

CHAPTER NO. 452

HOUSE BILL NO. 1828

By Representative West

Substituted for: Senate Bill No. 1878

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, Part 1, relative to private protective services.

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

SECTION 1. Tennessee Code Annotated, Section 62-35-131, is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-35-131.

(a) (1) No licensee or registrant shall be required to obtain any authorization, permit, or license from or to pay any other fee or post a bond in any municipality, county or other political subdivision of this state to engage in any business or activity regulated under this chapter.

(2) Notwithstanding the provisions of subdivision (a)(1), a municipality, county or other political subdivision of this state may impose:

(A) A bona fide business tax; and

(B) Regulations upon any person who furnishes street patrol services, including a requirement that such person register with a designated agency.

(b) When a security guard/officer is working in another jurisdiction other than the security guard/officer's primary county, the chief law enforcement officer of the county in which such security guard/officer is working shall be notified where the security guard/officer will be assigned and the length of the assignment. This shall be done in writing by the employer of the security guard/officer, unless other arrangements are made with the chief law enforcement officer of the county, within five (5) days of the date of first service. The chief law enforcement officer and such officers/deputies shall recognize the state-issued security armed card as valid in their jurisdiction while any security guard/officer is traveling to or from a job site and while performing duties while at the job site, or while any representative of a security company, supervisor or officers are traveling to or from job sites, or operating as a street patrol service.

(c) The chief law enforcement officer of a county may require an individual to present proof of compliance with this chapter.

(d) The chief law enforcement officer shall waive provisions relative to training for those individuals properly and duly registered and in possession of a valid armed registration card. If a valid objection exists, however, proof or information indicating training should not be waived shall be sent to the commissioner or the commissioner's designee within ten (10) days of such objection, along with a written explanation of the chief law enforcement officer's objection. A security guard/officer shall not work in any jurisdiction in which the chief law enforcement officer has a pending objection to the training qualifications of such security guard/officer.

(e) In any county having a metropolitan form of government, the chief of police shall be the chief law enforcement officer (CLEO). In counties not having a metropolitan form of government the sheriff shall be the chief law enforcement officer (CLEO).

SECTION 2. Tennessee Code Annotated, Section 62-35-103, is amended by deleting the word "or" at the end of subdivision (11); by deleting the period at the end of subdivision (12) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(13)(A) One (1) designated employee per business location of a private company, firm, partnership, or corporation that is not a contract security company or proprietary security organization whose duties include those of an unarmed security guard/officer during nonbusiness hours.

(B) Pursuant to this subdivision, no person, while performing any function of a security guard and patrol service during non-business hours, shall:

(i) Wear or display any badge, insignia, shield, patch or pattern which:

(a) Indicates or tends to indicate that such person is a sworn peace officer;

(b) Contains or includes the word "police" or the equivalent thereof; or

(c) Is similar in wording to any law enforcement agency in this state; or

(ii) Have or utilize any vehicle or equipment which:

(a) Displays the words "police," "law enforcement officer," or the equivalent thereof; or

(b) Has any sign, shield, accessory or insignia that may indicate that such vehicle or equipment belongs to a public law enforcement agency.

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding a new section thereto, as follows:

Section 62-35-139. No person who is exempt from the licensing requirements of this chapter pursuant to Section 62-35-103(13) shall perform any private protective services duties at a shopping center complex or other business facility that has two (2) or more contiguous businesses. A person performing private protective services pursuant to Section 62-35-103(13) shall perform such services solely upon the premises of the business of such person's employer.

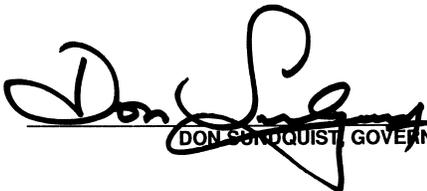
SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: July 7, 2001**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 18<sup>th</sup> day of July 2001**

  
DON SUNDQUIST, GOVERNOR