

MEMORANDUM

TO: Licensed Contract Security Companies
State Certified Trainers

FROM: Cody Vest, Executive Director CV

DATE: January 20, 2016

RE: AMENDED RULES – ELECTRONIC FINGERPRINTING REQUIREMENTS
Chapter: 0780-05-02-.05

Be advised, amended Administrative Rules 0780-05-02-.05 regarding electronic fingerprinting requirements become effective on **March 3, 2016**.

This requirement applies to all applicants for Armed Guard Registration, Unarmed Guard Registration, and qualifier applicants for Contract Security Companies.

Please review the attached rules. Instructions for scheduling Electronic Fingerprinting can be found on our website under Licensee/Applicant Resources. <http://www.tn.gov/commerce/section/private-protective-services>

Please take a minute and sign up for notify so you can receive electronic notices for laws and rules updates, and other news regarding Tennessee Private Protective Services.
https://apps.tn.gov/notify-app/sign_up.html

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Sequence Number: 12-4-15
Rule ID(s): COOT3
File Date: 12-4-15
Effective Date: 3-3-16

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Private Protective Services
Division:	Division of Regulatory Boards Department of Commerce and Insurance
Contact Person:	Anthony M. Glandorf
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Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0780-5-2	Private Protective Services
Rule Number	Rule Title
0780-5-2-.05	Fingerprinting

Chapter 0780-5-2-.05

Private Protective Services

Amendments

Rule 0780-05-02-.05 is amended by deleting the substance of the rule in its entirety and substituting instead the following language:

- (1) Any person required to submit classifiable fingerprints by the Act or this chapter shall be deemed to have supplied the required sets of fingerprints if that applicant causes a private company contracted by the State to electronically transmit that applicant's classifiable prints directly to the TBI and FBI to forward an electronic report based on that applicant's fingerprints to the Commissioner.
- (2) Any person required to submit fingerprints by the Act or this chapter shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with the processing of fingerprints to the respective agent authorized by the TBI and FBI.
 - (a) Provided, however, that the Commissioner or the Commissioner's designee may authorize the submission of three (3) sets of classifiable physical fingerprint cards, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner or the Commissioner's designee, for good cause.
- (3) In the event an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable by nature then the Commissioner may require the applicant to cease all functions as a security guard officer and the applicant shall submit new fingerprints together with any additional fee(s) charged by the TBI and/or FBI for processing the new fingerprints.
- (4) In the event the State no longer contracts with any company to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable TBI and FBI fingerprint cards with his or her application and shall pay the Commissioner all processing fees established by the TBI and FBI.
- (5) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant.
- (6) Applicants shall in all cases be responsible for paying application fees as established by the Commissioner regardless of the manner of fingerprinting.

Authority: T.C.A. §§ 62-35-105(a)(4)(E), 62-35-116(7), 62-35-119(a)(1)(B) and (C), 62-35-129(b), and 62-35-130(a).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (If required)
N/A					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commissioner of the Department of Commerce and Insurance on _____ (signature date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.



Date: 11/3/15

Signature: Julie Mix McPeak

Name of Officer: Julie Mix McPeak

Title of Officer: Commissioner, Department of Commerce and Insurance

Subscribed and sworn to before me on: 11/3/15

Notary Public Signature: Ernest M. Lewis

My commission expires on: 2/15/16

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
11/24/2015
Date

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Effective on: 3-3-16

Tre Hargett
Tre Hargett
Secretary of State