

AMENDED IN SENATE JUNE 22, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 671

Introduced by Assembly Member Campbell
(Coauthor: Assembly Member Shelley)

February 23, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 671, as amended, Campbell. Private Investigator Act: exemption from licensure.

Existing law requires a private investigator, as defined, engaged in business as a private investigator, to be licensed under the Private Investigator Act.

This bill would expressly exempt from licensure a person or business ~~that provides objective observations of consumer purchased products or services only in public environments of business establishments~~ *engaged in conducting objective observations of consumer purchases of products or services in the public environments of a business establishment* by use of a preestablished questionnaire *as long as the person or business entity does not engage in any other activity that requires licensure as a private investigator*. The bill would permit the questionnaire to include objective comments. *The bill would require an employer to provide an employee with*

a copy of the questionnaire, following specified procedures, if the questionnaire is used as a basis, but not the sole basis, for possible disciplinary action against an employee. The bill would require licensure if ~~the~~ a questionnaire of the person or business is used as the sole basis for evaluating an employee's work performance.

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
2 Professions Code is amended to read:

3 7522. This chapter does not apply to:

4 (a) A person employed exclusively and regularly by
5 any employer who does not provide contract security
6 services for other entities or persons, in connection with
7 the affairs of such employer only and where there exists
8 an employer-employee relationship if that person at no
9 time carries or uses any deadly weapon in the
10 performance of his or her duties. For purposes of this
11 subdivision, "deadly weapon" is defined to include any
12 instrument or weapon of the kind commonly known as a
13 blackjack, slungshot, billy, sandclub, sandbag, metal
14 knuckles, any dirk, dagger, pistol, revolver, or any other
15 firearm, any knife having a blade longer than five inches,
16 any razor with an unguarded blade and any metal pipe or
17 bar used or intended to be used as a club.

18 (b) An officer or employee of the United States of
19 America, or of this state or a political subdivision thereof,
20 while the officer or employee is engaged in the
21 performance of his or her official duties, including
22 uniformed peace officers employed part time by a public
23 agency pursuant to a written agreement between a chief
24 of police or sheriff and the public agency, provided the
25 part-time employment does not exceed 50 hours in any
26 calendar month.

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



1 (d) A charitable philanthropic society or association
2 duly incorporated under the laws of this state which is
3 organized and maintained for the public good and not for
4 private profit.

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

7 (f) Admitted insurers and agents and insurance
8 brokers licensed by the state, performing duties in
9 connection with insurance transacted by them.

10 (g) Any bank subject to the jurisdiction of the
11 Commissioner of Financial Institutions of the State of
12 California under Division 1 (commencing with Section
13 99) of the Financial Code or the Comptroller of Currency
14 of the United States.

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

18 (i) A peace officer of this state or a political subdivision
19 thereof while the peace officer is employed by a private
20 employer to engage in off-duty employment in
21 accordance with Section 1126 of the Government Code.
22 However, nothing herein shall exempt a peace officer
23 who either contracts for his or her services or the services
24 of others as a private investigator or contracts for his or
25 her services as or is employed as an armed private
26 investigator. For purposes of this subdivision, “armed
27 private investigator” means an individual who carries or
28 uses a firearm in the course and scope of that contract or
29 employment.

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

33 (k) Any savings association subject to the jurisdiction
34 of the Commissioner of Financial Institutions or the
35 Office of Thrift Supervision.

36 (l) Any secured creditor engaged in the repossession
37 of the creditor’s collateral and any lessor engaged in the
38 repossession of leased property in which it claims an
39 interest.



1 (m) The act of serving process by an individual who is
2 registered as a process server pursuant to Section 22350.
3 ~~(n) (1) A person or business that provides objective~~
4 ~~observations of consumer purchased products or services~~
5 ~~only in public environments of business establishments by~~
6 ~~use of a preestablished questionnaire. The questionnaire~~
7 *(n) (1) A person or business engaged in conducting*
8 *objective observations of consumer purchases of products*
9 *or services in the public environments of a business*
10 *establishment by the use of a preestablished*
11 *questionnaire, provided that person or business entity*
12 *does not engage in any other activity that requires*
13 *licensure pursuant to this chapter. The questionnaire*
14 *may include objective comments.*
15 *(2) If a preestablished questionnaire is used as a basis,*
16 *but not the sole basis, for disciplining or discharging an*
17 *employee, or for conducting an interview with the*
18 *employee that might result in the employee being*
19 *terminated, the employer shall provide the employee*
20 *with a copy of that questionnaire using the same*
21 *procedures that an employer is required to follow under*
22 *Section 2930 of the Labor Code for providing an*
23 *employee with a copy of a shopping investigator's report.*
24 This subdivision does not exempt from this chapter a
25 person or business described in paragraph (1) if ~~the~~ a
26 preestablished questionnaire of that person or business is
27 used as the sole basis for evaluating an employee's work
28 performance.

