

AMENDED IN ASSEMBLY JULY 1, 2009  
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**

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

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

February 23, 2009

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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 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 \$20 *per course to cover* 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 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

1 legal developments relating to private investigators, and six hours  
2 shall be on any subject relating to private investigators.

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

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

16 (B) Notwithstanding paragraphs (1) and (2), on and after January  
17 1, 2012, any individual licensed as a private investigator who is a  
18 retired peace officer as defined in Chapter 4.5 (commencing with  
19 Section 830) of Title 3 of Part 2 of the Penal Code who has been  
20 retired for more than one year *and not more than two years* shall  
21 complete six hours of continuing education, as approved by the  
22 department, in order to renew his or her license, and of these, two  
23 hours shall be on the subject of privacy rights, two hours shall be  
24 on the subject of professional ethics, and two hours shall be on the  
25 subject of recent legal developments relating to private  
26 investigators.

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

31 (c) A licensee shall maintain, for a period of five years, copies  
32 of certificates of continuing education completion demonstrating  
33 compliance with the continuing education requirement in  
34 subdivision (a).

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

1 (e) The department shall have the right to audit the records of  
2 any licensee to verify completion of the continuing education  
3 requirement.

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

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

8 (2) Is an inactive licensed private investigator.

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

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

14 (i) Is licensed under this chapter.

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

17 (iii) Does not perform activities requiring licensure.

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

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

26 (A) CEPs shall submit to the department a course description,  
27 certificate, and curriculum vitae of course instructors for review  
28 and approval.

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

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

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

36 (2) Notwithstanding *paragraph* (1):

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

1 (B) CEPs that have been approved by, and are in good standing  
2 with, the Commission on Peace Officer Standards and Training  
3 may offer courses that have been approved by the commission to  
4 licensed private investigators for continuing education without  
5 approval from the department.

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

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

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

20 (4) The department shall establish and charge a fee, *not to exceed*  
21 *twenty dollars (\$20) per course*, to be paid by CEPs, ~~in an amount~~  
22 ~~not to exceed~~ *to cover* the department's direct costs in  
23 implementing the provisions of this section that require the  
24 department to approve CEPs and *course content*, to perform audits,  
25 as described in subdivision (g), and to develop criteria for course  
26 providers and course content, as described in subdivision (h).

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

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

40 7570. The fees prescribed by this chapter are as follows:

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