

Licensure of Minnesota Protective Agents Who Provide Personal Security

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Minnesota law requires that persons or companies providing paid protective agent services be licensed by the state. This publication explains the legal framework for licensing protective agents in Minnesota, with a focus on agents who provide personal security.

Licensing Authority

The Board of Private Detective and Protective Agent Services (PBD) is responsible for licensing and regulating protective agents in Minnesota. ([Minn. Stat. § 326.3311](#))

Protective Agent Defined

In relevant part, Minnesota law ([Minn. Stat. § 326.338](#), subd. 4) provides that a “protective agent” is:

A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:

(1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things....

Types of Business Entities Eligible for Protective Agent Licensees

A person working as a protective agent can either hold a protective agent license or work for a person who holds a license. The PBD may issue licenses to a sole proprietor, a partnership/limited liability partnership (LLP), or a corporation/limited liability corporation (LLC). ([Minn. Stat. § 326.3381](#)) LLP and LLC licensees must designate a qualified representative to serve as the day-to-day manager of the entity. A licensee is entitled to hire employees who are not licensed by the board, regardless of the business structure the licensee operates under. Employees of license holders do not need their own protective agent license, but must meet the statutory and administrative requirements to work for a licensed protective agent (see below).

A private entity that *employs* private security to serve as security guards solely on the private entity's property is not required to secure a protective agent license from the board. ([Minn. Stat. § 326.32](#), subd. 10c) This is called the proprietary employer exception. “**Proprietary employers**” must conduct background checks on employees assigned to provide protective agent services just as licensed protective agents must do for their employees. This exception only extends to employees of the proprietor. Independent contractors hired by a proprietor must be licensed by the board.

Qualifications to Receive a Protective Agent License

At a minimum, a person applying for a protective agent license must:

- 1) be 18 years of age;

- 2) have no felonies or other specified disqualifying offenses;
- 3) post a \$10,000 surety bond;
- 4) provide proof of financial responsibility;
- 5) be of good character; and
- 6) have at least 6,000 hours of prior security experience. ([Minn. Stat. §§ 326.3381 and 326.3382](#))

Screening and Training Requirements

License holders and their employees must pass a criminal background check. Employees must receive at least 12 hours of pre-assignment training (or have equivalent prior experience). License holders and employees must complete six hours of continuing education courses each year. ([Minn. Stat. §§ 326.3361 and 326.336](#); Minn. Rules 7506.2700)

The PBD must verify and certify that license holders and their employees who intend to carry firearms while providing protective services are eligible to do so and have appropriate training with their weapons. Once certified by the board, a protective agent who carries a firearm must complete six hours of firearm training each year, including qualifying on a firing range. In addition, those agents who carry firearms must annually complete a first aid course and provide the board with proof of first aid training with a CPR certification.

A license holder must issue an identification card to each employee. While on duty, an employee must have the identification card in their possession. Each identification card must contain the license holder's name, logo (if any), address or Minnesota office address, and the employee's photograph and physical description. The card-holding employee and the license holder, qualified representative, or Minnesota office manager must sign the card. An employee must present their identification card upon request.

Sanctions for the Unauthorized Provision of Protective Agent Services

The PBD may suspend, revoke, refuse to issue, or refuse to reissue the license of a protective agent who violates applicable laws and administrative rules. The board may assess administrative penalties against license holders for license violations. The board may petition a court for injunctive relief to compel an unlicensed person from acting as a protective agent. Criminal violations of the applicable provisions of chapter 326 are punishable as a gross misdemeanor. ([Minn. Stat. §§ 214.11; 326.3387; 326.3388; and 326.339](#))

Database of Protective Agent Licensees

The PBD maintains a list of active protective agent license holders on the [board's website](#). The website provides each protective agent's designated representative and contact information and how long the protective agent has been licensed in Minnesota.¹



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¹ Most protective agents operate either as an LLC, LLP, or as an employee of an LLC or LLP. In these cases, the board issues the protective agent license to the LLC or LLP. As such, running a "name" search in the board's licensee database may not inform the individual searching the database whether the named person has a protective agent license or whether the person is in good standing with the board unless the person is listed as a sole proprietor or the qualified representative or Minnesota manager for an LLC or LLP.