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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2499** Session of  
1980

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INTRODUCED BY SHUPNIK, DAVIES, CIMINI, BORSKI AND WARGO,  
APRIL 29, 1980

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 29, 1980

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AN ACT

1 Amending Title 22 (Detectives and Private Police) of the  
2 Pennsylvania Consolidated Statutes, adding provisions  
3 relating to detectives and private police and making repeals.

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9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Chapters 1, 2 and 3 of Title 22, act of November  
12 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
13 Consolidated Statutes, are repealed.

14 Section 2. Title 22 is amended by adding parts to read:

15 TITLE 22

16 DETECTIVES AND PRIVATE POLICE

17 Part

18 I. General Provisions

19 II. Private Detective and Security Business

20 III. Private Police

21 PART I

22 GENERAL PROVISIONS

23 Chapter

24 1. Preliminary Provisions

25 3. Lethal Weapons Training

26 5. State Board of Private Detectives and Security Businesses

27 CHAPTER 1

28 PRELIMINARY PROVISIONS

29 Sec.

30 101. Definitions.

1 § 101. Definitions.

2 Subject to additional definitions contained in subsequent  
3 provisions of this title which are applicable to specific  
4 provisions of this title, the following words and phrases when  
5 used in this title shall have, unless the context clearly  
6 indicates otherwise, the meanings given to them in this section:

7 "Board." The State Board of Private Detectives and Security  
8 Businesses.

9 "Business license." A license to engage in the private  
10 detective and security business issued pursuant to the  
11 provisions of Subchapter A of Chapter 13 (relating to private  
12 detective and security business).

13 "Commissioner." The Commissioner of the Pennsylvania State  
14 Police or the deputy commissioner duly authorized by the  
15 commissioner to perform the duties and exercise the powers  
16 granted to the commissioner under this title.

17 "Lethal weapon." A firearm, concealed billy club and any  
18 other weapon calculated to produce death or serious bodily harm.  
19 The term does not include chemical mace or any similar  
20 substance.

21 "Private detective." The holder of a private detective  
22 license issued pursuant to the provisions of Subchapter B of  
23 Chapter 13 (relating to private detectives and other security  
24 agents).

25 "Private detective associate." An employee of a private  
26 detective business registered pursuant to the provisions of  
27 Subchapter C of Chapter 13 (relating to employees of private  
28 detectives and security business and privately employed security  
29 guards) or who has applied for registration and has been issued  
30 a temporary registration which has not expired.

1 "Private policeman" or "policeman." An individual  
2 commissioned under Chapter 31 (relating to private police) to  
3 act as a private policeman.

4 CHAPTER 3  
5 LETHAL WEAPONS TRAINING

6 Sec.

7 301. Short title of chapter.

8 302. Education and training program.

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10 304. Enrollment in program.

11 305. Certification.

12 306. Notice of discharge for cause.

13 307. Revocation of certificate.

14 308. Limitation on type of firearms.

15 309. Disposition of fees and other moneys.

16 310. Penalties.

17 § 301. Short title of chapter.

18 This chapter shall be known and may be cited as the "Lethal  
19 Weapons Training Act."

20 § 302. Education and training program.

21 (a) Establishment.--An education and training program in the  
22 handling of lethal weapons, law enforcement and protection of  
23 rights of citizens shall be established and administered or  
24 approved by the commissioner in accordance with the provisions  
25 of this chapter.

26 (b) Attendance.--A private detective, private detective  
27 associate, security guard and any other person who is required  
28 to be licensed or registered under this title or who is employed  
29 as a private policeman by a nonprofit organization or entity and  
30 commissioned under the provisions of Chapter 31 (relating to

1 private police) and who, as an incidence to his employment,  
2 carries a lethal weapon shall be required to attend the program  
3 established by subsection (a) in accordance with the  
4 requirements or regulations established by the commissioner and,  
5 upon satisfactory completion of the program, shall be entitled  
6 to certification by the commissioner. This subsection shall not  
7 require attendance for guards and watchmen who fulfill the  
8 requirements of the appropriate Federal agency for the  
9 performance of security guard duties in connection with the  
10 construction and operation of a commercial utilization or  
11 production facility under the authority of the Federal Atomic  
12 Energy Act of 1954.

13 (c) Limitation on employer participation in program  
14 administration.--Except for colleges and universities, no  
15 nongovernment employer of a person who incident to his  
16 employment carries a lethal weapon shall own, operate or  
17 otherwise participate in, directly or indirectly, the  
18 establishment or administration of the program.

19 § 303. Powers and duties of commissioner.

20 The commissioner shall have the power and duty to:

21 (1) Implement and administer or approve the minimum  
22 courses of study and training for the program in the handling  
23 of lethal weapons, law enforcement and protection of the  
24 rights of citizens. He may appoint such employees, promulgate  
25 such rules and regulations and prescribe such forms as may be  
26 necessary for this purpose.

27 (2) Implement and administer or approve physical and  
28 psychological testing and screening of the candidate for the  
29 purpose of barring from the program those not physically or  
30 mentally fit to handle lethal weapons.

1           (3) Issue certificates to schools approved by the  
2 commissioner and withdraw certificates from those schools  
3 disapproved by the commissioner.

4           (4) Certify instructors pursuant to the minimum  
5 qualifications established by the commissioner.

6           (5) Consult and cooperate with universities, colleges,  
7 community colleges and institutes for the development of  
8 specialized courses in handling lethal weapons, law  
9 enforcement and protection of the rights of citizens.

10          (6) Consult and cooperate with Commonwealth agencies and  
11 agencies of other states and the Federal Government concerned  
12 with similar training.

13          (7) Certify those individuals who have satisfactorily  
14 completed basic education and training requirements as  
15 established by the commissioner and issue appropriate  
16 certificates.

17          (8) Visit and inspect approved schools annually.

18          (9) Collect reasonable charges from the students  
19 enrolled therein to pay for the costs of the program.

20          (10) Grant waivers from compliance with the provisions  
21 of this chapter to persons who have satisfactorily completed  
22 a course of instruction in a training program approved by the  
23 commissioner.

24          (11) Perform all other duties as may be reasonably  
25 necessary or appropriate to implement this chapter.

26 § 304. Enrollment in program.

27          (a) Application.--Any person desiring to enroll in the  
28 program shall file an application with the commissioner.

29          (b) Information required.--The application shall be signed  
30 and verified by the applicant. It shall include his full name,



1 age, residence, present and previous occupations and such other  
2 information that may be required by the commissioner to show the  
3 good character, competency and integrity of the applicant.

4 (c) Fingerprints, photograph and fee.--The application shall  
5 be personally presented by the applicant at an office of the  
6 Pennsylvania State Police where his fingerprints shall be  
7 affixed thereto. The application, together with two current  
8 photographs of the applicant and an application fee of \$35,  
9 shall be forwarded to the commissioner.

10 (d) Investigation.--The fingerprints of the applicant shall  
11 be examined by the Pennsylvania State Police and the Federal  
12 Bureau of Investigation to determine if he has been convicted of  
13 a felony or a violation of any provision of law listed in  
14 section 1323(b) (relating to qualifications for licensure).

15 (e) Age.--No application shall be accepted if the applicant  
16 is under the age of 18 years.

17 (f) Authorization.--After the application has been processed  
18 and it is determined that the applicant has not been convicted  
19 of crimes under subsection (d) and has otherwise satisfied the  
20 requirements of this section, the commissioner shall authorize  
21 the applicant to enroll in an approved program.

22 § 305. Certification.

23 (a) General rule.--Upon receipt of a fee of \$15, the  
24 commissioner shall furnish to each person satisfactorily  
25 completing the program an appropriate certificate which shall  
26 include his photograph.

27 (b) Possession of certificate.--The certificate shall be  
28 carried on the person as identification during all times when on  
29 duty or going to and from duty and carrying a lethal weapon.

30 (c) Duration.--Certification shall be for a period of five

1 years and the renewal fee shall be \$15. Additional training as a  
2 condition of renewal shall be required by the commissioner at  
3 intervals of not less than five years, unless the commissioner  
4 is aware of information which would require specific training  
5 prior to renewal. The commissioner shall prescribe the manner in  
6 which the certification shall be renewed.

7 § 306. Notice of discharge for cause.

8 Whenever an employer discharges a certified individual  
9 subject to the provisions of this chapter for cause, the  
10 employer shall immediately notify the commissioner of the  
11 discharge.

12 § 307. Revocation of certificate.

13 The commissioner may revoke or refuse to renew any  
14 certificate issued under this chapter whenever he learns that  
15 false, fraudulent or misstated information appears on the  
16 original or renewal application or whenever he learns of a  
17 change of circumstances that would render an employee ineligible  
18 for certification.

19 § 308. Limitation on type of firearms.

20 No individual certified under this chapter shall carry an  
21 inoperative or model firearm while employed and he shall carry  
22 only a powder actuated firearm approved by the commissioner. Any  
23 violation of this section shall be grounds for the commissioner  
24 to revoke the certification.

25 § 309. Disposition of fees and other moneys.

26 All fees and other moneys derived from the operations of this  
27 chapter shall be paid into the General Fund.

28 § 310. Penalties.

29 (a) Uncertified persons.--Any person required to obtain a  
30 certificate under this chapter who, in the course of his

1 employment, carries a lethal weapon and who fails to comply with  
2 section 302(b) (relating to education and training program) or  
3 has not obtained a certificate commits a misdemeanor of the  
4 third degree.

5 (b) Failure to carry certificate.--Any person who, in the  
6 course of his employment, carries a lethal weapon and who  
7 violates section 305(b) (relating to certification) commits a  
8 summary offense.

9 CHAPTER 5

10 STATE BOARD OF PRIVATE DETECTIVES

11 AND SECURITY BUSINESSES

12 Sec.

13 501. Creation of board.

14 502. Organization of board.

15 503. Powers and duties of board.

16 504. Proceedings of board.

17 505. Board to keep records.

18 § 501. Creation of board.

19 (a) General rule.--There is hereby created a departmental  
20 administrative board in the Department of State to be known as  
21 the "State Board of Private Detectives and Security Businesses."

22 (b) Applicability of certain laws.--The provisions of the  
23 act of April 9, 1929 (P.L.177, No.175), known as "The  
24 Administrative Code of 1929," generally applicable to  
25 professional and occupational boards in the Department of State  
26 shall likewise be applicable to the State Board of Private  
27 Detectives and Security Businesses. Fees set by Part II  
28 (relating to private detective and security business) or  
29 otherwise set by regulations shall be collected, credited,  
30 allocated and generally administered in accordance with the act

1 of July 1, 1978 (P.L.700, No.124), known as the "Bureau of  
2 Professional and Occupational Affairs Fee Act."

3 § 502. Organization of board.

4 (a) Composition.--The State Board of Private Detectives and  
5 Security Businesses shall consist of the Commissioner of  
6 Professional and Occupational Affairs, two persons who shall be  
7 members representing the public at large, and four licensees (at  
8 least one of whom is engaged in investigation, at least one of  
9 whom is engaged in security and at least one of whom is engaged  
10 in alarm services) and one person who represents an employer  
11 (other than a licensee) of security guards registered under this  
12 title. Members shall be appointed by the Governor with the  
13 advice and consent of a majority of the members elected to the  
14 Senate and shall serve terms of six years, except that the first  
15 appointed members shall serve staggered terms of two, four and  
16 six years as determined by the Governor. Vacancies occurring by  
17 death or resignation shall be filled by the Governor for the  
18 unexpired term.

19 (b) Quorum and meetings.--Four members shall constitute a  
20 quorum. The board shall select from their number a chairman and  
21 shall select a secretary who need not be a member of the board.  
22 There shall be two stated meetings of the board each year at a  
23 place within this Commonwealth as determined by the board for  
24 the transaction of its business but the board may hold other  
25 meetings at its discretion and by vote of the majority upon due  
26 notice thereof to all members of the board. The board need not  
27 meet in person to take official action but may conduct official  
28 or unofficial business by telephone or by writing provided it  
29 otherwise complies with the act of July 19, 1974 (P.L.486,  
30 No.175), referred to as the Public Agency Open Meeting Law.

(c) Compensation and expenses.--Each member of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive actual traveling, hotel, food and other necessary expenses incurred while engaged in the discharge of official duties as well as per diem allowance of \$30. The secretary shall receive reasonable compensation as the board shall determine with the approval of the Commissioner of Professional and Occupational Affairs.

§ 503. Powers and duties of board.

The board shall have the power and duty to:

(1) Receive, investigate, approve or disapprove applications for and renewals of licenses and registrations required by Part II (relating to private detective and security business).

(2) Conduct all other business reasonably related to the license and registration function of the board.

(3) Revoke, suspend or reinstate licenses and registrations (including the power to revoke or suspend licenses and registrations for nonpayment of fees).

(4) Receive and act upon complaints.

(5) Compel attendance of witnesses and the production of books or records.

(6) Issue orders, or modifications thereof, as may be necessary in connection with proceedings under this chapter and Part II.

(7) Conduct comprehensive studies and investigations as it deems proper and pertinent to the licensing and registration function of the board.

(8) Adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of

1 integrity, skills and practice in the professions licensed or  
2 registered under Part II.

3 (9) Formulate, adopt, promulgate and repeal such rules  
4 and regulations as are deemed necessary to implement the  
5 provisions of this chapter and Part II.

6 § 504. Proceedings of board.

7 In proceedings of the board relating to the license and  
8 registration powers and duties, the board shall not be bound by  
9 the strict rules of evidence in the conduct of its proceedings  
10 but any determinations made shall be found upon sufficient legal  
11 evidence to sustain them. The burden of meeting the  
12 qualifications for licensing or registration shall be on the  
13 applicant. A district attorney who has filed objections shall be  
14 considered a party for the purposes of appeal. The right of  
15 appeal from decisions of the board shall be in accordance with  
16 law.

17 § 505. Board to keep records.

18 (a) General rule.--The board shall keep records of its  
19 proceedings, especially with relation to the issuance, denial,  
20 registration, suspension and revocation of licenses and  
21 registrations. All licenses and registrations issued by the  
22 board shall be numbered and recorded by the secretary and a file  
23 kept for that purpose and such file or record shall be open to  
24 public inspection. In all actions or proceedings in any court a  
25 transcript of any record or any part thereof, which is certified  
26 to be a true copy by the secretary, shall be entitled to  
27 admission in evidence.

28 (b) Roster of licensees and registrants.--The board shall  
29 maintain a current roster of the names and addresses of all  
30 business licensees, private detective licensees, registered

1 private detective associates and registered security guard. The  
2 roster shall be open to public inspection.

3 PART II

4 PRIVATE DETECTIVE AND SECURITY BUSINESS

5 Chapter

6 11. General Provisions

7 13. Licenses and Registrations

8 15. Identification Documents, Uniforms and Equipment

9 17. Enforcement

10 CHAPTER 11

11 GENERAL PROVISIONS

12 Sec.

13 1101. Short title of part.

14 1102. Applicability of part.

15 1103. Inapplicability of part.

16 1104. Preemption of local regulation.

17 1105. Advisory board.

18 1106. Roster of licensees and registrants.

19 § 1101. Short title of part.

20 This part shall be known and may be cited as the "Private  
21 Detective and Security Business Act."

22 § 1102. Applicability of part.

23 This part applies to the private detective and security  
24 business which shall include the business of investigator,  
25 detective agency and watch, guard or patrol agency and mean,  
26 separately or collectively, investigating for hire, reward or  
27 any consideration whatsoever and notwithstanding that other  
28 functions and services may also be performed for hire or reward,  
29 to obtain information or perform services with reference to any  
30 of the following matters:

1 (1) Investigative and related services.--

2 (i) Crime or wrongs done or threatened against the  
3 government of the United States of America or any state.

4 (ii) The identity, habits, conduct, movements,  
5 whereabouts, affiliations, associations, transactions,  
6 reputation or character of any person, group of persons,  
7 association, organization, society, partnership or  
8 corporation.

9 (iii) The credibility of witnesses or other persons.

10 (iv) The whereabouts of missing persons.

11 (v) The location or recovery of lost or stolen  
12 property.

13 (vi) The causes and origin of, or responsibility  
14 for, fires, libels, losses, accidents or damage or  
15 injuries to real or personal property.

16 (vii) The affiliation, connection or relation of any  
17 person, partnership or corporation with any union,  
18 organization, society or association, or any official  
19 member or representative thereof.

20 (viii) Persons seeking employment in the place of  
21 any person or persons who have quit work by reason of any  
22 strike.

23 (ix) The conduct, honesty, efficiency, loyalty or  
24 activities of employees, agents, contractors and  
25 subcontractors, including the providing of detection of  
26 deception services.

27 (x) The securing of evidence to be used before any  
28 authorized investigating committee, board of award or  
29 board of arbitration or in the trial of civil or criminal  
30 cases.



1           (2) Alarm services.--The sales, installation,  
2 maintenance, repair, replacement or servicing of alarm  
3 systems by which the equipment transmits a signal to a  
4 central station, law enforcement agency or fire department;  
5 or the furnishing of monitoring or responding services in  
6 connection with any alarm signaling devices.

7           (3) Security services.--Watchmen, guards, private  
8 patrolmen or other persons to protect persons or property or  
9 to prevent the theft or the unlawful taking of goods, wares  
10 and merchandise, or to prevent the misappropriation or  
11 concealment of goods, wares or merchandise, money, bonds,  
12 stocks, choses in action, notes or other valuable documents,  
13 papers and articles of value or to transport such goods or  
14 procure the return thereof or the performing of such  
15 services.

16 § 1103. Inapplicability of part.

17 This part does not apply to:

18           (1) A detective, officer or employee of the Pennsylvania  
19 State Police or a police force of any municipality while  
20 engaged in the performance of his official duties but this  
21 exclusion does not apply if the police force is furnishing  
22 the functions or services for hire or reward or is being  
23 reimbursed for its costs by any private person.

24           (2) A person whose business is exclusively the  
25 furnishing of information as to the business and financial  
26 standing and credit responsibility of any person.

27           (3) A person exclusively and regularly employed as a  
28 special agent, investigator or adjuster by one employer in  
29 connection with the affairs of that employer only.

30           (4) A charitable or philanthropic society or association

duly incorporated under the Laws of this Commonwealth and which is organized and maintained for the public good and not for profit.

(5) Alarm companies which manufacture and sell alarm equipment to other alarm companies but do not sell to end users.

(6) Investigators or adjusters for insurance companies.

§ 1104. Preemption of local regulation.

It is the intent of the General Assembly to enact a comprehensive licensing and registration system for the private investigating and security business and thereby preempt this field. All municipal and county ordinances inconsistent with this part or imposing additional duties, fees or different standards shall be invalid.

## CHAPTER 13

### LICENSES AND REGISTRATIONS

#### Subchapter

A. Private Detective and Security Business

B. Private Detectives and Other Security Agents

C. Employees of Private Detectives and Security Business and Privately Employed Security Guards

#### SUBCHAPTER A

##### PRIVATE DETECTIVE AND SECURITY BUSINESS

Sec.

1301. License required.

1302. Application for license.

1303. Managing agent required for each office.

1304. Investigation of applicant.

1305. License.

1306. Transfer of license to another location.

1 1307. Renewal of license.

2 § 1301. License required.

3 No person shall engage in the private detective business or  
4 advertise his or its business to be a private detective business  
5 or private security business, notwithstanding the name or title  
6 used in describing the business, without having first obtained a  
7 business license. A separate license shall be obtained for each  
8 location at which an office, branch office, bureau, agency or  
9 subagency, is maintained for the conduct of the private  
10 detective or private security business.

11 § 1302. Application for license.

12 (a) General rule.--Any person intending to conduct a private  
13 detective business or other security business shall file with  
14 the board a signed and verified application. If the applicant is  
15 a partnership, association or corporation, the application shall  
16 contain the information required in this section for, and shall  
17 be signed and verified by, each individual composing the  
18 partnership or association or each principal officer and, unless  
19 the stock of the corporation or its ultimate parent corporation  
20 is listed on a National Securities Exchange or registered under  
21 § 12 of the Federal Securities and Exchange Act of 1934, each  
22 shareholder owning more than 5% of the shares of the  
23 corporation. The application shall set forth his full name, age,  
24 residence, present and previous occupations, the address of the  
25 principal place of business and the office, branch office,  
26 bureau, agency, subagency for which the business license is  
27 desired, and such further information as may be required by the  
28 board to show the good character, competency and integrity of  
29 the individual. The application shall also contain two  
30 photographs and the fingerprints of the two hands of each

1 applicant. The managing agent of the applicant for each location  
2 of its offices shall be identified and a copy of his private  
3 detective license, or application for license, shall be  
4 included.

5 (b) References.--Each individual or partnership who is an  
6 applicant shall be recommended by not less than five reputable  
7 citizens of the community in which he resides or for which the  
8 business license is desired, who shall certify under oath that  
9 he has personally known the individual for a period of at least  
10 five years prior to the filing of the application, that he has  
11 read the application and believes each of the statements made  
12 therein to be true, that the person is honest, of good character  
13 and competent and not related or connected to him by blood or  
14 marriage.

15 (c) Additional information for corporation.--In the case of  
16 a corporation, the application shall include its name, date and  
17 place of incorporation, the amount of its outstanding paid-up  
18 capital stock and whether paid in cash or property and, if in  
19 property, the nature of the property, and the names of not less  
20 than three credit references. In addition, the corporate  
21 applicant shall supply a certified copy of the certificate of  
22 incorporation.

23 (d) Death, etc. of member or officer.--Notice of the death,  
24 resignation, withdrawal or removal of the managing agent, member  
25 of a partnership or association, or any principal officer or  
26 shareholder required to sign the application shall forthwith be  
27 given in writing to the board and a successor agent, member,  
28 officer or shareholder shall file with the board the appropriate  
29 information or application.

30 (e) Branch offices of licensee.--An application by a

1 business licensee for a branch license may incorporate the  
2 information previously furnished to the board by reference and  
3 shall contain only additional information necessary to conduct  
4 the review required by this subchapter.

5 § 1303. Managing agent required for each office.

6 No business license shall be issued unless the applicant or  
7 the managing agent possesses a private detective license and  
8 certifies that he will engage full time in the private detective  
9 business at the location for which the license is requested.

10 § 1304. Investigation of applicant.

11 The board shall refer the application to the district  
12 attorney of the county where the office or branch office,  
13 bureau, agency or subagency will be located. Upon receipt of the  
14 application the district attorney shall direct an appropriate  
15 investigation of the applicant and shall, within 30 days of  
16 receipt of the application, forward to the board a complete  
17 written report of the investigative findings and a  
18 recommendation as to the disposition of the application. The  
19 board shall also obtain through the State Police or otherwise  
20 criminal history records, fingerprint comparative information  
21 and such other information as it requires.

22 § 1305. License.

23 (a) Issuance.--If after investigation the board is satisfied  
24 of the good character, competency and integrity of the applicant  
25 and a period of 45 days from the date of the filing of the  
26 application has elapsed, the board shall issue and deliver to  
27 the applicant a business license for the premises stated in the  
28 application. In the event verified objections to the issuance of  
29 a license are filed with the board, he shall hold a public  
30 hearing with notice to all interested parties prior to issuing

1 or refusing to issue the license.

2 (b) Fee and liability insurance.--Prior to the issuance of a  
3 business license, the applicant shall pay to the Commonwealth  
4 for each license a fee of \$250, and shall file with the board  
5 evidence that it has in force a general liability insurance  
6 policy in an amount insuring against claims of not less than  
7 \$300,000 in the case of personal injuries and \$100,000 in the  
8 case of property damage written by an insurance company  
9 authorized to do business in this Commonwealth. Each policy  
10 shall contain an endorsement that the policy will not be  
11 cancelled or modified without notification to the board.

12 (c) Form.--The business license shall be in a form  
13 prescribed by the board and shall specify the full name of the  
14 applicant, the location of the principal office, and the office,  
15 branch office, bureau, agency or subagency for which the license  
16 is issued, the date on which it is issued, the date on which it  
17 will expire and the name and residence of each licensed private  
18 detective employed by it at that location.

19 (d) Posting.--The business license shall be at all times  
20 displayed in a conspicuous place in the office for which it is  
21 issued.

22 (e) Revocation.--The business license shall be revocable at  
23 any time by the board for cause shown. Every license shall be  
24 surrendered to the board within 72 hours after its term has  
25 expired or after notice in writing to the holder that the  
26 license has been revoked. Any licensee failing to comply with  
27 any of the provisions of this section commits a misdemeanor of  
28 the third degree. Such failure shall be sufficient cause for the  
29 revocation of a license.

30 § 1306. Transfer of license to another location.

1 If a business licensee desires to transfer the license to a  
2 place other than that described in it, he shall prior thereto  
3 apply to the board for leave to transfer the license. The  
4 application for transfer shall describe the premises to which  
5 the transfer will be made and the date of transfer. The board  
6 shall cause an appropriate investigation to be made and, if he  
7 is satisfied, authorize the transfer.

8 § 1307. Renewal of license.

9 A business license shall be renewed biennially by the board  
10 upon application at such time prior to expiration and in such  
11 form as the board may prescribe and payment of a biennial fee of  
12 \$200 and the filing of evidence of insurance as required for the  
13 original license. The license shall be renewed without further  
14 investigation unless the applicant no longer qualifies for the  
15 license or verified objections to the renewal are received by  
16 the board prior to issuance. If the board has received  
17 information relevant to the renewal, he shall hold a public  
18 hearing as provided for in the case of an original application.

19 SUBCHAPTER B

20 PRIVATE DETECTIVES AND OTHER SECURITY AGENTS

21 Sec.

22 1321. License or registration required.

23 1322. Limited licenses.

24 1323. Qualifications for licensure.

25 1324. Incompatible employment.

26 1325. Application for license.

27 1326. License.

28 1327. Renewal of license.

29 § 1321. License or registration required.

30 No person shall perform any of the functions and services set

1 forth in section 1102 (relating to applicability of part)  
2 without having obtained from the board a private detective  
3 license or having registered as an associate or as a security  
4 guard.

5 § 1322. Limited licenses.

6 (a) General rule.--Notwithstanding the prohibition contained  
7 in section 1321 (relating to license or registration required),  
8 a person, partnership, association or corporation may perform  
9 polygraph and alarm services defined in section 1102(1)(ix) or  
10 (2) (relating to applicability of part) providing he or it  
11 applies to the board for a limited license. This limited license  
12 may be granted by the board notwithstanding that the applicant  
13 does not meet the experience qualifications of section 1323(a)  
14 (relating to qualifications for licensure) provided that the  
15 applicant meets all other requirements of this title relating to  
16 standards of criminal disqualification, incompatible employment,  
17 character fitness, personal references, age or other  
18 qualifications set by the board.

19 (b) Defining types of licensees.--The board may define those  
20 persons to be licensed under this section as "polygraph  
21 operator," "alarm agent" or "alarm business" but the definitions  
22 shall be substantially as follows:

23 "Alarm agent." Any individual employed within this  
24 Commonwealth by an alarm business for the purpose of providing  
25 installation, service or monitoring of alarm systems.

26 "Alarm business." Any individual, partnership, association,  
27 corporation or other entity engaged in the sale, leasing,  
28 installation, maintenance, repair, replacement or servicing of  
29 alarm systems as defined in section 1102(2); or the furnishing  
30 of monitoring or responding services in connection with any



1 alarm signaling devices. "Alarm business" does not include  
2 companies which manufacture and sell alarm equipment to other  
3 alarm companies but which do not sell to end users. In addition,  
4 "alarm business" does not include any entity on whose premises  
5 is installed an alarm system sounding or recording alarm and  
6 supervisory signals at a control center on the protected  
7 premises and under the supervision of the proprietor of the  
8 protected premises.

9 "Polygraph operator." Any individual employed within this  
10 Commonwealth to investigate the conduct, honesty, efficiency,  
11 loyalty or activities of employees, agents, contractors and  
12 subcontractors by means of detection of deception devices of a  
13 mechanical nature.

14 (c) Regulation of licensees.--All other rights and duties of  
15 alarm agents, alarm businesses and polygraph operators shall be  
16 as provided by this title. It is the intent of this section only  
17 that alarm agents, alarm businesses and polygraph operators  
18 shall be relieved of the experience requirements for licensure  
19 as private detectives. The board may set, by rules and  
20 regulations, reasonable and appropriate requirements for  
21 licensure for these limited licenses.

22 (d) Limitation on activities of licensees.--Limited licenses  
23 issued under this section shall authorize only the conduct of  
24 alarm agent, alarm business or polygraph operator and by  
25 operation of law prohibit private detective and security  
26 business activities.

27 § 1323. Qualifications for licensure.

28 (a) Experience.--No private detective license shall be  
29 issued unless the applicant has been regularly employed for a  
30 period of not less than five years as a detective, an associate

1 of a licensed private detective, a member of the United States  
2 Government investigative service, the Pennsylvania State Police,  
3 a municipality with a rank or grade higher than patrolman, or a  
4 sheriff. Any employee of a private detective or security  
5 business who is not otherwise disqualified under this section or  
6 section 1324 (relating to incompatible employment) from  
7 obtaining a private detective or security business license may  
8 be registered as an associate notwithstanding that he does not  
9 possess the experience required under this subsection to obtain  
10 a private detective or security business license.

11 (b) Criminal disqualifications.--

12 (1) No private detective license shall be issued to any  
13 person who has been convicted in this Commonwealth or any  
14 other state of a felony or a violation of any of the  
15 following provisions of law:

16 18 Pa.C.S. § 907 (relating to possessing instruments  
17 of crime).

18 18 Pa.C.S. § 908 (relating to prohibited offensive  
19 weapons).

20 18 Pa.C.S. § 2702 (relating to aggravated assault).

21 18 Pa.C.S. § 3124 (relating to voluntary deviate  
22 sexual intercourse).

23 18 Pa.C.S. § 3503 (relating to criminal trespass).

24 18 Pa.C.S. § 3921 (relating to theft by unlawful  
25 taking or disposition).

26 18 Pa.C.S. § 3925 (relating to receiving stolen  
27 property).

28 18 Pa.C.S. § 5121 (relating to escape).

29 Act of April 14, 1972 (P.L.233, No.64), known as "The  
30 Controlled Substance, Drug, Device and Cosmetic Act."

1           (2) The conviction of any other crime in this  
2       Commonwealth or any other state may be the basis for denying  
3       the issuance or renewal of a license.

4       (c) Previous revocation.--No private detective license or  
5       registration shall be issued to any person whose license or  
6       registration has been previously revoked because of conviction  
7       of a felony or any of the offenses specified in this section  
8       unless the person has received an executive or judicial pardon  
9       removing this disability.

10       (d) Age.--No private detective license shall be issued to a  
11       person under the age of 25 years and no registration as an  
12       associate or security guard shall be issued to a person under  
13       the age of 18 years.

14       § 1324. Incompatible employment.

15       (a) Certain public officials.--No private detective license  
16       shall be issued to a member of a State or municipality police  
17       force, constable, probation officer or any individual who holds  
18       a public office and who, by virtue of that public office,  
19       possess extraordinary police authority, not allowed private  
20       persons, for the benefit of the public. In the case of an  
21       association, partnership or corporation, no license shall be  
22       issued if any individual composing the association or  
23       partnership, or corporate officer or shareholder, is so employed  
24       or holds such public office. This subsection does not prevent a  
25       person from obtaining registration as a security guard if his  
26       public employer certifies that service as a security guard  
27       during hours when he is not pursuing regular duties is not  
28       prohibited.

29       (b) Employment agency.--No holder of an employment agency  
30       license shall be licensed under this chapter. While holding a

1 private detective license under this chapter a licensee shall  
2 not simultaneously hold an employment agency license or have any  
3 financial interest in or participate in the control and  
4 management of any employment agency or any other private  
5 detective business. A licensee may own or possess stock in any  
6 corporation whose only business is to undertake for hire the  
7 preparation of payrolls and the transportation of payrolls,  
8 moneys, securities and other valuables or whose only business is  
9 to provide or furnish protective or guard services to any  
10 Federal agency.

11 § 1325. Application for license.

12 (a) General rule.--Any person who is qualified to do so may  
13 execute and file with the board an application for a private  
14 detective license setting forth under oath:

15 (1) His full name, age and residence.

16 (2) Citizenship.

17 (3) The name and address of all employers or occupations  
18 engaged in for the three years immediately preceding.

19 (4) That he has not been convicted of a felony or of any  
20 offense involving moral turpitude or of any of the offenses  
21 described in section 1323 (relating to qualifications for  
22 licensure).

23 (5) That he is not disqualified under section 1323 or  
24 section 1324 (relating to incompatible employment) from being  
25 licensed as a private detective.

26 (6) Such further information as the board may require to  
27 show good character, competency and integrity of the  
28 applicant.

29 The application shall be accompanied by a set of fingerprints  
30 and two photographs and a license fee of \$100 which shall be

1 nonrefundable.

2 (b) Investigation of applicant.--The board shall cause an  
3 investigation of the applicant in the same manner as section  
4 1304 (relating to investigation of applicant).

5 § 1326. License.

6 (a) Issuance.--If after investigation the board is satisfied  
7 of the good character, competency and integrity of the applicant  
8 and a period of 45 days from the date of the filing of the  
9 application has elapsed, the board shall issue and deliver to  
10 the applicant a private detective license. In the event verified  
11 objections to the issuance of a license are filed with the  
12 board, it shall hold a public hearing with notice to all  
13 interested parties prior to issuing or refusing to issue the  
14 license.

15 (b) Form.--The license shall be in a form prescribed by the  
16 board and shall specify the full name of the applicant, the  
17 location of the principal office, and the location of the  
18 office, branch office, bureau, agency or subagency from which  
19 the applicant will work, the date on which it was issued and the  
20 date on which it will expire.

21 (c) Posting.--The license shall at all times be displayed in  
22 a conspicuous place in the principal office from which the  
23 applicant works.

24 (d) Revocation.--The license shall be revocable at any time  
25 by the board for cause shown. Every license shall be surrendered  
26 to the board within 72 hours after its term has expired or after  
27 notice in writing to the holder that the license has been  
28 revoked. Any licensee failing to comply with any of the  
29 provisions of this subsection commits a misdemeanor of the third  
30 degree. Such failure shall be sufficient cause for the

1 revocation of a license.

2 § 1327. Renewal of license.

3 A license shall be renewed biennially by the board upon  
4 application at such time prior to expiration and in such form as  
5 the board may prescribe and payment of a biennial fee of \$75.  
6 The license may be renewed without further investigation unless  
7 the applicant no longer qualifies for the license or verified  
8 objections to the renewal are received by the board prior to  
9 issuance. If the board has received information relevant to the  
10 renewal, it shall hold a public hearing as provided for in the  
11 case of an original application.

12 SUBCHAPTER C

13 EMPLOYEES OF PRIVATE DETECTIVES AND SECURITY

14 BUSINESS AND PRIVATELY EMPLOYED SECURITY GUARDS

15 Sec.

16 1341. Responsibility for employees.

17 1342. Registration of associates.

18 1343. Registration of security guards.

19 1344. Duties of licensee and certain other employers.

20 § 1341. Responsibility for employees.

21 A business licensee shall be legally responsible for the good  
22 conduct within the scope of employment in the private detective  
23 and private security business of each person employed to assist  
24 him. No licensee shall knowingly employ in connection with the  
25 private detective and private security business in any capacity  
26 any person who has been convicted of a felony or any of the  
27 offenses specified in section 1323(b) (relating to  
28 qualifications for licensure) or whose private detective license  
29 or associate or security guard registration was revoked or  
30 application for license or registration denied by the board or

1 by the authorities of any state.

2 § 1342. Registration of associates.

3 (a) Registration required.--No person shall be employed by a  
4 business licensee to investigate or obtain information with  
5 reference to any of the matters set forth in section 1102(1)  
6 (relating to applicability of part) who does not possess a valid  
7 registration as a private detective associate unless he has  
8 executed and filed with the board an application for  
9 registration as provided in this section.

10 (b) Application for registration.--Any person who is  
11 qualified to do so may execute and file with the board an  
12 application for registration setting forth under oath:

13 (1) His full name, age and residence.

14 (2) Citizenship.

15 (3) The name and address of all employers or occupations  
16 engaged in for the three years immediately preceding.

17 (4) That he has not been convicted of a felony or of any  
18 offense involving moral turpitude or of any of the offenses  
19 described in section 1323 (relating to qualifications for  
20 licensure).

21 (5) That he is not disqualified under section 1323 or  
22 section 1324 (relating to incompatible employment) from being  
23 registered as an associate.

24 (6) Such further information as the board may require to  
25 show good character, competency and integrity of the  
26 applicant.

27 The application shall be accompanied by a set of fingerprints  
28 and two photographs and a registration fee of \$50 which shall be  
29 nonrefundable.

30 (c) Investigation of applicant.--The board shall cause an

1 appropriate investigation of the applicant, including criminal  
2 history record and fingerprint comparative information reports.

3 (d) Issuance.--If after investigation the board is satisfied  
4 of the good character, competency and integrity of the  
5 applicant, the board shall issue and deliver to the applicant an  
6 associate registration.

7 (e) Revocation.--The registration shall be revocable at any  
8 time by the board for cause shown. Every registration and  
9 identification document shall be surrendered to the board within  
10 72 hours after its term has expired or after notice in writing  
11 to the holder that the registration has been revoked. Any  
12 licensee failing to comply with any of the provisions of this  
13 subsection commits a misdemeanor of the third degree. Such  
14 failure shall be sufficient cause for the revocation of a  
15 registration.

16 (f) Renewal.--The registration shall be renewed biennially  
17 upon forms prescribed by the board and payment of a biennial fee  
18 of \$35. The registration may be renewed without further  
19 investigation unless the applicant no longer qualifies or  
20 verified objections to the renewal are received by the board  
21 prior to issuance. If the board has received information  
22 relevant to the renewal, it shall hold a public hearing.

23 § 1343. Registration of security guards.

24 (a) Registration required.--No person shall be employed by  
25 an alarm business licensee for the purpose of providing  
26 installation, service or monitoring of alarm systems, and no  
27 person shall be employed by a business licensee or by any person  
28 for the purpose of providing watchguard, protective patrol,  
29 courier or other services to protect persons or property or any  
30 of the services described in section 1102(2) and (3) (relating



1 to applicability of part) who does not possess a valid  
2 registration as a security guard unless he has executed and  
3 filed with the board an application for registration as provided  
4 in this part.

5 (b) Application for registration.--Any person who is  
6 qualified to do so may execute and file with the board an  
7 application for registration setting forth under oath:

8 (1) His full name, age and residence.

9 (2) Citizenship.

10 (3) The name and address of all employers or occupations  
11 engaged in for the three years immediately preceding.

12 (4) That he has not been convicted of any felony or of  
13 any offense involving moral turpitude or of any of the  
14 offenses described in section 1323(b) (relating to  
15 qualifications for licensure).

16 (5) That he is not employed by a state or municipality  
17 police force or, if he is so employed, that his public  
18 employer does not prohibit him from serving as a security  
19 guard during hours other than those when he is pursuing his  
20 regular duties.

21 (6) Such further information as the board may require to  
22 show the good character, competency and integrity of the  
23 applicant.

24 The application shall be accompanied by a set of fingerprints  
25 and two photographs and a registration fee of \$25 which shall be  
26 nonrefundable.

27 (c) Investigation of applicant.--The board shall cause an  
28 appropriate investigation of the applicant, including criminal  
29 history record and fingerprint comparative information reports.

30 (d) Issuance.--If after investigation the board is satisfied

1 of the good character, competency and integrity of the  
2 applicant, the board shall issue and deliver to the applicant a  
3 security guard registration.

4 (e) Revocation.--The registration shall be revocable at any  
5 time by the board for cause shown. Every registration and  
6 identification document shall be surrendered to the board within  
7 72 hours after its term has expired or after notice in writing  
8 to the holder that the registration has been revoked. Any  
9 licensee failing to comply with any of the provisions of this  
10 subsection commits a misdemeanor of the third degree. Such  
11 failure shall be sufficient cause for the revocation of a  
12 registration.

13 (f) Renewal.--The registration shall be renewed biennially  
14 upon forms prescribed by the board and payment of a biennial fee  
15 of \$15. The registration may be renewed without further  
16 investigation unless the applicant no longer qualifies or  
17 verified objections to the renewal are received by the board  
18 prior to issuance. If the board has received information  
19 relevant to the renewal, it shall hold a public hearing.

20 § 1344. Duties of licensee and certain other employers.

21 Prior to allowing an associate or a security guard to perform  
22 services, the business licensee or other employer shall verify  
23 his registration, or in the case of an applicant for  
24 registration, the licensee or employer may issue, in accordance  
25 with regulations promulgated by the board, a temporary  
26 registration which shall be void if the applicant's employment  
27 is terminated for any reason, the registration is refused by the  
28 board, a or after 90 days, whichever first occurs. The licensee  
29 or employer shall retain on file a copy of the application and  
30 one set of fingerprints until permanent registration of the

1 associate or security guard is verified. If the employment of an  
2 associate or security guard is terminated for cause at any time,  
3 the licensee or employer shall immediately notify the board.

#### 4 CHAPTER 15

#### 5 IDENTIFICATION DOCUMENTS, UNIFORMS

#### 6 AND EQUIPMENT

7 Sec.

8 1501. Private detective identification document.

9 1502. Associate and security guard identification card.

10 1503. Responsibility for identification documents.

11 1504. Uniforms and equipment.

12 § 1501. Private detective identification document.

13 Upon the issuance of a private detective license, the board  
14 shall also issue an identification document which shall contain  
15 his photograph, name and business address, and a metal badge as  
16 evidence of authorization pursuant to the terms of this part.

17 § 1502. Associate and security guard identification card.

18 Upon the issuance of a registration as a private detective  
19 associate or security guard, the board shall issue an  
20 identification card which shall contain such information as the  
21 board shall prescribe.

22 § 1503. Responsibility for identification documents.

23 (a) General rule.--Each person to whom an identification  
24 document, license, registration card and badge has been issued  
25 shall be responsible for their safekeeping and shall not lend,  
26 let or allow any other person to use, wear or display the  
27 license, document, card or badge.

28 (b) Wearing unauthorized identification card or badge.--No  
29 person shall wear or display any license, card, shield or badge  
30 of any design or material purporting to authorize the holder or

1   wearer thereof to act as a private detective, associate or  
2   security guard, which has not been issued pursuant to the  
3   provisions of this part. Any person who violates this subsection  
4   commits a misdemeanor of the third degree and any such violation  
5   is sufficient cause for revocation of the license or  
6   registration.

7       (c)   Loss or destruction.--If it is established to the  
8   satisfaction of the board that a license, document, card or  
9   badge has been lost or destroyed, the board, upon payment of an  
10  appropriate fee, shall issue a duplicate license, document, card  
11  or badge for the unexpired portion of the term of the license or  
12  registration.

13  § 1504.   Uniforms and equipment.

14       (a)   Return when employment terminated.--Any associate or  
15  security guard issued a uniform or equipment by his employer  
16  whose employment is terminated for any reason who fails or  
17  refuses to return the uniform or equipment for any reason within  
18  three days after the employment ceases, commits a misdemeanor of  
19  the third degree.

20       (b)   Wearing official police uniform.--A member or employee  
21  of a public police force shall not wear his official police  
22  uniform while performing security services for a private  
23  employer unless authorized by the governing authority of the  
24  political subdivision by which he is employed.

25       (c)   Uniform standards.--The board may promulgate standards  
26  or guidelines relating to the design or color of security guard  
27  uniforms so as to assure differentiation of public police and  
28  security guard uniforms.

29       (d)   Deceptively similar uniforms.--An associate or security  
30  guard shall not wear, nor shall an employer issue, a uniform

1 deceptively similar to a uniform worn by a member of a public  
2 police force in or adjacent to the political subdivision in  
3 which the security services are being performed.

## 4 CHAPTER 17

### 5 ENFORCEMENT

#### 6 Subchapter

##### 7 A. General Provisions

##### 8 B. Violations and Penalties

#### 9 SUBCHAPTER A

##### 10 GENERAL PROVISIONS

###### 11 Sec.

12 1701. Enforcement and investigations.

13 1702. Subpoenas.

14 1703. Prosecutions.

15 § 1701. Enforcement and investigations.

16 The board, or at his request the Attorney General, and each  
17 district attorney shall enforce the provisions of this part and,  
18 upon complaint of any person or on his own initiative, shall  
19 investigate any suspected violation or the business practices  
20 and methods of any applicant or licensee. Each applicant or  
21 licensee shall, on request of the board or the district  
22 attorney, supply such information as may be required concerning  
23 his or its business, business practices or methods.

24 § 1702. Subpoenas.

25 For the purpose of enforcing the provisions of this part and  
26 in making investigations relating to any violation thereof and  
27 for the purpose of investigating applicants or licensees, the  
28 board, the Attorney General and district attorney, or their  
29 designee, shall have the power to subpoena any person within his  
30 jurisdiction and require the production of any books or papers

1 deemed relevant to the inquiry. Any person subpoenaed who fails  
2 to obey the subpoena without reasonable cause or without such  
3 cause refuses to be examined or to answer any relevant question  
4 commits a misdemeanor of the third degree. The testimony of  
5 witnesses shall be under oath and willful false swearing in any  
6 such proceeding shall be punishable as perjury.

7 § 1703. Prosecutions.

8 Criminal prosecutions for violation of this part shall be  
9 brought by the Attorney General or the district attorney of the  
10 county in which the violation occurred.

#### 11 SUBCHAPTER B

#### 12 VIOLATIONS AND PENALTIES

13 Sec.

14 1711. Unfair labor practices.

15 1712. Contingent or percentage fees.

16 1713. Unlicensed activities.

17 1714. False representations.

18 1715. Privileged information and false reports.

19 § 1711. Unfair labor practices.

20 It is a misdemeanor of the third degree for a private  
21 detective or any employee of a business licensee knowingly to  
22 encourage, aid, commit or participate within or without this  
23 Commonwealth in any unfair labor practice.

24 § 1712. Contingent or percentage fees.

25 It is unlawful for a private detective or business licensee  
26 to furnish or perform any private detective business service on  
27 a contingent or percentage basis, or make or enter into any  
28 agreement for furnishing services of any kind or character by  
29 the terms or conditions of which agreement the compensation to  
30 be paid for the services to the licensee is partially or wholly

1 contingent or based upon a percentage of the amount of money or  
2 property recovered or dependent in any way upon the result  
3 achieved. A violation of this section may be the basis for  
4 denying the renewal of a license.

5 § 1713. Unlicensed activities.

6 Any person, in violation of the provisions of Subchapter A of  
7 Chapter 13 (relating to private detective and security  
8 business), who engages in the private detective business without  
9 a license commits a misdemeanor of the third degree.

10 § 1714. False representations.

11 If the business licensee falsely represents that a person is  
12 or has been in his employ, such misrepresentation shall be  
13 sufficient cause for the revocation of his license. Any person  
14 who falsely represents that he is or has been a detective or  
15 employed by a licensee commits a misdemeanor of the third  
16 degree. Any person who files with the board the fingerprints,  
17 photographs or application for registration of a person other  
18 than the applicant commits a misdemeanor of the first degree.

19 § 1715. Privileged information and false reports.

20 Any person who is or has been an employee of a business  
21 licensee shall not divulge to anyone other than his employer, or  
22 as his employer shall direct, any information acquired by him  
23 during such employment in respect to any of the work to which he  
24 has been assigned. Any employee violating the provisions of this  
25 section, or any employee who shall willfully make a false report  
26 to his employer in respect to any of such work, commits a  
27 misdemeanor of the third degree. The employer of any employee  
28 believed to have violated this section shall, without any  
29 liability whatsoever upon the employer, inform the board who  
30 shall, should the facts and circumstances warrant it, conduct

1 further investigation and refer that matter to the district  
2 attorney for appropriate action.

3 PART III

4 PRIVATE POLICE

5 Chapter

6 31. Private Police

7 33. Railroad and Street Railway Police

8 CHAPTER 31

9 PRIVATE POLICE

10 Sec.

11 3101. Appointment.

12 3102. Oath of office.

13 3103. Powers.

14 3104. Compensation.

15 3105. Termination of appointment.

16 § 3101. Appointment.

17 Any nonprofit organization or entity, including a nonprofit  
18 corporation as defined in Part III of Title 15 (relating to  
19 corporations not-for-profit), which maintains a cemetery or any  
20 buildings or grounds open to the public, or is organized for the  
21 prevention of cruelty to children, aged persons or animals, or  
22 conducts agricultural or horticultural exhibitions may apply to  
23 the board upon such forms as it shall prescribe for the  
24 appointment of specific persons as the applicant may designate  
25 to act as private policemen for it. The board after such  
26 investigation as it shall deem necessary shall recommend to the  
27 Governor the commissioning of such persons as private policemen  
28 or advise the applicant of its adverse recommendation and the  
29 reasons therefor.

30 § 3102. Oath of office.



1 Every policeman so commissioned shall, before entering upon  
2 the duties of his office, take and subscribe the oath required  
3 by Article VI of the Constitution of Pennsylvania. The oath and  
4 the commission issued by the Governor shall be recorded in the  
5 office for the recording of deeds of each county in which it is  
6 intended that the policemen shall act and a copy filed with the  
7 board.

8 § 3103. Powers.

9 (a) General rule.--Private policemen shall severally possess  
10 and exercise all the powers of a police officer in this  
11 Commonwealth, in and upon, and in the immediate and adjacent  
12 vicinity of, the property of the appointing authority, and in  
13 the case of policemen commissioned to act for organizations for  
14 prevention of cruelty to persons and animals, shall severally  
15 possess and exercise all the powers of a police officer in any  
16 county in which they may be directed by their appointing  
17 authority to act and may arrest persons for the commission of  
18 any offense of cruelty to children, aged persons or animals.

19 (b) Detention of arrested persons.--The keepers of jails and  
20 other places of detention in any county of this Commonwealth  
21 shall receive all persons arrested by private policemen for  
22 purposes of detention until they are dealt with according to  
23 law.

24 (c) Badge.--Private policemen when on duty shall wear a  
25 metallic shield containing the words "Special officer" and the  
26 name of the appointing authority.

27 (d) Weapons.--Policemen so appointed shall not carry a  
28 firearm or other weapon either when on duty or off duty unless  
29 authorized to do so by other provisions of this title or any  
30 other statute.

1 § 3104. Compensation.

2 The compensation of the policemen shall be paid by their  
3 appointing authority.

4 § 3105. Termination of appointment.

5 When any appointing authority no longer requires the services  
6 of any policeman, it shall file a notice to that effect, under  
7 its corporate or other seal, if any, in the office of each  
8 recorder of deeds where the oath and commission of the policeman  
9 were recorded and with the board. The recorder of deeds shall  
10 note this information upon the margin of the record where the  
11 commission and oath were recorded.

12 CHAPTER 33

13 RAILROAD AND STREET RAILWAY

14 POLICE

15 Sec.

16 3301. Appointment.

17 3302. Oath of office.

18 3303. Powers and duties.

19 3304. Compensation.

20 3305. Termination of appointment.

21 § 3301. Appointment.

22 A corporation owning or operating a railroad or street  
23 passenger railway in this Commonwealth may apply to the  
24 Commissioner of the Pennsylvania State Police upon such forms as  
25 he shall prescribe for the appointment of specific persons as  
26 the applicant may designate to act as railroad or street railway  
27 policemen for it. The commissioner after such investigation as  
28 he shall deem necessary shall recommend to the Governor the  
29 commissioning of such persons as railroad or street railway  
30 policemen or advise the applicant of their adverse

1 recommendations and the reasons therefor. The Governor, upon  
2 such application and recommendation, may appoint such persons to  
3 be railroad or street railway policemen, and shall issue to such  
4 persons so appointed a commission to act as such policemen.

5 § 3302. Oath of office.

6 Every railroad or street railway policemen so commissioned  
7 shall, before entering upon the duties of his office, take and  
8 subscribe the oath required by Article VI of the Constitution of  
9 Pennsylvania. The oath and commission issued by the Governor  
10 shall be recorded in the office of the Secretary of the  
11 Commonwealth, in the county where the registered corporate  
12 office or principal place of business is located and a copy  
13 filed with the commissioner.

14 § 3303. Powers and duties.

15 (a) General powers.--Railroad and street railway policemen  
16 shall severally possess and exercise all the powers of a police  
17 officer in this Commonwealth, in and upon, and in the immediate  
18 and adjacent vicinity of, the property of the corporate  
19 authority or elsewhere within this Commonwealth while engaged in  
20 the discharge of his duties.

21 (b) Detention of arrested persons.--The keepers of jails and  
22 other places of detention in any county of this Commonwealth  
23 shall receive all persons arrested by railroad or street railway  
24 policemen for purposes of detention until they are dealt with  
25 according to law.

26 (c) Badge.--Railroad and street railway policemen when on  
27 duty shall wear a metallic shield containing the words "railroad  
28 police" or "railway police" and the name of the authority.

29 § 3304. Compensation.

30 The compensation of railroad or street railway policemen

1 shall be paid by their corporate authority.

2 § 3305. Termination of appointment.

3 When the corporate authority no longer requires the services  
4 of any railroad or street railway policemen, it shall file a  
5 notice to that effect, under its corporate seal, in the office  
6 of the Secretary of the Commonwealth, in the office of the  
7 recorder of deeds where the oath and commission were recorded  
8 and with the commissioner. The recorder of deeds shall note this  
9 information upon the margin of the record where the oath and  
10 commission were recorded and thereupon the powers of the  
11 policemen shall terminate.

12 Section 3. Repeals.

13 (a) Specific repeals.--The following acts are repealed:

14 Act of February 27, 1865 (P.L.225, No.228), entitled "An act  
15 empowering railroad companies to employ police force."

16 Act of April 26, 1870 (P.L.1269, No.1166), entitled "An act  
17 to authorize the private patrol and watchmen to be commissioned  
18 by the mayor of Philadelphia to perform police duty within  
19 prescribed limits in said city."

20 Act of April 9, 1873 (P.L.67, No.45), entitled "An act for  
21 the further protection of cemeteries in the state of  
22 Pennsylvania."

23 Act of April 26, 1883 (P.L.14, No.13), entitled "An act for  
24 the protection of agricultural and horticultural societies."

25 Act of June 26, 1895 (P.L.333, No.248), entitled "An act to  
26 authorize occupants of real estate in cities and boroughs of the  
27 Commonwealth to employ night watchmen, with the approval of the  
28 court of quarter sessions of the proper county or of the  
29 Director of the Department of Public Safety in any city having  
30 such a department, and conferring upon the night watchmen thus

1 employed, all rights, privileges and powers of constables and  
2 policemen duly elected or appointed in such cities or boroughs."

3 Act of June 7, 1901 (P.L.508, No.246), entitled "An act  
4 relative to the appointment of police for street passenger  
5 railways incorporated under the laws of this Commonwealth."

6 Act of May 25, 1937 (P.L.799, No.221), entitled "An act  
7 prohibiting industrial police from carrying weapons when not on  
8 duty; requiring them to leave the same at place of employment;  
9 and prescribing penalties."

10 Act of August 21, 1953 (P.L.1273, No.361), known as "The  
11 Private Detective Act of 1953."

12 Act of October 10, 1974 (P.L.705, No.235), known as the  
13 "Lethal Weapons Training Act."

14 (b) General repeal.--All other acts and parts of acts are  
15 repealed insofar as they are inconsistent with this act.

16 Section 4. Transition provisions.

17 (a) State Board of Private Detectives and Security  
18 Businesses.--The Governor shall appoint the members of the State  
19 Board of Private Detectives and Security Businesses within 90  
20 days of the effective date of this act and the board shall  
21 organize within 30 days after the confirmation of the members.

22 (b) Extension of existing licenses.--Each person,  
23 partnership, association or corporation who holds a valid  
24 license issued pursuant to the former provisions of the act of  
25 August 21, 1953 (P.L.1273, No.361), known as "The Private  
26 Detective Act of 1953," but which license will expire within one  
27 year of the effective date of this section shall be deemed to  
28 have been granted an extension of that license until one year  
29 from the effective date of this section.

30 (c) Information concerning existing licenses.--Each person,

1 partnership, association or corporation who holds a valid  
2 license issued pursuant to "The Private Detective Act of 1953"  
3 on the effective date of this act shall send a copy of the  
4 license, or all pertinent information thereon, to the board  
5 within 60 days of the effective date of this act.

6 (d) Application for new license.--Each person, partnership,  
7 association or corporation who holds a valid license issued  
8 pursuant to "The Private Detective Act of 1953" on the effective  
9 date of this act and who desires to engage in a business or  
10 profession regulated under this act must make application  
11 therefor to the board before 90 days of the expiration of that  
12 license or before 90 days of the expiration of that license as  
13 extended by subsection (b) of this section. If it appears to the  
14 board that the person, partnership, association or corporation  
15 making application under this subsection does not meet the  
16 substantive qualifications of 22 Pa.C.S. § 1323(a) (relating to  
17 qualifications for licensure) or 1324 (relating to incompatible  
18 employment) the board may nonetheless issue the license upon a  
19 public statement of its reasons therefor.

20 (e) Certain applications for license limited to security  
21 services.--Any person who prior to the effective date of this  
22 act is engaged in providing security services as defined in 22  
23 Pa.C.S. § 1102(3) (relating to applicability of part) and has  
24 been so engaged in a supervisory capacity for at least five  
25 years but does not meet the substantive qualifications of 22  
26 Pa.C.S. § 1323(a), may apply to the board for the issuance of a  
27 license limited to the services as defined in § 1102(3) and a  
28 limited license may be issued in accordance with the provisions  
29 of § 1322 (relating to limited licenses).

30 Section 5. Appropriation.

1       The sum of \$100,000 or as much thereof as may be necessary,  
2   is hereby specifically appropriated to the Department of State  
3   for the use of the Bureau of Professional and Occupational  
4   Affairs to defray costs and expenses on account of the State  
5   Board of Private Detectives and Security Businesses. This sum  
6   shall be expended and accounted for in accordance with the act  
7   of July 1, 1978 (P.L.700, No.124), known as the "Bureau of  
8   Professional and Occupational Affairs Fee Act," and shall be  
9   credited against sums subsequently appropriated in accordance  
10  with that act.

11   Section 6.   Effective date.

12       Chapter 5 of Title 22 (relating to State Board of Private  
13   Detectives and Security Businesses) and sections 4(a) and (b)  
14   and 5 of this act shall take effect immediately and the  
15   remaining provisions shall take effect in six months.