

HOUSE BILL No. 2700

By Committee on Transportation

2-9

1 AN ACT enacting the Kansas armored car services licensing act.

2

3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. This act shall be known and may be cited as the Kansas
5 armored car services licensing act.

6 Sec. 2. As used in this act:

7 (a) "Applicant" means an individual or entity who has filed an
8 application with the attorney general for an armored car carrier license or a
9 registration card, as the context requires, under the provisions of this act.

10 (b) "Armored car carrier" means any individual, partnership,
11 association, limited liability company, corporation or any other entity
12 engaging in the business of providing armored car services for hire.

13 (c) "Armored car services" means engaging in the business of
14 providing secured transportation, protection and safeguarding of valuable
15 cargo from one place or point to another, including the provision of cash
16 services for automated teller machines, by means of specially designed and
17 bullet-resistant armored vehicles and armored car guards.

18 (d) "Armored car guard" means an individual employed by an
19 armored car carrier to provide armored car services and who carries a
20 firearm or is authorized by the employer to access a firearm when
21 providing armored car services, and who holds a conditional letter of
22 authority or a valid registration card issued by the attorney general
23 pursuant to the provisions of this act.

24 (e) "Firearm permit" means a firearm permit for the limited authority
25 to carry a firearm concealed on or about the person by an individual
26 possessing an armored car guard registration card.

27 (f) "Firearm" means:

28 (1) A pistol or revolver which is designed to be fired by the use of a
29 single hand and which is designed to fire or is capable of firing fixed
30 cartridge ammunition; or

31 (2) any other weapon which will or is designed to expel a projectile
32 by the action of an explosive and which is designed to be fired by the use
33 of a single hand.

34 (g) "Holder" means an individual who has been issued a registration
35 card by the attorney general.

36 (h) "Licensee" means an armored car carrier that has been issued a

1 license in accordance with the provisions of this act.

2 (i) "Principal" means any person controlling an interest greater than
3 10% of an armored car carrier.

4 (j) "Registration card" means a photographic identification card
5 issued by the attorney general signifying that the holder has been certified
6 by the attorney general to perform armored car services in the employ of
7 an armored car carrier.

8 (k) "Officer" means the four primary officers of a corporation,
9 normally defined as president, vice-president, secretary and treasurer.

10 (l) "Valuable cargo" means money, cash, currency, coin, bullion,
11 precious metals and articles made therefrom; gems, jewelry; negotiable
12 and nonnegotiable securities, bonds, notes, checks, drafts, coupons, other
13 valuable instruments; documents or certificates, including tapes, computer
14 disks or other electronic or magnetic media; U.S. postage stamps, food
15 stamps and other articles of unusual value.

16 Sec. 3. (a) No individual, association, limited liability company,
17 corporation or any other entity, shall operate in the state as an armored car
18 carrier or provide armored car services, or hold themselves out as an
19 armored car carrier or provider of armored car services, except as
20 authorized by this act and without first being licensed by the attorney
21 general. No armored car carrier shall employ any armored car guard who
22 does not possess a valid registration card in accordance with the provisions
23 of this act.

24 (b) Notwithstanding the provisions of subsection (a), each armored
25 car carrier engaging in the business of providing armored car services in
26 the state as of July 1, 2012, may continue to provide such services until
27 January 1, 2013. No armored car carrier shall provide armored car services
28 after such date which has not complied with the provisions of this act.

29 Sec. 4. (a) Every entity desiring to be licensed in Kansas as an
30 armored car carrier shall make application therefor to the attorney general.
31 An application for an armored car carrier license under this act shall be
32 made in writing on a form prescribed by the attorney general and shall
33 include:

34 (1) The full name and business address of the applicant;

35 (2) the name under which the applicant intends to do business;

36 (3) the full name and residence address of each principal, partner,
37 officer, director or associate of the applicant;

38 (4) two classifiable sets of fingerprints for each principal, partner,
39 officer, director or associate of the applicant, one of which shall be
40 submitted to the federal bureau of investigation for a fingerprint check for
41 any criminal history of the applicant;

42 (5) such other information, evidence, statements or documents as may
43 be required by the attorney general; and

1 (6) an application processing fee of \$300.

2 (b) In accordance with the summary proceedings provisions of the
3 Kansas administrative procedure act, the attorney general may deny an
4 armored car carrier license if:

5 (1) The applicant has committed any act constituting dishonesty or
6 fraud;

7 (2) the applicant has displayed a bad moral character or a bad
8 reputation for truth, honesty and integrity;

9 (3) any of the applicant's partners, officer, directors or associates have
10 been convicted of a felony or, within 10 years immediately prior to the
11 date of application, been convicted of any crime involving moral turpitude,
12 dishonesty, vehicular homicide, assault, battery, assault of a law
13 enforcement officer, misdemeanor battery against a law enforcement
14 officer, criminal restraint, sexual battery, endangering a child, intimidation
15 of a witness or victim or illegally using, carrying or possessing a
16 dangerous weapon;

17 (4) the applicant has been refused an armored car carrier license
18 under this act or had such a license suspended or revoked in this state or in
19 any other jurisdiction or had a license censured, limited or conditioned two
20 or more times in this state or in any other jurisdiction; or

21 (5) the applicant has knowingly made any false statement in the
22 application.

23 (c) Any armored car carrier license issued under this act shall expire
24 three years from the date of issuance and may be renewed every three
25 years thereafter. Renewal of any such license shall be made in the manner
26 prescribed by subsection (a)(1) for obtaining an original license, including
27 payment of the application fee except that:

28 (1) The application for renewal shall provide the information required
29 of original applicants if the information shown on the original application
30 or any renewal thereof on file with the attorney general is no longer
31 accurate; and

32 (2) additional information may be required by rules and regulations
33 adopted by the attorney general.

34 Sec. 5. (a) Each armored car carrier license issued under this act shall
35 state the address or addresses at which the business is to be conducted and
36 shall state fully the name of the licensee, and the date and place of its
37 incorporation or organization, as applicable, and the expiration date of the
38 license. A copy of such license shall be prominently posted in each place
39 of business of the licensee. Such license shall not be transferable or
40 assignable.

41 (b) In the event the location at which the business is to be conducted
42 shall be changed, the licensee shall notify the attorney general in writing,
43 who shall thereupon without charge attach to the license a rider setting

1 forth such location change.

2 (c) In the event that there shall be any changes among the principals
3 or officers of any licensee, the licensee shall notify the attorney general in
4 writing, of the name and address of each new principal or officer, and shall
5 submit a complete set of two fingerprint cards, for each such principal or
6 officer in accordance with the provisions of subsection (a)(4) of section 4,
7 and amendments thereto.

8 (d) Prior to the sale or transfer of all or the majority of stock or assets
9 of any armored car carrier, the new principals or officers of the purchaser
10 or transferee shall apply for a new license with the attorney general in
11 accordance with the provisions subsection (a) of section 4, and
12 amendments thereto. If the purchaser or transferee is an existing licensee
13 under this act, then such licensee need not reapply for licensure hereunder,
14 but shall notify the attorney general in writing of such purchase or transfer
15 at least 60 days prior thereto.

16 Sec. 6. The attorney general may censure, limit, condition, suspend or
17 revoke an armored car carrier license issued under this act or deny an
18 application for renewal thereof if, after notice and opportunity for hearing
19 in accordance with the provisions of the Kansas administrative procedure
20 act, the attorney general determines that the applicant or licensee has:

21 (1) Made any false statement or given any false information in
22 connection with an application for an armored car carrier license or
23 reinstatement thereof;

24 (2) violated any of the provisions of this act or the rules and
25 regulations promulgated thereunder;

26 (3) practiced fraud, deceit or misrepresentation; or

27 (4) demonstrated incompetence or untrustworthiness in the applicant's
28 or licensee's actions.

29 Sec. 7. (a) Every armored car carrier shall obtain a minimum of
30 \$10,000,000 all-risk insurance coverage and such additional amounts as
31 are sufficient to cover the value of each valuable cargo consigned in transit
32 or while safeguarded in such carrier's vaults. In addition, each such carrier
33 shall obtain comprehensive general liability insurance coverage for death,
34 personal injury and property damage in the minimum amount of \$500,000
35 per occurrence and \$1,000,000 in the aggregate.

36 (b) A written certificate or certificates of insurance shall be provided
37 to the attorney general by each armored car carrier as part of its application
38 for a license pursuant to the provisions of section 3, and amendments
39 thereto, or for the renewal of such license in accordance with the
40 provisions of subsection (e) of section 5, and amendments thereto.

41 (c) Failure by an armored car carrier to keep such all-risk insurance or
42 comprehensive general liability insurance coverage in full force and effect,
43 shall be a ground for the attorney general to refuse to issue or renew a

1 license, or to suspend or revoke such license, in accordance with the
2 provisions of section 6, and amendments thereto.

3 Sec. 8. It shall be unlawful for any person to work as an armored car
4 guard in this state unless such person has been issued a registration card by
5 the attorney general under the provisions of this act.

6 Sec. 9. (a) Every person desiring a registration card in Kansas shall
7 make application therefor to the attorney general. An application for a
8 registration card under this act shall be made in writing on a form
9 prescribed by the attorney general and shall include:

- 10 (1) Full name;
- 11 (2) aliases or maiden name;
- 12 (3) current residence and telephone number;
- 13 (4) two photographs of the applicant taken within 30 days before the
14 date of application, of a type prescribed by the attorney general, and two
15 classifiable sets of the applicant's fingerprints one of which shall be
16 submitted to the federal bureau of investigation for a fingerprint check for
17 any criminal history of the applicant;

18 (5) such other information, evidence, statements or documents as may
19 be required by the attorney general; and

20 (6) an application processing fee of \$50.

21 (b) In accordance with the summary proceedings provisions of the
22 Kansas administrative procedure act, the attorney general may deny a
23 registration card if the applicant has:

- 24 (1) Committed any act constituting dishonesty or fraud;
- 25 (2) displayed a bad moral character or a bad reputation for truth,
26 honesty and integrity;
- 27 (3) been convicted of a felony or, within 10 years immediately prior
28 to the date of application, been convicted of any crime involving moral
29 turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law
30 enforcement officer, misdemeanor battery against a law enforcement
31 officer, criminal restraint, sexual battery, endangering a child, intimidation
32 of a witness or victim or illegally using, carrying or possessing a
33 dangerous weapon;

34 (4) been refused a registration card under this act or had a registration
35 card suspended or revoked in this state or in any other jurisdiction or had a
36 license censured, limited or conditioned two or more times in this state or
37 in any other jurisdiction; or

38 (5) knowingly made any false statement in the application.

39 Sec. 10. (a) The registration card, when issued, shall be in such form
40 as may be determined by the attorney general and shall include:

- 41 (1) The name of the holder;
- 42 (2) the holder's photograph;
- 43 (3) a registration number;

1 (4) expiration date; and

2 (5) any other information the attorney general deems necessary.

3 (b) The registration card shall be kept on the holder at all times while
4 the holder is working as an armored guard. Upon the issuance of such a
5 registration card, a pocket card of such size, design and content as
6 determined by the attorney general shall be issued without charge to each
7 holder. Such card shall be evidence that the holder is duly registered
8 pursuant to this act. When any holder terminates such holder's activities as
9 an armored car guard, or such holder's registration card has been
10 suspended or revoked, the card shall be surrendered, within five days after
11 such termination, suspension or revocation, to the attorney general for
12 cancellation. Within 30 days after any change of address, a holder shall
13 notify the attorney general of such change and also provide the attorney
14 general with the holder's new address.

15 Sec. 11. The attorney general may censure, limit, condition, suspend
16 or revoke a registration card issued under this act if, after notice and
17 opportunity for hearing in accordance with the provisions of the Kansas
18 administrative procedure act, the attorney general determines that the
19 holder has:

20 (1) Made any false statement or given any false information in
21 connection with an application for a registration card or reinstatement
22 thereof;

23 (2) violated any provisions of this act;

24 (3) violated any rules and regulations of the attorney general adopted
25 pursuant to the authority contained in this act;

26 (4) been convicted of a felony, vehicular homicide, assault, battery,
27 assault of a law enforcement officer, misdemeanor battery against a law
28 enforcement officer, criminal restraint, sexual battery, endangering a child,
29 intimidation of a witness or victim or any crime involving moral turpitude
30 or illegally using, carrying or possessing a dangerous weapon subsequent
31 to the issuance of a registration card; or

32 (5) the holder has practiced fraud, deceit or misrepresentation.

33 Sec. 12. (a) For each armored car guard employed by an armored car
34 carrier, as of the effective date of this act, such carrier, at a time assigned
35 by the attorney general pursuant to a staggered schedule, shall comply
36 with the provisions of section 9, and amendments thereto, with respect to
37 registration. Until the assigned filing date, such armored car carrier may
38 continue to employ such guard to provide armored car services. No
39 armored car carrier may employ any such guard after the assigned filing
40 date who has not complied with the registration requirements as set forth in
41 this act.

42 (b) Any registration card issued under this act shall expire five years
43 from the date of issuance and may be renewed every five years thereafter.

1 Renewal of any such license shall be made in the manner prescribed by
2 obtaining an original license under the provisions of section 9, and
3 amendments thereto, including payment of the application fee except that:

4 (1) The application for renewal shall provide the information required
5 of original applicants if the information shown on the original application
6 or any renewal thereof on file with the attorney general is no longer
7 accurate;

8 (2) a new photograph shall be submitted with the application for
9 renewal only if the photograph on file with the attorney general has been
10 on file more than two years; and

11 (3) additional information as may be required by rules and regulations
12 adopted by the attorney general.

13 Sec. 13. (a) No holder may carry a firearm concealed on or about the
14 holder's person unless the holder obtains a permit therefor, upon
15 application to the attorney general. No permit shall be issued to any holder
16 unless such holder:

17 (1) Demonstrates to the attorney general the need to carry a firearm in
18 order to protect the holder's life, property or valuable cargo and submits
19 such proof as required by the attorney general to establish the necessity for
20 the issuance of a firearm permit; and

21 (2) (A) within 24 months before the date of submission of the
22 original application for a firearm permit, has successfully completed the
23 law enforcement training requirements of subsection (a) of K.S.A. 74-
24 5607a, and amendments thereto, or, within 12 months before the date of
25 submission of the original application for a firearm permit, has
26 successfully completed the law enforcement training requirements of
27 subsection (b) of K.S.A. 74-5607a, and amendments thereto, and submits
28 such proof as required by the attorney general to show satisfactory
29 completion of such training; or (B) within six months before the date of
30 submission of the original application for a firearm permit, has received
31 training in the handling of firearms and the lawful use of force from a
32 trainer certified pursuant to section 14, and amendments thereto, and
33 submits such proof as required by the attorney general to show satisfactory
34 completion of such training.

35 (b) An application for a firearm permit by a holder shall be made in
36 the manner and form prescribed by the attorney general and shall be
37 accompanied by an application fee of \$50. Such application shall be made
38 a part of and supplemental to such holder's application for a registration
39 card under this act. The application shall contain:

40 (1) The applicant's name and business and residence address;

41 (2) the make or manufacturer's name, model, serial number, caliber,
42 gauge and any other identifying information concerning the firearm or
43 firearms to be carried by the applicant;

1 (3) a full set of the applicant's fingerprints;

2 (4) a color photograph of the applicant taken within 30 days prior to
3 the date of application and suitable for identification purposes; and

4 (5) such other information as deemed necessary by the attorney
5 general.

6 (c) (1) If the attorney general is satisfied that it is necessary for an
7 applicant under this section to carry a firearm, the attorney general shall
8 issue to such holder a firearm permit identification card, the form of which
9 shall be approved by the attorney general. Such card shall bear the holders
10 color photograph, thumb prints and signature and a description of the
11 firearm or firearms to be carried. The holder shall have such permit in the
12 holder's possession when carrying a firearm. Identification cards and
13 firearm permits shall be numbered consecutively, and the attorney general
14 shall maintain a current file of all valid firearm permits.

15 (2) For the purpose of safety and emergency identification, holders
16 issued a firearm permit under this act to carry a concealed firearm may
17 carry a firearm permit badge. The badge shall be carried in such a manner
18 that at all times when the badge is visible the armored car guard's firearm
19 permit identification card issued pursuant to paragraph (1) of this
20 subsection shall also be visible. The attorney general shall determine the
21 size, design and other specifications of the badge. The words "registered
22 armored car guard" shall be stated clearly on the face of the badge. The
23 cost of the badge shall be borne by the holder. Whenever any holder
24 terminates such holder's activities as an armored car guard, or such
25 holder's registration card has been suspended or revoked, such badge shall
26 be surrendered within five days following such termination, suspension or
27 revocation to the attorney general for cancellation. Every holder
28 possessing a valid firearm permit badge shall report to the attorney general
29 any loss of the badge within 72 hours of the discovery of the loss.

30 (d) Any holder granted a firearm permit shall present the permit
31 identification card and firearm permit badge upon request by a law
32 enforcement officer acting within the officer's jurisdictional authority, or
33 by a private person upon private property if the person owns or has legal
34 control of the private property, to demonstrate the holder's permit to carry
35 a firearm. Every holder possessing a valid firearm permit shall report to
36 the attorney general any change of employment status, change of firearm
37 or firearms to be carried, loss of identification card or change of personal
38 or business address. Every holder who discharges a firearm for any reason
39 other than test firing, firearm training or target practice shall report the
40 discharge to the attorney general within 24 hours, together with a written
41 report giving full particulars and reason for such discharge.

42 (e) The attorney general shall revoke any firearm permit if the
43 holder's registration card has been suspended or revoked. The attorney

1 general may suspend or revoke any firearm permit if the holder has used a
2 firearm in a manner inconsistent with the lawful use of force or if the
3 holder can no longer demonstrate a need to carry a firearm, pursuant to
4 subsection (a)(1). An order of suspension or revocation, and hearing
5 thereon, shall be subject to the provisions of the Kansas administrative
6 procedure act. The attorney general shall recall any suspended or revoked
7 firearm permit identification card.

8 (f) A holder to whom a firearm permit is granted under this section
9 shall be deemed to have no greater justification in the use of force than a
10 private person as prescribed by the Kansas criminal code. Nothing in this
11 act shall be construed as limiting the civil liability of any such holder with
12 respect to the use of force.

13 (g) No firearm permit shall be issued to any:

14 (1) Organization;

15 (2) individual who has been declared, by any court of competent
16 jurisdiction, to be incapacitated or mentally ill and has not been restored to
17 capacity or mental health; or

18 (3) individual who suffers from alcohol or narcotics addiction or
19 dependence.

20 (h) A firearm permit issued under this act shall expire on the date of
21 the holder's registration card. Renewal of any such firearm permit shall be
22 made in a form and manner prescribed by the attorney general and subject
23 to such conditions as required by rules and regulations adopted by the
24 attorney general. Renewal of a firearm permit shall be based on a
25 demonstrated continuing need to carry a firearm in accordance with the
26 provisions of subsection (a)(1).

27 Sec. 14. (a) The attorney general shall certify persons who are
28 qualified to train armored car guards in the handling of firearms and the
29 lawful use of force.

30 (b) In order to be certified as a trainer under this section, an
31 individual shall:

32 (1) Have a minimum of one-year supervisory experience with a
33 proprietary investigative or security organization or any federal, United
34 States military, state, county or city law enforcement agency; and

35 (2) not have been convicted of a felony or, within 10 years
36 immediately prior to the date of application, been convicted of a
37 misdemeanor. If the individual is not registered as an armored car guard,
38 then the individual shall submit two classifiable sets of the individual's
39 fingerprints one of which shall be submitted to the federal bureau of
40 investigation for a fingerprint check for any criminal history of the
41 individual.

42 (c) Persons wishing to become certified trainers shall make
43 application to the attorney general on a form prescribed by the attorney

1 general. Applications for a firearm training certificate shall be
2 accompanied by a fee of \$100. The application shall contain a statement of
3 the plan of operation for the training offered by the applicant and the
4 materials and aids to be used and any other information required by the
5 attorney general.

6 (d) A certificate shall be granted to a trainer if the attorney general
7 finds that the individual:

8 (1) Meets the requirements of subsection (b);

9 (2) is a person of good character and reputation;

10 (3) has sufficient knowledge of armored car services and the lawful
11 use of force to be a suitable person to train armored car guards in the
12 handling of firearms and the lawful use of force;

13 (4) has supplied all required information to the attorney general; and

14 (5) has paid the required fee.

15 (e) The certificate issued pursuant to this section shall expire two
16 years from the date of issuance. A certificate may be renewed on a biennial
17 basis upon application and payment of a fee in an amount of \$100.

18 Sec. 15. The attorney general shall remit all moneys received from
19 fees or charges imposed pursuant to this act to the state treasurer in
20 accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto. Upon receipt of each such remittance, the attorney general shall
22 deposit the entire amount in the state treasury to the credit of the armored
23 car services fee fund, which is hereby created. Moneys in the armored car
24 services fee fund shall be used solely for the purpose of administering and
25 implementing sections 2 through 14, and amendments thereto, and any
26 other law relating to the licensure and regulation of armored car carriers
27 and armored car guards. All expenditures from such fund shall be made in
28 accordance with appropriation acts upon warrants of the director of
29 accounts and reports issued pursuant to vouchers approved by the attorney
30 general or by a person or persons designated by the attorney general.

31 Sec. 16. (a) The licensing and regulation of armored car carriers and
32 armored car guards shall be under the exclusive jurisdiction and control of
33 the attorney general, as provided by this act, and no city may adopt any
34 ordinance which provides for the licensing or regulation of armored car
35 carriers. Any such ordinance which is so adopted, or which has been
36 adopted on or before the effective date of this act, is hereby declared null
37 and void.

38 (b) The attorney general shall adopt such rules and regulations as may
39 be necessary to carry out the provisions of this act.

40 Sec. 17. This act shall take effect and be in force from and after its
41 publication in the statute book.

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