

**APPLYING FOR A LICENSE AS A PRIVATE INVESTIGATOR AND/OR SECURITY GUARD
Chapter 30, Article 18 of the WV Code**

**West Virginia Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305
Email: licensing@wvsos.com**

Qualification requirements

Private Investigator:

Before applying for a private investigator license you must have a minimum of two years of education or training in any one of the following areas, or some combination thereof:

1. Coursework that is relevant to the private investigation business at an accredited college or university;
2. Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency, or service as a sheriff;
3. Employment by a licensed private investigator or detective agency for the purpose of conducting the private investigation business; or
4. Any substantially equivalent training or experience.

Security Guard:

Before applying for a security guard license you must have had at least one year verified, full time employment conducting the security guard business or conducting the private investigation business working for a licensed firm or have one year of substantially equivalent training or experience.

Applying for a license

If you meet one or more of the above requirements and you wish to be licensed as a private investigator and/or security guard, you need to send:

1. The required application, fully completed.
2. Fees:

West Virginia Resident Application:

Individual - \$150, Combined Individual - \$250, Firm - \$250, Combined Firm - \$450

Non-Resident Application:

Individual - \$550, Combined Individual - \$1050, Firm - \$550, Combined Firm - \$1050

3. Two passport size photos taken within one year of the date of the application.
4. See attachment for new [fingerprint instructions and procedures](#).
5. Character references from 5 reputable citizens who have known you for at least 5 years preceding the application and the references must be written for the purpose of the application (form enclosed).
6. A completed surety bond, by an approved insurance company, in the amount of \$2,500 (form enclosed **must** be used).
7. If your qualifications are based on employment, you must have your employer send a sworn *notarized* statement attesting to your competency, to the time you were employed and the skills you acquired.
8. If your qualifications are based on coursework that is relevant to the private investigation business from an accredited college or university, you must provide your transcripts or degree (courses from a none credited school \ will be considered, but will not receive full credit)
9. Prior to issuing a license, the bond must be approved by the Attorney General and a Criminal Investigation Bureau report run by the Department of Public Safety-State Police. **This process takes a minimum of six weeks.**
10. Contact West Virginia Tax Department to receive a business license. (304-558-3333)

If you have any questions concerning your renewal, please contact a team member of the Secretary of State's Licensing Division at 304/558-8000.

FIRM APPLICATION FOR PRIVATE INVESTIGATION AND/OR SECURITY GUARD

**Please note that out-of-state firms
must provide a Certificate of Good
Standing or Certificate of Existence
from their home state's Secretary of
State's office.

WEST VIRGINIA SECRETARY OF STATE
BLDG. 1, SUITE 157-K
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305

-
1. Firm _____
 2. Firm address _____
 3. Firm mailing address _____
 4. Firm phone number _____
 5. Name of individual whose qualifications are presented to meet the experience/educational requirements of West Virginia Code, §30-18-2 _____
 6. Date of Charter or Certificate of Authority to do business in West Virginia _____
 7. If foreign corporation, give address of place of original charter and home office _____

The named officers below are required to fill out in full the accompanying application forms and submit them with the application. This application is invalid unless accompanied by the individual applications duly acknowledged as prescribed by law.

8. Name of President _____ Signature _____
Address _____
9. Name of Vice-President _____ Signature _____
Address _____
10. Name of Secretary _____ Signature _____
Address _____
11. Name of Treasurer _____ Signature _____
Address _____
12. Name of addresses of other officers:
_____ Signature _____
_____ Signature _____
13. Number of operatives employed. A list of the names, addresses, birth dates and social security numbers of all employees of the firm must be attached to the application. _____

I hereby certify that all answers and statements given herein are true and correct without reservation of any kind. I further certify that I understand I am fully responsible for supervising any employee or other individual who conducts the private investigation business under the authority of the above application for a firm license (W V Code, '30-18-4). It is understood that all facts contained in this application are open to thorough investigation.

Date

Signature of Qualifying Applicant

APPLICATION FOR LICENSE AS A PRIVATE INVESTIGATOR AND/OR SECURITY GUARD

WEST VIRGINIA SECRETARY OF STATE
BLDG. 1, SUITE 157-K
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305

PLEASE IDENTIFY YOUR INITIAL APPLICATION BY CHECKING THE CATEGORY OR CATEGORIES WHICH APPLY:

- Private Investigative Firm: \$250 in state, \$550 out-of-state
 - Individual Private Investigator: \$150 in state, \$550 out-of-state
 - Security Guard Firm: \$250 in state, \$550 out-of-state
 - Individual Security Guard: \$150 in state, \$550 out-of-state
 - Combined PI/Security Guard Firm: \$450 in state, \$1,050 out-of-state
 - Combined PI/Security Guard Individual: \$250 in state, \$1,050 out-of-state
- **Fee includes \$50 Non-refundable application processing fee**
(Please print or type)

PLEASE READ CAREFULLY. False, incomplete or inaccurate answers will lead to automatic refusal of this application. When the application is completed, please refer to the instructions to verify that all of the required information is enclosed with your application.

SECTION I: APPLICANT INFORMATION

1. _____
Last Name First Middle Maiden Name Nickname

2. _____
Address City State Zip

3. _____
Mailing Address City State Zip

4. _____ 5. _____ 6. _____
County Phone Number Social Security Number

7. _____ 8. _____ 9. _____ 10. _____
Birth date Place of Birth Male/Female Single/Married/Widowed/Divorced

11. _____ 12. _____
Name of Spouse Occupation/Employment of Spouse

13. US Citizen _____ 14. WV Resident _____ # of years _____ 15. Height _____ 16. Weight _____

17. Eye Color _____ 18. State of driver's license _____ 19. License Number _____

20. List identifying scars, marks or tattoos _____

21. _____ **Yes** _____ **No** 22. Branch _____ 23. Rank _____ 24. Dates _____
Military Service

25. _____
Type of Discharge _____ If dishonorable, please explain _____

26. Are you or have you ever been addicted to the immoderate use of alcohol and/or drugs or treated for an alcohol or drug related illness? _____

27. Have you ever been a patient in a public or private mental hospital? _____ If so, please list _____

28. Have you ever been discharged, suspended or forced to resign from any position? _____ If yes, give name and address of the employer, date of the discharge or forced resignation and the reason _____

29. Have you ever been denied a private investigator's license or any other professional certification? _____ If yes, give complete details _____

30. Have you ever had a private investigator's license suspended or revoked or any other professional certification? _____ If yes, give complete details _____

31. Have you ever been affiliated with an agency that operated without a valid license or whose license has been suspended or revoked? _____ If yes, give the name and address of the agency, the dates of operation, suspension or revocation, and your relationship to the agency _____

32. Have you ever applied for and/or received a license elsewhere? _____

33. If eligibility for private investigator's license is based upon prior investigative experience list the details of such employment experience _____

34. Have you ever been charged, indicted, arrested or convicted of any criminal offenses of any nature: (Failure to answer this question fully and correctly will result in denial of your application) _____

35. Have you ever been known by another name? _____ If yes, list all such names and spelling variation _____

36. Please list all addresses used in the last ten (10) years _____

SECTION III: BUSINESS INFORMATION

37. _____ (_____) _____
Business Name Business Phone

38. _____
Business Address City County State Zip

SECTION III: EDUCATION/TRAINING INFORMATION

39. EDUCATION: **If your qualifications are based on studies in investigative work at an accredited college or university you MUST enclose a copy of your transcript with the application.**

High School _____ Grade Completed _____ Years Attended _____

GED _____ If yes, year completed _____

College _____ Years attended _____ Total Semester Hours _____

Total Semester Hours in Investigative Studies _____ Major _____ Minor _____

Degree Received _____

Additional Training _____

SECTION IV: EMPLOYMENT HISTORY

40. List all jobs you have held. Put your present or most recent job first. If you need more space, you may attach additional sheets. Include military service and temporary part-time jobs.

A. Name of employer _____ Type of business _____

Address of employer _____

Name and title of supervisor _____

Position(s) held _____

Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

B. Name of employer _____ Type of business _____
Address of employer _____
Name and title of supervisor _____
Position(s) held _____
Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

C. Name of employer _____ Type of business _____
Address of employer _____
Name and title of supervisor _____
Position(s) held _____
Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

D. Name of employer _____ Type of business _____
Address of employer _____
Name and title of supervisor _____
Position(s) held _____
Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

E. Name of employer _____ Type of business _____
Address of employer _____
Name and title of supervisor _____
Position(s) held _____
Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

F. Name of employer _____ Type of business _____
Address of employer _____
Name and title of supervisor _____
Position(s) held _____
Began _____ Left _____ Full-time/Part-time _____ Hours worked per week _____

OATH OR AFFIRMATION

State of _____, County of _____.

I, _____, understand that an investigation may be made whereby information is obtained regarding my character, previous employment, general reputation, educational background, credit record and criminal history. I hereby authorize anyone possessing this information to furnish it to the Secretary of State and any authorized representative of the Secretary of State. I release the Secretary of State and any authorized representative from all liability and damages whatsoever in furnishing, obtaining or using said information. Further, I hereby certify that all answers and statements given herein are true and correct without reservation of any kind.

Signature of Applicant

Subscribed and sworn before me this _____ day of _____, 20 ____.

My Commission expires on _____.

Signature of Notary Public

(Notary Seal

CHARACTER REFERENCE LETTER FOR THE FOLLOWING APPLICANT:

CHARACTER REFERENCE INFORMATION

Name: _____

Address: _____

City, State Zip: _____

Phone: _____

Length of time that reference has known applicant : _____

COMMENTS:

I, hereby certify that all the comments given herein are true and complete without reservations of any kind, I, also hereby certify that I have known the applicant filing for a private investigator and/or security guard for at least five years and that I am not related to the applicant by blood or marriage.

Signature

Date

CHARACTER REFERENCE LETTER FOR THE FOLLOWING APPLICANT:

CHARACTER REFERENCE INFORMATION

Name: _____

Address: _____

City, State Zip: _____

Phone: _____

Length of time that reference has known applicant : _____

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COMMENTS:

I, hereby certify that all the comments given herein are true and complete without reservations of any kind, I, also hereby certify that I have known the applicant filing for a private investigator and/or security guard for at least five years and that I am not related to the applicant by blood or marriage.

Signature

Date

STATE OF WEST VIRGINIA SECRETARY OF STATE

Private Detective or Investigator Surety Bond

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS:

That we, 1) _____ as Principal, and
2) _____, a corporation with authority to
do business in the State of West Virginia, as Surety, are firmly bound unto the State of West Virginia, in the just and full
sum of **Two Thousand Five Hundred Dollars** (\$2,500), for which payment we bind ourselves and our legal representatives
and successors, jointly and severally.

WHEREAS, the principal has filed an application with the Secretary of State for a license to engage in the business
of Private Detective or Investigator or the business of Watch, Guard or Patrol Agency.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is that if the if the Principal shall faithfully and
honestly conduct the business for which the application is filed and license certificate issued, then this obligation shall be
void; otherwise, it shall remain in full force and effect.

This Bond is executed pursuant to the provisions of Chapter 30, Article 18, of the Official Code of West Virginia, and
rules of the Secretary of State promulgated thereunder, which are hereby made an express part of this bond.

The premium for which this bond is written is 3) _____ dollars (\$_____).

This Bond is to cover all claims on account of the issuance of the license to the principal for the full term thereof.
This bond is effective from 4) _____ day of _____, 20____, to the 5) _____ day of
_____, 20____,

IN WITNESS WHEREOF the Principal and Surety have executed this instrument the 6) _____ day of
_____, 20____.

7) _____
Principal

8) _____
Surety Corporation

Complete Address of Principal

Address of Surety Corporation

Telephone Number of Principal

Phone Number of Surety Corporation

9) _____
Signature of Principal

10) _____
Signature of Surety

11) Principal's Seal 

12) Raised Surety Seal 

Acknowledgment by Principal if Individual

- 13) State of _____),
 - 14) County of _____), to-wit:
 - 15) I, _____, a Notary Public in and for the county
 - 16) and state aforesaid, do certify that _____,
whose name is signed to the writing above or hereto annexed, has this day acknowledged the same before me in my
said county.
 - 17) Given under my hand this _____ day of _____, 20 _____.
 - 18) _____ Notary Public
 - 19) Notary Seal
 - 20) My Commission Expires _____.
-

Acknowledgment by Principal if LLC or Corporation

- 21) State of _____)
- 22) County of _____), to-wit:
- 23) I, _____, a Notary Public in and for the county
- 24) and state aforesaid, do hereby certify that _____,
- 25) who, as _____, signed the writing above or hereto annexed,
- 26) for _____, a corporation, has this day, in my
said county before me acknowledged the said writing to be the act and deed of said corporation.
- 27) Given under my hand this _____ day of _____, 20 _____.
- 28) _____ Notary Public
- 29) Notary Seal
- 30) My Commission Expires _____.

Acknowledgment for Surety

31) State of _____)

32) County of _____), to-wit:

33) I, _____, a Notary Public in and for the county

34) and state aforesaid, do hereby certify that _____, who, as

35) _____, signed the writing above or hereto annexed, for

36) _____, a corporation, has this day, in my
said county before me, acknowledged the said writing to be the act and deed of said corporation.

37) Given under my hand this _____ day of _____, 20 _____.

38) _____ Notary Public

39) Notary Seal

40) My Commission Expires _____.

Approved as to sufficiency of form and manner of execution this

_____ day of _____, 20 _____.

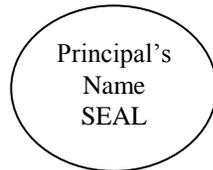
Attorney General of the State of West Virginia

By: _____
Chief Counsel

Bond Instructions

Line:

1. Enter the name of the Principal to be covered by the bond.
2. Enter the name of the Surety company issuing the bond.
3. Enter the amount of the premium paid to surety.
4. Enter the effective date of the bond.
5. Enter the expiration date of the bond.
6. Enter the bearing date of the bond, also known as the execution date of the bond.
7. Enter the complete name, address and telephone number of the Principal to be covered by the bond.
8. Enter the complete name, address and telephone number of the Surety company issuing the bond.
9. The Principal must sign. Note the signature must be an original.
10. The Surety must sign. Note the signature must be the original signature of the officer or person having Power of Attorney to bind the Surety.
11. Affix the Principal's corporate seal. If the principal has not adopted a seal, one may be drawn by printing the name of the company and the word "SEAL" and circling them.



12. Affix the raised or embossed corporate seal of the Surety.

Section to be completed by the Notary Public acknowledging the signature of the Principal

Acknowledgment by Principal if Individual

13. Enter the name of the state.
14. Enter the name of the county.
15. Enter the name of the Notary Public witnessing the transaction.
16. Enter the name of the person signing on behalf of the Principal.
17. Notary must enter the date the bond was witnessed.
18. Notary must sign here.
19. Attach notary seal.
20. Notary enters his/her commission expiration date.

Acknowledgment by Principal if LLC or Corporation

21. Enter the name of the state.
22. Enter the name of the county.
23. Enter the name of the Notary Public witnessing the transaction.
24. Enter the name of the person signing on behalf of the Principal. Note person signing on behalf of the Principal must be either the President or Vice President of corporation, Owner or General Partner of company or partnership, or Manager or Managing Member of Limited Liability company. If not, please provide signature authority for the person signing the bond.
25. Title of person signing on behalf of the Principal.
26. Principal covered by the bond.
27. Notary must enter the date the bond was witnessed.
28. Notary must sign here.
29. Attach notary seal.
30. Notary enters his/her commission expiration date.

Section to be completed by the Notary Public acknowledging the signature of the Surety

31. Enter the name of the state.
32. Enter the name of the county.

33. Enter the name of the Notary Public witnessing the transaction.
34. Enter the name of the person binding the Surety.
35. Enter title of the person binding the Surety.
36. Enter name of the Surety.
37. Notary must enter the date the bond was witnessed.
38. Notary must sign here.
39. Attach notary seal.
40. Notary enters his/her commission expiration date.

POWER OF ATTORNEY INSTRUCTIONS

A Power of Attorney for the Surety must be attached. It must be in full force and effect on the execution date indicated on the front page of the bond (Line 6). The raised or embossed corporate seal must also be affixed to the Power of Attorney.

Power of Attorney must contain....

- Name of Attorney-in-fact.
- The Power of Attorney may not exceed imposed limitations.
- The Certificate date should be the bond execution date.
- The signature of the authorized official. The signature may be a facsimile.
- A raised or embossed seal.

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-1. Definitions.

For the purposes of this article, except where the context clearly requires otherwise, the following terms shall have the meanings ascribed to them:

- (1) "Applicant" means a person who files a completed application as required by sections three and six of this article to be licensed to conduct a private investigation business or a security guard business. When a person other than a natural person is applying for a license, the applicant shall be the person whose qualifications are presented to meet the experience or education requirements of sections two or five of this article.
- (2) "Private investigation business" means the business of doing an investigation or investigations, for hire, reward or any other type of remuneration, to obtain information about:
 - (A) A crime which is alleged to have occurred or is threatened to occur;
 - (B) The habits, activities, conduct, movements, location, associations, transactions, reputation or character of any person;
 - (C) The credibility of witnesses or other persons;
 - (D) The location or recovery of lost or stolen property;
 - (E) The causes or origins of any fire, accident or injury to any property, real or personal, or to identify or locate any person or persons responsible for any such fire, accident or injury;
 - (F) The truth or falsity of any statement or representation, whether written or oral, or of any type of depiction;
 - (G) Any matters which constitute evidence or which may lead to the discovery of evidence to be used before any judicial or quasijudicial tribunal, including, but not limited to, civil or criminal courts, administrative agencies, investigating committees, or boards of award or arbitration;
 - (H) The whereabouts of any missing or kidnapped person;
 - (I) The affiliation, connection or relationship of any person with any corporation or other business entity, union, organization, society or association, or with any official, member or representative thereof;
 - (J) Any person or persons seeking employment in the place of any employee or employees who have quit work by reason of any strike; or
 - (K) The conduct, honesty, efficiency, loyalty or activities of employees, agents, contractors and subcontractors.
- (3) "Firm license" means the license held by a person whom the secretary of state has authorized to operate a private detective investigative firm or security guard firm after such person has filed and completed an application pursuant to the application requirements contained in sections three or six and has satisfied the eligibility requirements contained in sections two or five.
- (4) "Person" means a natural person, a group of persons or individuals acting individually or as a group, a corporation, company, partnership, association, society, firm, or any business organization or entity organized or existing under the laws of this or any other state or country;
- (5) (A) "Private detective" or "private investigator" means a person who is licensed pursuant to the provisions of this article to conduct a private investigation business, as defined in subdivision (2) of this section, and who conducts such business individually and independently from any private detective or investigative firm;
 - (B) "Private detective" or "private investigator" does not include:
 - (i) Any individual while acting as an adjuster for an insurance company or companies;
 - (ii) Individuals employed exclusively and regularly by only one employer in connection with the affairs of such employer only;
 - (iii) An officer or employee of the United States, or any law-enforcement officer of this state or any political subdivision thereof, while such officer or employee is engaged in the performance of his official duties or while working for a private employer in his off-duty hours;
 - (iv) Attorneys or counselors-at-law or any employee or representative of such attorney or counselor;
 - (v) Any corporation duly authorized by this state to operate central burglar or fire alarm protection business; or
 - (vi) Any investigator of crime appointed by a prosecuting attorney of a county pursuant to the provisions of section two, article four, chapter seven of this code.
- (6) "Private detective or investigative firm" means any private detective agency or business or any investigative agency or business that is operated by a licensed private detective or investigator and which employs one or more other persons who actually conduct the private investigation business as

defined in subdivision (2) of this section.

(7) (A) "Security guard" means a person who is licensed pursuant to the provisions of this article to conduct a security guard business, as defined in subdivision (8) of this section, and who conducts such business individually and independently from a security guard firm.

(B) "Security guard" does not include a person who is employed exclusively and regularly by only one employer in connection with the affairs of such employer only, or a person who is otherwise hereinafter excluded from the requirements of this article;

(8) (A) "Security guard business" means the business of furnishing, for hire, reward or other remuneration, watchmen, guards, bodyguards, private patrolmen or other persons, to:

(i) Protect property, real or personal, or any person;

(ii) To prevent theft, unlawful taking, misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, notes or other valuable documents, papers and articles of value; or

(iii) To furnish for hire, guard dogs or armored motor vehicle security services, in connection with the protection of persons or property;

(B) "Security guard business" does not include any activities or duties for which it is necessary to be trained and certified as a law-enforcement officer in accordance with the provisions of article twenty-nine, chapter thirty of this code.

(9) "Security guard firm" means any security guard agency or business that is operated by a licensed security guard and which employs one or more other persons who actually conduct a security guard business as defined in subdivision (8) of this section.

§30-18-2. Eligibility requirements for license to conduct the private investigation business.

(a) In order to be eligible for any license to conduct the private investigation business, an applicant shall:

(1) Be at least eighteen years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct a private investigation business or to conduct a security guard business revoked or any application for any such licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless a court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have a minimum of two years of experience, education or training in any one of the following areas, or some combination thereof:

(A) Course work that is relevant to the private investigation business at an accredited college or university;

(B) Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency or service as a sheriff;

(C) Employment by a licensed private investigative or detective agency for the purpose of conducting the private investigation business;

(D) Service as a magistrate in this state; or

(E) Any other substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element; and

(10) Not have violated any provision of section eight of this article.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, shall have received an executive pardon therefor, removing this

disability.

(b) Any person who qualifies for a private investigator's license shall also be qualified to conduct security guard business upon notifying the secretary of state in writing that the person will be conducting such business.

(c) No person may be employed as a licensed private investigator while serving as magistrate.

§30-18-4. Requirements for employees conducting the private investigation business under a firm license.

(a) Any person who has a private detective firm or investigative firm license shall be responsible for supervising any employee or other individual who conducts the private investigation business under the authority of such person's firm license, regardless of whether such employee or other individual receives compensation for conducting such business. Such supervision shall include providing any education or training that is reasonably necessary to ensure compliance with the requirements of this article.

(b) Any employee or individual who conducts the private investigation business under the authority of a private detective or investigative firm license shall:

(1) Satisfy the requirements of section two of this article, except that such person need not satisfy the education and training requirements contained in subdivision (7) of section two; and

(2) Authorize the secretary of state to review the records held by the division of public safety for any convictions that may be on record for such employee or individual.

(c) A holder of a private detective or investigative firm license is prohibited from authorizing any individual or employee to conduct a private investigation business if such individual does not comply with the requirements of this section.

(d) For every employee or individual who conducts the business of private investigation under the authority of a private detective or investigative firm license, the holder of such license must maintain a recent full-face photograph and one complete set of fingerprints on file at such firm's central business location in this state. Upon request, the holder of the firm license must release the photographs and fingerprints to the secretary of state.

§30-18-5. Eligibility requirements to be licensed to conduct security guard business.

(a) In order to be eligible for any license to conduct security guard business, an applicant shall:

(1) Be at least eighteen years of age;

(2) Be a citizen of the United states or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct security guard business or to conduct the private investigation business revoked or any application for any such licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless said court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have had at least one year verified, full time employment conducting security guard business or conducting the private investigation business working for a licensed firm or have one year of substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element; and

(10) Not having violated any provision of section eight of this article.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received an executive pardon therefor, removing this disability.

§30-18-6. Application requirements for a license to conduct security guard business.

(a) To be licensed as a security guard or to operate a security guard firm, each applicant shall complete and file a written application, under oath, with the secretary of state and in such form as the secretary may prescribe.

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state and any other information requested by the secretary of state in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president, and verified by the secretary or treasurer of such corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town or village, stating the street and number, and otherwise such apt description as will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information shall be provided in addition to that required to be provided the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts as may be required by the secretary of state to show the good character, competency and integrity of the applicant.

To qualify for a firm license, the applicant shall provide such information for each person who would be authorized to conduct security guard business under the applicant's firm license and for each officer, member or partner in the firm.

(e) As part of the application, each applicant shall give the secretary of state permission to review the records held by the department of public safety for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person's fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. No reference may be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct security guard business; and

(2) A nonrefundable application processing service charge of fifty dollars, which shall be payable to the secretary of state to offset the cost of license review and criminal investigation background report from the department of public safety, along with a license fee of one hundred dollars if the applicant is an individual, or two hundred dollars if the applicant is a firm, or five hundred dollars if the applicant is a nonresident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited to the general revenue fund, and shall be refunded only if the license is denied.

(h) All applicants for security guard licenses or security guard firm licenses shall file in the office of secretary of state a surety bond. Such bond shall:

(1) Be in the sum of two thousand five hundred dollars and conditioned upon the faithful and honest conduct of such business by such applicant;

(2) Be written by a company recognized and approved by the insurance commissioner of West Virginia and approved by the attorney general of West Virginia with respect to its form;

(3) Be in favor of the state of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by such a violation.

(i) Any person claiming against the bond required by subsection (h) of this section for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under section twelve of this article and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond

§30-18-7. Requirements for employees conducting security guard business under a firm license.

(a) Any person who has a security guard firm license shall be responsible for supervising any employee or other individual who conducts security guard business under the authority of such person's firm license, regardless of whether such employee or other individual receives compensation for conducting such business. Such supervision shall include providing any education or training that is reasonably necessary to ensure compliance with the requirements of this article.

(b) Any employee or individual who conducts security guard business under the authority of a firm license shall:

(1) Satisfy the requirements of section five of this article, except that such person need not satisfy the prior employment requirements contained in subdivision (7) of section five; and

(2) Authorize the secretary of state to review the records held by the department of public safety for any convictions that may be on record for such employee or individual.

(c) A holder of a security guard firm license is prohibited from authorizing any individual or employee to conduct security guard business if such individual does not comply with the requirements of this section.

(d) For every employee or individual who conducts security guard business under the authority of a security guard firm license, the holder of such license must maintain a recent full-face photograph and one complete set of fingerprints on file at such firm's central business location in this state. Upon request, the holder of the firm license must release the photographs and fingerprints to the secretary of state.

§30-18-8. Prohibitions.

(a) No person shall engage in the private investigation business or security guard business without having first obtained from the secretary of state a license to conduct such business.

(b) All licensed persons, including private detectives, private investigators, security guards, private detective or investigative firms and security guard firms, are prohibited from transferring their licenses to an unlicensed person, firm or agency. This prohibition includes contracting or subcontracting with an unlicensed person, firm or agency to conduct the private investigation business or security guard business.

(c) It is unlawful for any person subject to the provisions of this article to knowingly commit any of the following:

(1) Employ any individual to perform the duties of an employee who has not first complied with all provisions of this article and the adopted regulations;

(2) Falsely represent that a person is the holder of a valid license;

(3) Make a false report with respect to any matter with which he or she is employed;

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

(5) Accept employment which includes obtaining information intended for illegal purposes;

(6) Authorize or permit another person to violate any provision of this article or any rule of the secretary of state adopted for this article.

§30-18-9. Renewal of license.

A license granted under the provisions of this article shall be in effect for one year from the date the certificate of license is issued and may be renewed for a period of one year by the secretary of state upon application, in such form as the secretary may prescribe, and upon payment of the fee and the filing of the surety bond. At the time of applying for renewal of a license, the secretary of state may require any person to provide additional information to reflect any changes in the original application or any previous renewal.

§30-18-10. Authority of secretary of state.

(a) When the secretary of state shall be satisfied as to the good character, competency and integrity of an applicant, of all employees or individuals conducting the private investigation business or security guard services under a firm license and, if the applicant is a firm, of each member, officer or partner, he shall issue and deliver to such applicant a certificate of license. Each license issued shall be for a period of one year and shall be revocable at all times for cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant thereto.

(b) The secretary of state shall have the authority to propose for promulgation in accordance with the provisions of chapter twenty-nine-a of this code such legislative rules as may be necessary for the

administration and enforcement of this article and for the issuance, suspension and revocation of licenses issued under the provisions of this article. The secretary of state shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke or suspend any such applicant's license or application for license, including a renewal of a license. Such applicant shall have fifteen days from the date of receiving written notice of the secretary of state's adverse determination to request a hearing on the matter of denial, suspension or revocation. The action of the secretary of state in granting, renewing, or in refusing to grant or to renew, a license, shall be subject to review by the circuit court of Kanawha County or other court of competent jurisdiction.

(c) At any hearing before the secretary of state to challenge an adverse determination by the secretary of state on the matter of a denial, suspension or revocation of a license, if the adverse determination is based upon a conviction for a crime which would bar licensure under the provisions of this article, the hearing shall be an identity hearing only, and the sole issue which may be contested is whether the person whose application is denied or whose license is suspended or revoked is the same person convicted of the crime.

§30-18-11. Penalties.

(a) Any person, licensed or unlicensed, who shall violate any of the provisions of this article is guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than five thousand dollars or be confined in jail for not more than one year, or both.

(b) In the case of a violation of subsection (a) of section eight, a fine shall be assessed for each day that an individual conducted the private investigation business or security guard business. In the case of a firm license, the fine shall be based on each day that such services were provided multiplied by the number of unauthorized persons providing such services.

§30-18-12. Action for damages.

Any individual who is injured by a violation of this article may bring an action for recovery of damages, including punitive damages plus reasonable attorney's fees and court costs.

§30-18-13. Disposition of fees.

All fees collected hereunder by the secretary of state shall be paid to the treasurer of the state and deposited in the general revenue fund.