

PRIVATE INVESTIGATORS AND ALARM INSTALLATION/MONITORING

The Arkansas Private Investigators and Private Security Agencies Act (**17-40-101 - 107 & other associated statutes**) designates the Arkansas State Police as an administering agency to regulate private investigators, private security agencies and individuals or businesses offering security or investigative services.

Through the Arkansas Board of Private Investigators and Private Security Agencies, the Arkansas State Police administers a variety of licensing functions that involve the private security and investigation industry.

Should you have questions regarding those individuals or companies regulated by the State Police or if you are seeking assistance in obtaining a license, you may e-mail the **PI/Alarm License Administrator** or telephone the Regulatory Services office at (501) 618-8600.

§ 17-40-101. Title.

This chapter may be cited as the "Private Investigators and Private Security Agencies Act".

History. Acts 1977, No. 429, § 1; A.S.A. 1947, § 71-2122.

§ 17-40-102. Definitions.

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

- (1) "Accident reconstruction" means the interpretation of physical evidence in the application of scientific principles to form opinions relative to the events of an accident;
- (2) "Administrator" means the administrator of the Arkansas Board of Private Investigators and Private Security Agencies;
- (3) "Alarm systems agent" means any individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected, or responds to alarm signal devices, burglar alarms, or cameras as described in subdivision (5) of this section;
- (4) "Alarm systems apprentice" means any individual employed by an alarm systems company who installs, services, or repairs on site as described in

subdivision (5) of this section that is supervised by an "alarm systems technician", a "supervisor of technicians", or a "manager";

(5) "Alarm systems company" means any person, firm, association, or corporation which for a fee or other valuable consideration installs, services, sells on site, performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, hold-up, or other illegal or unauthorized activity;

(6) "Alarm systems monitor" means any individual employed by an alarm systems company who monitors or responds as described in subdivision (5) of this section;

(7) "Alarm systems technician" means any individual employed by an alarm systems company who installs, services or repairs on site as described in subdivision (5) of this section;

(8) "Armored car company" means any person that provides armed security transportation and protection, from one (1) place or point to another place or point, of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables;

(9) "Board" means the Arkansas Board of Private Investigators and Private Security Agencies;

(10) "Commissioned security officer" means any private security officer to whom a security officer commission has been issued by the board;

(11) "Firearm" means, as defined in Webster's New Collegiate Dictionary, a weapon from which a shot is discharged by gunpowder;

(12) "Guard company" means any person engaging in the business of or undertaking to provide a private watchman, guard, or street patrol service on a contractual basis for another person and performing any one (1) or more of the following or similar functions:

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

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

(C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or

(D) Protection of individuals from bodily harm;

(13) "Investigations company" means any person who engages in the business or accepts employment to obtain or furnish information with reference to:

(A) Crime or wrongs done or threatened against the United States or any state or territory of the United States;

- (B) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;
 - (C) The location, disposition, or recovery of lost or stolen property;
 - (D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
 - (E) The securing of evidence to be used before any court, board, officer, or investigating committee;
- (14) "License" means a permit granted by the board entitling a person to operate as a security services contractor, an investigations company, or an alarm systems company;
- (15) "Licensee" means any person to whom a license is granted under this chapter;
- (16) "Manager" means, in the case of a corporation, an officer or supervisor, or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications set forth in § [17-40-306](#) for managing a security services contractor or an investigations company;
- (17) "NBFAA" means National Burglar and Fire Alarm Association, 7101 Wisconsin Avenue, Suite 901, Bethesda, MD 20814-4805, (301)907-3208;
- (18) "NICET" means National Institute for Certification in Engineering Technologies, 1420 King Street, Alexander, VA 22314-2794, (703)684-2835;
- (19) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;
- (20) "Private investigator" means any person who performs one (1) or more services as described in subdivision (13) of this section;
- (21) "Private security officer" means any individual employed by a security services contractor or the security department of a private business to perform the duties of a security guard, security watchman, security patrolman, or armored car guard;
- (22) "Registrant" means an individual who has filed an application with the board to perform the duties of a private investigator, manager, or branch office manager;
- (23) "Registration" means a permit granted by the board to an individual to perform the duties of a private investigator, manager, or branch office manager;
- (24) "Security department of a private business" means the security department of any person, if the security department has as its general purpose the protection and security of its own property and grounds, and if it does not offer or provide security services to any other person;
- (25) "Security officer commission" means an authorization granted by the board to an individual employed as a private security officer to carry a firearm;

(26) "Security services contractor" means any guard company or armored car company;

(27) "Supervisor of technicians" means any individual employed by an alarm systems company who supervises "alarm systems technicians" or "alarm systems apprentices" and who may install, service, or repair on site as described in subdivision (5) of this section; and

(28) "Undercover agent" means an individual hired by another individual, partnership, corporation, or other business entity to perform a job for that individual, partnership, corporation, or other business entity and, while performing such job, to act as an undercover agent, an employee, or an independent contractor of a licensee, but supervised by a licensee.

History. Acts 1977, No. 429, § 2; 1979, No. 907, §§ 1-3; 1983, No. 899, §§ 1, 2; 1985, No. 1004, §§ 13-15; A.S.A. 1947, § 71-2123; Acts 1989, No. 651, § 1; 1989, No. 926, § 1; 1999, No. 1493, § 1.

§ 17-40-103. Exemptions.

(a) This chapter does not apply to:

(1) A person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer only and where there exists an employer-employee relationship;

(2) An officer or employee of the United States, of this state, or of a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) A person who has part-time or full-time employment as a law enforcement officer and who is certified by the Arkansas Commission on Law Enforcement Standards and Training as a law enforcement officer and receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman if the person is:

(A)(i) Employed in an employee-employer relationship; or

(ii) Employed on an individual contractual basis; and

(B) Not in the employ of another law enforcement officer;

(4) A person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;

(5) Consumer reporting agencies as defined in 15 U.S.C. § 1681 et seq.;

(6) An attorney at law in performing his duties or an employee of an attorney at law, only in connection with providing investigative services to the attorney and his practice;

(7) Admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the state performing duties in connection with insurance transacted by them;

(8) An officer, employee, or agent of a communications common carrier, as defined in 47 U.S.C. § 153(h), while engaged in the normal course of business of the carrier or protecting the carrier or a user of the services of that carrier from fraudulent, unlawful, or abusive use of services;

(9) A professional engineer registered with the State Board of Registration for Professional Engineers and Land Surveyors engaged in providing investigative services as outlined in this chapter;

(10) A person who or business which sells or manufacturers alarm systems, unless such person or business performs any service as described in § [17-40-102\(5\)](#);

(11) Installation, servicing, or responding to fire alarm systems or any alarm device which is installed in a motor vehicle, aircraft, or boat;

(12) Installation of an alarm system on property owned by or leased to the installer

(13) Installation of fixed fire extinguisher systems by persons licensed by the Arkansas Fire Protection Licensing Board; and

(14) Installation of the raceway, conductors, and components of a fire alarm system by an entity holding a valid Arkansas contractor's license, electrical classification, when the systems are furnished by alarm systems companies licensed under this chapter, provided the alarm systems company:

(A) Furnishes a system designed to comply with applicable codes and standards;

(B) Furnishes the installing contractor with wiring diagrams and specifications for the required conductors;

(C) Provides periodic job site inspections of the installation in progress;

(D) Connects and installs the system components;

(E) Tests the completed installation in compliance with NFPA 72, providing the owner's representative and the local fire marshal with test documentation; and

(F) Instructs the system owner's representative and provides operator manuals for the installed system.

(b) Although under the provisions of this chapter the security department of a private business that hires or employs an individual in the capacity of a private security officer to possess a firearm in the course and scope of his duties is required to make application for a security officer commission for the individual according to the provisions of this chapter, the security department of a private business shall not be required to make application to the board for any license under this chapter.

(c) Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively as undercover agents shall not be required to register with the board under this chapter.

History. Acts 1977, No. 429, §§ 3, 38; 1979, No. 907, § 4; 1983, No. 899, § 3; 1985, No. 756, § 1; A.S.A. 1947, §§ 71-2124, 71-2159; Acts 1987, No. 630, § 1; Acts 1989, No. 651, § 2; 1989, No. 926, § 2; 1991, No. 709, § 1; 1999, No. 1493, § 2.

§ 17-40-104. Penalties.

(a) Any person who violates any provision of this chapter is guilty of a Class A misdemeanor. Any person who violates any provision of this chapter within one (1) year of a previous violation is guilty of a Class D felony.

(b) No person shall threaten, intimidate, or attempt to unlawfully influence any member of the Arkansas Board of Private Investigators and Private Security Agencies created by § [17-40-201](#) while the board member is engaged in the duties of the board. Violations of this subsection shall constitute Class A misdemeanors.

History. Acts 1977, No. 429, § 33; 1981, No. 792, § 16; 1983, No. 899, § 12; A.S.A. 1947, §§ 71-2154, 71-2161; 1999, No. 1493, §

§ 17-40-105. Notice of violation.

No person licensed under this chapter shall be prosecuted for violating this chapter unless the licensee has been notified of the alleged violation within three hundred sixty-five (365) days after the occurrence of the violation.

History. Acts 1983, No. 899, § 11; A.S.A. 1947, § 71-2160.

§ 17-40-106. Exclusive regulation - Authority of political subdivisions.

(a) The regulation of investigation, security, and alarm systems businesses shall be exclusive to the board.

(b) Licensees and employees of licensees, under the provisions of this chapter, shall not be required to obtain any authorization, permit, franchise, or license from, or pay another fee or franchise tax to, or post bond in, any city, county, or other political subdivision of this state to engage in the business or perform any service authorized under this chapter.

(c) However, any city or county shall be permitted to require a business operating within its jurisdiction to register without fee and may adopt an ordinance to require users of alarm systems to obtain revocable permits without fee.

History. Acts 1989, No. 926, § 15.

§ 17-40-107. Introduction of evidence - Effect of violations.

The introduction of evidence in all courts in Arkansas shall not be affected by violations of this chapter.

History. Acts 1991, No. 709, § 2.

§ 17-40-201. Creation.

The Arkansas Board of Private Investigators and Private Security Agencies is created to carry out the functions and duties conferred on it by this chapter.

History. Acts 1977, No. 429, § 4; A.S.A. 1947, § 71-2125

§ 17-40-202. Members - Qualifications.

(a) The board shall be composed of seven (7) members as follows:

- (1) One (1) citizen who is not registered under this chapter and who is not employed by the same person as any other member of the board, appointed by the Governor from a list of three (3) names submitted by the Arkansas Sheriffs Association, subject to confirmation by the Senate;
- (2) One (1) municipal law enforcement officer or his designee, appointed by the Governor from a list of three (3) names submitted by the Arkansas Municipal Police Association, subject to confirmation by the Senate;
- (3) One (1) member who is registered under this chapter, who is a Class A or Class D licensee, who has been engaged for a period of five (5) consecutive years as a private investigator, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;
- (4) One (1) member who is registered under this chapter, who has been employed for a period of five (5) consecutive years by a security services contractor, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;
- (5) One (1) polygraph examiner who is registered under chapter 39 of this title, who has been engaged for a period of five (5) consecutive years as a polygraph examiner, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;
- (6) One (1) member in business with contract security service responsibilities that does not hold a license under this chapter, appointed by the Governor from a list of three (3) names submitted by the Arkansas Chapter of the American Society of Industrial Security, subject to confirmation by the Senate;
- (7) One (1) member who is registered under this chapter, who has been engaged for a period of five (5) consecutive years in the alarms systems

profession, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate.

(b) The experience qualifications prescribed for membership on the board in subsection (a) of this section shall be satisfied by experience of five (5) years in the particular field as a police officer in the State of Arkansas or in the armed forces of the United States, or both.

History. Acts 1977, No. 429, § 5; 1981, No. 792, § 1; 1983, No. 899, § 4; A.S.A. 1947, § 71-2126.

§ 17-40-203. Members - Terms - Removal - Vacancies - Compensation.

(a) Members of the Arkansas Board of Private Investigators and Private Security Agencies shall serve four-year terms.

(b) No member shall serve two (2) consecutive terms.

(c) Each member, unless removed by the Governor, shall hold office until his successor is appointed and qualified.

(a) Any member who fails to attend two (2) or more consecutive meetings of the board without reasonable cause may be removed by the Governor.

(b) The Governor shall fill all vacancies occurring among appointed members of the board, subject to confirmation by the Senate, with appointments for the duration of the unexpired term.

(c) The members of the board shall serve without pay but may receive expense reimbursement in accordance with § [25-16-901](#) et seq.

History. Acts 1977, No. 429, §§ 6-8; 1981, No. 792, § 3; A.S.A. 1947, §§ 71-2127 - 71-2129; Acts 1997, No. 250, § 146.

§ 17-40-204. Administrator.

(a) The position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies is created. The Director of the Department of Arkansas State Police, or his designated representative, shall serve as the administrator. The administrator shall not be a member of the board, shall perform such duties as may be prescribed by the board, and shall have no financial or business interests, contingent or otherwise, in any security services contractor or investigating company.

(a) All legal process and all documents required by law to be served upon or filed with the board shall be served or filed with the administrator at the designated office of the board.

(b) All official records of the board or affidavits by the administrator as to the content of the records shall be prima facie evidence of all matters required to be kept by the board.

History. Acts 1977, No. 429, § 4; A.S.A. 1947, § 71-2125.

§ 17-40-205. Employees.

The number of employees and the salary of each shall be fixed by the General Assembly.

History. Acts 1977, No. 429, § 8; A.S.A. 1947, § 71-2129.

§ 17-40-206. Organization and proceedings.

- (a) The board shall elect from among its members a chairman, vice chairman, and secretary to serve one-year terms commencing on January 1 of each year. The chairman or, in his absence, the vice chairman shall preside at all meetings of the board and perform the other duties prescribed in this chapter.
- (b) The board shall meet at regular intervals to be decided by a majority vote of the board.
- (c) At the first meeting, the board shall specify the date and place of the first examinations for licenses to be held.
- (d) A majority of the board constitutes a quorum to transact business.
- (e) The board shall adopt a seal, the form of which it shall prescribe.
- (f) The board shall be governed by the Arkansas Administrative Procedure Act, as amended, § [25-15-201](#) et seq.

History. Acts 1977, No. 429, §§ 9, 12; A.S.A. 1947, §§ 71-2130, 71-2133.

§ 17-40-207. Powers and duties.

- (a) The board shall have the following powers and duties:
 - (1) To determine the qualifications of licensees, registrants, and commissioned security officers as provided in this chapter;
 - (2) To investigate alleged violations of the provisions of this chapter and of any rules and regulations adopted by the board;
 - (3) To promulgate reasonable rules and regulations in the manner provided by the Arkansas Administrative Procedure Act, as amended, § [25-15-201](#) et seq.;
 - (4) To establish and enforce standards governing the safety and conduct of persons licensed, registered, and commissioned under the provisions of this chapter, including authority to adopt a rule to prohibit such persons from using any metallic insignia or identification badge.
- (a) In the conduct of any investigation conducted under the provisions of this chapter, the board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The officer conducting a hearing may administer oaths and may require testimony or evidence to be given under oath.

History. Acts 1977, No. 429, §§ 9, 10; 1981, No. 792, § 2; A.S.A. 1947, §§ 71-2130, 71-2131.

§ 17-40-208. Training of personnel.

- (a) The board shall establish training programs to be conducted by agencies and institutions approved by the board.
- (b) The basic training course approved by the board may include the following:
 - (1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;
 - (2) Familiarity with this chapter;
 - (3) Field note taking and report writing;
 - (4) Range firing and procedure and handgun safety and maintenance; and
 - (1) Any other topics of security officer training curriculum which the board deems necessary.
- (a) The board shall promulgate all rules necessary to administer the provisions of this section concerning the training requirements of this chapter.
- (b) When an individual meets the training requirements approved by the Arkansas Board of Private Investigators and Private Security Agencies, that individual shall not be required to be trained over again until registrant renewal training is required, which is one (1) year after the registrant is licensed, regardless of which company the registrant is employed or trained by.

History. Acts 1977, No. 429, § 36; 1979, No. 907, § 20; 1981, No. 792, § 18; 1983, No. 899, § 10; A.S.A. 1947, § 71-2157.

§ 17-40-209. Fees - Disposition of funds.

- (a) It is the intent of the General Assembly that the cost of investigation and licensing of private investigators and private security agencies, as authorized by this chapter, as amended, or its successor, be borne by the individuals and agencies so licensed.
- (b) To assure that such intent is carried out, the expenditure for personal services and operating expenses associated with investigating and licensing of agencies and individuals required to be licensed under the provisions of this chapter shall be limited in the aggregate during any one (1) fiscal year to the amount deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund from annual license and registration fees of such individuals and agencies.

- (a) In order to provide sufficient revenues to carry out the duties and functions prescribed by this chapter, the Arkansas Board of Private Investigators and Private Security Agencies is authorized to levy fees for licenses as authorized by this chapter in such amounts as may be deemed necessary and proper by the board.
- (b) A delinquency fee shall be provided by the board.
- (c) All funds received by the board shall be deposited in the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

History. Acts 1977, No. 429, § 17; 1979, No. 907, § 11; 1981, No. 792, § 9; 1983, No. 537, § 8; A.S.A. 1947, §§ 71-2138, 71-2162; Acts 1989, No. 926, § 3; 1995, No. 430, § 1; 1999, No. 1493, § 4.