

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 761

Introduced by Assembly Member Maddox

February 22, 2001

An act to amend Section 125.9 of, and to add Section 7558.6 to, the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

AB 761, as amended, Maddox. Private investigators: continuing education.

Existing law provides that a private investigator license expires 2 years following the date of issuance, or on the assigned renewal date. A licensee is required to apply for a renewal and pay a renewal fee in order to renew his or her license.

This bill would establish continuing education requirements for licensed private investigators, *specify how hours of continuing education units would be measured, place a limit on the number of units that could be earned from self study, correspondence, and distance learning courses*, and would make renewal of a private investigator's license contingent upon meeting those requirements. The bill would also specify standards to be met by continuing education providers, and an approval process ~~by~~ *whereby* the Department of Consumer Affairs ~~for those~~ *would approve the course providers and the Advisory Committee would approve the courses*. The bill would authorize a

licensee to request that his or her license be placed on inactive status and *would allow the licensee* to reactivate the license by making a statement under penalty of perjury that he or she has obtained 14 hours of continuing education *units*. Because this bill would expand the crime of perjury, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 125.9 of the Business and Professions
2 Code is amended to read:
3 125.9. (a) Except with respect to persons regulated under
4 Chapter 8 (commencing with Section 6850), Chapter 11
5 (commencing with Section 7500), Chapter 11.5 (commencing
6 with Section 7580), and Chapter 11.6 (commencing with Section
7 7590) of Division 3, or a person holding a license specified in
8 paragraph (1), (6), or (7) of subdivision (b) of Section 9941, any
9 board, bureau, or commission within the department, and the
10 Osteopathic Medical Board of California, may establish, by
11 regulation, a system for the issuance to a licensee of a citation
12 which may contain an order of abatement or an order to pay an
13 administrative fine assessed by the board, bureau, or commission
14 where the licensee is in violation of the applicable licensing act or
15 any regulation adopted pursuant thereto.
16 (b) The system shall contain the following provisions:
17 (1) Citations shall be in writing and shall describe with
18 particularity the nature of the violation, including specific
19 reference to the provision of law determined to have been violated.
20 (2) Whenever appropriate, the citation shall contain an order of
21 abatement fixing a reasonable time for abatement of the violation.
22 (3) In no event shall the administrative fine assessed by the
23 board, bureau, or commission exceed two thousand five hundred
24 dollars (\$2,500) for each inspection or each investigation made



1 with respect to the violation, or two thousand five hundred dollars
2 (\$2,500) for each violation or count if the violation involves
3 fraudulent billing submitted to an insurance company, the
4 Medi-Cal program, or Medicare. In assessing a fine, the board,
5 bureau, or commission shall give due consideration to the
6 appropriateness of the amount of the fine with respect to factors
7 such as the gravity of the violation, the good faith of the licensee,
8 and the history of previous violations.

9 (4) A citation or fine assessment issued pursuant to a citation
10 shall inform the licensee that if he or she desires a hearing to
11 contest the finding of a violation, that hearing shall be requested
12 by written notice to the board, bureau, or commission within 30
13 days of the date of issuance of the citation or assessment. If a
14 hearing is not requested pursuant to this section, payment of any
15 fine shall not constitute an admission of the violation charged.
16 Hearings shall be held pursuant to Chapter 5 (commencing with
17 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
18 Code.

19 (5) Failure of a licensee to pay a fine within 30 days of the date
20 of assessment, unless the citation is being appealed, may result in
21 disciplinary action being taken by the board, bureau, or
22 commission. Where a citation is not contested and a fine is not
23 paid, the full amount of the assessed fine shall be added to the fee
24 for renewal of the license. A license shall not be renewed without
25 payment of the renewal fee and fine.

26 (c) The system may contain the following provisions:

27 (1) A citation may be issued without the assessment of an
28 administrative fine.

29 (2) Assessment of administrative fines may be limited to only
30 particular violations of the applicable licensing act.

31 (d) Notwithstanding any other provision of law, if a fine is paid
32 to satisfy an assessment based on the finding of a violation,
33 payment of the fine shall be represented as satisfactory resolution
34 of the matter for purposes of public disclosure.

35 (e) Administrative fines collected pursuant to this section shall
36 be deposited in the special fund of the particular board, bureau, or
37 commission.

38 SEC. 2. Section 7558.6 is added to the Business and
39 Professions Code, to read:



1 7558.6. (a) Any individual licensed as a private investigator
2 shall complete 14 hours of continuing education units, as approved
3 by the department, in order to renew his or her license, and of these,
4 ~~two hours~~ *one hour* shall be in the subject of ethics and ~~two hours~~
5 *one hour* shall be in the subject of privacy. *For purposes of this*
6 *section, hours of continuing education units shall be determined*
7 *based upon actual time spent in an activity measured to the nearest*
8 *one-quarter hour, reported in decimals, including actual*
9 *instruction or speaking time, actual time spent viewing videotapes*
10 *or listening to audio tapes, and actual time spent preparing*
11 *materials for publication. Actual time spent in self study, including*
12 *on-line training, correspondence courses, and distance learning,*
13 *may be computed as approved by the Advisory Committee*
14 *established pursuant to subdivision (j) and shall not exceed a*
15 *maximum of seven continuing education units in a renewal period.*

16 (b) A licensee shall submit to the department a statement signed
17 under penalty of perjury attesting that he or she has completed the
18 continuing education requirements in subdivision (a). This
19 statement shall be submitted with the license renewal application.

20 (c) A licensee shall maintain, for a period of six years, copies
21 of certificates of continuing education completion demonstrating
22 compliance with the continuing education requirements in
23 subdivision (a).

24 (d) The department shall suspend the license of any licensee
25 who is found not to be in compliance with subdivision (a), (b), or
26 (c), for a period not to exceed 60 days, at which time the
27 department shall revoke the license unless the required continuing
28 education units have been completed.

29 (e) A licensee renewing his or her license during the period
30 from January 1, ~~2002~~ 2003, to December 31, ~~2002~~ 2003,
31 inclusive, shall submit to the department a statement signed under
32 penalty of perjury attesting that he or she has completed seven
33 hours of continuing education units.

34 (f) Continuing Education Providers (CEP) shall obtain
35 approval from the Advisory Committee established pursuant to
36 subdivision (j) prior to offering a course for continuing education
37 units to licensed private investigators.

38 (1) The ~~department~~ *Advisory Committee* shall establish a
39 procedure for approving CEPs to offer continuing education units
40 to licensed private investigators.



1 (2) Continuing Education Providers shall submit to the
2 ~~department~~ *Advisory Committee* a course description, certificate
3 and curriculum vitae of course instructors for review and approval.

4 ~~(3) Continuing Education Providers offering these continuing~~
5 ~~education units shall pay an application fee of five hundred dollars~~
6 ~~(\$500) to the department. Continuing education providers shall~~
7 ~~pay a renewal fee of one hundred dollars (\$100), on a biennial~~
8 ~~basis, to the department thereafter.~~

9 ~~(4)~~

10 (3) Continuing Education Providers shall maintain a record of
11 course sign-in forms, sign-out forms, student enrollment, copies
12 of certificates of completion, and course outlines for a period of six
13 years.

14 ~~(5)~~

15 (4) Continuing Education Providers shall agree to audits
16 performed by the department.

17 ~~(6)~~

18 (5) The ~~department~~ *Advisory Committee* may revoke or deny
19 the right of a CEP to offer continuing education units for failure
20 to comply with any of the requirements of this subdivision.

21 (g) The department shall deem accredited ~~colleges and~~
22 ~~universities as approved CEPs with approval of courses by the~~
23 ~~Bureau of Security and Investigative Services. academic~~
24 ~~institutions and recognized national and state associations of~~
25 ~~licensed private investigators as approved Continuing Education~~
26 ~~Providers.~~

27 (h) The department shall audit on an annual basis ~~not less than~~
28 ~~10 percent~~ of license renewal submissions and CEP applications.

29 (i) The department shall submit a report to the Legislature no
30 later than January 1, ~~2004~~ 2005, evaluating the progress of the
31 continuing education requirements of this section.

32 (j) The director *or his or her delegate* shall appoint ~~a director~~
33 ~~an Advisory Committee~~ to consult with the department in the
34 consideration and approval of course providers and course
35 content. The director shall appoint ~~one representative of course~~
36 ~~providers and one representative of each nonprofit organization~~
37 ~~established under Section 7110 of the Corporations Code and~~
38 ~~having a minimum of 100 members licensed as private~~
39 ~~investigators, to the Advisory Committee. an Advisory Committee~~
40 ~~that consists of three licensed private investigators, one public~~



1 member; and a representative of the Bureau of Security and
2 Investigative Services.

3 (k) The Advisory Committee shall approve course providers
4 and course content, and shall receive advice from the Department
5 of Consumer Affairs. *The Advisory Committee shall develop*
6 *criteria for course providers and course content that, to the extent*
7 *applicable and feasible, is consistent with the provisions of Section*
8 *166.*

9 ~~(l) A licensed private investigator may apply to the department~~
10 ~~to request that his or her license be placed on inactive status.~~
11 ~~Licensees who hold an inactive license shall pay a biennial fee of~~
12 ~~sixty two dollars and fifty cents (\$62.50), and shall be exempt from~~
13 ~~the continuing education requirements in this section.~~

14 ~~(m) A licensee who holds an inactive license may reactivate his~~
15 ~~or her license at two-year intervals upon submission to the~~
16 ~~department of a statement made under penalty of perjury that he~~
17 ~~or she has obtained 14 hours of continuing education units, and~~
18 ~~upon payment of a renewal fee, as set forth in Section 7570, to the~~
19 ~~department.~~

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

