

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 188

REPRESENTATIVE Schaffer

A B I L L

To amend sections 109.75, 109.78, 4749.01, 4749.02, 1
4749.03 to 4749.06, 4749.08, 4749.11 to 4749.14, 2
and 4749.99 to enact section 4749.061, and to 3
repeal section 4749.10 of the Revised Code to make 4
changes in the licensing requirements concerning 5
private investigators and security guards and to 6
transfer the duties under these areas currently 7
held by the Director of Commerce to the 8
Superintendent of Real Estate and Professional 9
Licensing. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.75, 109.78, 4749.01, 4749.02, 11
4749.03, 4749.04, 4749.05, 4749.06, 4749.08, 4749.11, 4749.12, 12
4749.13, 4749.14, and 4749.99 be amended and section 4749.061 of 13
the Revised Code be enacted to read as follows: 14

Sec. 109.75. The executive director of the Ohio peace officer 15
training commission, on behalf of the commission, shall have the 16
following powers and duties, which shall be exercised with the 17
general advice of the commission and only in accordance with 18
section 109.751 of the Revised Code and the rules adopted pursuant 19
to that section, and with the rules adopted by the attorney 20

general pursuant to sections 109.74, 109.741, 109.742, and 109.743 21
of the Revised Code: 22

(A) To approve peace officer training schools and firearms 23
requalification programs administered by the state, counties, 24
municipal corporations, and the department of natural resources, 25
to issue certificates of approval to approved schools, and to 26
revoke an approval or certificate; 27

(B) To certify, as qualified, instructors at approved peace 28
officer training schools, to issue appropriate certificates to 29
these instructors, and to revoke for good cause shown certificates 30
of these instructors; 31

(C) To certify, as qualified, commanders at approved peace 32
officer training schools, to issue appropriate certificates to 33
these commanders, and to revoke for good cause shown certificates 34
of these commanders. As used in this division, "commander" means 35
the director or other head of an approved peace officer training 36
school. 37

(D) To certify peace officers and sheriffs who have 38
satisfactorily completed basic training programs and to issue 39
appropriate certificates to these peace officers and sheriffs; 40

(E) To cause studies and surveys to be made relating to the 41
establishment, operation, and approval of state, county, and 42
municipal peace officer training schools; 43

(F) To consult and cooperate with state, county, and 44
municipal peace officer training schools for the development of 45
advanced in-service training programs for peace officers; 46

(G) To consult and cooperate with universities, colleges, and 47
institutes for the development of specialized courses of study in 48
the state for peace officers in police science and police 49
administration; 50

(H) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer training;

(I) To perform any other acts that may be necessary or appropriate to carry out the executive director's powers and duties as set forth in sections 109.71 to 109.77 of the Revised Code;

(J) To report to the commission at each regular meeting of the commission and at any other times that the ~~council~~ commission may require;

(K) To certify persons who have satisfactorily completed approved training programs for correction officers in full-service jails, five-day facilities, or eight-hour holding facilities or approved training programs for others who provide correction services in those jails or facilities and to issue appropriate certificates to those persons;

(L) To certify and to recertify persons who have satisfactorily completed approved training programs for private investigators or security guards as prescribed by the commission and to issue appropriate certificates to those persons.

Sec. 109.78. (A) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify persons who have satisfactorily completed approved training programs designed to qualify persons for positions as special police, security guards, or persons otherwise privately employed in a police capacity and issue appropriate certificates to such persons. Application for approval of a training program designed to qualify persons for such positions shall be made to the commission. An application for approval shall be submitted to the commission with a fee of one hundred twenty-five dollars,

which fee shall be refunded if the application is denied. Such 82
programs shall cover only duties and jurisdiction of such security 83
guards and special police privately employed in a police capacity 84
when such officers do not qualify for training under section 85
109.71 of the Revised Code. A person attending an approved basic 86
training program administered by the state shall pay to the agency 87
administering the program the cost of the person's participation 88
in the program as determined by the agency. A person attending an 89
approved basic training program administered by a county or 90
municipal corporation shall pay the cost of the person's 91
participation in the program, as determined by the administering 92
subdivision, to the county or the municipal corporation. A person 93
who is issued a certificate for satisfactory completion of an 94
approved basic training program shall pay to the commission a fee 95
of fifteen dollars. A duplicate of a lost, spoliated, or destroyed 96
certificate may be issued upon application and payment of a fee of 97
fifteen dollars. Such certificate or the completion of twenty 98
years of active duty as a peace officer shall satisfy the 99
educational requirements for appointment or commission as a 100
special police officer or special deputy of a political 101
subdivision of this state. 102

(B)(1) The executive director of the Ohio peace officer 103
training commission, on behalf of the commission and in accordance 104
with rules promulgated by the attorney general, shall certify 105
basic firearms training programs, and shall issue certificates to 106
class A, B, or C licensees or prospective class A, B, or C 107
licensees under Chapter 4749. of the Revised Code and to 108
~~registered~~ registrants or prospective ~~employees~~ registrants of 109
such class A, B, or C licensees who have satisfactorily completed 110
a basic firearms training program ~~of the type described in~~ 111
~~division (A)(1) of section 4749.10 of the Revised Code as~~ 112
prescribed by the commission. 113

Application for approval of a basic firearms training program 114
shall be made to the commission. An application shall be submitted 115
to the commission with a fee of one hundred dollars, which fee 116
shall be refunded if the application is denied. 117

A person who is issued a certificate for satisfactory 118
completion of an approved basic firearms training program shall 119
pay a fee of ten dollars to the commission. A duplicate of a lost, 120
spoliated, or destroyed certificate may be issued upon application 121
and payment of a fee of five dollars. 122

(2) The executive director, on behalf of the commission and 123
in accordance with rules promulgated by the attorney general, also 124
shall certify firearms requalification training programs and 125
instructors for the annual requalification of class A, B, or C 126
licensees under Chapter 4749. of the Revised Code and ~~registered~~ 127
registrants or prospective ~~employees~~ registrants of such class A, 128
B, or C licensees who are authorized to carry a firearm under 129
division (D) of section 4749.10 4749.06 of the Revised Code. 130
Application for approval of a training program or instructor for 131
such purpose shall be made to the commission. Such an application 132
shall be submitted to the commission with a fee of fifty dollars, 133
which fee shall be refunded if the application is denied. 134

(3) The executive director, upon request, also shall review 135
firearms training received within three years prior to November 136
23, 1985, by any class A, B, or C licensee or prospective class A, 137
B, or C licensee, or by any ~~registered~~ registrant or prospective 138
~~employee~~ registrant of any class A, B, or C licensee under Chapter 139
4749. of the Revised Code to determine if the training received is 140
equivalent to a basic firearms training program that includes 141
twenty hours of handgun training and five hours of training in the 142
use of other firearms, if any other firearm is to be used. If the 143
executive director determines the training was received within the 144
three-year period and that it is equivalent to such a program, the 145

executive director shall issue written evidence of approval of the 146
equivalency training to the licensee or employee. 147

(C) There is hereby established in the state treasury the 148
peace officer private security fund, which shall be used by the 149
Ohio peace officer training commission to administer the training 150
program to qualify persons for positions as special police, 151
security guards, or other private employment in a police capacity, 152
as described in division (A) of this section, and the training 153
program in basic firearms and the training program for firearms 154
requalification, both as described in division (B) of this 155
section. All fees paid to the commission by applicants for 156
approval of a training program designed to qualify persons for 157
such private police positions, basic firearms training program, or 158
a firearms requalification training program or instructor, as 159
required by division (A) or (B) of this section, by persons who 160
satisfactorily complete a private police training program or a 161
basic firearms training program, as required by division (A) or 162
(B) of this section, or by persons who satisfactorily requalify in 163
firearms use, as required by division ~~(B)(2)~~(D) of section ~~4749.10~~
4749.06 of the Revised Code, shall be transmitted to the treasurer 164
of state for deposit in the fund. The fund shall be used only for 165
the purpose set forth in this division. 166
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(D) No public or private educational institution or 168
superintendent of the state highway patrol shall employ a person 169
as a special police officer, security guard, or other position in 170
which such person goes armed while on duty, who has not received a 171
certificate of having satisfactorily completed an approved basic 172
peace officer training program, unless the person has completed 173
twenty years of active duty as a peace officer. 174

Sec. 4749.01. As used in this chapter: 175

(A) "Private investigator" means any person who engages in 176

the business of private investigation. 177

(B) "Business of private investigation" means, except when 178
performed by one excluded under division (H) of this section, the 179
conducting, for hire, in person or through a partner or employees, 180
of any investigation relevant to any crime or wrong done or 181
threatened, or to obtain information on the identity, habits, 182
conduct, movements, whereabouts, affiliations, transactions, 183
reputation, credibility, or character of any person, or to locate 184
and recover lost or stolen property, or to determine the cause of 185
or responsibility for any libel or slander, or any fire, accident, 186
or damage to property, or to secure evidence for use in any 187
legislative, administrative, or judicial investigation or 188
proceeding. 189

(C) "Security guard provider" means any person who engages in 190
the business of security services. 191

(D) "Business of security services" means either of the 192
following: 193

(1) Furnishing, for hire, ~~watchmen~~ watchpersons, guards, 194
private ~~patrolmen~~ patrol officers, or other persons whose primary 195
duties are to protect persons or property; 196

(2) Furnishing, for hire, guard dogs, or armored motor 197
vehicle security services, in connection with the protection of 198
persons or property. 199

(E) "Class A license" means a license issued under section 200
4749.03 of the Revised Code that qualifies the person issued the 201
license to engage in the business of private investigation and the 202
business of security services. 203

(F) "Class B license" means a license issued under section 204
4749.03 of the Revised Code that qualifies the person issued the 205
license to engage only in the business of private investigation. 206

(G) "Class C license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.	207 208 209
(H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:	210 211 212
(1) Public officers and employees whose official duties require them to engage in investigatory <u>or security</u> activities;	213 214
(2) Attorneys at law or any expert <u>person</u> hired by an attorney at law for <u>legal</u> consultation or litigation purposes;	215 216
(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:	217 218 219 220 221
(a) The issuance of consumer credit reports;	222
(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;	223 224 225
(c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.	226 227 228 229 230 231 232 233 234
(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to	235 236

3951.09 of the Revised Code, while the adjuster is investigating
the cause of or responsibility for a fire, accident, or other
damage to property with respect to a claim or claims for loss or
damage under a policy of insurance covering real or personal
property;

(5) Personnel placement services ~~licensed under Chapter 4143.~~
~~of the Revised Code~~ and persons who act as employees of such
entities engaged in investigating matters related to personnel
placement activities;

(6) An employee in the regular course of the employee's
employment, engaged in investigating matters pertinent to the
business of ~~his or her~~ the employee's employer or protecting
property in the possession of ~~his or her~~ the employee's employer,
provided the employer is deducting all applicable state and
federal employment taxes on behalf of the employee and neither the
employer nor the employee is employed by, associated with, or
acting for or on behalf of any private investigator or security
guard provider;

(7) Any better business bureau or similar organization or any
of its employees while engaged in the maintenance of the quality
of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under
Chapter 4701. of the Revised Code or any of the accountant's
employees while engaged in activities for which the accountant is
certified or registered;

(9) Any person who, for hire or otherwise, conducts
genealogical research in this state.

As used in division (H)(9) of this section, "genealogical
research" means the determination of the origins and descent of
families, including the identification of individuals, their

family relationships, and the biographical details of their lives. 268
"Genealogical research" does not include furnishing for hire 269
services for locating missing persons or natural or birth parents 270
or children. 271

(10) Any person ~~residing in this state~~ who conducts research 272
for the purpose of locating the last known owner of unclaimed 273
funds, provided that the person is in compliance with Chapter 169. 274
of the Revised Code and rules adopted thereunder. The exemption 275
set forth in division (H)(10) of this section applies only to the 276
extent that the person is conducting research for the purpose of 277
locating the last known owner of unclaimed funds. 278

As used in division (H)(10) of this section, "owner" and 279
"unclaimed funds" have the same meanings as in section 169.01 of 280
the Revised Code. 281

(11) A professional engineer who is registered under Chapter 282
4733. of the Revised Code or any of his employees. 283

As used in division (H)(11) of this section and 284
notwithstanding division (I) of this section, "employee" has the 285
same meaning as in section 4101.01 of the Revised Code. 286

(12) Any person ~~residing in this state~~ who, for hire or 287
otherwise, conducts research for the purpose of locating persons 288
to whom the state of Ohio owes money in the form of warrants, as 289
defined in division (S) of section 131.01 of the Revised Code, 290
that the state voided but subsequently reissues. 291

(13) An independent insurance adjuster who, as an individual, 292
an independent contractor, an employee of an independent 293
contractor, adjustment bureau association, corporation, insurer, 294
partnership, local recording agent, managing general agent, or 295
self-insurer, engages in the business of independent insurance 296
adjustment, or any person who supervises the handling of claims 297
except while acting as an employee of an insurer licensed in this 298

state while handling claims pertaining to specific policies 299
written by that insurer. 300

As used in division (H)(13) of this section, "independent 301
insurance adjustment" means conducting investigations to determine 302
the cause of or circumstances concerning a fire, accident, bodily 303
injury, or damage to real or personal property; determining the 304
extent of damage of that fire, accident, injury, or property 305
damage; securing evidence for use in a legislative, 306
administrative, or judicial investigation or proceeding, adjusting 307
losses; and adjusting or settling claims, including the 308
investigation, adjustment, denial, establishment of damages, 309
negotiation, settlement, or payment of claims in connection with 310
insurance contractors, self-insured programs, or other similar 311
insurance programs. "Independent adjuster" does not include either 312
of the following: 313

(a) An attorney who adjusts insurance losses ~~incidental~~ 314
incidental to the practice of law and who does not advertise or 315
represent that ~~he or she~~ the attorney is an independent insurance 316
adjuster; 317

(b) A licensed agent or general agent of an insurer licensed 318
in this state who processes undisputed or uncontested losses for 319
insurers under policies issued by that agent or general agent. 320

(14) Any commissioned peace officer as defined in division 321
(B) of section 2935.01 of the Revised Code acting within the scope 322
of the peace officer's commission, or who performs contract 323
security services directly on behalf of, and while being 324
compensated through, the police department, sheriff department, or 325
political subdivision for whom the peace officer is commissioned; 326

(15) Any collection agent operating under a contract with 327
either the department of job and family services or a child 328
support enforcement agency for the purpose of collecting 329

<u>arrearages in child support money owed;</u>	330
<u>(16) Any person, for hire or otherwise, who apprehends</u>	331
<u>persons who have forfeited security or broken the terms of a</u>	332
<u>security release, fled from justice, or escaped from confinement;</u>	333
<u>(17) Any person, for hire or otherwise, who locates persons</u>	334
<u>by tracing their domicile history for the purpose of repossessing</u>	335
<u>property;</u>	336
<u>(18) Any person, for hire or otherwise, who provides</u>	337
<u>predeparture screening services for licensed air carriers at</u>	338
<u>various airport terminals under the "Federal Aviation</u>	339
<u>Administration Authorization Act of 1994," 108 Stat. 1569, 49</u>	340
<u>U.S.C. 40101.</u>	341
<u>(19) Any person, for hire or otherwise, who serves as an</u>	342
<u>informational monitor for the sole purpose of advising, warning,</u>	343
<u>or cautioning members of the general public;</u>	344
<u>(20) Any person, for hire or otherwise, who organizes or</u>	345
<u>participates in escorting a funeral procession;</u>	346
<u>(21) Any person, for hire or otherwise, who exclusively</u>	347
<u>provides, compiles, or distributes public information that is</u>	348
<u>available to, or may be gathered independently by, the general</u>	349
<u>public;</u>	350
<u>(22) Any person, for hire or otherwise, who engages in</u>	351
<u>serving process on behalf of an attorney at law, court of law, or</u>	352
<u>legal tribunal;</u>	353
<u>(23) Any community policing or block watch organization and</u>	354
<u>employees thereof that provide protection, for compensation or</u>	355
<u>otherwise, of persons or property within a neighborhood, defined</u>	356
<u>vicinity, or locality.</u>	357
(I) "Employee" means every person who may be required or	358
directed by any employer, in consideration of direct or indirect	359

gain or profit, to engage in any employment, or to go, or work, or
be at any time in any place of employment, provided that the
employer of the employee deducts all applicable state and federal
employment taxes on behalf of the employee.

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(J) "Branch office" means any location where business
activity is conducted for which a license is required under this
chapter.

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(K) "Registrant" means an employee, partner, or other
affiliate of a class A, B, or C licensee who has been registered
with the division of real estate and professional licensing under
section 4749.06 of the Revised Code.

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(L) "Corporation" means a for profit corporation existing
under the laws of this state or any other state and any of the
following organizations existing under the laws of this state, the
United States, or any other state:

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(1) A business trust or association;

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(2) A real estate investment trust;

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(3) A common law trust;

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(4) An unincorporated business or for profit organization,
including a general or limited partnership;

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(5) A limited liability company.

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(M) "Person" means any individual, corporation, limited
liability corporation, business trust, association, estate, trust,
partnership, or limited liability partnership.

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(N) "Date of hire" means the date that an employee is first
employed or compensated for services rendered, irrespective of the
actual number of days worked.

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Sec. 4749.02. (A) The division of real estate and
professional licensing within the department of commerce shall

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administer this chapter ~~through the division of real estate and~~ 389
~~professional licensing~~, and for that purpose, the superintendent 390
of real estate and professional licensing may ~~appoint such~~ 391
~~employees and~~ adopt such rules as the superintendent considers 392
necessary. 393

(B) The superintendent shall establish by rule the process 394
used to verify the experience of an applicant for licensure under 395
section 4749.03 of the Revised Code. 396

Sec. 4749.03. (A)(1) Any individual, including a partner in a 397
partnership, may be licensed as a private investigator under a 398
class B license, or as a security guard provider under a class C 399
license, or as a private investigator and a security guard 400
provider under a class A license, if the individual meets the 401
following requirements: 402

(a) Has a good reputation for integrity, has not been 403
convicted of a felony within the last twenty years or any offense 404
involving moral turpitude, and has not been adjudicated 405
incompetent for the purpose of holding the license, as provided in 406
section 5122.301 of the Revised Code, without having been restored 407
to legal capacity for that purpose. 408

(b) Depending upon the class of license for which application 409
is made, for a continuous period of at least two of the five years 410
immediately preceding application for a license, has been engaged 411
in investigatory or security services work for a law enforcement 412
or other public agency engaged in investigatory activities, or for 413
a private investigator or security guard provider, or engaged in 414
the practice of law, or has acquired equivalent experience as 415
determined by rule of the ~~director~~ superintendent of ~~commerce~~ real
estate and professional licensing. 416
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(c) Demonstrates competency as a private investigator or 418

security guard provider by passing an examination devised for this purpose by the ~~director~~ superintendent, except that any individually licensed person who qualifies a corporation for licensure shall not be required to be reexamined if the person qualifies the corporation in the same capacity that the person was individually licensed.

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(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the ~~director~~ superintendent in such form and in principal amounts satisfactory to the ~~director~~ superintendent, but not less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage liability.

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(e) Pays the requisite examination and license fees. The superintendent may hold and administer examinations or enter into a contract with a testing service vendor to hold and administer examinations for the purposes of testing the qualifications of applicants as required under this chapter. If the superintendent enters into a contract with a testing service vendor, the applicant for examination shall pay the testing vendor's examination fee directly to the testing service vendor.

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(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A)(1) and ~~(F)~~(H)(1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code.

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For the purposes of this chapter, a class A, B, or C license issued to a corporation also licenses the individual who qualifies

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the corporation for the license as long as the individual is
associated with the corporation.

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(3) At least one partner in a partnership shall be licensed
as a private investigator, or as a security guard provider, or as
a private investigator and a security guard provider. Partners in
a partnership shall be determined as provided for in Chapter 1775.
of the Revised Code.

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(B) Application for a class A, B, or C license shall be in
~~writing, under oath, to the director~~ form prescribed by the
superintendent. In the case of an individual, the application
shall state the applicant's name, birth date, citizenship,
physical description, current residence, residences for the
preceding ten years, current employment, employment for the
preceding seven years, experience qualifications, the location of
each of the applicant's offices in this state, and any other
information that is necessary in order for the ~~director~~
superintendent to comply with the requirements of this chapter. In
the case of a corporation, the application shall state the name of
the ~~officer or qualifying agent filing the application~~
corporation; the state in which the corporation is incorporated
and the date of incorporation; the states in which the corporation
is authorized to transact business; ~~the name of its qualifying~~
~~agent~~; the name of the officer or qualifying agent of the
corporation who satisfies the requirements of divisions (A)(1) and
~~(F)~~(H)(1) of this section and the birth date, citizenship,
physical description, current residence, residences for the
preceding ten years, current employment, employment for the
preceding seven years, and experience qualifications of that
officer or qualifying agent; and other information that the
~~director~~ superintendent requires. A corporation may specify in its
application information relative to one or more individuals who
satisfy the requirements of divisions (A)(1) and ~~(F)~~(H)(1) of this

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section. 483

~~The~~ Unless otherwise established by rule, application shall 484
be accompanied by all of the following: 485

~~(1) One recent full-face photograph of the applicant or, in 486
the case of a corporation, of each officer or qualifying agent 487
specified in the application as satisfying the requirements of 488
divisions (A)(1) and (F)(1) of this section;~~ 489

~~(2) One~~ Either a fingerprint notice form or one complete set 490
of the applicant's fingerprints or, in the case of a corporation, 491
~~of~~ the fingerprints of each officer or qualifying agent specified 492
in the application as satisfying the requirements of divisions 493
(A)(1) and ~~(F)~~(H)(1) of this section; 494

~~(3)~~(2) Character references from at least five reputable 495
citizens for the applicant or, in the case of a corporation, for 496
each officer or qualifying agent specified in the application as 497
satisfying the requirements of divisions (A)(1) and ~~(F)~~(H)(1) of 498
this section, each of whom has known the applicant, officer, or 499
qualifying agent for at least five years preceding the 500
application, and none of whom are connected with the applicant, 501
officer, or qualifying agent by blood or marriage; 502

~~(4) An~~ (3) If an examination is administered by the 503
superintendent, an examination fee of twenty-five dollars for the 504
applicant or, in the case of a corporation, for each officer or 505
qualifying agent specified in the application as satisfying the 506
requirements of divisions (A)(1) and ~~(F)~~(H)(1) of this section, 507
~~and a license fee of two hundred fifty dollars. The. If an 508
examination is administered by a testing service vendor under 509
division (A)(1)(e) of this section, the fee shall be established 510
by rule under section 4749.02 of the Revised Code and made payable 511
directly to the testing service vendor.~~ 512

(4) A license fee ~~shall be refunded if a license is not~~ 513

issued of two hundred fifty dollars. 514

(C) Upon receipt of the application and accompanying matter, 515
the ~~director~~ superintendent shall forward to the bureau of 516
criminal identification and investigation a request that it make 517
an investigation of the applicant or, in the case of a 518
corporation, each officer or qualifying agent specified in the 519
application as satisfying the requirements of divisions (A)(1) and 520
~~(F)~~(H)(1) of this section, to determine whether the applicant, 521
officer, or qualifying agent meets the requirements of division 522
(A)(1)(a) of this section. If the bureau assesses the 523
superintendent a fee for the investigation, the superintendent, in 524
addition to any other fee allowed under this chapter, shall assess 525
the applicant, officer, or qualifying agent, as appropriate, a fee 526
that is equal to the fee assessed by the bureau. As an alternative 527
to an investigation conducted by the bureau of criminal 528
identification and investigation, the superintendent may accept 529
the results of an investigation of the applicant conducted by the 530
federal bureau of investigation, provided that the investigation 531
conducted by the federal bureau of investigation covers the state 532
and was conducted not more than twelve months prior to the time 533
the results are provided to the superintendent. 534

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(D) If the director superintendent determines that the 536
applicant, officer, or qualifying agent meets the requirements of 537
~~divisions (A)(1)(a), (b) and (d) of this section and that an~~ 538
~~officer or qualifying agent meets the requirement of division~~ 539
~~(F)(1) of this section, the director superintendent or the testing~~ 540
service vendor shall notify the applicant, officer, or agent of 541
the time and place for the examination. If the ~~director~~ 542
superintendent determines that an applicant does not meet the 543
requirements ~~of divisions (A)(1)(a), (b), and (d) of this section,~~ 544
the ~~director~~ superintendent shall notify the applicant that the 545

applicant's application is refused ~~and refund the license fee.~~ If 546
the ~~director~~ superintendent determines that none of the 547
individuals specified in the application of a corporation as 548
satisfying the requirements of divisions (A)(1) and ~~(F)(H)(1)~~ of 549
this section meet the requirements of ~~divisions (A)(1)(a), (b),~~ 550
~~and (d) and (F)(1)~~ of this section, the ~~director~~ superintendent 551
shall notify the corporation that its application is refused ~~and~~ 552
~~refund the license fee. If the director requests an investigation~~ 553
~~of any applicant, officer, or qualifying agent and if the bureau~~ 554
~~assesses the director a fee for the investigation, the director,~~ 555
~~in addition to any other fee assessed pursuant to this chapter,~~ 556
~~may assess the applicant, officer, or qualifying agent, as~~ 557
~~appropriate, a fee that is equal to the fee assessed by the~~ 558
~~bureau.~~ 559

~~(D)(E)~~ If upon application, investigation, and examination, 560
the ~~director~~ superintendent finds that the applicant or, in the 561
case of a corporation, any officer or qualifying agent specified 562
in the application as satisfying the requirements of divisions 563
(A)(1) and ~~(F)(H)(1)~~ of this section, meets the applicable 564
requirements, the ~~director~~ superintendent shall issue the 565
applicant or the corporation a class A, B, or C license. The 566
~~director~~ superintendent also shall issue an identification card to 567
an applicant, ~~but not an officer,~~ or qualifying agent of a 568
corporation, ~~who meets the applicable requirements an~~ 569
~~identification card.~~ The license and identification card shall 570
state the licensee's name, the classification of the license, the 571
location of the licensee's principal place of business in this 572
state, and the expiration date of the license ~~and, in the case of~~ 573
~~a corporation, it also shall state the name of each officer or~~ 574
~~qualifying agent who satisfied the requirements of divisions~~ 575
~~(A)(1) and (F)(1) of this section.~~ 576

If the applicant is prohibited by state or federal law from 577

carrying a firearm, the superintendent shall make a designation to
reflect the prohibition on the identification card issued under
this section.

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(F)(1) Licenses expire annually on the first day of March
following the date of initial issue, and on the first day of March
of each year thereafter. Renewals shall be according to the
standard renewal procedures contained in Chapter 4745. of the
Revised Code, upon payment of a renewal fee of two hundred fifty
dollars. No

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(2) Prior to the first day of March of each year, licensees
shall file with the superintendent an annual renewal form, the
required renewal fee, and any additional information as prescribed
by the superintendent.

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(3) In conjunction with the annual renewal, the
superintendent shall request the bureau of criminal identification
and investigation to conduct an investigation of the licensee, or
in the case of a corporation, of each officer or qualifying agent.
If the bureau assesses the superintendent a fee for the
investigation, the superintendent, in addition to any other fee
allowed under this chapter, shall assess the licensee, officer, or
qualifying agent, as appropriate, a fee that is equal to the fee
assessed by the bureau. As an alternative to an investigation
conducted by the bureau of criminal identification and
investigation, the superintendent may accept the results of an
investigation of the licensee, officer, or qualifying agent
conducted by the federal bureau of investigation, provided that
the investigation conducted by the federal bureau of investigation
covers the state and was conducted not more than twelve months
prior to the time the results are provided to the superintendent.

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(4) The superintendent shall not renew the individual
licensee's license or corporation's license until the background
investigation required in division (F)(3) of this section is

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complete.

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(5) No license shall be renewed if the licensee or, in the case of a corporation, each officer or qualifying agent who qualified the corporation for licensure no longer meets the applicable requirements of division (A)(1)(a) of this section. No

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(6) No license shall be renewed unless the licensee provides evidence of workers' compensation risk coverage and unemployment compensation insurance coverage, other than for clerical employees and excepting sole proprietors who are exempted therefrom, as provided for in Chapters 4123. and 4141. of the Revised Code, respectively, as well as the licensee's state tax identification number. No reexamination shall be required for renewal of a current license.

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~~For purposes of this chapter, a class A, B, or C license issued to a corporation shall be considered as also having licensed the individuals who qualified the corporation for licensure, for as long as they are associated with the corporation.~~

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~~For purposes of this division, "sole proprietor" means an individual licensed under this chapter who does not employ any other individual.~~

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(E)(7) In the case of a corporation, the expiration of the corporate license shall result in the expiration of the license of each licensee affiliated with that corporation and the license of each individual who qualified the corporation for licensure.

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(8) Any licensee may file a renewal form to renew the licensee's license after the first day of March but on or before the thirty-first day of May in any year by filing with the superintendent the required renewal form, the standard renewal fee of two hundred fifty dollars, and a late renewal fee of one hundred twenty-five dollars.

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(9) Failure to renew a license by the thirty-first day of May in any year shall result in the automatic revocation of a licensee's license. In the case of a corporation, the revocation of the corporation's license shall result in the automatic revocation of the license of each licensee affiliated with the corporation and the license of each individual who qualified the corporation for licensure. Individuals or corporations whose license has been revoked must complete all of the initial requirements for license as provided in this section.

(G) The ~~director~~ superintendent may issue a duplicate copy of a license issued under this section for the purpose of replacement of a lost, spoliated, or destroyed license, upon payment of a fee fixed by the ~~director~~ superintendent, not exceeding twenty-five dollars. Any change in license classification requires a new application and ~~application fees~~ payment of the required license fee.

~~(F)~~(H)(1) In order to qualify a corporation for a class A, B, or C license, an officer or qualifying agent may qualify another corporation for similar licensure, provided that the officer or qualifying agent is actively engaged in the business of both corporations.

~~(2) Each officer or qualifying agent who qualifies a corporation for class A, B, or C licensure shall surrender any personal license of a similar nature that the officer or qualifying agent possesses.~~

~~(3)~~ Upon written notification to the ~~director~~ superintendent, completion of an application similar to that for original licensure, surrender of the corporation's current license, and payment of a twenty-five dollar fee, a corporation's class A, B, or C license may be transferred to another corporation.

~~(4)~~(3) Upon written notification to the ~~director~~ 672
~~superintendent~~, completion of an application similar to that for 673
an individual seeking class A, B, or C licensure, payment of a 674
twenty-five dollar fee, ~~and, if the individual was the only~~ 675
~~individual that qualified a corporation for licensure, surrender~~ 676
~~of the corporation's license~~, any officer or qualifying agent who 677
qualified a corporation for licensure under this chapter may 678
obtain a similar license in the individual's own name without 679
reexamination. A request by an officer or qualifying agent for an 680
individual license shall not affect a corporation's license unless 681
the individual is the only individual that qualified the 682
corporation for licensure or all the other individuals who 683
qualified the corporation for licensure submit such requests. 684

~~(G)~~(I) If a corporation is for any reason no longer 685
associated with an individual who qualified it for licensure under 686
this chapter, an officer of the corporation shall notify the 687
~~director~~ ~~superintendent~~ of that fact by certified mail, return 688
receipt requested, within ten days after the association 689
terminates. If the notification is so given, the individual was 690
the only individual that qualified the corporation for licensure, 691
and the corporation submits the name of another officer or 692
qualifying agent to qualify the corporation for the license within 693
thirty days after the association terminates, the corporation may 694
continue to operate in the business of private investigation, the 695
business of security services, or both businesses in this state 696
under that license for ninety days after the association 697
terminates. If the officer or qualifying agent whose name is so 698
submitted satisfies the requirements of divisions (A)(1) and 699
~~(F)~~(H)(1) of this section, the ~~director~~ ~~superintendent~~ shall issue 700
a new license to the corporation within that ninety-day period. 701
The names of more than one individual may be so submitted. 702

Sec. 4749.04. (A) The ~~director of commerce~~ superintendent of 703

real estate and professional licensing may revoke, suspend, or 704
refuse to renew, when a renewal form has been submitted, the 705
license of any private investigator or security guard provider, or 706
the registration of any ~~employee of a private investigator or~~ 707
~~security guard provider~~ registrant, for any of the following: 708

(1) Violation of any of the provisions of division (B) or 709
~~(C)~~(D) of section 4749.13 of the Revised Code; 710

(2) Conviction of a felony or a crime involving moral 711
turpitude; 712

(3) Violation of any rule of the ~~director~~ superintendent 713
governing private investigators, the business of private 714
investigation, security guard providers, or the business of 715
security services; 716

(4) Testifying falsely under oath, or suborning perjury, in 717
any judicial proceeding; 718

(5) Failure to ~~satisfy the requirements specified in division~~ 719
~~(D) of section 4749.03 of the Revised Code~~ maintain and carry a 720
registration card and, if applicable, certification of firearm 721
training issued by the Ohio peace officer training commission; 722
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(6) Failure to comply with a subpoena; 724

(7) Failure to report any criminal convictions of any 725
registrant operating under a class A, B, or C license or any 726
affiliated licensee; 727

(8) Failure to keep complete and accurate records of all 728
personnel records for a period of two years from the date of hire, 729
employment, or compensation for any services; 730

(9) Failure to keep complete and accurate records of all 731
weapon certifications and recertifications for a period of two 732
years; 733

(10) Acting in a manner that requires a license or registration under this chapter or acting with an expired or revoked license or registration; 734
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(11) In the case of a licensee, failure to require all registrants of the licensee who carry firearms as part of the employee's job duties, to carry and maintain a valid certification of firearm training issued by the Ohio peace officer training commission; 737
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(12) Carrying a firearm when the identification card issued under this chapter contains a prohibition against carrying firearms; 742
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(13) Failure to timely submit quarterly reports and termination notices in accordance with rules adopted by the superintendent. 745
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Any person whose license or registration is revoked, 748
suspended, or not renewed when a renewal form is submitted may 749
appeal in accordance with Chapter 119. of the Revised Code. 750

(B) In lieu of suspending, revoking, or refusing to renew the 751
class A, B, or C license, or of suspending, revoking, or refusing 752
to renew the registration of ~~an employee~~ a registrant of a class 753
A, B, or C licensee, the ~~director of commerce~~ superintendent, by 754
issuing an administrative order subject to the provisions of 755
Chapter 119. of the Revised Code, may impose a civil penalty of 756
not ~~less than one hundred dollars~~ or more than ~~two~~ one hundred 757
dollars for each calendar day of a violation of any of the 758
provisions of this section or of division (B) or (C) of section 759
4749.13 of the Revised Code or of a violation of any rule of the 760
~~director~~ superintendent governing private investigators, the 761
business of private investigation, security guard providers, or 762
the business of security services. 763

(C) In the case of a violation of division (A)(10) of this 764

section, calendar days shall be calculated consecutively from the 765
first day of hire to the date the superintendent determines the 766
licensee is in violation of that division. 767

Sec. 4749.05. ~~(A) Each class A, B, or C licensee shall report~~ 768
~~the location of branch offices to the department of commerce, and~~ 769
~~to the sheriff of the county and the police chief of any municipal~~ 770
~~corporation in which the office is located~~ division of real estate 771
and professional licensing, and shall post a branch office license 772
conspicuously in that office. Application for a branch office 773
license shall be made on a form prescribed by the ~~director of~~ 774
~~commerce superintendent of real estate and professional licensing,~~ 775
and a license shall be issued upon receipt of the form and payment 776
of a fee fixed by the ~~director~~ superintendent, not exceeding one 777
hundred dollars. If a licensee moves an office, ~~he~~ the licensee 778
shall notify, in writing, the ~~department of commerce and any~~ 779
~~affected sheriff and chief of police within forty-eight hours of~~ 780
~~the change~~ division of real estate and professional licensing. 781

This division does not apply to a licensed private 783
investigator who is engaging in the business of private 784
investigation as a ~~registered employee~~ registrant of a licensed 785
private investigator. 786

~~(B) No class A, B, or C licensee, or any of his employees,~~ 787
~~shall engage in the business of private investigation or the~~ 788
~~business of security services unless, within twelve hours of his~~ 789
~~arrival, he reports his presence and length of stay to the sheriff~~ 790
~~and police chief of any county or municipal corporation in which~~ 791
~~he operates.~~ 792

Sec. 4749.06. ~~(A) Each class A, B, or C licensee~~ (1) Except 793
as provided in division (F) of this section, each person employed 794

~~by a class A, B, or C licensee as an investigator or security guard shall register his investigator or security guard employees, with the department of commerce, which division of real estate and professional licensing. All class A, B, or C licensees shall maintain a record of each licensee and registered employee registrant and employee exempt from registration and make it available, upon request, to the division or any law enforcement agency. The Each person employed by a class A, B, or C licensee as an investigator or security guard employee shall file an application to register a new employee no sooner than three days nor not later than seven calendar days after the date on which the employee is hired.~~

~~(2) Partners or other affiliates of a class A, B, or C licensee may register as a registrant of a class A, B, or C licensee, provided the partner or other affiliate meets the registration requirements of this section.~~

~~(B) Each employee's (1) Unless otherwise established by rule, each registration application shall be accompanied by a fingerprint notice form or one complete set of his the applicant's fingerprints, one recent photograph of the employee, his the applicant's physical description, and an eighteen dollar initial registration fee established by the superintendent by rule, not to exceed twenty-three dollars.~~

~~If the director requests (2) The superintendent of real estate and professional licensing shall request the bureau of criminal identification and investigation to conduct an investigation of a licensee's employee and if an applicant for registration. If the bureau assesses the director superintendent a fee for the investigation, the director superintendent, in addition to any other fee assessed pursuant to this chapter, may shall assess the licensee applicant a fee that is equal to the fee assessed by the bureau. If~~

As an alternative to an investigation conducted by the bureau 827
of criminal identification and investigation, the superintendent 828
may accept the results of an investigation of the applicant 829
conducted by the federal bureau of investigation, provided that 830
the investigation conducted by the federal bureau of investigation 831
covers the state and was conducted not more than twelve months 832
prior to the time the results are provided to the superintendent. 833
If, after investigation, the bureau the completion of any 834
background investigation authorized under this chapter or rule 835
adopted under this chapter, the superintendent finds that the 836
employee applicant has not been convicted of a felony within the 837
last twenty years, the ~~director~~ superintendent shall issue to the 838
applicant an identification card bearing ~~the license a~~ 839
registration number and ~~signature of the licensee, which in the~~ 840
~~case of a corporation shall be the signature of its president or~~ 841
~~its qualifying agent,~~ and containing the ~~employee's~~ applicant's 842
name, address, ~~age~~ birthdate, physical description, and ~~right~~ 843
~~thumb print or other identifying mark as the director prescribes,~~ 844
~~a recent photograph of the employee, and his~~ the applicant's 845
signature. ~~The director~~ 846

(3) If the applicant is prohibited by state or federal law 847
from carrying a firearm, the superintendent shall make a 848
designation to reflect the prohibition on the identification card 849
issued under this section. 850

(4) The superintendent may issue a duplicate of a lost, 851
spoliated, or destroyed identification card issued under this 852
section, upon payment of a fee fixed by the ~~director~~ 853
superintendent, not exceeding five dollars. 854

(C) ~~No~~ Except as provided in division (E) of this section, no 855
class A, B, or C licensee shall permit an employee, partner, or 856
other affiliate, other than an individual who qualified a 857
corporation for licensure, to engage in the business of private 858

investigation, the business of security services, or both 859
businesses until the employee, partner, or other affiliate, 860
receives an identification card from the department, except that 861
pending the issuance of an identification card, a class A, B, or C 862
licensee may offer for hire, on a temporary basis not to exceed 863
ninety days from the date of hire, security guard or investigator 864
employees provided the licensee obtains a waiver from the person 865
who receives, for hire, security guard or investigative services, 866
acknowledging that the person is aware the employees, partners, or 867
other affiliates have not completed their registration and 868
agreeing to their employment. 869

(D) If a class A, B, or C licensee, or a ~~registered employee~~ 870
~~of a class A, B, or C licensee,~~ registrant intends to carry a 871
firearm, as defined in section 2923.11 of the Revised Code, in the 872
course of engaging in the business or employment, ~~he either the~~ 873
licensee or registrant shall ~~satisfactorily complete a firearms~~ 874
~~basic training program that includes twenty hours of handgun~~ 875
~~training and five hours of training in the use of other firearms,~~ 876
if any other firearm is to be used, or equivalency training, if 877
authorized, or shall be a former peace officer who previously had 878
successfully completed a firearms training course, shall receive a 879
certificate of satisfactory completion of that program or written 880
evidence of approval of the equivalency training, shall file an 881
application for registration, shall receive a firearm-bearer 882
notation on his identification card, and shall annually requalify 883
on a firearms range, all as described in division (A) of section 884
4749.10 of the Revised Code. A private investigator, security 885
guard provider, or employee is authorized to carry a firearm only 886
in accordance with that division carry at all times during the 887
course of employment the identification card issued under this 888
chapter and certification of firearm training issued by the Ohio 889
peace officer training commission. 890

(E) This section does not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration. 891
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(F) No registrant shall independently contract to engage in the business of security services or private investigation. 897
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(G) Any person properly registered under this section may work for any properly licensed class A, B, or C licensee, with no limit on the number of licensees for whom a registrant may work. 899
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Sec. 4749.061. (A) Registrants shall renew their registration on or before the date the superintendent has adopted by rule, in accordance with section 4749.02 of the Revised Code, by doing all of the following: 902
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(1) Filing a renewal form with the superintendent of real estate and professional licensing; 906
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(2) Paying the renewal fee establish by the superintendent by rule, not to exceed eighteen dollars; 908
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(3) Providing any information required by the superintendent. 910
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(B) In conjunction with the biannual renewal, the superintendent shall request the bureau of criminal identification and investigation to conduct an investigation of the registrant. If the bureau assesses the superintendent a fee for the investigation, the superintendent, in addition to any other fee allowed under this chapter, shall assess the registrant a fee that is equal to the fee assessed by the bureau. As an alternative to an investigation conducted by the bureau of criminal identification and investigation, the superintendent may accept 912
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the results of an investigation of the registrant conducted by the federal bureau of investigation, provided that the investigation conducted by the federal bureau of investigation covers the state and was conducted not more than twelve months prior to the time the results are provided to the superintendent.

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The superintendent shall not renew the individual registration until the background investigation required under this section is complete and the superintendent has determined that the registrant has not been convicted of a felony within the twenty years preceding the year of renewal.

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(C) Failure to renew registration within the time limits set forth in this section shall result in the immediate revocation of the registration. A person with a revoked registration may not operate as a registrant and must satisfy the requirements of section 4749.06 of the Revised Code to obtain a new registration.

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Sec. 4749.08. (A) No class A, B, or C licensee, or ~~registered employee of a class A, B, or C licensee~~ registrant shall be considered, because of licensure or registration under this chapter, a law enforcement officer for any purpose. Nothing in this chapter shall be construed as granting the right to carry a concealed weapon.

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(B) The rules of the ~~department~~ superintendent of ~~commerce~~ real estate and professional licensing adopted for the administration of this chapter shall include provisions to assure that any uniform or identification card shall be so designed as to avoid confusion of a private investigator, security guard provider, or ~~registered employee~~ registrant with any law enforcement officer in this state.

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Sec. 4749.11. (A) The ~~director~~ superintendent of ~~commerce~~ real estate and professional licensing may investigate any

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applicant for a class A, B, or C license, any principal officer or 951
qualifying agent of a corporation who is specified in an 952
application for licensure as satisfying the requirements of 953
divisions (A)(1) and ~~(F)~~(H)(1) of section 4749.03 of the Revised 954
Code, and any employee of a class A, B, or C licensee who seeks to 955
be registered under section 4749.06 of the Revised Code to 956
determine whether the individual satisfies the applicable 957
requirements for licensure or registration. 958

(B) The ~~director of commerce~~ superintendent may investigate, 959
on ~~his~~ the superintendent's own initiative, the actions or 960
proposed actions of a class A, B, or C licensee, or ~~registered~~ 961
~~employee of a class A, B, or C licensee~~ registrant to determine 962
whether the person is, has been, or will be in violation of 963
section 4749.04 or 4749.13 of the Revised Code. The ~~director~~ 964
superintendent shall investigate any of these persons if a 965
verified written complaint is filed indicating that a person has 966
violated, or is or will be violating, section 4749.13 of the 967
Revised Code, the complaint is supported by evidence submitted 968
with it, and the ~~director~~ superintendent determines that a 969
prima-facie case exists that a violation of that section is being, 970
has been, or will be committed by the person. 971

(C) The ~~director of commerce~~ superintendent may investigate, 972
on ~~his~~ the superintendent's own initiative, the actions or 973
proposed actions of a person who is not licensed or registered 974
under this chapter and who appears to be acting as a class A, B, 975
or C licensee, or employee of a class A, B, or C licensee. The 976
~~director~~ superintendent shall investigate such a person if a 977
verified written complaint is filed indicating that a person was, 978
is, or will be acting as a class A, B, or C licensee or employee 979
of a class A, B, or C licensee but is not licensed or registered 980
as such under this chapter, the complaint is supported by evidence 981
that is submitted with it, and the ~~director~~ superintendent 982

determines that a prima-facie case exists that the person was, is, 983
or will be acting in the alleged manner. 984

(D) In connection with investigations under divisions (B) and 985
(C) of this section, the ~~director of commerce~~ superintendent may 986
file an action with the court of common pleas of Franklin county 987
or the court of common pleas of the county in which the person who 988
is the subject of the investigation resides, is engaging in 989
actions, or proposing to engage in actions, to obtain an 990
injunction, restraining order, or other appropriate relief. 991

(E) The ~~director of commerce~~ superintendent may compel by 992
subpoena witnesses to appear and testify in relation to 993
investigations under this chapter and may require by subpoena 994
duces tecum the production of any book, paper, or document 995
pertaining to an investigation. If a person does not comply with a 996
subpoena or subpoena duces tecum, the ~~director of commerce~~ 997
superintendent may apply to the court of common pleas of Franklin 998
county for an order compelling the person to comply with the 999
subpoena or subpoena duces tecum or, for failure to do so, to be 1000
held in contempt of court. 1001

(F) If, in an investigation under division (C) of this 1002
section, the director determines that a person is not a class A, 1003
B, or C licensee, or a registered employee of a class A, B, or C 1004
licensee, and that the person was, is, or will be acting in the 1005
alleged manner, the ~~director may issue an order to the person to~~ 1006
~~show cause why he should not be subject to licensing or~~ 1007
~~registration under this chapter. The director shall hold a hearing~~ 1008
~~on the order, and if following the hearing he determines that the~~ 1009
~~person has engaged, or is or will be engaging, in activities~~ 1010
~~requiring licensure or registration under this chapter, he~~ 1011
superintendent may issue a cease and desist order that shall 1012
describe the person and the activities that are the subject of it. 1013
The cease and desist order is enforceable in and may be appealed 1014

to a court of common pleas pursuant to Chapter 119. of the Revised Code. 1015
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(G) In any proceeding or action brought under this chapter, 1017
the burden of proving an exemption from the licensure requirements 1018
of this chapter is on the person claiming the benefit of the 1019
exemption. 1020

(H) All information obtained by investigators performing 1021
investigations under this section is confidential, except the 1022
superintendent may waive this confidentiality requirement for 1023
either of the following reasons: 1024

(1) To allow the information to be used by the department of 1025
commerce or for it to be used in any administrative or court 1026
proceeding authorized by or deriving from the administration of 1027
this chapter; 1028

(2) To provide for data sharing with any state agency of 1029
employment records of licensees, registrants, employees exempt 1030
from registration, unlicensed persons, nonregistered employees, or 1031
other persons. 1032

(I) Not more than sixty business days after the date of 1033
initial investigation conducted under division (B) of this 1034
section, the investigator shall issue a written report of the 1035
results of the investigation to the superintendent. Not more than 1036
fourteen business days after a written report is filed with the 1037
superintendent, the superintendent shall determine whether there 1038
exists reasonable and substantial evidence of a violation of 1039
section 4749.04 or 4749.13 of the Revised Code. If the 1040
superintendent finds that evidence of a violation exists, within 1041
seven business days of the determination, the superintendent shall 1042
notify the licensee, registrant, or other person of the 1043
superintendent's determination and schedule a hearing under 1044
Chapter 119. of the Revised Code, except that the registrant, 1045
licensee, or superintendent may request an extension for up to 1046

thirty business days for good cause shown. 1047

(J) Not later than twenty-five business days after the last 1048
day of hearings under Chapter 119. of the Revised Code, the 1049
hearing examiner shall file a report of findings of fact and 1050
conclusions of law with the superintendent. 1051

(K) Within fifteen business days of the submission of the 1052
hearing examiner report to the superintendent, the superintendent 1053
shall do both of the following: 1054

(1) Review the report of the hearing examiner and determine 1055
whether to impose disciplinary sanctions upon the licensee or 1056
registrant for violation of section 4749.04 or 4749.13 of the 1057
Revised Code; 1058

(2) Issue an order setting forth the superintendent's 1059
determination along with any sanctions to be imposed, subject to 1060
Chapter 119. of the Revised Code. 1061

Sec. 4749.12. (A) A person who is a resident of another 1062
state, is licensed as a private investigator, security guard 1063
provider, or as a private investigator and a security guard 1064
provider in another state, and wishes to engage in the business of 1065
private investigation, the business of security services, or both 1066
businesses in this state, shall be licensed pursuant to section 1067
4749.03 of the Revised Code, but the ~~director~~ superintendent of 1068
~~commerce~~ real estate and professional licensing may waive the 1069
~~examination requirement~~ requirements of that section and issue a 1070
license to a nonresident under the circumstances described in 1071
division (B) of this section. 1072

(B) If a nonresident private investigator, security guard 1073
provider, or private investigator and security guard provider 1074
seeking licensure under this chapter submits with the application 1075
and accompanying matter specified in section 4749.03 of the 1076

Revised Code proof of licensure in another state, and if the
licensure requirements of the other state are substantially
similar to the requirements of divisions (A)(1)(a), (b), and (d)
and, if applicable, ~~(F)~~(H)(1) of section 4749.03 of the Revised
Code are satisfied and the nonresident meets all current
requirements of the laws of the other state regulating the
business of private investigation, the business of security
services, or both businesses, the ~~director of commerce~~
superintendent may ~~waive the examination requirement and fee of~~
~~that section. This waiver authority may be exercised only if the~~
~~director determines that the other state has a law similar to this~~
~~division and extends to residents of this~~ issue an Ohio class A,
B, or C license, as appropriate, provided that the superintendent
determines that the other state a ~~similar waiver of examination~~
privilege private investigator and security guard licensing laws
are similar to those found in this chapter and that state extends
similar recognition to Ohio licensees.

Sec. 4749.13. (A) No person shall engage in the business of
private investigation, the business of security services, or both
businesses in this state unless ~~he~~ the person is licensed pursuant
to this chapter. Each calendar day of continuing violation
constitutes a separate offense. Nothing in this chapter shall be
construed to require any employee of a class A, B, or C licensee
to obtain a class A, B, or C license, provided that an employee
shall be registered ~~by a licensee when~~ as required by section
4749.06 of the Revised Code. Nothing in this chapter shall be
construed to require a partner to be a class A, B, or C licensee
except as provided in division (A)(3) of section 4749.03 of the
Revised Code. Nothing in this chapter shall be construed to
require a director, officer, or qualifying agent of a corporation
to individually be a class A, B, or C licensee if the corporation
is licensed pursuant to this chapter.

(B) No class A, B, or C licensee, or ~~registered employee of a~~ 1109
~~class A, B, or C licensee~~ registrant shall: 1110

(1) ~~Knowingly violate~~ Violate any provision of this chapter 1111
or any rule of the ~~director~~ superintendent of ~~commerce~~ real estate 1112
and professional licensing adopted for the administration of this 1113
chapter; 1114

(2) ~~Knowingly make a~~ Make any false ~~report~~ reports with 1115
respect to any matter with which ~~he~~ the licensee or registrant is 1116
retained or employed; 1117

(3) Divulge any information acquired from or for a client to 1118
persons other than the client or ~~his~~ the client's authorized agent 1119
without express authorization to do so or unless required by law; 1120

(4) Knowingly accept employment which includes obtaining 1121
information intended for illegal purposes. 1122

(C) Any licensee or registrant convicted of a felony shall 1123
notify the superintendent in writing. The notice must be received 1124
by the superintendent within five calendar days of the conviction. 1125
If a licensee or registrant fails to notify the superintendent of 1126
a felony conviction, within the time allowed by this section, the 1127
superintendent shall immediately revoke the license of the 1128
licensee or the registration of the registrant. 1129

(D) No person shall ~~knowingly~~ authorize or permit another 1130
person to violate any provision of this chapter or any rule of the 1131
~~director of commerce~~ superintendent adopted for the administration 1132
of this chapter. 1133

~~(D)~~(E) No person who is not licensed as a class A, B, or C 1134
licensee shall advertise that ~~he~~ the person is or otherwise hold 1135
himself oneself out as a class A, B, or C licensee. This division 1136
does not prohibit ~~registered employees~~ registrants from indicating 1137
in the course of authorized employment for, or affiliation with, a 1138
class A, B, or C licensee that they are authorized to engage in 1139

investigatory, security services activities, or both activities. 1140

Sec. 4749.14. On receipt of a notice pursuant to section 1141
3123.43 of the Revised Code, the ~~director~~ superintendent of 1142
~~commerce~~ real estate and professional licensing shall comply with 1143
sections 3123.41 to 3123.50 of the Revised Code and any applicable 1144
rules adopted under section 3123.63 of the Revised Code with 1145
respect to a license issued pursuant to this chapter. 1146

Sec. 4749.99. (A) Except as otherwise provided in this 1147
division, whoever violates division (A) of section 4749.13 of the 1148
Revised Code is guilty of a misdemeanor of the first degree. 1149
Whoever violates division (A) of section 4749.13 of the Revised 1150
Code and previously has been convicted of one or more violations 1151
of division (A) of that section is guilty of a felony of the fifth 1152
degree. If the offender previously has been convicted of two or 1153
more violations of division (A) of that section, the offender 1154
shall be fined ten thousand dollars and also may be imprisoned not 1155
more than one year. 1156

(B) Whoever violates division (B), ~~(C)~~, ~~or~~ (D), or (E) of 1157
section 4749.13 of the Revised Code shall be fined not less than 1158
one hundred or more than one thousand dollars, imprisoned not more 1159
than one year, or both. 1160

Section 2. That existing sections 109.75, 109.78, 4749.01, 1161
4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.08, 4749.11, 1162
4749.12, 4749.13, 4749.14, and 4749.99 and section 4749.10 of the 1163
Revised Code are hereby repealed. 1164

Section 3. Section 109.75 of the Revised Code is presented in 1165
this act as a composite of the section as amended by both Am. Sub. 1166
H.B. 566 and Sub. H.B. 670 of the 121st General Assembly. Section 1167
4749.01 of the Revised Code is presented in this act as a 1168

composite of the section as amended by both Am. Sub. S.B. 162 and 1169
Am. H.B. 229 of the 121st General Assembly. The General Assembly, 1170
applying the principle stated in division (B) of section 1.52 of 1171
the Revised Code that amendments are to be harmonized if 1172
reasonably capable of simultaneous operation, finds that the 1173
composites are the resulting versions of the sections in effect 1174
prior to the effective date of the sections as presented in this 1175
act. 1176