CHAPTER 93-02-03
GENERAL RULES

Section
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93-02-03-01. Powers of private investigative and security board.

Repealed effective May 1, 2000.

93-02-03-02. License fees - Proration - Refunds - Dual licensure.

License fees for providing private investigative services and private security services must be prorated on a quarterly basis for each period the license is in effect. However, license renewals will not be issued on a prorated basis, and no refunds may be made on license fees paid. Any agency providing both private investigative services and private security services shall meet all of the requirements for licensing as a private security agency and a detective agency.

History: Effective March 1, 1990; amended effective May 1, 2000; September 12, 2013.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-11

93-02-03-03. Renewal of licenses and registrations.

1. Licenses and registrations issued by the board expire on September thirtieth of each year.

2. Every individual or agency who previously held a license or registration issued by the board and whose license or registration has expired may have the same restored immediately upon payment of all lapsed renewal fees and any applicable late fees; provided, however, that not more than sixty days has elapsed since the date of expiration, and provided that the individual or agency has not provided private investigative or private security services during the time in which the license or registration was expired.

3. This section does not relieve any person from criminal prosecution for engaging in practice or providing services without a license as required by North Dakota Century Code chapter 43-30. Once a license or registration has lapsed, the individual or agency who held the license or registration may not provide private investigative or private security services until the license or registration is renewed or until a new license or registration is issued.

4. Any individual or agency who fails to renew a lapsed license or registration and who fails to pay all lapsed renewal fees and late fees within sixty days of the expiration date must reapply for a new license or registration and meet all the requirements for licensing or registration, including a state and nationwide criminal history record check.

History: Effective March 1, 1990; amended effective May 1, 2000; May 1, 2005; July 1, 2007; July 1, 2010; July 1, 2018.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-11

93-02-03-04. Grandfather clause.

Repealed effective May 1, 2000.

93-02-03-05. Suspension, revocation, or refusal to renew license.

In addition to the causes for suspension, revocation, or refusal to renew a license listed in North Dakota Century Code section 43-30-12, the board may either refuse to renew, suspend, revoke, or place on probationary status any licensee, or issue a letter of reprimand for any of the following causes:

1. Failure or refusal to furnish information required by statute, rule, or request of the board.
2. Making or causing to be made any false entry or written statement of fact in an application for license or registration, in reports, or in other written information to be filed with the board.
3. Fraud in the taking of examination for licensing.
4. Carrying a weapon in violation of any statute or rule specifically regulating the carrying of weapons by private investigators or private security personnel, or in violation of any state and federal laws.
5. Providing private investigative or private security services under a lapsed license or registration.
6. Violation of any of the rules in this article.
7. Insufficient supervision of registered employees by the employing agency, by the licensee who is responsible for agency personnel under section 93-02-01.1-03 or 93-02-02.1-03, or by any other licensee who is responsible for supervising the employee's work under section 93-02-01.1-04 or 93-02-02.1-04.
8. Unprofessional conduct, which includes:
    a. Engaging in criminal activity;
    b. Providing incompetent services; and
    c. Violating the code of ethics.

History: Effective March 1, 1990; amended effective May 1, 1998; May 1, 2000; July 1, 2007.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-12

93-02-03-05.1. Code of ethics.

This code of ethics applies to every person licensed or registered by the board. All licensees and registered employees shall:

1. Respect the constitutional and legal rights of all people to liberty, equality, and justice;
2. Protect clients' property rights and promptly return all clients' property that was entrusted to them;
3. Safeguard the lives and property of those served and protect all persons against deception, intimidation, oppression, violence, and disorder;
4. Conduct operations professionally with honesty, sincerity, integrity, fidelity, morality, and good conscience and deal justly and impartially in each situation with each individual;

5. Preserve forever clients' confidence under any and all circumstances consistent with law, however, any physical evidence concerning crimes or planning for crimes must be reported to appropriate law enforcement or other authorities;

6. Protect clients' trade secrets or intellectual property rights;

7. Explain to the client's full satisfaction all applicable fees and charges and to render accurate, factual, and timely reports;

8. Counsel clients against any illegal or unethical course of action;

9. Avoid conflicts of interest between the licensee, registered employees, or their immediate family members and clients and avoid conflicts of interest between clients;

10. Avoid providing or recommending excessive services and avoid abusive billing practices, especially when a client may be emotionally distraught or unsophisticated; and

11. Refrain from excessive or grandiose advertising claims.

History: Effective July 1, 2007.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-12

93-02-03-06. Fees - Amount - Late fees.

In addition to statutory fees, the board charges the following fees:

1. An individual must pay a fee of one hundred dollars to take the examination to become licensed to provide investigative or private security services.

2. An individual must pay a fee of one hundred fifty dollars to receive an initial license or renew the individual's license to provide private investigative or private security services. In addition, a late fee of fifty dollars must be paid for each month the renewal is late, up to a maximum cumulative late fee of one hundred dollars for a late renewal. After this two-month time frame, a new application, including criminal history background checks, fees, and testing, is required.

3. An individual or entity must pay a fee of one hundred dollars to apply for a license to operate a private security or detective agency.

4. An individual or entity must pay a fee of three hundred dollars to receive an initial license or renew a license to operate a private security or detective agency. A late fee of one hundred dollars also must be paid for each month the renewal fee is late.

5. An individual must pay a fee of twenty-five dollars to receive a private security training certificate. There is no expiration date for these certifications.

6. An individual must pay an annual fee of thirty dollars to receive an armed certificate. Armed certificates expire on September thirtieth of each year. A late fee of ten dollars also must be paid for each month the renewal fee is late.

7. An individual or entity must pay a fee of twenty dollars to obtain a duplicate license or registration.

8. An individual must pay a fee of thirty dollars to obtain an initial registration to provide private investigative or private security services. The registration shall be submitted by the licensed agency. An individual must pay thirty dollars for renewing registration to provide private investigative or private security services. A late fee of ten dollars also must be paid for each month the renewal is late.

9. An individual must pay a fee of four hundred dollars to obtain a training certification as a certified course instructor of the armed first responder program. An individual must pay three hundred dollars for renewal of a course instructor certification for the armed first responder program.

History: Effective May 1, 2000; amended effective May 1, 2005; July 1, 2010; October 1, 2013; July 1, 2018; October 1, 2022.
General Authority: NDCC 43-30-04
Law Implemented: NDCC 43-30-16