

**Introduced by Senators Harman, Aanestad, Cox, Ducheny, and
Wyland**

(Coauthors: Assembly Members Adams, Gaines, Garrick, Hall, and
Silva)

February 23, 2009

An act to amend Section 7570 of, and to add Section 7560.5 to, the
Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

SB 202, as introduced, Harman. Private investigators: continuing
education.

Existing law, the Private Investigator Act, provides for the licensure
and regulation of private investigators by the Bureau of Security and
Investigative Services within the Department of Consumer Affairs.
Existing law requires an applicant for licensure to submit a specified
application, meet certain requirements, and pay a fee not to exceed
\$175. 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 not
to exceed \$125 in order to renew his or her license.

On and after January 1, 2013, this bill would require licensees, as a
condition of license renewal, to complete 12 hours of continuing
education in specified subjects, and as otherwise specified for a licensee
renewing a license between January 1, 2012, and January 1, 2013. The
bill would require a licensee for renewal to submit to the department a
signed statement attesting that he or she has completed the specified
continuing education requirements, for which a false statement may be
subject to a specified civil penalty as well as suspension of a license.
The bill would specify that these continuing education requirements do

not apply to any individual licensed as a private investigator who is 70 years of age or older and has been in good standing for at least 25 consecutive years or is an inactive licensed private investigator, as defined. The bill would authorize an inactive licensee to become active by, among other things, submitting to the department a signed statement attesting that he or she has completed the specified continuing education requirements, for which a false statement may be subject to a specified civil penalty as well as suspension of a license. The bill would specify standards to be met by continuing education providers and would require the department to convene a review panel to consult with the department in the consideration and approval of course providers and course content. The bill would also increase the fee for an original license to up to \$195 and the renewal fee to up to \$145.

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

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

1 SECTION 1. Section 7560.5 is added to the Business and
2 Professions Code, to read:
3 7560.5. (a) (1) On or after January 1, 2013, any individual
4 licensed as a private investigator shall complete 12 hours of
5 continuing education, as approved by the department, in order to
6 renew his or her license, and of these, two hours shall be on the
7 subject of privacy rights, two hours shall be on the subject of
8 professional ethics, two hours shall be on the subject of recent
9 legal developments relating to private investigators, and six hours
10 shall be on any subject relating to private investigators.
11 (2) Notwithstanding paragraph (1), any individual licensed as
12 a private investigator whose license is subject to renewal between
13 January 1, 2012, and January 1, 2013, shall complete six hours of
14 continuing education, as approved by the department, in order to
15 renew his or her license, and of these, two hours shall be on the
16 subject of privacy rights, two hours shall be on the subject of
17 professional ethics, and two hours shall be on the subject of recent
18 legal developments relating to private investigators.
19 (b) A licensee shall submit to the department a signed statement
20 attesting that he or she has completed the continuing education
21 requirement in subdivision (a). This statement shall be submitted
22 with the license renewal application.

1 (c) A licensee shall maintain, for a period of five years, copies
2 of certificates of continuing education completion demonstrating
3 compliance with the continuing education requirement in
4 subdivision (a).

5 (d) The department may suspend for a period not to exceed 60
6 days, the license of any licensee who is found not to be in
7 compliance with subdivision (a), (b), or (c), at which time the
8 department shall revoke the license unless the required continuing
9 education has been completed and documented.

10 (e) The department shall have the right to audit the records of
11 any licensee to verify completion of the continuing education
12 requirement.

13 (f) This section shall not apply to any individual licensed as a
14 private investigator who meets either of the following requirements:

15 (1) Is 70 years of age or older and has been a licensee in good
16 standing for a minimum of 25 consecutive years.

17 (2) Is an inactive licensed private investigator.

18 (A) For the purposes of this subdivision, “inactive licensed
19 private investigator” shall mean an individual who meets all of the
20 following requirements:

21 (i) Is licensed under this chapter.

22 (ii) Has informed the department that he or she will not be
23 performing activities that require licensure.

24 (iii) Does not perform activities requiring licensure.

25 (B) A licensee who is inactive under this paragraph may become
26 active at the beginning of the regular, two-year license registration
27 period upon submission to the department of a signed statement
28 attesting that he or she has completed the continuing education
29 requirement in subdivision (a), and upon payment to the department
30 of the renewal fee, as specified in Section 7570.

31 (g) Continuing education providers (CEPs) shall obtain approval
32 from the department prior to offering a course for continuing
33 education to licensed private investigators. For purposes of this
34 section, CEPs that have been approved by, and are in good standing
35 with, the State Bar to provide mandatory continuing legal education
36 may offer courses for continuing education to licensed private
37 investigators without approval from the department.

38 (1) CEPs shall submit to the department a course description,
39 certificate, and curriculum vitae of course instructors for review
40 and approval.

1 (2) CEPs shall maintain a record of course sign-in forms,
2 sign-out forms, student enrollment, copies of certificates of
3 completion, and course outlines for a period of five years.

4 (3) CEPs shall agree to audits performed by the department.

5 (4) The director may revoke or deny the right of a CEP to offer
6 continuing education for failure to comply with any of the
7 requirements of this subdivision.

8 (h) (1) The department shall establish a procedure for approving
9 CEPs to offer continuing education to licensed private
10 investigators.

11 (2) The department shall convene a review panel to consult with
12 the department in the consideration and approval of CEPs and
13 course content. The review panel shall include representatives of
14 CEPs and professional associations of licensed private
15 investigators. Accredited academic institutions and recognized
16 national and state associations of licensed private investigators
17 may be approved by the department as CEPs.

18 (3) The department shall develop criteria for course providers
19 and course content that, to the extent applicable and feasible, is
20 consistent with the provisions of Section 166.

21 (i) If, in a signed statement required by subdivision (b) or (f),
22 a declarant willfully states as true any material fact he or she knows
23 to be false, that person shall be subject to a civil penalty of up to
24 ten thousand dollars (\$10,000). In addition, the department may
25 suspend the license of a licensee for a period not to exceed one
26 year, at which time the department shall revoke the license unless
27 the licensee submits a signed statement attesting that he or she has
28 completed the continuing education requirement in subdivision
29 (a). Any public prosecutor may bring a civil action to impose the
30 civil penalty. A licensee shall be advised of the penalty authorized
31 under this subdivision in the documents submitted for signature.

32 SEC. 2. Section 7570 of the Business and Professions Code is
33 amended to read:

34 7570. The fees prescribed by this chapter are as follows:

35 (a) The application and examination fee for an original license
36 may not exceed fifty dollars (\$50).

37 (b) The application fee for an original branch office certificate
38 may not exceed thirty dollars (\$30).

- 1 (c) The fee for an original license for a private investigator may
2 not exceed one hundred ~~seventy-five dollars (\$175)~~ *ninety-five*
3 *dollars (\$195)*.
- 4 (d) The renewal fee is as follows:
- 5 (1) For a license as a private investigator, the fee may not exceed
6 one hundred ~~twenty-five dollars (\$125)~~ *forty-five dollars (\$145)*.
- 7 (2) For a combination license as a private investigator and
8 private patrol operator under Chapter 11.5 (commencing with
9 Section 7580), AC or DC prefix, the fee may not exceed six
10 hundred dollars (\$600).
- 11 (3) For a branch office certificate for a private investigator, the
12 fee may not exceed thirty dollars (\$30), and for a combination
13 private investigator and private patrol operator under Chapter 11.5
14 (commencing with Section 7580), the fee may not exceed forty
15 dollars (\$40).
- 16 (e) The delinquency fee is 50 percent of the renewal fee in effect
17 on the date of expiration.
- 18 (f) A reinstatement fee is equal to the amount of the renewal
19 fee plus the regular delinquency fee.
- 20 (g) The fee for reexamination of an applicant or his or her
21 manager may not exceed fifteen dollars (\$15).