

AMENDED IN ASSEMBLY JUNE 15, 2009

AMENDED IN SENATE MAY 14, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 22, 2009

SENATE BILL

No. 202

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

(Coauthors: Assembly Members Adams, Gaines, Garrick, Hall, *Jones*,
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 amended, 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~~ *a licensee*, 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 *or for a licensee who is a retired peace officer*. 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, is an inactive licensed private investigator, as defined, or is a peace officer, 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 require the department to establish and impose a fee on course providers, in an amount that does not exceed the department’s direct costs in implementing various provisions of the bill. 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~~ *and* 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) (A) Notwithstanding paragraph (1), any individual licensed~~

1 (2) *An individual licensed as a private investigator whose license*
2 *is subject to renewal between January 1, 2012, and January 1,*
3 *2013, shall complete six hours of continuing education, as approved*
4 *by the department, in order to renew his or her license, and of*
5 *these, two hours shall be on the subject of privacy rights, two hours*
6 *shall be on the subject of professional ethics, and two hours shall*
7 *be on the subject of recent legal developments relating to private*
8 *investigators.*

9 ~~(B) Notwithstanding subparagraph (A), an individual licensed~~
10 ~~as a private investigator who is a retired peace officer as defined~~
11 ~~in Chapter 4.5 (commencing with Section 830) of Title 3 of Part~~
12 ~~2 of the Penal Code, who has been retired for less than one year,~~
13 ~~and whose private investigator license is subject to renewal~~
14 ~~between January 1, 2012, and January 1, 2013, shall not be subject~~
15 ~~to the continuing education requirement described in this~~
16 ~~paragraph.~~

17 (3) (A) *Paragraphs (1) and (2) shall not apply to any individual*
18 *licensed as a private investigator who is a retired peace officer as*
19 *defined in Chapter 4.5 (commencing with Section 830) of Title 3*
20 *of Part 2 of the Penal Code who has been retired for less than one*
21 *year.*

22 (B) *Notwithstanding paragraphs (1) and (2), on and after*
23 *January 1, 2012, any individual licensed as a private investigator*
24 *who is a retired peace officer as defined in Chapter 4.5*
25 *(commencing with Section 830) of Title 3 of Part 2 of the Penal*
26 *Code who has been retired for more than one year shall complete*
27 *six hours of continuing education, as approved by the department,*
28 *in order to renew his or her license, and of these, two hours shall*
29 *be on the subject of privacy rights, two hours shall be on the subject*
30 *of professional ethics, and two hours shall be on the subject of*
31 *recent legal developments relating to private investigators.*

32 (b) A licensee shall submit to the department a signed statement
33 attesting that he or she has completed the continuing education
34 requirement in subdivision (a). This statement shall be submitted
35 with the license renewal application.

36 (c) A licensee shall maintain, for a period of five years, copies
37 of certificates of continuing education completion demonstrating
38 compliance with the continuing education requirement in
39 subdivision (a).

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

6 (e) The department shall have the right to audit the records of
7 any licensee to verify completion of the continuing education
8 requirement.

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

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

13 (2) Is an inactive licensed private investigator.

14 (3) Is a peace officer as defined in Chapter 4.5 (commencing
15 with Section 830) of Title 3 of Part 2 of the Penal Code.

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

19 (i) Is licensed under this chapter.

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

22 (iii) Does not perform activities requiring licensure.

23 (B) A licensee who is inactive under this paragraph may become
24 active upon submission to the department of a signed statement
25 attesting that he or she has completed the continuing education
26 requirement in subdivision (a), and upon payment to the department
27 of the renewal fee, as specified in Section 7570.

28 (g) (1) Continuing education providers (CEPs) shall obtain
29 approval from the department prior to offering a course for
30 continuing education to licensed private investigators.

31 (A) CEPs shall submit to the department a course description,
32 certificate, and curriculum vitae of course instructors for review
33 and approval.

34 (B) CEPs shall maintain a record of course sign-in forms,
35 sign-out forms, student enrollment, copies of certificates of
36 completion, and course outlines for a period of five years.

37 (C) CEPs shall agree to audits performed by the department.

38 (D) The director may revoke or deny the right of a CEP to offer
39 continuing education for failure to comply with any of the
40 requirements of this subdivision.

1 (2) Notwithstanding (1):

2 (A) CEPs that have been approved by, and are in good standing
3 with, the State Bar to provide mandatory continuing legal education
4 may offer courses for continuing education to licensed private
5 investigators without approval from the department.

6 (B) CEPs that have been approved by, and are in good standing
7 with, the Commission on Peace Officer Standards and Training
8 may offer courses that have been approved by the commission to
9 licensed private investigators for continuing education without
10 approval from the department.

11 (h) (1) The department shall establish a procedure for approving
12 CEPs to offer continuing education to licensed private
13 investigators.

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

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

24 (4) The department shall establish and charge a fee, to be paid
25 by CEPs, in an amount not to exceed the department's direct costs
26 in implementing the provisions of this section that require the
27 department to approve CEPs and to perform audits, as described
28 in subdivision (g), and to develop criteria for course providers and
29 course content, as described in subdivision (h).

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

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

3 7570. The fees prescribed by this chapter are as follows:

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

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

8 (c) The fee for an original license for a private investigator may
9 not exceed one hundred ninety-five dollars (\$195).

10 (d) The renewal fee is as follows:

11 (1) For a license as a private investigator, the fee may not exceed
12 one hundred forty-five dollars (\$145).

13 (2) For a combination license as a private investigator and
14 private patrol operator under Chapter 11.5 (commencing with
15 Section 7580), AC or DC prefix, the fee may not exceed six
16 hundred dollars (\$600).

17 (3) For a branch office certificate for a private investigator, the
18 fee may not exceed thirty dollars (\$30), and for a combination
19 private investigator and private patrol operator under Chapter 11.5
20 (commencing with Section 7580), the fee may not exceed forty
21 dollars (\$40).

22 (e) The delinquency fee is 50 percent of the renewal fee in effect
23 on the date of expiration.

24 (f) A reinstatement fee is equal to the amount of the renewal
25 fee plus the regular delinquency fee.

26 (g) The fee for reexamination of an applicant or his or her
27 manager may not exceed fifteen dollars (\$15).