

OHIO DEPARTMENT OF PUBLIC SAFETY



*Private Investigators & Security Services*

**LAW&RULES**



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## **4749.01**

### **Definitions.**

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As used in this chapter:

(A) "Private investigator" means any person who engages in the business of private investigation.

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

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

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

(1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;

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

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

(F) "Class B 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 private investigation.

(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.

(H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:

(1) Public officers and employees whose official duties require them to engage in investigatory activities;

(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;

(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:

(a) The issuance of consumer credit reports;

(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;

(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.

(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 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 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 the employee's employer or protecting property in the possession of 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. "Genealogical research" does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

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

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

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

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

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

(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer.

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

(a) An attorney who adjusts insurance losses incidental to the practice of law and who does not advertise or represent that the attorney is an independent insurance adjuster;

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

(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.

(l) "Employee" means every person who may be required or directed by any employer, in consideration of direct or indirect 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.

Effective Date: 03-24-2003

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### **4749.011 Repealed.**

Effective Date: 09-26-1996

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### **4749.02 Administrative rules - personnel.**

The director of public safety shall administer this chapter, and for that purpose, may appoint employees and adopt rules that the director considers necessary.

The director shall implement electronic licensing and registration procedures under this chapter not later than December 31, 2006. The application procedures in effect on the effective date of this amendment shall continue until such time as electronic licensing and registration procedures are implemented.

Effective Date: 06-30-1997; 07-01-2004; 03-29-2005

### **4749.021**

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### **Ohio private investigation and security services commission**

(A) There is hereby created the Ohio private investigation and security services commission, consisting of the director of public safety or the director's designee, who shall be a nonvoting member; the superintendent of the highway patrol or the superintendent's designee, who shall be a voting member; and twelve members appointed by the governor with the advice and consent of the senate, as follows:

(1) Three members shall be owners or operators of a business that maintains a class A license and shall have at least five years' experience in this state in the business of private investigation or security services.

(2) One member shall be an owner or operator of a business that maintains a class B license and shall have at least five years' experience in this state in the business of private investigation or security services.

(3) One member shall be an owner or operator of a business that maintains a class C license and shall have at least five years' experience in this state in the business of private investigation or security services.

(4) Two members shall be owners or operators of a business that maintains a class A, B, or C license and shall have at least five years' experience in this state in the business of private investigation or security services.

(5) One member shall be an incumbent chief of police.

(6) One member shall be an active law enforcement officer, not above the rank of lieutenant.

(7) One member shall be an incumbent sheriff.

(8) Two members shall be representatives of the general public who have never had a direct employment relationship with any class A, B, or C licensee.

(B)(1) The governor shall make initial appointments to the commission by January 1, 2005, and the commission shall hold its first meeting, at the call of the director of public safety, in January 2005. Of the initial appointments made to the commission, three shall be for a term ending December 31, 2005, three shall be for a term ending

December 31, 2006, three shall be for a term ending December 31, 2007, and three shall be for a term ending December 31, 2008. Thereafter, terms of office shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed, but may serve not more than two complete consecutive five-year terms. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The governor, after notice and the opportunity for a hearing, may remove any appointed member for misfeasance, malfeasance, or nonfeasance.

(2) Ninety days before the expiration of a member's term, or in the event of a vacancy, the Ohio association of security and investigation services may submit names to the governor for consideration of appointment to the commission.

(C) The commission shall advise the director of public safety on all matters related to the regulation of private investigation and the business of security services and on all matters related to this chapter. The commission shall advise the director on the format, content, and all other aspects of all private investigation and security services licensure examinations.

(D) In accordance with Chapter 119. of the Revised Code, the department may establish rules on behalf of the commission.

(E) The commission shall meet not less than four times each year. It also shall meet upon the call of the chairperson, upon the request of five members, or at the request of the director of public safety or the director's designee.

(F) At the first regular meeting of each year, which shall be called by the chairperson, the members shall elect a chairperson and a vice-chairperson by a majority vote, and also shall establish its meeting schedule for the remainder of the year. The chairperson and vice-chairperson shall serve until their successors are elected. No member may serve as chairperson more than three times during a five-year term. The chairperson shall preside over the commission's meetings, shall set the meeting agenda, and shall serve as the commission's chief spokesperson and liaison to the department of public safety. The chairperson or vice-chairperson shall approve all vouchers of the commission. Subject to the commission's approval, the chairperson may appoint committees to assist the commission. Committee members may be members of the commission. The vice-chairperson shall exercise the duties of the chairperson when the chairperson is not available.

(G) A quorum of seven appointed members is necessary for a meeting to convene or continue. All actions of the commission shall be by a majority of the members present. Members may not participate or vote by proxy. In accordance with Chapter 121 of the Revised Code, at least fourteen days before a regular meeting and twenty-four hours before a special meeting, the chairperson shall notify all members of the commission in writing of the agenda. Upon a timely request, any member of the commission may have an item added to the commission's agenda.

(H) Each member of the commission shall receive the member's necessary expenses incurred in the performance of official duties, including travel, hotel, and other necessary expenses. Members of any special committee, which may be appointed by the commission to assist it, who are not members of the commission also, may receive necessary expenses.

(I) The department of public safety shall provide the commission with suitable office and meeting space and necessary technical, clerical, and administrative support. The department shall serve as the official repository of the commission's records. Expenses of the commission shall be paid from the private investigator and security guard provider fund created in section 4749.07 of the Revised Code.

(J) In the absence of fraud or bad faith, the commission, a current or former commission member, or an agent, representative, or employee of the commission is not liable in damages to any person because of any act, omission, proceeding, or decision related to official duties.

Effective Date: 09-16-2004

### **4749.03 License requirement.**

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(A)(1) Any individual, including a partner in a partnership, 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 the individual meets all of the following requirements:

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

(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or other public agency engaged in investigatory activities, or for a private investigator or security guard provider, or engaged in the practice of law, or has acquired equivalent experience as determined by rule of the director of public safety.

(c) Demonstrates competency as a private investigator or security guard provider by passing an examination devised for this purpose by the director, 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.

(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director, 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.

(e) Pays the requisite examination and license fees.

(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)(1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code.

(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. or 1776. of the Revised Code.

Effective Date: 09-17-1996; 07-01-2004; 07-01-2005; 2008 HB332 08-06-2008.

(B) An application for a class A, B, or C license shall be completed in the form the director prescribes. 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 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; 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)(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 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)(1) of this section.

The application described in this division shall be accompanied by all of the following:

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

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

(3) An examination fee of twenty-five dollars for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section, and a license fee in the amount the director determines, not to exceed three hundred seventy-five dollars. The license fee shall be refunded if a license is not issued.

(C)(1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the applicant. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

(2) The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an applicant intends to carry a firearm in the course of business or employment, the superintendent shall make a request to the federal bureau of investigation for any information and review the information the bureau provides pursuant to division (B)(2) of section 109.572 of the Revised Code. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If the director determines that the applicant, officer, or qualifying agent meets the requirements of divisions (A)(1)(a), (b), and (d) of this section and that an officer or qualifying agent meets the requirement of division (F)(1) of this section, the director shall notify the applicant, officer, or agent of the time and place for the examination. If the director determines that an applicant does not meet the requirements of divisions (A)(1)(a), (b), and (d) of this section, the director shall notify the applicant that the applicant's application is refused and refund the license fee. If the director determines that none of the individuals specified in the application of a corporation as satisfying the requirements of divisions (A)(1) and (F)(1) of this section meet the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) of this section, the director shall notify the corporation that its application is refused and refund the license fee. If the bureau assesses the director a fee for any investigation, the director, in addition to any other fee assessed pursuant to this chapter, may assess the applicant, officer, or qualifying agent, as appropriate, a fee that is equal to the fee assessed by the bureau.

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section, meets the applicable requirements, the director shall issue the applicant or the corporation a class A, B, or C license. The director also shall issue an identification card to an applicant, but not an officer or qualifying agent of a corporation, who meets the applicable requirements. The license and identification card shall state the licensee's name, the classification of the license, the location of the licensee's principal place of business in this state, and the expiration date of the license, and, in the case of a corporation, it also shall state the name of each officer or qualifying agent who satisfied the requirements of divisions (A)(1) and (F)(1) of this section.

Licenses expire on the first day of March following the date of initial issue, and on the first day of March of each year thereafter. Annual renewals shall be according to the standard renewal procedures contained in Chapter 4745. of the Revised Code, upon payment of an annual renewal fee the director determines, not to exceed two hundred seventy-five dollars. 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 this section. 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.

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.

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

(E) The director 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 the director determines, not exceeding twenty-five dollars. Any change in license classification requires new application and application fees.

(F)(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, 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) Upon written notification to the director, completion of an application similar to that for an individual seeking class A, B, or C licensure, payment of a twenty-five dollar fee, and, if the individual was the only individual that qualified a corporation for licensure, surrender of the corporation's license, any officer or qualifying agent who qualified a corporation for licensure under this chapter may obtain a similar license in the individual's own name without reexamination. A request by an officer or qualifying agent for an individual license shall not affect a corporation's license unless the individual is the only individual that qualified the corporation for licensure or all the other individuals who qualified the corporation for licensure submit such requests.

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

Effective Date: 09-17-1996; 07-01-2004; 07-01-2005; 2008 HB332 08-06-2008

#### **4749.031 Participation in retained applicant fingerprint database and continuous record monitoring service; initial or annual fees.**

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(A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is available.

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code.

Added by 129th General Assembly File No. 7, HB 114, § 101.01, eff. 6/29/2011.

#### **4749.04 Disciplinary actions.**

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(A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider, for any of the following:

- (1) Violation of any of the provisions of division (B) or (C) of section [4749.13](#) of the Revised Code;
- (2) Conviction of a felony or a crime involving moral turpitude;
- (3) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services;
- (4) Testifying falsely under oath, or suborning perjury, in any judicial proceeding;
- (5) Failure to satisfy the requirements specified in division (D) of section [4749.03](#) of the Revised Code. Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code.

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section [4749.13](#) of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services.

Effective Date: 03-24-2003; 07-01-2004

#### **4749.05 Notice of change of address - report of presence to local law enforcement.**

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(A) Each class A, B, or C licensee shall report the location of branch offices to the department of public safety, and to the sheriff of the county and the police chief of any municipal corporation in which the office is located, and shall post a branch office license conspicuously in that office. Application for a branch office license shall be made on a form prescribed by the director of public safety, and a license shall be issued upon receipt of the form and payment of a fee fixed by the director, not exceeding one hundred dollars. If a licensee moves an office, the licensee shall notify, in writing, the department of public safety and any affected sheriff and chief of police within forty-eight hours of the change.

This division does not apply to a licensed private investigator who is engaging in the business of private investigation as a registered employee of a licensed private investigator.

(B) Pursuant to Chapter 119. of the Revised Code, the director of public safety shall adopt rules regarding when a class A, B, or C licensee, or any of such a licensee's employees, is required to report the licensee's or employee's presence and length of stay to the sheriff and police chief of any county or municipal corporation in which the licensee or employee operates. The rules shall include reporting requirements for licenses or employees conducting fraud investigations or physical surveillance.

Effective Date: 11-27-1985; 07-01-2004

## **4749.06 Registration of employees.**

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(A) Each class A, B, or C licensee shall register the licensee's investigator or security guard employees, with the department of public safety, which shall maintain a record of each licensee and registered employee and make it available, upon request, to any law enforcement agency. The class A, B, or C licensee shall file an application to register a new employee no sooner than three days nor later than seven calendar days after the date on which the employee is hired.

(B)(1) Each employee's registration application shall be accompanied by one recent photograph of the employee, the employee's physical description, and the registration fee the director determines, not to exceed forty dollars.

(2) The employee shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The employee shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. An employee who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the employee. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an employee intends to carry a firearm in the course of business or employment, pursuant to division (B)(2) of section 109.572 of the Revised Code the superintendent shall make a request of the federal bureau of investigation for any information and review the information the bureau provides. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If, after investigation, the bureau finds that the employee has not been convicted of a felony within the last twenty years, the director shall issue to the employee an identification card bearing the license number and signature of the licensee, which in the case of a corporation shall be the signature of its president or its qualifying agent, and containing the employee's name, address, age, physical description, and right thumb print or other identifying mark as the director prescribes, a recent photograph of the employee, and the employee's signature. The director may issue a duplicate of a lost, spoliated, or destroyed identification card issued under this section, upon payment of a fee fixed by the director, not exceeding five dollars.

(C) Except as provided in division (E) of this section, no class A, B, or C licensee shall permit an employee, other than an individual who qualified a corporation for licensure, to engage in the business of private investigation, the business of security services, or both businesses until the employee receives an identification card from the department, except that pending the issuance of an identification card, a class A, B, or C licensee may offer for hire security guard or investigator employees provided the licensee obtains a waiver from the person who receives, for hire, security guard or investigative services, acknowledging that the person is aware the employees have not completed their registration and agreeing to their employment.

(D) If a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, intends to carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's identification card, and shall annually requalify on a firearms range, all as described in division (A) of section 4749.10 of the Revised Code. A private investigator, security guard provider, or employee is authorized to carry a firearm only in accordance with that division.

(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.

(F) The registration of an investigator or security guard employee expires annually on the anniversary date of its initial issuance. Annual renewals shall be made pursuant to procedures the director establishes by rule and upon payment of a renewal fee the director determines, not to exceed thirty-five dollars. The director shall not renew the registration of any investigator or security guard employee who no longer meets the requirements of this section. No background check is required for annual renewal, but an investigator or security guard employee shall report any felony conviction to the employer and the director of public safety as a condition of continued registration.

Effective Date: 03-24-2003; 07-01-2004; 07-01-2005

#### **4749.07 Private investigator and security guard provider fund.**

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(A) After refund of any license fees as required by section 4749.03 of the Revised Code, the department of public safety shall pay all fees received pursuant to this chapter to the treasurer of state, to be credited to the private investigator and security guard provider fund, which is hereby created.

(B) Moneys received in payment of fines levied pursuant to section 4749.99 of the Revised Code shall be distributed as follows:

- (1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;
- (2) One-third to the general fund of the county in which the prosecution occurs;
- (3) One-third to the private investigator and security guard provider fund.

Effective Date: 09-26-1996; 07-01-2004

#### **4749.08 Distinguished from law enforcement officer.**

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(A) No class A, B, or C licensee, or registered employee of a class A, B, or C licensee 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.

(B) The rules of the department of public safety 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 with any law enforcement officer in this state.

Effective Date: 11-27-1985; 07-01-2004

#### **4749.09 Effect of municipal regulation - fees.**

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Any class A, B, or C licensee, or registered employee of a class A, B, or C licensee, who operates in a municipal corporation that provides by ordinance for the licensing, registering, or regulation of private investigators, security guard providers, or their employees shall conform to those ordinances insofar as they do not conflict with this chapter. No license or registration fees shall be charged by the state or any of its subdivisions for conducting the business of private investigation, the business of security services, or both businesses other than as provided in this chapter.

Effective Date: 11-27-1985

## **4749.10 Carrying firearm.**

(A) No class A, B, or C licensee and no registered employee of a class A, B, or C licensee shall carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business of private investigation, the business of security services, or both businesses, unless all of the following apply:

(1) The licensee or employee either has successfully completed a basic firearm training program at a training school approved by the Ohio peace officer training commission, which program includes twenty hours of training in handgun use and, if any firearm other than a handgun is to be used, five hours of training in the use of other firearms, and has received a certificate of satisfactory completion of that program from the executive director of the commission; the licensee or employee has, within three years prior to November 27, 1985, satisfactorily completed firearms training that has been approved by the commission as being equivalent to such a program and has received written evidence of approval of that training from the executive director of the commission; or the licensee or employee is a former peace officer, as defined in section 109.71 of the Revised Code, who previously had successfully completed a firearms training course at a training school approved by the Ohio peace officer training commission and has received a certificate or other evidence of satisfactory completion of that course from the executive director of the commission.

(2) The licensee or employee submits an application to the director of public safety, on a form prescribed by the director, in which the licensee or employee requests registration as a class A, B, or C licensee or employee who may carry a firearm. The application shall be accompanied by a copy of the certificate or the written evidence or other evidence described in division (A)(1) of this section, the identification card issued pursuant to section 4749.03 or 4749.06 of the Revised Code if one has previously been issued, a statement of the duties that will be performed while the licensee or employee is armed, and a fee the director determines, not to exceed fifteen dollars. In the case of a registered employee, the statement shall be prepared by the employing class A, B, or C licensee.

(3) The licensee or employee receives a notation on the licensee's or employee's identification card that the licensee or employee is a firearm-bearer and carries the identification card whenever the licensee or employee carries a firearm in the course of engaging in the business of private investigation, the business of security services, or both businesses.

(4) At any time within the immediately preceding twelve-month period, the licensee or employee has requalified in firearms use on a firearms training range at a firearms requalification program certified by the Ohio peace officer training commission or on a firearms training range under the supervision of an instructor certified by the commission and has received a certificate of satisfactory requalification from the certified program or certified instructor, provided that this division does not apply to any licensee or employee prior to the expiration of eighteen months after the licensee's or employee's completion of the program described in division (A)(1) of this section. A certificate of satisfactory requalification is valid and remains in effect for twelve months from the date of the requalification.

(5) If division (A)(4) of this section applies to the licensee or employee, the licensee or employee carries the certificate of satisfactory requalification that then is in effect or any other evidence of requalification issued or provided by the director.

(B)(1) The director of public safety shall register an applicant under division (A) of this section who satisfies divisions (A)(1) and (2) of this section, and place a notation on the applicant's identification card indicating that the applicant is a firearm-bearer and the date on which the applicant completed the program described in division (A)(1) of this section.

(2) A firearms requalification training program or instructor certified by the commission for the annual requalification of class A, B, or C licensees or employees who are authorized to carry a firearm under section 4749.10 of the Revised Code shall award a certificate of satisfactory requalification to each class A, B, or C licensee or registered employee of a class A, B, or C licensee who satisfactorily requalifies in firearms training. The certificate shall identify the licensee or employee and indicate the date of the requalification. A licensee or employee who receives such a certificate shall submit a copy of it to the director of public safety. A licensee shall submit the copy of the requalification certificate at the same time that the licensee makes application for renewal of the licensee's class A, B, or C license. The director shall keep a record of all copies of requalification certificates the director receives under this division and shall establish a procedure for the updating of

identification cards to provide evidence of compliance with the annual requalification requirement. The procedure for the updating of identification cards may provide for the issuance of a new card containing the evidence, the entry of a new notation containing the evidence on the existing card, the issuance of a separate card or paper containing the evidence, or any other procedure determined by the director to be reasonable. Each person who is issued a requalification certificate under this division promptly shall pay to the Ohio peace officer training commission established by section 109.71 of the Revised Code a fee the director determines, not to exceed fifteen dollars, which fee shall be transmitted to the treasurer of state for deposit in the peace officer private security fund established by section 109.78 of the Revised Code.

(C) Nothing in this section prohibits a private investigator or a security guard provider from carrying a concealed handgun if the private investigator or security guard provider complies with sections 2923.124 to 2923.1213 of the Revised Code.

Effective Date: 04-08-2004; 07-01-2004; 07-01-2005

### **4749.11 Investigating applicants.**

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(A) The director of public safety may investigate any applicant for a class A, B, or C license, any principal officer or qualifying agent of a corporation who is specified in an application for licensure as satisfying the requirements of divisions (A)(1) and (F)(1) of section 4749.03 of the Revised Code, and any employee of a class A, B, or C licensee who seeks to be registered under section 4749.06 of the Revised Code to determine whether the individual satisfies the applicable requirements for licensure or registration.

(B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

(C) The director may investigate, on the director's own initiative, the actions or proposed actions of a person who is not licensed or registered under this chapter and who appears to be acting as a class A, B, or C licensee, or employee of a class A, B, or C licensee. The director shall investigate such a person if a verified written complaint is filed indicating that a person was, is, or will be acting as a class A, B, or C licensee or employee of a class A, B, or C licensee but is not licensed or registered as such under this chapter; the complaint is supported by evidence that is submitted with it; and the director determines that a prima-facie case exists that the person was, is, or will be acting in the alleged manner.

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

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

(F) If, in an investigation under division (C) of this section, the director determines that a person is not a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, and that the person was, is, or will be acting in the alleged manner, the director may issue an order to the person to show cause why the person should not be subject to licensing or registration under this chapter. The director shall hold a hearing on the order, and if following the hearing the director determines that the person has engaged, or is or will be engaging, in activities requiring licensure or registration under this chapter, the director may issue a cease and desist order that shall describe the person and the activities that are the subject of it. The cease and desist order is enforceable in and may be appealed to a court of common pleas pursuant to Chapter 119. of the Revised Code.

(G) In any proceeding or action brought under this chapter, the burden of proving an exemption from the licensure requirements of this chapter is on the person claiming the benefit of the exemption.

Effective Date: 10-12-1994; 07-01-2004

#### **4749.12 Nonresident licenses.**

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(A) A person who is a resident of another state; is licensed as a private investigator, security guard provider, or as a private investigator and a security guard provider in another state; and wishes to engage in the business of private investigation, the business of security services, or both businesses in this state, shall be licensed pursuant to section 4749.03 of the Revised Code, but the director of public safety may waive the examination requirement of that section and issue a license to a nonresident under the circumstances described in division (B) of this section.

(B) If a nonresident private investigator, security guard provider, or private investigator and security guard provider seeking licensure under this chapter submits with the application and accompanying matter specified in section 4749.03 of the Revised Code proof of licensure in another state, and if the requirements of divisions (A)(1)(a), (b), and (d) and, if applicable, (F)(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 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 state a similar waiver of examination privilege.

Effective Date: 11-27-1985; 07-01-2004

#### **4749.13 Prohibited acts.**

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(A) No person shall engage in the business of private investigation, the business of security services, or both businesses in this state unless the person is licensed pursuant to this chapter. Each 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 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 class A, B, or C licensee shall:

(1) Knowingly violate any provision of this chapter or any rule of the director of public safety adopted for the administration of this chapter;

(2) Knowingly make a false report with respect to any matter with which the licensee or registered employee is employed;

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

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

(C) No person shall knowingly authorize or permit another person to violate any provision of this chapter or any rule of the director adopted for the administration of this chapter.

(D) No person who is not licensed as a class A, B, or C licensee shall advertise that the person is or otherwise hold self out as a class A, B, or C licensee. This division does not prohibit registered employees from indicating in the course of authorized employment for a class A, B, or C licensee that they are authorized to engage in investigatory, security services activities, or both activities.

Effective Date: 11-27-1985; 07-01-2004

#### **4749.14 Effect of child support default on license.**

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On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of public safety shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective Date: 03-22-2001; 07-01-2004

#### **4749.99 Penalty.**

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

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

Effective Date: 07-01-1996

### **Ohio Administrative Code Chapter 4501:5-1 Private Investigators & Security Services**

#### **4501:5-1-02 Reputation for integrity.**

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When determining whether an applicant for licensure has a good reputation for integrity pursuant to division (A)(1)(a) of section [4749.03](#) of the Revised Code, the department of public safety may consider:

(A) If the applicant has ever been convicted of a misdemeanor;

(B) If the applicant has ever operated either the private investigation or the security services business, or both, without being licensed under Chapter 4749. of the Revised Code;

(C) If the applicant has ever operated without general liability insurance coverage while licensed under Chapter 4749. of the Revised Code; or

(D) If the applicant has ever violated any provisions of Chapter 4749. of the Revised Code or the rules promulgated thereunder or any order of the department.

HISTORY: Eff 8-10-89; 7-1-04; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-03 Requirement of new license.**

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(A) A new license is required where there is:

(1) A change in the form of business organization or legal name of the licensee; or

(2) No renewal of a current license by the licensee by the first day of March each year.

(B) The department of public safety shall be notified in writing of any change in the controlling interest of a corporation, any change in officers of a corporation, any change of partners of a partnership, any increase or decrease in the number of partners of a partnership or any change in DBA designation of the licensee. The licensee shall notify the department of public safety within ten days of the designated change.

(C) For purposes of division (G) of section [4749.03](#) of the Revised Code, "new license" means replacement license.

HISTORY: Eff 1-1-70; 7-7-78; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-04 Applications.**

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(A) An application for license shall be on forms and in the manner prescribed by the department of public safety and accompanied by the license fee provided by section [4749.03](#) of the Revised Code. The license fee may be paid by certified check or money order payable to the treasurer, state of Ohio.

(B) All photographs used on forms of the department of public safety must be photographs taken within thirty days of application, and picturing a reasonable likeness of the applicant.

(C) Fingerprints submitted by an applicant for a class A, B, or C license must be taken on forms provided by the department of public safety.

(D) In the case of a partnership or corporation, only one partner or a principal officer shall be required to qualify as an applicant by way of examination and experience, as provided in section [4749.03](#) of the Revised Code.

HISTORY: Eff 1-1-70; 8-10-89; 11-16-01; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-05 Insurance.**

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(A) All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to the minimum coverage thereunder.

(1) Prior to cancellation, the licensee must file with the department of public safety evidence of supplemental insurance.

(2) Beginning on March 1, 1989, each policy of insurance must contain a provision requiring the insurer to notify the department of public safety no later than ten days prior to the policy's cancellation and no later than seven days after its lapse.

HISTORY: Eff 1-1-70; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-06 Required experience.**

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(A) "Two years experience" shall be defined as a minimum of four thousand working hours over a period of two calendar years.

(B) Except as provided in paragraphs (C) and (D) of this rule, an applicant for a class B license shall have at least four thousand working hours of experience in investigatory work, an applicant for a class C license shall have at least four thousand working hours of experience in security services work, and an applicant for a class A license shall have at least one thousand working hours of experience in investigatory work and at least one thousand working hours of experience in security services work.

(C) Equivalent experience such as, but not limited to, specialized education in criminal justice or law enforcement, or service in the military police of any of the branches of the armed forces of the United States, or significant experience as a law enforcement officer, as defined in division (A)(11) of section [2901.01](#) of the Revised Code or division (J) of section 2901.01, or as a peace officer, as defined in division (B) of section [2935.01](#) of the Revised Code not obtained within the last two years, may be deemed by the director of public safety to be sufficient to satisfy the two-year requirement.

(D) If specialized education in criminal justice or law enforcement is submitted as equivalent experience, all of the following apply:

(1) The only education which shall be recognized is that of at least two years duration, successful passage of which is evidenced by an associate or baccalaureate degree awarded by an institution

registered or approved by the state board of proprietary school registration or by the Ohio board of regents. Education alone may be deemed to satisfy no more than half of the two-year requirement.

(2) Two thousand working hours of experience in investigatory work, when coupled with successful completion of the education described in paragraph (D)(1) of this rule, may satisfy the two-year experience requirement only with respect to an application for a class B license.

(3) Two thousand working hours of experience in security services work, when coupled with successful completion of the education described in paragraph (D)(1) of this rule, may satisfy the two-year experience requirement only with respect to an application for a class C license.

(4) One thousand working hours of experience in investigatory work and one thousand working hours in security services work, when coupled with successful completion of the education described in paragraph (D)(1) of this rule, may satisfy the two-year requirement for a class A license.

HISTORY: Eff 1-1-70; 8-10-89; 12-15-98; 11-16-01; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

## **4501:5-1-07 Examinations.**

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(A) An applicant must take and pass a written license examination at the time and place appearing on his notice. If the applicant fails to appear for such examinations, except as provided herein, his file shall be closed and a new application together with a new fee shall be required.

(B) If the applicant's failure to appear for the examination to which he is admitted is due to illness, evidenced by a doctor's certificate sent to the department of public safety prior to the date of such examination, he shall be admitted to the next scheduled examination without additional fee. No applicant shall be excused from taking the scheduled examination for any other reason than illness, unless in the department's judgment, the applicant would suffer undue hardship thereby.

(C) Upon appearing for the examination, the applicant shall verify his identity by producing for inspection a driver's license or other photographic identification acceptable to the department of public safety.

(D) The examination devised by the department of public safety shall test the applicant on his knowledge of Chapter 4749. of the Revised Code, the rules promulgated thereunder, and other aspects of the private investigation and/or security services business.

HISTORY: Eff 1-1-70; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

## **4501:5-1-08 License.**

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(A) The license required to be obtained by each licensee under the provisions of section [4749.03](#) of the Revised Code shall at all times be posted in a conspicuous place in the principal place of business of the licensee.

(1) Licensees shall, within ten days, notify the department of public safety in writing of any change of address of such principal place of business, or of any change of the business name or DBA designation under which the business is conducted.

(2) In the event of suspension, revocation or nonrenewal of the license issued under the provisions of section [4749.04](#) of the Revised Code, or if the business of the licensee under such license is discontinued for any other reason, the licensee shall immediately return the license to the department of public safety. If a licensee fails to return the license, the department may consider such failure as grounds for denial if the licensee later applies for a new license. The department may notify the local law enforcement authorities in whose jurisdiction the former licensee operated of the termination of licensure.

(B) Each licensee who maintains one or more branch offices shall obtain a branch office license pursuant to the provisions of division (A) of section [4749.05](#) of the Revised Code for each of such branch offices. Application for such a branch office license shall be made on forms prescribed by the department of public safety. The fee for each such license shall be one hundred dollars and may be paid by certified check or money order made payable to the treasurer, state of Ohio.

(1) Each licensee who maintains one or more branch offices shall, within ten days, notify the department of public safety of any change of address thereof or of any discontinuance of the licensee's business at such branch office.

(2) In the event of suspension, revocation or nonrenewal of the license under which the licensee is authorized to conduct the business of private investigation or security services, or if such business is discontinued for any other reason, all branch office licenses issued to the licensee shall be returned immediately to the department of public safety.

(C) A licensee shall not have a name so similar to that of another licensee as to be confusing or likely to mislead the public.

(1) A licensee can conduct business under no more than one business name or DBA designation other than the licensee's legal name.

(2) A business name or DBA designation can be used by no more than one licensee.

(3) Identification in its advertising of more than one division of a corporate licensee shall not be considered to be multiple business names or DBA designations for purposes of this rule.

(4) Nothing in this rule shall be construed as inhibiting a licensee's ability to file any trade name, fictitious name or service mark with the Ohio secretary of state.

HISTORY: Eff 7-18-76; 7-7-78; 8-10-89; 11-16-01; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.03, 4749.04; 4749.05

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-09 Registration of employees.**

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(A) Each licensee shall register his investigator and security guard employees with the department of public safety.

(B) Each licensee shall file an application to register a new investigator or security guard employee with the department of public safety no later than seven business days after the employee's name is posted on the licensee's payroll records. The licensee must post any employee's name on the licensee's payroll records before that employee works any assignment for the licensee. The licensee must submit, on forms provided by the department, verification of the employee's name, date of birth, and social security number as well as one readable set of fingerprints of the employee to be registered.

(C) Within ten business days after the termination of a registrant's employment, the licensee shall notify the department of public safety on forms provided by the department of such termination, and submit the registrant's identification card for cancellation.

(D) For purposes of this rule, "business day" does not include Saturday or Sunday. Filings postmarked on the applicable business day shall be considered to have been timely filed.

HISTORY: Eff 1-1-70; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.06

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-10 Issuance of I.D. card to registrant.**

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(A) It shall be the duty of every licensee licensed under the provisions of Chapter 4749 of the Revised Code to furnish each of his investigator and security guard employees with an identification card furnished by the department of public safety, and maintain a record thereof.

(B) The licensee shall inform all of his investigator and security guard employees on the first day of employment of all the registration and firearms training provisions of Chapter 4749. of the Revised Code as that chapter applies to such employees and shall ensure that all such employees are properly registered in accordance with sections 4749.06 and 4749.10 of the Revised Code.

(C) Each licensee which uses investigator or security guard employees who have not yet received the identification cards issued by the department of public safety, shall obtain a written waiver from each client pursuant to division (C) of section [4749.06](#) of the Revised Code. Under no circumstances shall an employee carry firearms while engaged in the licensee's business unless the licensee has submitted that employee's registration application and firearms certificate of qualification to the department and has received a firearm bearer notation on the identification card.

(D) Each employee shall produce his identification card upon the request of an authorized representative of the department of public safety or any law enforcement authority.

(E) The licensee shall be responsible for the use of the identification card by his employee, and shall return the card to the department of public safety upon termination of the registrant's employment.

(F) Each employee shall be required to return his identification card to the licensee upon the termination of his employment.

(G) All identification cards shall be considered to be, and remain, the property of the state of Ohio, department of public safety, and shall be returned to the licensee employer upon termination of the registrant's employment.

(H) At the end of each quarter, every licensee shall submit to the department of public safety a current list of registered employees.

HISTORY: Eff 1-1-70; 7-7-78; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.06, R.C. 4749.10

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-11 Records.**

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Each licensee shall keep a true and correct record in the English language of all of the business transactions in his office relevant to enforcement of Chapter 4749. of the Revised Code. Such records shall be available at all reasonable hours for inspection by the department of public safety.

HISTORY: Eff 1-1-70; 7-7-78; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.11

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-12 Uniforms.**

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(A) Registered employees of licensees are not required to wear uniforms. Any uniforms worn by such employees, except as provided in paragraph (D) of this rule, shall be readily distinguishable from the uniforms worn by law enforcement authorities. Identifying patches shall be required on all uniforms. A

licensee's patches shall be distinct and shall be visible at all times. The name of the licensee's business shall be clearly displayed on the patches; initials shall be allowed with prior written approval of the department of public safety. Where blazer-type jackets are used, the identifying patch may be worn on either the left breast pocket; or on the left sleeve near the shoulder seam.

(B) Registered employees of licensees are not required to wear badges. Any badges used by such employees, except as provided in paragraph (D) of this rule, shall be furnished by the licensee. All badges used shall be numbered for identification, shall include the name of the licensee's business, and shall be clearly marked at all times. The licensee shall keep an up-to-date record showing to whom each badge has been issued. Badges shall be distinct from those of the local or state law enforcement authorities.

(C) Employees of one licensee shall not wear the uniform of another licensee even if a contract or subcontract relationship exists between the two licensees.

(D) Peace officers, as defined in division (B) of section [2935.01](#) of the Revised Code, with the written consent of the department with which the officer is commissioned, may wear the uniform and badge of the department, within the jurisdiction to which the peace officer is commissioned.

HISTORY: Eff 12-1-90; 3-18-93 (Emer.); 5-7-93; 9-10-96; 4-24-00; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.08

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-13 Confidential Information.**

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Any licensee or registered employee may divulge to any law enforcement officer or prosecuting attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained. No licensee, or registered employee of a licensee, shall knowingly make any false report to his employer or client for whom information was being obtained.

R.C. 119.032 review dates: 07/19/2004 and 07/01/2009

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.13

Prior Effective Dates: 1/1/70, 8/10/89

#### **4501:5-1-14 Conflict of interest.**

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(A) A licensee shall not represent more than one party in an investigation case unless the licensee fully discloses such relationship to the parties involved, and the parties give written consent thereto.

(B) Subject to rule 4501:5-1-13 of the Administrative Code, information obtained in all cases shall be confidential, and for the use of the client only.

HISTORY: Eff 1-1-70; 7-7-78; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.13

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-15 Contracts.**

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(A) The licensee shall make available to all clients a contract which is binding on both parties thereto. The client's part of the contract shall contain a request indicating the type of service to be performed by the licensee for the client and a statement that the client has a legal right to the information or services requested in the contract.

(B) The licensee's part of the contract shall outline the charges and agreements on the licensee's part, setting forth what the licensee agrees to do for the client. A copy of the contract shall be furnished to the client.

R.C. 119.032 review dates: 07/19/2004 and 07/01/2009

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.13

Prior Effective Dates: 1/1/70, 8/10/89

#### **4501:5-1-16 Publication and vehicle marking restrictions.**

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(A) No licensee may publish or cause to be published any advertisement, letterhead, circular, statement or phrase of any sort which suggests that the licensee is an official law enforcement or investigative agency or any other agency or instrumentality of the state of Ohio or any of its political subdivisions. This paragraph shall not be waived by the department of public safety.

(B) Any vehicle used by a licensee that is marked in any manner by the use of painted signs, decals, or other means shall not be of a design so similar to those of the local or state law enforcement authorities as to create confusion.

(1) No vehicle used by a licensee shall be marked with the words "police" or "sheriff," nor shall the word "patrol" be used in conjunction with "Ohio" or "State."

(2) The provision of paragraph (B)(1) of this rule may be waived in writing by the department of public safety.

HISTORY: Eff 1-1-70; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.08

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

#### **4501:5-1-17 Advertisement identification.**

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(A) All advertisements and/or other promotional material shall carry the legal name or DBA designation and the address under which the licensee is licensed to do business. If a licensee chooses to adopt an

abbreviated name for advertising purposes, prior written approval shall be obtained from the department of public safety.

(B) If in its advertising a corporate licensee identifies one or more of its divisions by name, such names shall not be considered multiple business names or DBA designations for purposes of paragraph (C)(1) of rule 4501:5-1-08 of the Administrative Code. A corporate licensee shall notify the department of public safety of its designation of a division by name before use of the division name in its advertising.

(C) A licensee shall not use the name of any employee or associate in the heading of any advertisement or other promotional material. If the name of an employee or associate is used in the body of an advertisement or other promotional material, the name shall be in smaller letters and less prominent type size than that used in printing the name of the licensee's business.

HISTORY: Eff 12-31-75; 8-10-89; 10-7-04

Rule promulgated under: RC 119.03

Rule authorized by: RC 4749.02

Rule amplifies: RC 4749.08

R.C. 119.032 review dates: 07/19/2004 and 10/01/2009

### **4501:5-1-18 Registered Employee.**

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For purposes of division (A) of section [4749.10](#) of the Revised Code, "registered employee" means any security guard employee registered by a licensee pursuant to division (A) of section [4749.06](#) of the Revised Code, and any security guard employee who should have been so registered.

R.C. 119.032 review dates: 07/19/2004 and 07/01/2009

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.10

Prior Effective Dates: 8/10/89

### **4501:5-1-19 Notice of renewals.**

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(A) The private investigator security guard section of the department of public safety shall provide notice to each individual or company holding a license issued pursuant to Chapter 4749. of the Revised Code of the expiration of the registrations of its employees. The notices shall be in writing and shall be provided at a minimum of sixty days prior to the expiration of the registrations.

(B) On or before the last day of each month, the private investigator security guard section of the department of public safety shall provide notice, in writing, to each individual or company holding a license issued pursuant to Chapter 4749. of the Revised Code of those employees who have not renewed their registration identification card as provided in rule 4501:5-1-20 of the Administrative Code. This notice may be combined with the notice required by paragraph (A) of this rule.

(C) It is the responsibility of each licensee and individual holding a registration identification card to renew licenses or registrations in accordance with Chapter 4749. of the Revised Code and Chapter 4501:5-1 of the Administrative Code even if the licensee or individual holding a registration identification card fails to receive a renewal notice from the private investigator security guard section due to a change of address, incorrect address, loss of mail by the United States postal service, or any other reason. Failure to receive or obtain a license renewal application shall not relieve the licensee or individual holding a registration identification card from compliance with the requirements of Chapter 4749. of the Revised Code and Chapter 4501:5-1 of the Administrative Code.

Effective: 09/22/2005

R.C. 119.032 review dates: 10/01/2009

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02, R.C. 4749.06

Rule Amplifies: R.C. 4749.06

### **4501:5-1-20 Renewal of registrations.**

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(A) Each registration identification card issued to a private investigator or security guard employee pursuant to section [4749.06](#) of the Revised Code and rule 4501:5-1-10 of the Administrative Code shall include the date of issuance. Registrations expire annually on the anniversary date of initial issuance.

(B) The private investigator/security guard section of the department of public safety shall renew a registration issued pursuant to section [4749.06](#) of the Revised Code if the person holding a valid identification card renews such registration in accordance with this rule and on the form prescribed by the director, demonstrating that the registrant continues to meet the qualifications set forth in section [4749.06](#) of the Revised Code and if the registrant meets the following renewal requirements:

- (1) Certifies that he/she has not been convicted of a felony during the previous registration year;
- (2) Pays the annual renewal fee as set forth in rule 4501:5-1-21 of the Administrative Code. If an individual fails to meet the renewal requirements, the registration is expired without the taking of any action by the department. Registrants desiring to register again will be required to make new application to the department in accordance with section [4749.06](#) of the Revised Code.

(C) If the department denies the renewal request of a registrant under Chapter 4749. of the Revised Code, the department shall notify the person in writing and such notification shall state that the person may request an adjudication hearing pursuant to section [119.07](#) of the Revised Code.

Effective: 09/22/2005

R.C. 119.032 review dates: 10/01/2009

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02, R.C. 4749.06

Rule Amplifies: R.C. 4749.06

### **4501:5-1-21 Fees.**

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(A) The fees for applications for examination, issuance of licenses or registration cards, replacement or duplicate licenses or registration cards, transfer of licenses, and annual renewal of licenses and registrations are as follows:

- (1) Twenty-five dollars for application for examination for an individual applicant and, in the case of a corporation, each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of section [4749.03](#) of the Revised Code pursuant to section 4749.03 (B)(3) of the Revised Code;
- (2) Five dollars for each application to license a company or renew a license pursuant to section 4749.03 of the Revised Code for the fee charged by the bureau of criminal identification and investigation to enroll the applicant in the retained applicant fingerprint database pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code;
- (3) Three hundred and seventy-five dollars for the issuance of each license pursuant to section 4749.03 (B)(3) of the Revised Code;
- (4) Two hundred and seventy-five dollars for the annual renewal of each license pursuant to section 4749.03 (D) of the Revised Code;

- (5) Twenty-five dollars for a duplicate of a lost, spoliated, or destroyed license pursuant to section 4749.03 (E) of the Revised Code;
- (6) One hundred dollars for the issuance of each branch office license pursuant to section [4749.05](#) of the Revised Code;
- (7) One hundred dollars for the annual renewal of each branch office license pursuant to division (D) of section 4749.03 of the Revised Code;
- (8) Forty dollars for the issuance of each registration identification card pursuant to section 4749.06 (B) of the Revised Code;
- (9) Twenty-five dollars for the annual renewal of each registration identification card pursuant to section 4749.06 (F) of the Revised Code;
- (10) In addition to the fee required for the issuance of each registration identification card or annual renewal of a registration identification card, fifteen dollars for the issuance of each registration identification card with the notation that the bearer is certified to carry a firearm in the course of engaging in the business of private investigation, the business of security services, or both businesses pursuant to section [4749.10](#) of the Revised Code;
- (11) Twenty-five dollars to transfer a private investigator or security guard provider license from one corporation to another corporation or from a sole proprietor to a corporation or to transfer a corporation license to a sole proprietor, pursuant to section 4749.06 (F) of the Revised Code;
- (12) Five dollars for a duplicate of a lost, spoliated, or destroyed registration identification card pursuant to section [4749.06](#) of the Revised Code;
- (B) Each fee described in paragraph (A) of this rule is a nonrefundable fee payable to the department of public safety, with the exception of the license fees prescribed by section [4749.03](#) of the Revised Code.

Effective: 01/02/2012

R.C. 119.032 review dates: 07/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03, R.C. 4749.031, R.C. 4749.06, R.C. 4749.10

## **4501:5-1-22 Retained applicant fingerprint database enrollment.**

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(A) Each individual, including a partner in a partnership, an officer, or a qualifying agent who submits an application to license a company or who submits an application to renew a license pursuant to section 4749.03 of the Revised Code, shall be enrolled in the retained applicant fingerprint database maintained by the bureau of criminal identification and investigation under section 109.57 of the Revised Code.

(1) Each individual, including a partner in a partnership, an officer, or a qualifying agent who submits an application to license a company pursuant to section 4749.03 of the Revised Code shall be automatically enrolled in the retained applicant fingerprint database.

(2) Each individual, including a partner in a partnership, an officer, or a qualifying agent who submits an annual renewal application pursuant to section 4749.03 of the Revised Code, and who does not currently have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, shall submit a set of electronic fingerprints directly to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code.

(3) The results of the criminal records check shall be sent via direct copy to the director of public safety, private investigator security guard services.

(4) If the results of the criminal records check satisfy the requirements of division (A)(1)(a) of section 4749.03 of the Revised Code, and the license is approved or renewed, the applicant shall be enrolled in the retained applicant fingerprint database. Once enrolled in the retained applicant fingerprint database, the licensee need not submit fingerprints on future renewal dates unless otherwise required under Chapter 4749 of the Revised Code.

(5) If the results of the applicant's criminal records check indicate that the applicant does not have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, then the applicant shall be granted a sixty day extension from the date that the department of public safety notifies the applicant of the records check results. Within this sixty day extension period, the applicant must submit a set of electronic fingerprints to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code and the director of public safety must receive results that satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code.

(6) Failure to provide a fingerprint submission in accordance with this paragraph shall result in a denial of the individual's application for license or application for renewal.

(B) Each employee who is registered or renewed by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code shall be enrolled in the retained applicant fingerprint database maintained by the bureau of criminal identification and investigation under section 109.57 of the Revised Code.

(1) Each employee who is registered by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code shall be automatically enrolled in the retained applicant fingerprint database.

(2) For each employee who is renewed by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code, and who does not currently have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, the licensee shall submit a set of electronic fingerprints directly to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code.

(3) The results of the employee's criminal records check shall be sent via direct copy to the director of public safety, private investigator security guard services.

(4) If the results of the employee's criminal records check satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code, and the registration is approved or renewed, the employee shall be enrolled in the retained applicant fingerprint database. Once an employee is enrolled in the retained applicant fingerprint database, the employee need not submit fingerprints on future renewal dates unless otherwise required under Chapter 4749 of the Revised Code.

(5) If the results of the employee's criminal records check indicate that the employee does not have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, then the licensee shall be granted a sixty day extension from the date that the department of public safety notifies the licensee of the records check results. Within this sixty day extension period, the licensee must submit a set of the employee's electronic fingerprints to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code and the director of public safety must receive results that satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code.

(6) Failure to provide an employee's fingerprint submission in accordance with this paragraph shall result in a denial of the employee's registration or renewal.

Effective: 01/02/2012

R.C. 119.032 review dates: 07/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03, R.C. 4749.031, R.C. 4749.06, R.C.

**Ohio Department of Public Safety**  
Private Investigators & Security Services  
1970 West Broad Street  
P.O. Box 182001  
Columbus, Ohio 43218-2001  
Phone: (614) 466-4130  
Fax: (614) 466-0342

[www.pisgs.ohio.gov](http://www.pisgs.ohio.gov)



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