

NONSUBSTANTIVE

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2014-1212-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		REGULATIONS	

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

JAN 12 2015

2:14 PM

2014 DEC 12 PM 12:53
 OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
 Department of Consumer Affairs / Bureau of Security and Investigative Services

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Abandonment of Applications, Criteria for PPO, Qual. & Experience	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---------------------------------------------------------------------------------------------------	----------------------------------------------------------

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 601.3, 601.5, 620, 621, 622, 628, 631, and 631.1
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
 n/a

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
-----------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	----------------------------------------------------------------------------	----------------------------------------------------

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Sam Stodolski	TELEPHONE NUMBER (916) 575-7024	FAX NUMBER (Optional) (916) 575-7287	E-MAIL ADDRESS (Optional) Samuel.Stodolski@dca.ca.gov
------------------------------------	------------------------------------	-----------------------------------------	----------------------------------------------------------

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 12/12/14
TYPED NAME AND TITLE OF SIGNATORY AWET KIDANE, Director, Department of Consumer Affairs	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 12 2015

Office of Administrative Law

**Bureau of Security and Investigative Services
Final Regulatory Language**

Amend section 601.3 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 601.3. Abandonment of Applications.

If an applicant fails to complete his or her application within one year after it has been filed, or fails to take and pass the examination within a one year period after becoming eligible therefor, the application shall be deemed abandoned. Any application submitted subsequent to the abandonment of a former application shall be treated as a new application and must be filed in accordance with Section 601.

Note: Authority cited: Sections 6980.7, 7501.6, 7515, ~~7574.2~~ 7574.05, 7581 and 7591.6, Business and Professions Code. Reference: Sections 6980.25, 7504.6, ~~7523~~, 7526, 7582.8, 7583.28 and 7593, Business and Professions Code.

Amend section 601.5 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 601.5. Application Criteria for Proprietary Private Security Officer.

Every individual who seeks registration as a proprietary private security officer shall:

- (1) Submit to the Bureau an application for registration as a proprietary private security officer on a form prescribed by the Director;
- (2) Submit full and complete fingerprints of the applicant to the Bureau for use in conducting background checks through the California Department of Justice and the Federal Bureau of Investigation, in the manner specified, and pursuant to the conditions and requirements set forth, in Business and Professions Code section ~~7583.9~~ 7574.11; and
- (3) Pay an application fee to the Bureau as provided in Article 8 of these regulations.

Note: Authority cited: Section 7574.05, Business and Professions Code. Reference: Section 7574.11, Business and Professions Code.

Amend section 620 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 620. Qualifications and Experience.

- (a) At the time an application is filed, an applicant shall possess all qualifications required by applicable sections of Chapters 11.3, 11.5 and 11.6 of the Code or by these regulations.
- (b) A year's experience shall consist of not less than 2,000 hours of actual compensated work performed by each applicant preceding the filing of an application.

(c) Applicants shall substantiate claimed years and hours of qualifying experience and the exact details as to the character and nature thereof by written certifications from employers, subject to independent verification by the Director as he or she may determine to be warranted. In the event of inability of applicants to supply such written certifications from employers in whole or in part, applicants may offer written certifications from persons other than employers covering the same subject matter for consideration by the Director.

Note: Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code. Reference: Sections 7515, 7526, 7541, 7581, 7582.8, 7583.1, 7591.6 and 7593, Business and Professions Code.

Amend section 621 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 621. Advertisement.

(a) The word "advertisement," as used in Sections 7534 and 7561.3 (a & b) of Chapter 11.3, Section 7582.20 of Chapter 11.5, and Sections 7590.1(r) and 7599.4 of Chapter 11.6 mean:

- (1) Any written or printed communication for the purpose of soliciting, describing, or promoting the licensed business of the licensee, including a brochure, letter, pamphlet, newspaper, periodical, publication or other writing.
- (2) A directory listing caused or permitted by the licensee which indicates his or her licensed activity.
- (3) A radio, television or similar airwave transmission which solicits or promotes the licensed business of the licensee.

(b) The word "advertisement," as used in Sections 7534 and 7561.3 (a & b) of Chapter 11.3, Section 7582.20 of Chapter 11.5, and Sections 7590.1(r) and 7599.4 of Chapter 11.6, shall not include the following:

- (1) Any printing or writing used on buildings, vehicles, uniforms, badges, or other property where the purpose of the printing or writing is identification.
- (2) Any printing or writing on communications, memoranda, or any other writings used in the ordinary course of business where the purpose of the writing is other than the solicitation or promotion of business.
- (3) Any printing or writing on novelty objects used in the promotion of the licensee's business where the printing of the information required by Sections 7534 and 7561.3 (a & b) of Chapter 11.3, Section 7582.20 of Chapter 11.5, and Sections 7590.1(r) and 7599.4 of Chapter 11.6 would be impractical due to the available area or surface.

Note: Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code. Reference cited: Sections ~~6947, 6947~~, 7534, 7535, 7582.21, and 7599.44, Business and Professions Code.

Amend section 622 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 622. Branch Office Certificates.

Application to conduct business from any location other than the principal place of business shall be submitted on a form prescribed by the director and accompanied by the fee prescribed. A branch office certificate shall be issued if it is established that the conditions of ~~Section 655~~ of this Article Section and Section 7536 of Chapter 11.3, Section 7582.22 of Chapter 11.5 and Section 7599.25 of Chapter 11.6, ~~and the following criteria have been met.~~

(a) Under the active management, direction and control of the licensee or his or her manager, a branch office shall have a designated person in charge. The bureau shall at all times be informed of the name of such person.

(b) Records of all business transacted at a branch office shall be maintained by the licensee and available for inspection by the bureau.

(c) A branch office shall be an established place of business and shall maintain reasonable hours for service to its customers. Telephone referral service to a different location does not meet the requirements of this section.

Note: Authority cited: Sections 7514, 7515, 7581 and 7591.6, Business and Professions Code.
Reference: Sections 7536, 7582.22 and 7599.25, Business and Professions Code.

Amend section 628 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 628. Training in Exercising the Powers to Arrest.

(a) The course of training in the powers to arrest prescribed by the Department of Consumer Affairs pursuant to Sections ~~7514.1~~ 7542 and ~~7514.2~~ 7583.6 of the Business and Professions Code consists of successful completion of a course approved by the bureau in exercising the powers to arrest.

(b) Uniformed employees of private patrol operators and responding alarm agents shall take and successfully complete the training course and examination in the exercise of powers to arrest. An employee must receive a score of 100% on said examination in order to successfully complete said course.

The course of training and administration of the examination may be given by a training school approved by the bureau or by the employer or such uniformed employees provided that such employer has a designated instructor and such instructor is knowledgeable in the powers to arrest as set forth in the Standard Training Manual issued by the bureau and is able to assist employees who cannot read or write.

(c) A licensee or approved training school which administers the training and examination shall retain the examination results on bureau-approved answer sheets for a period of not less than two years or until audited by the bureau, whichever occurs first. A licensee or training facility shall certify under

penalty of perjury on the employee's application for registration that such person has successfully completed the training and examination contained in the Standard Training Manual issued by the bureau.

(d) No employee may be assigned to work until he or she has completed the course referred to in subsection (a).

Note: Authority cited: Sections 7515, 7581, 7583.6 and 7591.2 Business and Professions Code. Reference: Sections 7542, 7583.6, 7583.7, 7598.1 and 7598.2, Business and Professions Code; and Sections ~~12031 and 12033~~ 26030, Penal Code.

Amend section 631 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 631. Requirements for Carrying or Use of Firearms or Simulated Firearms.

(a) A registered employee shall not carry, use or possess a loaded or unloaded firearm in the performance of his or her duty, whether or not it is serviceable or operative, unless he or she has in his or her possession a firearms qualification card issued to him or her by the chief. Such card must be shown to any peace officer or bureau representative upon demand.

(b) A registered employee may not carry any replica or other simulated firearm.

Note: Authority cited: Sections 7515, 7581 and 7591.2, Business and Professions Code. Reference: Sections 7542, 7583.5, 7596 and 7599.40, Business and Professions Code; Sections ~~12031, 12033~~ 26030, Penal Code.

Amend section 631.1 of Division 7 of Title 16 of the California Code of Regulations as follows:

§ 631.1. Allowing the Carrying or Use of a Firearm.

(a) A private patrol or alarm company operator shall not allow an employee to carry or use a loaded or unloaded firearm, whether or not it is serviceable or operative, unless such employee possesses a firearms qualification card.

(b) A private patrol or alarm company operator may not allow an employee to carry any replica or other simulated firearm.

Note: Authority cited: Sections 7515, 7581 and 7591.2 6, Business and Professions Code. Reference: Sections 7542, 7583.12, 7596.3 and 7599.40, Business and Professions Code; Sections ~~12031, 12033~~ 26030, Penal Code.