

SENATE BILL NO. 198

INTRODUCED BY J. TREBAS, G. NIKOLAKAKOS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROFESSIONAL OCCUPATION LAWS RELATED TO PRIVATE SECURITY; REMOVING THE LICENSE REQUIREMENT FOR PRIVATE SECURITY FIRMS AND PRIVATE SECURITY GUARDS; CLARIFYING THE DEFINITIONS OF "ELECTRONIC SECURITY FIRM" AND "SECURITY ALARM INSTALLER"; REQUIRING FINGERPRINT-BASED BACKGROUND CHECKS FOR AN ARMED ENDORSEMENT; AMENDING SECTIONS 37-60-101, 37-60-301, AND 37-60-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-60-101, MCA, is amended to read:

"37-60-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Armed" means an endorsement authorizing a private investigator or a private security guard to possess and use one or more firearms in the performance of professional duties according to training and reporting requirements prescribed by this chapter and department rule.

(2) "Armed carrier service" means a private security firm that provides the transport or the offer to transport items of value under an armed private security guard.

(3) "Department" means the department of labor and industry provided for in 2-15-1701.

(4) (a) "Electronic security firm" means a person who sells, installs, services, or maintains a security alarm system that automatically communicates with a public safety agency or public safety answering point as defined in 10-4-101 and who employs security alarm installers.

(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed-circuit television cameras and battery-operated door devices.

(5) "Licensee" means a person licensed under this chapter.

(6) "Private investigator" means an individual who for any consideration makes or agrees to make any investigation relevant to:

- 1 (a) crimes against the United States or any state or territory of the United States;
- 2 (b) the identity, habits, conduct, business, occupation, honesty, integrity, trustworthiness,
- 3 efficiency, loyalty, activity, movement, location, affiliations, associations, transactions, reputation, or character
- 4 of any person;
- 5 (c) the location, disposition, or recovery of lost or stolen property;
- 6 (d) the cause of or responsibility for any fires, libels, losses, accidents, or injury to persons or
- 7 property; or
- 8 (e) gathering evidence to be used before any court, board, officer, or investigating committee.
- 9 (7) "Private security firearms instructor" means an individual who instructs private investigators and
- 10 private security guards in the use of firearms that may be used while performing professional duties.
- 11 (8) "Private security firm" means a person who provides one or more of the following:
- 12 (a) private security guard services;
- 13 (b) armed private security guard services; or
- 14 (c) armed carrier services.
- 15 (9) "Private security guard" means an individual employed by a private security firm to protect
- 16 persons or property or to direct public movement in public areas.
- 17 (10) "Registered process server" means a person described in 25-1-1101.
- 18 (11) (a) "Security alarm installer" means an individual employed by an electronic security firm to sell,
- 19 install, service, or maintain security alarm systems that automatically communicate with a public safety agency
- 20 or public safety answering point as defined in 10-4-101 to detect and signal unauthorized intrusion, movement,
- 21 break-in, or criminal acts.
- 22 (b) The term does not include a person whose primary business is that of a locksmith and who
- 23 may also install closed-circuit television cameras and battery-operated door devices.
- 24 (12) (a) "Security alarm system" means an assembly of equipment and devices or a single device or
- 25 a portion of a system intended to detect or signal or to both detect and signal unauthorized intrusion,
- 26 movement, or criminal acts at a location.
- 27 (b) The term does not include systems that monitor temperature, humidity, or any other
- 28 atmospheric condition not directly related to the detection of an unauthorized intrusion or criminal act at a

1 location."

2

3 **Section 2.** Section 37-60-301, MCA, is amended to read:

4 **"37-60-301. Private security license required -- process server registration required -- armed**
5 **endorsement.** (1) Unless licensed under Title 37, chapter 1, and this chapter, a person may not practice as:

6 ~~(a) a private security firm;~~

7 ~~(b)(a)~~ an electronic security firm;

8 ~~(c)(b)~~ a private investigator;

9 ~~(d)(c)~~ a security alarm installer; or

10 ~~(e)(d)~~ a private security firearms instructor; ~~or,~~

11 ~~(f) a private security guard.~~

12 (2) Except as provided in 25-1-1101(2), a person may not practice as a registered process server
13 or use the title "registered process server" without a registration issued by the department.

14 (3) A private investigator or a private security guard may not possess or use firearms while
15 performing professional duties without meeting the qualifications specified by the department and maintaining a
16 current armed endorsement from the department. In accordance with 34 U.S.C. 40316, the department shall
17 require applicants to submit a full set of fingerprints to obtain a national criminal history background check by
18 the Montana department of justice and the federal bureau of investigation for the purposes of armed
19 endorsement.

20 (4) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
21 the person is licensed, registered, or endorsed as any of the license types listed in subsections (1) through (3).

22 (5) A person appointed by the court as a confidential intermediary under 42-6-104 is not required
23 to be licensed under this chapter. A person who is licensed under this chapter is not authorized to act as a
24 confidential intermediary, as defined in 42-1-103, without meeting the requirements of 42-6-104."

25

26 **Section 3.** Section 37-60-303, MCA, is amended to read:

27 **"37-60-303. Private security services licensure qualifications -- fingerprinting -- insurance.** (1)

28 An applicant for licensure as a private investigator, private security firearms instructor, ~~private security guard,~~

1 registered process server, or security alarm installer shall submit evidence satisfactory to the department that
2 the applicant:

- 3 (a) is at least 18 years of age;
- 4 (b) has completed high school or equivalent education;
- 5 (c) meets character and fitness for licensure as demonstrated by a lack of unprofessional conduct;
- 6 and
- 7 (d) has successfully completed training, experience, and examination requirements as the
8 department may prescribe by rule.

9 (2) In accordance with 34 U.S.C. 40316, the department shall require private investigator, private
10 security firearms instructor, ~~private security guard~~, registered process server, and security alarm installer
11 license applicants to submit a full set of fingerprints to obtain a national criminal history background check by
12 the Montana department of justice and the federal bureau of investigation for the purposes of licensure.

13 (3) ~~— An applicant for licensure as a private security firm must:~~

- 14 (a) ~~— be lawfully organized and registered with the secretary of state or otherwise qualified to do~~
15 ~~business within this state; and~~
- 16 (b) ~~— designate a manager to act as the primary contact between the firm and the department."~~

17
18 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2025.

19 - END -