

Assembly Bill No. 1985

CHAPTER 216

An act to amend Sections 7520.5, 7529, and 7541.1 of the Business and Professions Code, relating to private investigators.

[Approved by Governor August 21, 2000. Filed with
Secretary of State August 22, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1985, Leach. Private investigators: licensing.

The Private Investigator Act provides that the Department of Consumer Affairs is responsible for licensing and regulating private investigators. The act authorizes the Director of Consumer Affairs to issue a provisional private investigator license to an applicant, licensed as a private investigator in another state that provides reciprocal provisional licensing for California's licensees, for a maximum period of 90 days if specified conditions are met, including the payment of a \$50 fee and the submission of a valid set of the applicant's fingerprints.

This bill would delete the provisions for the issuance of a 90-day provisional investigator license at a cost of \$50 with submission of a valid set of fingerprints and instead would authorize the director to authorize a licensed private investigator from another state to continue an investigation in California for 60 days under specified conditions.

The act provides for the issuance, through the department's Bureau of Security and Investigative Services, of pocket cards containing specified identifying information to persons licensed under the provisions of the Private Investigator Act as evidence of licensure. Under the act, a licensee is issued a standard pocket card at no cost but upon his or her request may be issued an enhanced pocket card composed of durable material for a specified fee.

This bill would delete provisions allowing the bureau to issue a standard pocket card at no cost to licensees and would require it to issue a pocket card, composed of a durable material, to all licensees for a specified fee.

The act requires an applicant for a license as a private investigator to have a specified amount of experience in activities performed in connection with investigations and performed while employed in specified capacities.

This bill would add experience by persons trained as investigators who are employed by a public defender to conduct investigations to the experience in investigative work qualifying an applicant for licensure as a private investigator.

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

SECTION 1. Section 7520.5 of the Business and Professions Code is amended to read:

7520.5. The director may authorize a licensed private investigator from another state to continue in this state for 60 days an investigation that originated in the state which is the location of the private investigator's principal place of business if that state provides reciprocal authority for California's licensees. The private investigator shall notify the department in writing upon entering the state for the purpose of continuing an investigation and shall be subject to all provisions of this chapter. For purposes of this section, "originated" means investigatory activities conducted subsequent to an agreement to conduct an investigation.

SEC. 2. Section 7529 of the Business and Professions Code is amended to read:

7529. Upon the issuance of a license, a pocket card of the size, design, and content as may be determined by the director shall be issued by the bureau to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers and partners. The pocket card is evidence that the licensee is licensed pursuant to this chapter. The card shall contain the signature of the licensee, signature of the chief, and a photograph of the licensee, or bearer of the card, if the licensee is other than an individual. The card shall clearly state that the person is licensed as a private investigator or is the manager or officer of the licensee. The pocket card is to be composed of a durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department's costs for furnishing the pocket card. The fee charged may not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service, and may not exceed sixteen dollars (\$16). When a person to whom a card is issued terminates his or her position, office, or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the bureau for cancellation. Every person, while engaged in any activity for which licensure is required, shall display his or her valid pocket card as provided by regulation.

SEC. 3. Section 7541.1 of the Business and Professions Code is amended to read:

7541.1. (a) Notwithstanding any other provision of law, experience for purposes of taking the examination for licensure as a private investigator shall be limited to those activities actually performed in connection with investigations, as defined in Section 7521, and only if those activities are performed by persons who are employed in the following capacities:



(1) Sworn law enforcement officers possessing powers of arrest and employed by agencies in the federal, state, or local government.

(2) Military police of the armed forces of the United States or the national guard.

(3) An insurance adjuster or their employees subject to Chapter 1 (commencing with Section 14000) of Division 5 of the Insurance Code.

(4) Persons employed by a private investigator who are duly licensed in accordance with this chapter.

(5) Persons employed by repossessioners duly licensed in accordance with Chapter 11 (commencing with Section 7500), only to the extent that those persons are routinely and regularly engaged in the location of debtors or the location of personal property utilizing methods commonly known as “skip tracing.” For purposes of this section, only that experience acquired in that skip tracing shall be credited toward qualification to take the examination.

(6) Persons duly trained and certified as an arson investigator and employed by a public agency engaged in fire suppression.

(7) Persons trained as investigators and employed by a public defender to conduct investigations.

(b) For purposes of Section 7541, persons possessing an associate of arts degree in police science, criminal law or justice from an accredited college shall be credited with 1,000 hours of experience in investigative activities.

(c) The following activities shall not be deemed to constitute acts of investigation for purposes of experience toward licensure:

(1) The serving of legal process or other documents.

(2) Activities relating to the search for heirs or similar searches which involve only a search of public records or other reference sources in the public domain.

(3) The transportation or custodial attendance of persons in the physical custody of a law enforcement agency.

(4) The provision of bailiff or other security services to a court of law.

(5) The collection or attempted collection of debts by telephone or written solicitation after the debtor has been located.

(6) The repossession or attempted repossession of personal property after that property has been located and identified.

(d) Where the activities of employment of an applicant include those which qualify as bona fide experience as stated in this section as well as those which do not qualify, the director may, by delegation to the bureau, determine and apportion that percentage of experience for which any applicant is entitled to credit.

