether written, oral, or otherwise, including advertisements, that the licensee is operating as anything other than an individual.

(b) This subpart specifically precludes use of the terms:

- (1) “Associates”;
- (2) “Association”;
- (3) “Consultants”; or

(4) Similar terms connoting an association, partnership, affiliation, or alliance with any other:

- (A) Individual;
- (B) Company; or
- (C) Entity.

17 CAR § 350-1109. Contracts.

(a) Any licensee or credential holder who accepts employment from an individual to perform any function listed in Arkansas Code § 17-40-102(27) must execute a contract with the client.

(b) The contract must be written or audibly recorded.

(c) It shall state:

- (1) The purpose of the investigation or employment;
- (2) The fee to be charged;
- (3) How the fee is computed; and
- (4) How the fee is to be paid.

(d) If a retainer is required, the contract shall state the amount of the retainer and what services will be covered.

(e) The contract is to be signed by the investigator and the client or contain an audible recorded oral acknowledgment of understanding by both parties of the contract.

(f) Any additional services added by either party shall be:

- (1) In writing or audible recording;
- (2) Added to the contract; and
- (3) Acknowledged by both parties.

17 CAR § 350-1110. Temporary license.

(a) Any person who holds a valid license or credential as a private investigator issued by another state may operate in this state for up to ten (10) calendar days without being issued a credential under this part or Arkansas law.

(b) An out-of-state investigator seeking authorization under this section must notify the Division of Arkansas State Police in writing upon the commencement of an investigation.

SECTION 12. POLYGRAPH EXAMINERS

17 CAR § 350-1201. Experience.

An applicant for a polygraph examiner license or an intern polygraph examiner license may satisfy the requirements of Arkansas Code § 17-39-202(3) with five (5) consecutive

years of investigative experience in law enforcement, the United States Armed Forces, or the private sector, so long as the applicant performed investigation-related duties as his or her primary occupation during that period.

17 CAR § 350-1202. Application.

An applicant must submit with their new polygraph application:

- (1) Either:
 - (A) One (1) copy of his or her college transcript or diploma; or
 - (B) Proof of five (5) consecutive years of active law enforcement experience shall be documented on agency letterhead; and
- (2) Certificate of completion from an accredited polygraph course.

17 CAR § 350-1203. Sponsors.

A sponsor is a polygraph examiner who has held a polygraph examiner license for at least two (2) years.

17 CAR § 350-1204. Sponsor limit.

No polygraph examiner shall sponsor more than two (2) interns at one (1) time.

17 CAR § 350-1205. Unauthorized reproduction.

Polygraph examiner licenses issued by the Division of Arkansas State Police shall not be reproduced or copied.

17 CAR § 350-1206. Continuing education.

All polygraph examiners renewing their license must submit proof of continuing polygraph examiner education consisting of at least fourteen (14) hours within the past two (2) years.

17 CAR § 350-1207. Subject unfit.

The polygraph examiner shall not conduct a polygraph examination of a subject who he or she believes, through observation or any other creditable evidence, to be physically or psychologically unfit for an examination at that time.

17 CAR § 350-1208. Voluntary examination.

No examiner shall record any physiological or psychological reaction or response with an instrument, or any part of an instrument, without the subject being aware that their physiological or psychological reactions or responses are being recorded for the purpose of determining truth or deception.

17 CAR § 350-1209. Compliance with law.

An examiner shall not conduct an examination where he or she has reason to believe the examination is intended to cause him or her to circumvent or defy the law.