



# NATIONAL ARMORED CAR ASSOCIATION, INC.

March 29, 2010

Honorable Marcus R. Oshiro  
Chair  
Committee on Finance  
House of Representatives  
State of Hawaii  
VIA Electronic Mail

Dear Chairman Oshiro:

I am writing in behalf of the National Armored Car Association with regard to SB 2165. The National Armored Car Association represents the major national cash in transit carriers, serving the Federal Reserve, financial institutions and numerous Hawaii businesses and public institutions.

Our primary concern with the legislation is that the training requirements of the bill may apply to our armored car crewmembers. If so, then the legislation would put them and other citizens in increased danger on the streets of Hawaii. The function of armored car guards is substantially different from the duties of other security officers and should be treated differently.

The International Association of Chiefs of Police (IACP) in their "Private Security Officer Selection, Training and Licensing Guidelines" established a separate classification for armored car guards. They concluded that training "should be based upon a needs analysis related to job function". Similarly, ASIS International provided a specific exemption for armored car guards when they developed their "Private Security Officer Selection and Training Guideline". Thus, both the public and private sector experts, after substantial review, have urged separate training regimens for armored car guards. The states of Arizona and North Carolina are taking similar approaches to training.

As you know, armored car guards carry large amounts of money and other valuables and have been attacked with lethal weapons. Their training is designed to minimize the time that they and other citizens are exposed to danger. Speed and efficiency are most important to reduce the risk to themselves, our customers and the public.

Some of the specific training cited in the bill would be counterproductive to the goal of minimizing exposure. Our crews should not be instructed in powers of arrest, patrolling and interaction with tourists. None of these are appropriate for armored car employees. In fact, if such training were required, it would increase the danger because criminals could ask directions as a ruse.

Armored car guards undergo extensive training that is appropriate to the tasks at hand. They all also submit to criminal background checks. If training regimens are to be proposed, they ought to relate to their job function.

9532 Stevebrook Road Fairfax, VA 22032-2032  
Phone: (703) 426-1976 Fax (703) 666-9085  
[www.nationalarmoredcar.com](http://www.nationalarmoredcar.com)

Honorable Marcus R. Oshiro  
March 29, 2010  
Page two

In addition, our customers require armored car companies to carry large all-risk insurance policies. As a result, we are often subject to inspections by insurance underwriters to assure that our crewmembers are adhering to appropriate safety and security procedures.

We urge you to amend the legislation to authorize regulators to substitute training requirements appropriate for armored car guards.

We would be pleased to discuss this issue with you or staff. Our association has developed a training regimen which we would be pleased to share with the Committee. We want to work with you to keep the streets safe. Thank you for your consideration.

Sincerely,

(s)  
Lawrence Sabbath  
Executive Director

cc: Vice Chair Marilyn B. Lee

Sec 463, add new (h) as follows:

“The board shall adopt rules providing for the training of armored car guards determined to be relevant to the functions of such guards. Armored car guards shall be required to complete only such training deemed by the board to be appropriate.”

Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair  
Committee on Finance



HEARING Monday, March 29, 2010  
6:00 pm  
Conference Room 308  
State Capitol, Honolulu, Hawaii 96813

RE: SB2165, SD1, HD1, Relating to Private Guards

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to the support of the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 23% of the labor force.

**RMH opposes SB2165, SD1, HD1**, which establishes registration requirements, including training, instruction, and continuing education, for guards and individuals acting in guard capacity. This measure impacts an entire industry that has not been afforded an opportunity to provide input or expertise on current industry practices.

By removing the exemption in §463-13, HRS, for private employer-employee relationships, ["a person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship,"] it becomes apparent that security personnel or guards currently employed in the retail industry immediately become subject to §463-7, HRS, and as such must comply with the licensure requirement.

*[§463-7, HRS "Guard and guard agencies; license required. (a) No individual shall engage in the business of guard for the purpose of protecting persons or property or to prevent theft or unlawful taking of goods, wares, merchandise, money, bonds, documents, or other articles of value for hire or reward or represent oneself to be, or hold oneself out as such without first obtaining a license as guard from the board and paying the application and license fees."]*

RMH does not oppose standards of professionalism in any industry. **However, SB2165, SD1, HD1 is duplicative, mandating registration requirements in addition to the existing statutory licensure requirements.** There are costs related to licensure and training as per current statute; adding another training and fee requirement will be needlessly and extremely burdensome for the individual, the employer or both.

Rather than impose additional mandates on individuals and industry, we respectfully ask this Committee to reinstate the private employer-employee exemption. If that does not meet with your objective, we then ask your consideration of a resolution calling the subject parties together to consider the implications of the statute, any relevant activities in the marketplace, and the fundamental needs of society, and to craft language appropriate to all segments of the industry. This could be accomplished well within the July 1, 2013 desired effective date of this measure.

We urge you to hold this bill. Thank you for your consideration and for the opportunity to testify on SB2165, SD1, HD1.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII  
1240 Ala Moana Boulevard, Suite 215  
Honolulu, HI 96814  
ph: 808-592-4200 / fax: 808-592-4200

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 27, 2010 10:12 AM  
**To:** FINTestimony  
**Cc:** verickerbob@hawaii.rr.com  
**Subject:** Testimony for SB2165 on 3/29/2010 6:00:00 PM

Testimony for FIN 3/29/2010 6:00:00 PM SB2165

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bob Vericker  
Organization: Individual  
Address: Kailua, Hawaii  
Phone:  
E-mail: [verickerbob@hawaii.rr.com](mailto:verickerbob@hawaii.rr.com)  
Submitted on: 3/27/2010

### Comments:

Supportive of the Bill, however, opposed to the "2013"; lengthy wait (should be no later than 2012 in my opinion) page 1 -line 6; and opposed to "The Board shall determine whether an individual qualifies for registration..." the LOOPHOLE page 2 -line 5 and 6.

Supportive because in this post 9/11 era, the national criminal check and training are necessary. It should be noted the training curriculum currently exists and the Federal law for criminal checks was passed in 2004.

Mahalo.  
Bob Vericker