

CHAPTER NO. 1013

HOUSE BILL NO. 4031

By Representatives McMillan, Cobb

Substituted for: Senate Bill No. 3925

By Senator Kyle, Burks

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, relative to unarmed security guard applications.

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

SECTION 1. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting the language in its entirety and substituting instead the following:

(a) Within fifteen (15) days of employment, an unarmed guard applicant shall complete general training and pass an examination and an armed guard applicant shall complete general training, pass an examination and complete the training in subsection (b) of this section within sixty (60) days of employment. Both the armed and unarmed guard applicants shall complete at least four (4) hours of general training administered by a certified trainer and pass an examination, covering at least the following subjects:

- (1) Orientation: one (1) hour;
- (2) Legal powers and limitations of a security guard/officer: one (1) hour;
- (3) Emergency procedures: one (1) hour;
- (4) General duties: one (1) hour;

(5) For applicants for private security officer/guard registration who will carry a club, stun gun, chemical spray, night stick, or other less than lethal device, the commissioner shall require appropriate training specific to such device by a certified trainer who is certified to instruct for such specific device. It shall be the employers' responsibility to keep training record of their employees for each specific device. The security officer/guard shall also have in such person's possession a certification card issued by an instructor/trainer who is certified to instruct/train in the legal use of such specific device and shall exhibit such card upon demand by the commissioner or the commissioner's duly authorized agent or any full-time law enforcement officer.

SECTION 2. Tennessee Code Annotated, Section 62-35-118(c), is amended by deleting the language in its entirety and substituting instead the following:

(c) A certified trainer shall submit a statement to the commissioner certifying that an applicant has satisfactorily completed the training required herein within fifteen (15) days of training.

SECTION 3. Tennessee Code Annotated, Section 62-35-119(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Pending issuance or denial of a registration card (or renewal thereof) by the commissioner, the applicant may work as an unarmed security guard/officer if the applicant submits a completed application form, three (3) sets of classifiable fingerprints, three (3) sets of head-and-shoulder photographs taken within the last six (6) months, and the application fee to the commissioner, and the applicant keeps a copy of the completed application form on his or her person while on duty. The applicant may only work on the completed application form for seventy-five (75) business days from the date that the completed application form, three (3) sets of classifiable fingerprints, three (3) sets of head-and-shoulder photographs taken within the last six (6) months, and the application fee are received by the commissioner, pending the issuance or denial of the registration card by the commissioner. A qualified applicant may receive a conditional armed registration card pending receipt of the federal bureau of investigation report. The commissioner shall notify such applicant by postcard that all elements required for the armed registration card have been satisfied except for receipt of the federal bureau of investigation report. The applicant may use the postcard as a conditional armed registration card until the application is ultimately granted or denied. The postcard shall include an expiration date, which shall be established by the department. If no determination is made on the original application before the expiration of the conditional armed registration card, a second conditional armed registration card may be issued.

SECTION 4. Tennessee Code Annotated, Section 62-35-120(a), is amended by deleting "receipt,".

SECTION 5. Tennessee Code Annotated, Section 62-35-103, is amended by adding the following new subdivision (16) to subsection (a):

(16) Commissioned, uniformed police officers, state troopers and/or sheriff deputies, upon departmental approval, are authorized regardless of primary jurisdiction to direct traffic in departmental approved uniforms or utilizing other governmental equipment as may be required in temporary work zones or for incident management purposes to meet the needs of and control all road users, whether motorists, bicyclists, or pedestrians, within the highway, including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Title II, Paragraph 35.130, upon any public roadway located within the state.

SECTION 6. This act shall take effect upon becoming law for the purposes of rulemaking, including the promulgation of rules by public necessity pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and shall take effect on September 1, 2006 for all other purposes, the public welfare requiring it.

PASSED: May 27, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR