
SENATE BILL 6281

State of Washington

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By Senators Fraser, Benton, and McAuliffe

Read first time 01/16/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the regulation of event personnel; amending RCW
2 18.170.020; reenacting and amending RCW 18.170.010; and adding new
3 sections to chapter 18.170 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.170.010 and 2007 c 306 s 1 and 2007 c 154 s 1 are
6 each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Armed private security guard" means a private security guard
10 who has a current firearms certificate issued by the commission and is
11 licensed as an armed private security guard under this chapter.

12 (2) "Armored vehicle guard" means a person who transports in an
13 armored vehicle under armed guard, from one place to another place,
14 valuables, jewelry, currency, documents, or any other item that
15 requires secure delivery.

16 (3) "Burglar alarm response runner" means a person employed by a
17 private security company to respond to burglar alarm system signals.

18 (4) "Burglar alarm system" means a device or an assembly of

1 equipment and devices used to detect or signal unauthorized intrusion,
2 movement, or exit at a protected premises, other than in a vehicle, to
3 which police or private security guards are expected to respond.

4 (5) "Chief law enforcement officer" means the elected or appointed
5 police administrator of a municipal, county, or state police or
6 sheriff's department that has full law enforcement powers in its
7 jurisdiction.

8 (6) "Classroom instruction" means training that takes place in a
9 setting where individuals receiving training are assembled together and
10 learn through lectures, study papers, class discussion, textbook study,
11 or other means of organized formal education techniques, such as video,
12 closed circuit, or other forms of electronic means, and as
13 distinguished from individual instruction.

14 (7) "Commission" means the criminal justice training commission
15 established in chapter 43.101 RCW.

16 (8) "Crowd management or crowd control" means persons used to
17 provide control, regulation, or direction of the public for the purpose
18 of safety and protection during the time when a crowd has assembled for
19 the purpose of attending or taking part in an organized event,
20 including preevent assembly, event operation hours, and postevent
21 departure activities. Crowd management or crowd control persons are
22 required to be licensed by this chapter and include any person who:

23 (a) Carries a firearm or other dangerous weapon including, but not
24 limited to, a stun gun, taser, pepper mace, or nightstick;

25 (b) Wears a uniform or clothing readily identifiable by a member of
26 the public as that worn by any security personnel, including either a
27 private security officer or law enforcement officer; and

28 (c) Is authorized to provide, or engages in, any of the following
29 crowd control or crowd management activities:

30 (i) Control, other than as a ticket taker at a public entrance to
31 the event, of a person who does not possess authority to access any
32 part of the facility;

33 (ii) Control of persons who possess or are suspected of possessing
34 contraband inside the boundaries of the event or facility;

35 (iii) Control of persons who are reasonably suspected of engaging
36 in disturbing or assaultive behavior; or

37 (iv) Detention of persons.

38 (9) "Department" means the department of licensing.

1 ~~((9))~~ (10) "Department-certified trainer" means any person who
2 has been approved by the department by receiving a passing score on a
3 department-administered examination, to administer department-provided
4 examinations and attest that training or testing requirements have been
5 met.

6 ~~((10))~~ (11) "Director" means the director of the department of
7 licensing.

8 ~~((11))~~ (12) "Employer" includes any individual, firm,
9 corporation, partnership, association, company, society, manager,
10 contractor, subcontractor, bureau, agency, service, office, or an agent
11 of any of the foregoing that employs or seeks to enter into an
12 arrangement to employ any person as a private security guard.

13 ~~((12))~~ (13) "Firearms certificate" means the certificate issued
14 by the commission.

15 ~~((13))~~ (14) "Guest services" include tasks that can be performed
16 by unlicensed persons at an organized event during preevent assembly,
17 event operation, and postevent departure activities. These tasks are
18 done primarily for the comfort or convenience of those attending or
19 participating in an organized event, and include persons performing the
20 duties of ticket taker, usher, valet, lot attendant, or crowd monitor.
21 As used in this subsection "crowd monitor" includes guest services
22 staff who are responsible for watching for and reporting disturbances
23 or suspect activity, but not responsible for responding to these
24 occurrences.

25 (15) "Individual instruction" means training that takes place
26 either on-the-job or through formal education techniques, such as
27 video, closed circuit, internet, or other forms of electronic means,
28 and as distinguished from classroom instruction.

29 ~~((14))~~ (16) "Licensee" means a person granted a license required
30 by this chapter.

31 ~~((15))~~ (17) "Person" includes any individual, firm, corporation,
32 partnership, association, company, society, manager, contractor,
33 subcontractor, bureau, agency, service, office, or an agent or employee
34 of any of the foregoing.

35 ~~((16))~~ (18) "Primary responsibility" means activity that is
36 fundamental to, and required or expected in, the regular course of
37 employment and is not merely incidental to employment.

1 (~~(17)~~) (19) "Principal corporate officer" means the president,
2 vice president, treasurer, secretary, comptroller, or any other person
3 who performs the same functions for the corporation as performed by
4 these officers.

5 (~~(18)~~) (20) "Private security company" means a person or entity
6 licensed under this chapter and engaged in the business of providing
7 the services of private security guards on a contractual basis.

8 (~~(19)~~) (21) "Private security guard" means an individual who is
9 licensed under this chapter and principally employed as or typically
10 referred to as one of the following:

- 11 (a) Security officer or guard;
- 12 (b) Patrol or merchant patrol service officer or guard;
- 13 (c) Armed escort or bodyguard;
- 14 (d) Armored vehicle guard;
- 15 (e) Burglar alarm response runner; or
- 16 (f) Crowd control officer or guard.

17 (~~(20)~~) (22) "Qualifying agent" means an officer or manager of a
18 corporation who meets the requirements set forth in this chapter for
19 obtaining a license to own or operate a private security company.

20 (~~(21)~~) (23) "Sworn peace officer" means a person who is an
21 employee of the federal government, the state, a political subdivision,
22 agency, or department branch of a municipality, or other unit of local
23 government, and has law enforcement powers.

24 **Sec. 2.** RCW 18.170.020 and 2007 c 154 s 2 are each amended to read
25 as follows:

26 The requirements of this chapter do not apply to:

27 (1) A person who is employed exclusively or regularly by one
28 employer and performs the functions of a private security guard solely
29 in connection with the affairs of that employer, if the employer is not
30 a private security company;

31 (2) A sworn peace officer while engaged in the performance of the
32 officer's official duties;

33 (3) A sworn peace officer while employed by any person to engage in
34 off-duty employment as a private security guard, but only if the
35 employment is approved by the chief law enforcement officer of the
36 jurisdiction where the employment takes place and the sworn peace

1 officer does not employ, contract with, or broker for profit other
2 persons to assist him or her in performing the duties related to his or
3 her private employer; or

4 (4) ((A)) Persons performing ((~~crowd management or~~)) guest services
5 ((~~including, but not limited to, a person described as a ticket taker,~~
6 ~~usher, door attendant, parking attendant, crowd monitor, or event staff~~
7 ~~who:~~

8 ~~(a) Does not carry a firearm or other dangerous weapon including,~~
9 ~~but not limited to, a stun gun, taser, pepper mace, or nightstick;~~

10 ~~(b) Does not wear a uniform or clothing readily identifiable by a~~
11 ~~member of the public as that worn by a private security officer or law~~
12 ~~enforcement officer; and~~

13 ~~(c) Does not have as his or her primary responsibility the~~
14 ~~detainment of persons or placement of persons under arrest.~~

15 ~~The exemption provided in this subsection applies only when a crowd~~
16 ~~has assembled for the purpose of attending or taking part in an~~
17 ~~organized event, including preevent assembly, event operation hours,~~
18 ~~and postevent departure activities)) only.~~

19 NEW SECTION. **Sec. 3.** In any action brought by reason of any
20 person having been detained by a crowd management or crowd control
21 licensee on or in the immediate vicinity of the premises of an event
22 for the purpose of investigation or questioning, it is a defense of
23 such action that the person was detained in a reasonable manner and for
24 not more than a reasonable time to permit such investigation or
25 questioning by the licensee, and that such licensee had reasonable
26 grounds to believe that circumstances warranted the person to be
27 detained. As used in this section, (1) "reasonable grounds" includes,
28 but is not limited to, observation or report of disruptive behavior,
29 intoxication, disorderly conduct, or criminal acts, and (2) "reasonable
30 time" means the time necessary to permit the licensee to conduct the
31 investigation or questioning and the person detained to make a
32 statement or to refuse to make a statement, or the time necessary for
33 a law enforcement officer to arrive.

34 NEW SECTION. **Sec. 4.** Guest services staff shall report
35 disturbances or suspect activity but are not responsible for responding
36 to those occurrences.

1 NEW SECTION. **Sec. 5.** A company which provides both guest services
2 staff and security services staff at an organized event must specify in
3 the contract with the event organizers the difference between staff
4 contracted for security purposes and staff contracted for guest
5 services purposes, and explain clearly how to identify each. The
6 company must maintain lists of the staff that provided the security
7 services and guest services at each event. The contract and the lists
8 of staff will be kept by the company for department review for one year
9 after each event.

10 NEW SECTION. **Sec. 6.** Sections 3 through 5 of this act are each
11 added to chapter 18.170 RCW.

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