
Introduced by Senator Alpert

February 9, 2001

An act to amend Section 7522 of the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as introduced, Alpert. Private investigators: exemption from licensure.

Existing law provides for the licensing and regulation of private investigators, but excepts from those provisions specified individuals and entities.

This bill would also except from those provisions, a holder of a certificate or degree in human resource management, as specified.

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

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

1 SECTION 1. Section 7522 of the Business and Professions
2 Code is amended to read:
3 7522. This chapter does not apply to:
4 (a) A person employed exclusively and regularly by any
5 employer who does not provide contract security services for other
6 entities or persons, in connection with the affairs of ~~such~~ *the*
7 employer only and where there exists an employer-employee
8 relationship if that person at no time carries or uses any deadly
9 weapon in the performance of his or her duties. For purposes of this
10 subdivision, "deadly weapon" is defined to include any
11 instrument or weapon of the kind commonly known as a blackjack,

1 slungshot, billy, sandclub, sandbag, metal knuckles, any dirk,
2 dagger, pistol, revolver, or any other firearm, any knife having a
3 blade longer than five inches, any razor with an unguarded blade
4 and any metal pipe or bar used or intended to be used as a club.

5 (b) An officer or employee of the United States of America, or
6 of this state or a political subdivision thereof, while the officer or
7 employee is engaged in the performance of his or her official
8 duties, including uniformed peace officers employed part time by
9 a public agency pursuant to a written agreement between a chief
10 of police or sheriff and the public agency, provided the part-time
11 employment does not exceed 50 hours in any calendar month.

12 (c) A person engaged exclusively in the business of obtaining
13 and furnishing information as to the financial rating of persons.

14 (d) A charitable philanthropic society or association duly
15 incorporated under the laws of this state ~~which~~ *that* is organized
16 and maintained for the public good and not for private profit.

17 (e) An attorney at law in performing his or her duties as an
18 attorney at law.

19 (f) Admitted insurers and agents and insurance brokers
20 licensed by the state, performing duties in connection with
21 insurance transacted by them.

22 (g) Any bank subject to the jurisdiction of the Commissioner
23 of Financial Institutions of the State of California under Division
24 1 (commencing with Section 99) of the Financial Code or the
25 Comptroller of Currency of the United States.

26 (h) A person engaged solely in the business of securing
27 information about persons or property from public records.

28 (i) A peace officer of this state or a political subdivision thereof
29 while the peace officer is employed by a private employer to
30 engage in off-duty employment in accordance with Section 1126
31 of the Government Code. However, nothing herein shall exempt
32 a peace officer who either contracts for his or her services or the
33 services of others as a private investigator or contracts for his or
34 her services as or is employed as an armed private investigator. For
35 purposes of this subdivision, “armed private investigator” means
36 an individual who carries or uses a firearm in the course and scope
37 of that contract or employment.

38 (j) A licensed insurance adjuster in performing his or her duties
39 within the scope of his or her license as an insurance adjuster.



1 (k) Any savings association subject to the jurisdiction of the
2 Commissioner of Financial Institutions or the Office of Thrift
3 Supervision.

4 (l) Any secured creditor engaged in the repossession of the
5 creditor's collateral and any lessor engaged in the repossession of
6 leased property in which it claims an interest.

7 (m) The act of serving process by an individual who is
8 registered as a process server pursuant to Section 22350.

9 (n) (1) A person or business engaged in conducting objective
10 observations of consumer purchases of products or services in the
11 public environments of a business establishment by the use of a
12 preestablished questionnaire, provided that person or business
13 entity does not engage in any other activity that requires licensure
14 pursuant to this chapter. The questionnaire may include objective
15 comments.

16 (2) If a preestablished questionnaire is used as a basis, but not
17 the sole basis, for disciplining or discharging an employee, or for
18 conducting an interview with the employee that might result in the
19 employee being terminated, the employer shall provide the
20 employee with a copy of that questionnaire using the same
21 procedures that an employer is required to follow under Section
22 2930 of the Labor Code for providing an employee with a copy of
23 a shopping investigator's report. This subdivision does not exempt
24 from this chapter a person or business described in paragraph (1)
25 if a preestablished questionnaire of that person or business is used
26 as the sole basis for evaluating an employee's work performance.

27 (o) *The holder of a certificate in human resource management*
28 *from a statewide or national association of human resource*
29 *professionals, where the primary function includes professional*
30 *education and the issuance of certificates evidencing competency*
31 *in human resource management, or the holder of a certificate or*
32 *degree in human resource management from a college or*
33 *university that is accredited by an accrediting agency recognized*
34 *by the United States Department of Education. The certificate or*
35 *degree holder shall have completed coursework in human resource*
36 *management and currently be making recommendations for*
37 *corrective action regarding harassment in the workplace,*
38 *providing assessments of harassment in the workplace, training*
39 *management and employees on harassment prevention in the*



- 1 *workplace, and preparing written policies and procedures for*
- 2 *prevention of harassment in the workplace.*

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