

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 633

Session of  
1983

INTRODUCED BY KELLEY, GREENLEAF AND STOUT, APRIL 13, 1983

SENATOR GREENLEAF, LAW AND JUSTICE, AS AMENDED, MAY 31, 1983

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  
4 repeals.

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

11 Section 1. Chapters 1, 3 and 5 of Title 22 of the  
12 Pennsylvania Consolidated Statutes are repealed.

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

14 TITLE 22

15 DETECTIVES AND PRIVATE POLICE

16 Part

17 I. General Provisions

18 II. Private Detective and Security Business

19 III. Private Police

20 PART I

21 GENERAL PROVISIONS

22 Chapter

23 1. Preliminary Provisions

24 3. Lethal Weapons Training

25 5. State Board of Private Detectives and Security Businesses

26 CHAPTER 1

27 PRELIMINARY PROVISIONS

28 Sec.

29 101. Definitions.

30 § 101. Definitions.

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

6 "Alarm agent." An individual who holds an alarm agent  
7 license under section 1323(a)(2) (relating to qualifications for  
8 licensure).

9 "Alarm associate." An employee of an alarm business  
10 registered pursuant to the provisions of Subchapter C of Chapter  
11 13 (relating to employees of private detectives and security  
12 business and privately employed security guards) or who has  
13 applied for registration and has been issued a temporary  
14 registration which has not expired.

15 "Alarm business." Any individual, partnership, association,  
16 corporation or other entity engaged in the provision of alarm  
17 services as defined in sections 1102(2) (relating to  
18 applicability of part) and 1103(5) (relating to inapplicability  
19 of part) and holding an alarm business license under the  
20 provisions of Subchapter A of Chapter 13 (relating to private  
21 detective and security business).

22 "Board." The State Board of Private Detectives and Security  
23 Businesses.

24 "Business license." A license to engage in the private  
25 detective and security business issued pursuant to the  
26 provisions of Subchapter A of Chapter 13.

27 "Commissioner." The Commissioner of the Pennsylvania State  
28 Police or the deputy commissioner duly authorized by the  
29 commissioner to perform the duties and exercise the powers  
30 granted to the commissioner under this title.

1 "Lethal weapon." A firearm, concealed billy club and any  
2 other weapon calculated to produce death or serious bodily harm.  
3 The term does not include chemical mace or any similar  
4 substance.

5 "Private detective." The holder of a private detective  
6 license issued pursuant to the provisions of Subchapter B of  
7 Chapter 13 (relating to private detectives and other security  
8 agents).

9 "Private detective associate." An employee of a private  
10 detective business registered pursuant to the provisions of  
11 Subchapter C of Chapter 13 or who has applied for registration  
12 and has been issued a temporary registration which has not  
13 expired.

14 "Private policeman" or "policeman." An individual  
15 commissioned under Chapter 31 (relating to private police) to  
16 act as a private policeman.

17 "Security business." Any individual, partnership,  
18 association, corporation or other entity engaged in the  
19 provision of alarm services or security services as defined in  
20 sections 1102(2) and (3) (relating to applicability of part),  
21 and 1103 (relating to inapplicability of part) and holding a  
22 license under the provisions of Subchapter A of Chapter 13.

23 CHAPTER 3

24 LETHAL WEAPONS TRAINING

25 Sec.

26 301. Short title of chapter.

27 302. Education and training program.

28 303. Powers and duties of commissioner.

29 304. Enrollment in program.

30 305. Certification.

- 1 306. Notice of discharge for cause.
- 2 307. Revocation of certificate.
- 3 308. Limitation on type of firearms.
- 4 309. Disposition of fees and other moneys.
- 5 310. Penalties.

6 § 301. Short title of chapter.

7 This chapter shall be known and may be cited as the Lethal  
8 Weapons Training Act.

9 § 302. Education and training program.

10 (a) Establishment.--An education and training program in the  
11 handling of lethal weapons, law enforcement and protection of  
12 rights of citizens shall be established and administered or  
13 approved by the commissioner in accordance with the provisions  
14 of this chapter.

15 (b) Attendance.--A private detective, private detective  
16 associate, security guard and any other person who is required  
17 to be licensed or registered under this title or who is employed  
18 as a private policeman by a nonprofit organization or entity and  
19 commissioned under the provisions of Chapter 31 (relating to  
20 private police) and who, as an incidence to his employment,  
21 carries a lethal weapon shall be required to attend the program  
22 established by subsection (a) in accordance with the  
23 requirements or regulations established by the commissioner and,  
24 upon satisfactory completion of the program, shall be entitled  
25 to certification by the commissioner. This subsection shall not  
26 require attendance for guards and watchmen who fulfill the  
27 requirements of the appropriate Federal agency for the  
28 performance of security guard duties in connection with the  
29 construction and operation of a commercial utilization or  
30 production facility under the authority of the Federal Atomic

1 Energy Act of 1954.

2 (c) Limitation on employer participation in program  
3 administration.--Except for colleges and universities, no  
4 nongovernment employer of a person who incident to his  
5 employment carries a lethal weapon shall own, operate or  
6 otherwise participate in, directly or indirectly, the  
7 establishment or administration of the program.

8 § 303. Powers and duties of commissioner.

9 The commissioner shall have the power and duty to:

10 (1) Implement and administer or approve the minimum  
11 courses of study and training for the program in the handling  
12 of lethal weapons, law enforcement and protection of the  
13 rights of citizens. He may appoint such employees, promulgate  
14 such rules and regulations and prescribe such forms as may be  
15 necessary for this purpose.

16 (2) Implement and administer or approve physical and  
17 psychological testing and screening of the candidate for the  
18 purpose of barring from the program those not physically or  
19 mentally fit to handle lethal weapons.

20 (3) Issue certificates to schools approved by the  
21 commissioner and withdraw certificates from those schools  
22 disapproved by the commissioner.

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

25 (5) Consult and cooperate with universities, colleges,  
26 community colleges and institutes for the development of  
27 specialized courses in handling lethal weapons, law  
28 enforcement and protection of the rights of citizens.

29 (6) Consult and cooperate with Commonwealth agencies and  
30 agencies of other states and the Federal Government concerned



1 with similar training.

2 (7) Certify those individuals who have satisfactorily  
3 completed basic education and training requirements as  
4 established by the commissioner and issue appropriate  
5 certificates.

6 (8) Visit and inspect approved schools annually.

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

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

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

15 § 304. Enrollment in program.

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

18 (b) Information required.--The application shall be signed  
19 and verified by the applicant. It shall include his full name,  
20 age, residence, present and previous occupations and such other  
21 information that may be required by the commissioner to show the  
22 good character, competency and integrity of the applicant.

23 (c) Fingerprints, photograph and fee.--The application shall  
24 be personally presented by the applicant at an office of the  
25 Pennsylvania State Police where his fingerprints shall be  
26 affixed thereto. The application, together with two current  
27 photographs of the applicant and an application fee of \$35,  
28 shall be forwarded to the commissioner.

29 (d) Investigation.--The fingerprints of the applicant shall  
30 be examined by the Pennsylvania State Police and the Federal

1 Bureau of Investigation to determine if he has been convicted of  
2 a felony or a violation of any provision of law listed in  
3 section 1323(b) (relating to qualifications for licensure).

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

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

11 § 305. Certification.

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

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

19 (c) Duration.--Certification shall be for a period of five  
20 years and the renewal fee shall be \$15. Additional training as a  
21 condition of renewal shall be required by the commissioner at  
22 intervals of not less than five years, unless the commissioner  
23 is aware of information which would require specific training  
24 prior to renewal. The commissioner shall prescribe the manner in  
25 which the certification shall be renewed.

26 § 306. Notice of discharge for cause.

27 Whenever an employer discharges a certified individual  
28 subject to the provisions of this chapter for cause, the  
29 employer shall immediately notify the commissioner of the  
30 discharge.

1 § 307. Revocation of certificate.

2 The commissioner may revoke or refuse to renew any  
3 certificate issued under this chapter whenever he learns that  
4 false, fraudulent or misstated information appears on the  
5 original or renewal application or whenever he learns of a  
6 change of circumstances that would render an employee ineligible  
7 for certification.

8 § 308. Limitation on type of firearms.

9 No individual certified under this chapter shall carry an  
10 inoperative or model firearm while employed and he shall carry  
11 only a powder actuated firearm approved by the commissioner. Any  
12 violation of this section shall be grounds for the commissioner  
13 to revoke the certification.

14 § 309. Disposition of fees and other moneys.

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

17 § 310. Penalties.

18 (a) Uncertified persons.--Any person required to obtain a  
19 certificate under this chapter who, in the course of his  
20 employment, carries a lethal weapon and who fails to comply with  
21 section 302(b) (relating to education and training program) or  
22 has not obtained a certificate commits a misdemeanor of the  
23 third degree.

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

28

## CHAPTER 5

29

### STATE BOARD OF PRIVATE DETECTIVES

30

### AND SECURITY BUSINESSES

1 Sec.

2 501. Creation of board.

3 502. Organization of board.

4 503. Powers and duties of board.

5 504. Proceedings of board.

6 505. Board to keep records.

7 § 501. Creation of board.

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

11 (b) Applicability of certain laws.--The provisions of the  
12 act of April 9, 1929 (P.L.177, No.175), known as The  
13 Administrative Code of 1929, generally applicable to  
14 professional and occupational boards in the Department of State  
15 shall likewise be applicable to the State Board of Private  
16 Detectives and Security Businesses. Fees set by Part II  
17 (relating to private detective and security business) or  
18 otherwise set by regulations shall be collected, credited,  
19 allocated and generally administered in accordance with the act  
20 of July 1, 1978 (P.L.700, No.124), known as the Bureau of  
21 Professional and Occupational Affairs Fee Act.

22 § 502. Organization of board.

23 (a) Composition.--The State Board of Private Detectives and  
24 Security Businesses shall consist of the Commissioner of  
25 Professional and Occupational Affairs, two persons who shall be  
26 members representing the public at large, and four licensees (at  
27 least one of whom is engaged in investigation, at least one of  
28 whom is engaged in security and at least one of whom is engaged  
29 in alarm services) and one person who represents an employer  
30 (other than a licensee) of security guards registered under this

1 title. Members shall be appointed by the Governor with the  
2 advice and consent of a majority of the members elected to the  
3 Senate and shall serve terms of six years, except that the first  
4 appointed members shall serve staggered terms of two, four and  
5 six years as determined by the Governor. Vacancies occurring by  
6 death or resignation shall be filled by the Governor for the  
7 unexpired term.

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

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

28 § 503. Powers and duties of board.

29 The board shall have the power and duty to:

30 (1) Receive, investigate, develop and administer

1 examinations, approve or disapprove applications for and  
2 renewals of licenses and registrations required by Part II  
3 (relating to private detective and security business). The  
4 board may establish reasonable examination fees.

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

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

10 (4) Receive and act upon complaints.

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

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

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

19 (8) Adopt rules and regulations of professional conduct  
20 appropriate to establish and maintain a high standard of  
21 integrity, skills and practice in the professions licensed or  
22 registered under Part II.

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

26 § 504. Proceedings of board.

27 In proceedings of the board relating to the license and  
28 registration powers and duties, the board shall not be bound by  
29 the strict rules of evidence in the conduct of its proceedings  
30 but any determinations made shall be found upon sufficient legal

1 evidence to sustain them. The burden of meeting the  
2 qualifications for licensing or registration shall be on the  
3 applicant. A district attorney who has filed objections shall be  
4 considered a party for the purposes of appeal. The right of  
5 appeal from decisions of the board shall be in accordance with  
6 law.

7 § 505. Board to keep records.

8 (a) General rule.--The board shall keep records of its  
9 proceedings, especially with relation to the issuance, denial,  
10 registration, suspension and revocation of licenses and  
11 registrations. All licenses and registrations issued by the  
12 board shall be numbered and recorded by the secretary and a file  
13 kept for that purpose and such file or record shall be open to  
14 public inspection. In all actions or proceedings in any court a  
15 transcript of any record or any part thereof, which is certified  
16 to be a true copy by the secretary, shall be entitled to  
17 admission in evidence.

18 (b) Roster of licensees and registrants.--The board shall  
19 maintain a current roster of the names and addresses of all  
20 business licensees, private detective licensees, registered  
21 private detective associates and registered security guard. The  
22 roster shall be open to public inspection.

23 PART II

24 PRIVATE DETECTIVE AND SECURITY BUSINESS

25 Chapter

26 11. General Provisions

27 13. Licenses and Registrations

28 15. Identification Documents, Uniforms and Equipment

29 17. Enforcement

30 CHAPTER 11

1 GENERAL PROVISIONS

2 Sec.

3 1101. Short title of part.

4 1102. Applicability of part.

5 1103. Inapplicability of part.

6 1104. Preemption of local regulation.

7 § 1101. Short title of part.

8 This part shall be known and may be cited as the Private  
9 Detective and Security Business Act.

10 § 1102. Applicability of part.

11 This part applies to the private detective and security  
12 business which shall include the business of investigator,  
13 detective agency and watch, guard or patrol agency and mean,  
14 separately or collectively, investigating for hire, reward or  
15 any consideration whatsoever and notwithstanding that other  
16 functions and services may also be performed for hire or reward,  
17 to obtain information or perform services with reference to any  
18 of the following matters:

19 (1) Investigative and related services.--

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

22 (ii) The identity, habits, conduct, movements,  
23 whereabouts, affiliations, associations, transactions,  
24 reputation or character of any person, group of persons,  
25 association, organization, society, partnership or  
26 corporation.

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

28 (iv) The whereabouts of missing persons.

29 (v) The location or recovery of lost or stolen  
30 property.



1 (vi) The causes and origin of, or responsibility  
2 for, fires, libels, losses, accidents or damage or  
3 injuries to real or personal property.

4 (vii) The affiliation, connection or relation of any  
5 person, partnership or corporation with any union,  
6 organization, society or association, or any official  
7 member or representative thereof.

8 (viii) Persons seeking employment in the place of  
9 any person or persons who have quit work by reason of any  
10 strike.

11 (ix) The conduct, honesty, efficiency, loyalty or  
12 activities of employees, agents, contractors and  
13 subcontractors, including the providing of detection of  
14 deception services.

15 (x) The securing of evidence to be used before any  
16 authorized investigating committee, board of award or  
17 board of arbitration or in the trial of civil or criminal  
18 cases.

19 (2) Alarm services.--~~The door to door sales~~ SELLING ON ←  
20 PREMISES, installation, maintenance, repair, replacement or  
21 servicing of alarm systems in this Commonwealth by which the  
22 equipment detects and signals the presence of an unauthorized  
23 intrusion or hazard requiring urgent attention or transmits a  
24 signal to a central station, law enforcement agency or fire  
25 department; or the furnishing of monitoring or responding  
26 services in connection with any alarm signaling devices in  
27 this Commonwealth.

28 (3) Security services.--Watchmen, guards, private  
29 patrolmen or other persons to protect persons or property or  
30 to prevent the theft or the unlawful taking of goods, wares

1 and merchandise, or to prevent the misappropriation or  
2 concealment of goods, wares or merchandise, money, bonds,  
3 stocks, choses in action, notes or other valuable documents,  
4 papers and articles of value or to transport such goods or  
5 procure the return thereof or the performing of such  
6 services.

7 § 1103. Inapplicability of part.

8 This part does not apply to:

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

15 (2) A person whose business is exclusively the  
16 furnishing of information as to the business and financial  
17 standing and credit responsibility of any person.

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

21 (4) A charitable or philanthropic society or association  
22 duly incorporated under the Laws of this Commonwealth and  
23 which is organized and maintained for the public good and not  
24 for profit.

25 (5) Alarm companies which only manufacture alarm  
26 equipment or sell alarm equipment from their place of  
27 business and do not sell, install, service, maintain, monitor  
28 or respond to alarm equipment at the protected premises or  
29 the premises to be protected.

30 (6) Investigators or adjusters for insurance companies.

1 (7) AN EMPLOYER NOT IN THE SECURITY SERVICE BUSINESS  
2 THAT EMPLOYS PERSONS TO PROVIDE SECURITY SERVICES SOLELY IN  
3 OR UPON PROPERTY OWNED OR LEASED BY THE EMPLOYER.

4 (8) A PERSON EMPLOYED BY ONE EMPLOYER TO PROVIDE  
5 SECURITY SERVICES SOLELY IN OR UPON PROPERTY OWNED OR LEASED  
6 BY THE EMPLOYER, TO INCLUDE SECURITY SERVICES WHICH RELATE TO  
7 THE SAFETY OF THE EMPLOYEES.

8 § 1104. Preemption of local regulation.

9 It is the intent of the General Assembly to enact a  
10 comprehensive licensing and registration system for the private  
11 investigating and security business and thereby preempt this  
12 field. All municipal and county ordinances inconsistent with  
13 this part or imposing additional duties, fees, charges, fines or  
14 different standards on any licensee or individual subject to  
15 this part shall be invalid.

16 CHAPTER 13

17 LICENSES AND REGISTRATIONS

18 Subchapter

- 19 A. Private Detective and Security Business
- 20 B. Private Detectives and Other Security Agents
- 21 C. Employees of Private Detectives and Security Business and
- 22 Privately Employed Security Guards

23 SUBCHAPTER A

24 PRIVATE DETECTIVE AND SECURITY BUSINESS

25 Sec.

- 26 1301. License required.
- 27 1302. Application for license.
- 28 1303. Managing agent required for each office.
- 29 1304. Investigation of applicant.
- 30 1305. License.

1 1306. Transfer of license to another location.

2 1307. Renewal of license.

3 § 1301. License required.

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

12 § 1302. Application for license.

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

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

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

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

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

1 (e) Branch offices of licensee.--An application by a  
2 business licensee for a branch license may incorporate the  
3 information previously furnished to the board by reference and  
4 shall contain only additional information necessary to conduct  
5 the review required by this subchapter.

6 § 1303. Managing agent required for each office.

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

12 (b) Alarm business.--No alarm business license shall be  
13 issued unless, either:

14 (1) the individual applicant or at least one individual  
15 who is an owner, officer, partner or full-time employee of  
16 the applicant possesses an alarm agent license and certifies  
17 that he will engage full time in the provision of alarm  
18 services at the location for which the license is requested;  
19 or

20 (2) the applicant is engaged in the provision of alarm  
21 services as of the effective date of this part and the  
22 individual applicant or at least one individual who is an  
23 owner, officer, partner or full-time employee of the  
24 applicant meets the examination requirements of section  
25 1323(a)(3) (relating to qualifications for licensure) and  
26 certifies that he will engage full time in the provision of  
27 alarm services at the location for which the license is  
28 requested.

29 (c) Notification of board.--In the event that the individual  
30 whom the applicant relies upon to comply with subsection (b)

1 shall for any reason cease to perform his duties on a regular  
2 basis, the business licensee shall promptly notify the board by  
3 certified or registered mail and shall make every effort to  
4 obtain as promptly as possible a substitute eligible individual.  
5 If the business licensee fails to obtain the substitute eligible  
6 individual within six months from and after the disqualification  
7 of the licensee, the board may revoke the business license or,  
8 for good cause shown, may extend for a reasonable time the  
9 period for obtaining a substitute qualifying individual or the  
10 board may determine, based upon the experience and performance  
11 of the licensee, that the licensee need not obtain the  
12 substitute qualifying individual.

13 § 1304. Investigation of applicant.

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

25 § 1305. License.

26 (a) Issuance.--If after investigation the board is satisfied  
27 of the good character, competency and integrity of the applicant  
28 and a period of 45 days from the date of the filing of the  
29 application has elapsed, the board shall issue and deliver to  
30 the applicant a business license for the premises stated in the

1 application. In the event verified objections to the issuance of  
2 a license are filed with the board, he shall hold a public  
3 hearing with notice to all interested parties prior to issuing  
4 or refusing to issue the license.

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

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

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

25 (e) Advertisement.--Every advertisement by a business  
26 licensee soliciting or advertising business shall contain the  
27 licensee's name and license number as they appear in the records  
28 of the board.

29 (f) Revocation.--The business license shall be revocable at  
30 any time by the board for cause shown. Every license shall be



1 surrendered to the board within 72 hours after its term has  
2 expired or after notice in writing to the holder that the  
3 license has been revoked. Any licensee failing to comply with  
4 any of the provisions of this section commits a misdemeanor of  
5 the third degree. Such failure shall be sufficient cause for the  
6 revocation of a license.

7 § 1306. Transfer of license to another location.

8 If a business licensee desires to transfer the license to a  
9 place other than that described in it, he shall prior thereto  
10 apply to the board for leave to transfer the license. The  
11 application for transfer shall describe the premises to which  
12 the transfer will be made and the date of transfer. The board  
13 shall cause an appropriate investigation to be made and, if he  
14 is satisfied, authorize the transfer.

15 § 1307. Renewal of license.

16 A business license shall be renewed biennially by the board  
17 upon application at such time prior to expiration and in such  
18 form as the board may prescribe and payment of a biennial fee of  
19 \$200 and the filing of evidence of insurance as required for the  
20 original license. The license shall be renewed without further  
21 investigation unless the applicant no longer qualifies for the  
22 license or verified objections to the renewal are received by  
23 the board prior to issuance. If the board has received  
24 information relevant to the renewal, he shall hold a public  
25 hearing as provided for in the case of an original application.

26 SUBCHAPTER B

27 PRIVATE DETECTIVES AND OTHER SECURITY AGENTS

28 Sec.

29 1321. License or registration required.

30 1322. Limited licenses.

1 1323. Qualifications for licensure.

2 1324. Incompatible employment.

3 1325. Application for license.

4 1326. License.

5 1327. Renewal of license.

6 § 1321. License or registration required.

7 No person shall perform any of the functions and services set  
8 forth in section 1102 (relating to applicability of part)  
9 without having obtained from the board a private detective or  
10 security business license or having registered as an associate  
11 or as a security guard under Subchapter C (relating to employees  
12 of private detectives and security business and privately  
13 employed security guards).

14 § 1322. Limited licenses.

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

28 (b) Defining types of licensees.--The board may define those  
29 persons to be licensed under this section as "polygraph  
30 operator," but the definition shall be substantially as follows:

1 "Polygraph operator." Any individual employed in this  
2 Commonwealth to investigate the conduct, honesty, efficiency,  
3 loyalty or activities of employees, agents, contractors and  
4 subcontractors by means of detection of deception devices of a  
5 mechanical nature.

6 (c) Regulation of licensees.--All other rights and duties of  
7 polygraph operators shall be as provided by this title. It is  
8 the intent of this section only that polygraph operators shall  
9 be relieved of the experience requirements for licensure as  
10 private detectives or alarm agents. The board may set, by rules  
11 and regulations, reasonable and appropriate requirements for  
12 licensure for these limited licenses.

13 (d) Limitation on activities of licensees.--Limited licenses  
14 issued under this section shall authorize only the conduct of  
15 polygraph operator and by operation of law prohibit private  
16 detective and security business activities.

17 § 1323. Qualifications for licensure.

18 (a) Experience and examination.--

19 (1) No private detective license shall be issued unless  
20 the applicant has been regularly employed for a period of not  
21 less than five years as a detective, an associate of a  
22 licensed private detective, a member of the United States  
23 Government investigative service, the Pennsylvania State  
24 Police, a municipality with a rank or grade higher than  
25 patrolman, or a sheriff.

26 (2) No alarm agent license shall be issued unless the  
27 applicant establishes that he was an alarm associate or was  
28 regularly engaged or was employed in the provision of alarm  
29 services of on-premises sales, installation or service for an  
30 aggregate period of not less than five years prior to the

1 filing of the application. The individual shall be required  
2 to engage full time in, or supervising, the on-premises  
3 sales, installation or servicing of alarm systems.

4 (3) Applicants for an alarm agent license shall take a  
5 board administered alarm agent examination designed to  
6 measure the individual's knowledge and competence in the  
7 alarm business and score a passing grade. Applicants engaged  
8 in the alarm business on the effective date of the part shall  
9 have one year after the effective date of the part to comply  
10 with this examination requirement.

11 (4) Any employee of a private detective or security  
12 business who is not otherwise disqualified under this section  
13 or section 1324 (relating to incompatible employment) from  
14 obtaining a license under this section may be registered as  
15 an associate under section 1342 (relating to regulation of  
16 private detective associates) or 1343 (relating to  
17 registration of security guards and alarm associates)  
18 notwithstanding that he does not possess the experience  
19 required under this section to obtain a private detective or  
20 alarm agent license.

21 (b) Criminal disqualifications.--

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

26 18 Pa.C.S. § 907 (relating to possessing instruments  
27 of crime).

28 18 Pa.C.S. § 908 (relating to prohibited offensive  
29 weapons).

30 18 Pa.C.S. § 2702 (relating to aggravated assault).

1           18 Pa.C.S. § 3124 (relating to voluntary deviate  
2 sexual intercourse).

3           18 Pa.C.S. § 3503 (relating to criminal trespass).

4           18 Pa.C.S. § 3921 (relating to theft by unlawful  
5 taking or disposition).

6           18 Pa.C.S. § 3925 (relating to receiving stolen  
7 property).

8           18 Pa.C.S. § 5121 (relating to escape).

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

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

14           (c) Previous revocation.--No private detective license or  
15 registration shall be issued to any person whose license or  
16 registration has been previously revoked because of conviction  
17 of a felony or any of the offenses specified in this section  
18 unless the person has received an executive or judicial pardon  
19 removing this disability.

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

24 § 1324. Incompatible employment.

25           (a) Certain public officials.--No private detective or alarm  
26 agent license shall be issued to a member of a State or  
27 municipality police force, constable, probation officer or any  
28 individual who holds a public office and who, by virtue of that  
29 public office, possess extraordinary police authority, not  
30 allowed private persons, for the benefit of the public. In the

1 case of an association, partnership or corporation, no license  
2 shall be issued if any individual composing the association or  
3 partnership, or corporate officer or shareholder, is so employed  
4 or holds such public office. This subsection does not prevent a  
5 person from obtaining registration as a security guard if his  
6 public employer certifies that service as a security guard  
7 during hours when he is not pursuing regular duties is not  
8 prohibited.

9 (b) Employment agency.--No holder of an employment agency  
10 license shall be licensed under this chapter. While holding a  
11 private detective license under this chapter a licensee shall  
12 not simultaneously hold an employment agency license or have any  
13 financial interest in or participate in the control and  
14 management of any employment agency or any other private  
15 detective business. A licensee may own or possess stock in any  
16 corporation whose only business is to undertake for hire the  
17 preparation of payrolls and the transportation of payrolls,  
18 moneys, securities and other valuables or whose only business is  
19 to provide or furnish protective or guard services to any  
20 Federal agency.

21 § 1325. Application for license.

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

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

26 (2) Citizenship.

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

29 (4) That he has not been convicted of a felony or of any  
30 offense involving moral turpitude or of any of the offenses

1 described in section 1323 (relating to qualifications for  
2 licensure).

3 (5) That he is not disqualified under section 1323 or  
4 1324 (relating to incompatible employment) from being  
5 licensed as a private detective.

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

9 The application shall be accompanied by a set of fingerprints  
10 and two photographs and a license fee of \$100 which shall be  
11 nonrefundable.

12 (b) Investigation of applicant.--The board shall cause an  
13 investigation of the applicant in the same manner as section  
14 1304 (relating to investigation of applicant).

15 § 1326. License.

16 (a) Issuance.--If after investigation the board is satisfied  
17 of the good character, competency and integrity of the applicant  
18 and a period of 45 days from the date of the filing of the  
19 application has elapsed, the board shall issue and deliver to  
20 the applicant a private detective license. In the event verified  
21 objections to the issuance of a license are filed with the  
22 board, it shall hold a public hearing with notice to all  
23 interested parties prior to issuing or refusing to issue the  
24 license.

25 (b) Form.--The license shall be in a form prescribed by the  
26 board and shall specify the full name of the applicant, the  
27 location of the principal office, and the location of the  
28 office, branch office, bureau, agency or subagency from which  
29 the applicant will work, the date on which it was issued and the  
30 date on which it will expire.

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

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

12 § 1327. Renewal of license.

13 A license shall be renewed biennially by the board upon  
14 application at such time prior to expiration and in such form as  
15 the board may prescribe and payment of a biennial fee of \$75.  
16 The license may be renewed without further investigation unless  
17 the applicant no longer qualifies for the license or verified  
18 objections to the renewal are received by the board prior to  
19 issuance. If the board has received information relevant to the  
20 renewal, it shall hold a public hearing as provided for in the  
21 case of an original application.

22 SUBCHAPTER C

23 EMPLOYEES OF PRIVATE DETECTIVES AND SECURITY

24 BUSINESS AND PRIVATELY EMPLOYED SECURITY GUARDS

25 Sec.

26 1341. Responsibility for employees.

27 1342. Registration of private detective associates.

28 1343. Registration of security guards and alarm associates.

29 1344. Duties of licensee and certain other employers.

30 § 1341. Responsibility for employees.



1 A business licensee shall be legally responsible for the good  
2 conduct within the scope of employment in the private detective  
3 and private security business of each person employed to assist  
4 him. No licensee shall knowingly employ in connection with the  
5 private detective and private security business in any capacity  
6 any person who has been convicted of a felony or any of the  
7 offenses specified in section 1323(b) (relating to  
8 qualifications for licensure) or whose private detective license  
9 or associate or security guard registration was revoked or  
10 application for license or registration denied by the board or  
11 by the authorities of any state.

12 § 1342. Registration of private detective associates.

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

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

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

24 (2) Citizenship.

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

27 (4) That he has not been convicted of a felony or of any  
28 offense involving moral turpitude or of any of the offenses  
29 described in section 1323 (relating to qualifications for  
30 licensure).

1           (5) That he is not disqualified under section 1323 or  
2           1324 (relating to incompatible employment) from being  
3           registered as an associate.

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

7           The application shall be accompanied by a set of fingerprints  
8           and two photographs and a registration fee of \$50 which shall be  
9           nonrefundable.

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

13          (d) Issuance.--If after investigation the board is satisfied  
14          of the good character, competency and integrity of the  
15          applicant, the board shall issue and deliver to the applicant an  
16          associate registration.

17          (e) Revocation.--The registration shall be revocable at any  
18          time by the board for cause shown. Every registration and  
19          identification document shall be surrendered to the board within  
20          72 hours after its term has expired or after notice in writing  
21          to the holder that the registration has been revoked. Any  
22          licensee failing to comply with any of the provisions of this  
23          subsection commits a misdemeanor of the third degree. Such  
24          failure shall be sufficient cause for the revocation of a  
25          registration.

26          (f) Renewal.--The registration shall be renewed biennially  
27          upon forms prescribed by the board and payment of a biennial fee  
28          of \$35. The registration may be renewed without further  
29          investigation unless the applicant no longer qualifies or  
30          verified objections to the renewal are received by the board

1 prior to issuance. If the board has received information  
2 relevant to the renewal, it shall hold a public hearing.

3 § 1343. Registration of security guards and alarm associates.

4 (a) Registration required.--No person shall be employed by  
5 an alarm business licensee and no person shall be employed by a  
6 business licensee or by any person for the purpose of providing  
7 watchguard, protective patrol, courier or other services to  
8 protect persons or property or any of the services described in  
9 section 1102(2) and (3) (relating to applicability of part) who  
10 does not possess a valid registration under this part unless he  
11 has executed and filed with the board an application for  
12 registration as provided in this part.

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

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

17 (2) Citizenship.

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

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

24 (5) Two sets of classifiable fingerprints recorded in  
25 such manner as may be specified by the board.

26 (6) If applying for a security guard registration, that  
27 he is not employed by a state or municipality police force  
28 or, if he is so employed, that his public employer does not  
29 prohibit him from serving as a security guard during hours  
30 other than those when he is pursuing his regular duties.

1           (7) Such further information as the board may require to  
2       show the good character, competency and integrity of the  
3       applicant.

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

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

10       (d) Issuance.--If after investigation the board is satisfied  
11       of the good character, competency and integrity of the  
12       applicant, the board shall issue and deliver to the applicant a  
13       security guard or alarm associate registration.

14       (e) Revocation.--The registration shall be revocable at any  
15       time by the board for cause shown. Every registration and  
16       identification document shall be surrendered to the board within  
17       72 hours after its term has expired or after notice in writing  
18       to the holder that the registration has been revoked. Any  
19       licensee failing to comply with any of the provisions of this  
20       subsection commits a misdemeanor of the third degree. Such  
21       failure shall be sufficient cause for the revocation of a  
22       registration.

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

30       § 1344. Duties of licensee and certain other employers.

1 Prior to allowing an associate or a security guard registered  
2 under section 1342 (relating to registration of private  
3 detective associates) or 1343 (relating to registration of  
4 security guards and alarm associates) to perform services, the  
5 business licensee or other employer shall verify his  
6 registration, or in the case of an applicant for registration,  
7 the licensee or employer may issue, in accordance with  
8 regulations promulgated by the board, a temporary registration  
9 which shall be void if the applicant's employment is terminated  
10 for any reason, the registration is refused by the board, on or  
11 after 90 days, whichever first occurs. The licensee or employer  
12 shall retain on file a copy of the application and one set of  
13 fingerprints until permanent registration of the associate or  
14 security guard is verified. If the employment of an associate or  
15 security guard is terminated for cause at any time, the licensee  
16 or employer shall immediately notify the board.

17 CHAPTER 15

18 IDENTIFICATION DOCUMENTS, UNIFORMS

19 AND EQUIPMENT

20 Sec.

21 1501. Private detective and alarm agent identification card.

22 1502. Associate and security guard identification card.

23 1503. Responsibility for identification documents.

24 1504. Uniforms and equipment.

25 § 1501. Private detective and alarm agent identification card.

26 (a) Contents of card.--Upon the issuance of a private  
27 detective or alarm agent license, the board shall also issue an  
28 identification card which shall contain the licensee's  
29 photograph, name and business address, and, in the case of  
30 private detectives, a metal badge as evidence of authorization

1 pursuant to the terms of this part.

2 (b) Carrying requirement.--The identification card shall be  
3 carried by an individual required to obtain an identification  
4 card under subsection (a) whenever the individual is engaged in  
5 the provision of private detective or alarm services and shall  
6 be exhibited upon request.

7 § 1502. Associate and security guard identification card.

8 (a) Associate or security guard.--Upon the issuance of a  
9 registration as an associate or security guard under Subchapter  
10 C of Chapter 13, (relating to employees of private detectives  
11 and security business and privately employed security guards)  
12 the board shall issue an identification card which shall contain  
13 such information as the board shall prescribe.

14 (b) Carrying requirement.--The identification card shall be  
15 carried by an individual required to obtain an identification  
16 card under subsection (a) whenever the individual is engaged in  
17 employment activities for which he must be registered under this  
18 part and shall be exhibited upon request.

19 § 1503. Responsibility for identification documents.

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

25 (b) Wearing unauthorized identification card or badge.--No  
26 person shall wear or display any license, card, shield or badge  
27 of any design or material purporting to authorize the holder or  
28 wearer thereof to act as a private detective, associate or  
29 security guard, which has not been issued pursuant to the  
30 provisions of this part. Any person who violates this subsection

1 commits a misdemeanor of the third degree and any such violation  
2 is sufficient cause for revocation of the license or  
3 registration.

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

10 § 1504. Uniforms and equipment.

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

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

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

26 (d) Deceptively similar uniforms.--An associate or security  
27 guard shall not wear, nor shall an employer issue, a uniform  
28 deceptively similar to a uniform worn by a member of a public  
29 police force in or adjacent to the political subdivision in  
30 which the security services are being performed.

1 CHAPTER 17

2 ENFORCEMENT

3 Subchapter

4 A. General Provisions

5 B. Violations and Penalties

6 SUBCHAPTER A

7 GENERAL PROVISIONS

8 ~~Sec.~~

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9 ~~1701. Enforcement and investigations.~~

10 ~~1702. Subpoenas.~~

11 ~~1703. Prosecutions.~~

12 ~~§ 1701. Enforcement and investigations.~~

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

21 ~~§ 1702. Subpoenas.~~

22 ~~For the purpose of enforcing the provisions of this part and~~  
23 ~~in making investigations relating to any violation thereof and~~  
24 ~~for the purpose of investigating applicants or licensees, the~~  
25 ~~board, the Attorney General and district attorney, or their~~  
26 ~~designee, shall have the power to subpoena any person within his~~  
27 ~~jurisdiction and require the production of any books or papers~~  
28 ~~deemed relevant to the inquiry. Any person subpoenaed who fails~~  
29 ~~to obey the subpoena without reasonable cause or without such~~  
30 ~~cause refuses to be examined or to answer any relevant question~~



1 ~~commits a misdemeanor of the third degree. The testimony of~~  
2 ~~witnesses shall be under oath and willful false swearing in any~~  
3 ~~such proceeding shall be punishable as perjury.~~

4 ~~§ 1703. Prosecutions.~~

5 ~~Criminal prosecutions for violation of this part shall be~~  
6 ~~brought by the Attorney General or the district attorney of the~~  
7 ~~county in which the violation occurred.~~

8 SEC. ←

9 1701. ENFORCEMENT AND INVESTIGATIONS.

10 1702. ADMINISTRATIVE DISCIPLINARY PROCEEDINGS.

11 1703. PROSECUTIONS.

12 1704. INJUNCTION AGAINST UNLAWFUL PRACTICE.

13 1705. SUBPOENAS.

14 § 1701. ENFORCEMENT AND INVESTIGATIONS.

15 THE BOARD, OR AT ITS REQUEST AND IN ACCORDANCE WITH SECTIONS  
16 1703 (RELATING TO PROSECUTIONS) AND 1704 (RELATING TO INJUNCTION  
17 AGAINST UNLAWFUL PRACTICE), THE ATTORNEY GENERAL OR EACH  
18 DISTRICT ATTORNEY SHALL ENFORCE THE PROVISIONS OF THIS PART AND,  
19 UPON COMPLAINT OF ANY PERSON OR ON HIS OR ITS OWN INITIATIVE,  
20 SHALL INVESTIGATE ANY SUSPECTED VIOLATION OR THE BUSINESS  
21 PRACTICES AND METHODS OF ANY APPLICANT OR LICENSEE. EACH  
22 APPLICANT OR LICENSEE SHALL, ON REQUEST OF THE BOARD OR THE  
23 DISTRICT ATTORNEY, SUPPLY SUCH INFORMATION AS MAY BE REQUIRED  
24 CONCERNING HIS OR ITS BUSINESS, BUSINESS PRACTICES OR METHODS.

25 § 1702. ADMINISTRATIVE DISCIPLINARY PROCEEDINGS.

26 (A) DISCIPLINARY ACTION.--THE BOARD MAY REVOKE OR SUSPEND  
27 ANY LICENSE OR REGISTRATION GRANTED UNDER THIS ACT, REPRIMAND,  
28 CENSURE, FINE OR OTHERWISE DISCIPLINE IN ACCORDANCE WITH THE  
29 PROVISIONS OF THIS ACT ANY PARTY THAT, AFTER NOTICE AND HEARING,  
30 THE BOARD DETERMINES:

1 (1) HAS WILLFULLY OR REPEATEDLY ACTED IN A MANNER  
2 INCONSISTENT WITH THE HEALTH AND SAFETY OF THE PUBLIC.

3 (2) HAS COMMITTED ANY ACT INVOLVING DISHONESTY, FRAUD OR  
4 DECEIT IN THE PRACTICE OF THE BUSINESSES REGULATED HEREIN.

5 (3) IS CONVICTED, IN ANY COURT OF COMPETENT  
6 JURISDICTION, OF A FELONY COMMITTED IN THE PRACTICE OF THE  
7 BUSINESSES REGULATED HEREIN.

8 (4) HAS DONE ANY ACT WITHOUT A LICENSE OR REGISTRATION  
9 FOR WHICH A LICENSE OR REGISTRATION IS REQUIRED UNDER THIS  
10 CHAPTER OR HAS EMPLOYED ANY PERSON FOR WHOM A LICENSE OR  
11 REGISTRATION CERTIFICATE UNDER THIS CHAPTER IS REQUIRED, WHO  
12 DOES NOT HAVE SUCH LICENSE OR REGISTRATION.

13 (5) HAS OTHERWISE VIOLATED THE PROVISIONS OF THIS  
14 CHAPTER OR THE RULES ENACTED IN ACCORDANCE THEREWITH.

15 (B) FILING OF CHARGES.--PROCEEDINGS UNDER THIS SECTION SHALL  
16 BE BEGUN BY FILING WITH THE BOARD CHARGES IN WRITING AND UNDER  
17 OATH. THE CHARGES MAY BE PREFERRED BY ANY PERSON OR BY THE  
18 BOARD. THE CHAIRMAN OF THE BOARD SHALL DESIGNATE THREE OR MORE  
19 MEMBERS THEREOF AS A HEARING COMMITTEE TO HEAR THE CHARGES AND  
20 TO REPORT TO THE BOARD THEREON.

21 (C) WRITTEN NOTICE.--BEFORE ANY HEARING OR DISCIPLINARY  
22 ACTION IS TAKEN, THE CHARGED PARTY SHALL BE GIVEN NOTICE IN  
23 WRITING OF THE CHARGES AGAINST HIM. THE NOTICE SHALL SET A TIME,  
24 DATE AND PLACE OF HEARING NOT LESS THAN TEN DAYS FROM THE DATE  
25 OF THE NOTICE.

26 (D) HEARING.--AT THE HEARING THE CHARGED PARTY SHALL HAVE  
27 THE RIGHT TO APPEAR EITHER PERSONALLY OR BY COUNSEL, OR BOTH, TO  
28 PRODUCE WITNESSES AND EVIDENCE ON HIS OWN BEHALF, TO CROSS-  
29 EXAMINE WITNESSES AND TO HAVE SUBPOENAS ISSUED IN HIS BEHALF BY  
30 THE HEARING COMMITTEE.

1 (E) WRITTEN REPORT.--THE HEARING COMMITTEE SHALL MAKE A  
2 WRITTEN REPORT TO THE BOARD OF ITS FINDINGS AND RECOMMENDATIONS  
3 WHICH SHALL BE CONSIDERED BY THE BOARD IN ARRIVING AT ITS  
4 DETERMINATION.

5 (F) COMMITTEE POWERS.--MEMBERS OF THE HEARING COMMITTEE  
6 SHALL EXERCISE ANY OF THE POWERS OF THE BOARD AS MAY BE  
7 NECESSARY FOR THE PROPER CONDUCT OF THE HEARING.

8 (G) APPEAL.--THE ADMINISTRATIVE DISCIPLINARY PROCEEDINGS  
9 SHALL BE CONDUCTED PURSUANT TO 2 PA.C.S. § 103 ET SEQ. (RELATING  
10 TO ADMINISTRATIVE AGENCY LAW). EVERY PARTY SHALL HAVE THE RIGHT  
11 TO APPEAL ANY DECISION OF THE BOARD AND SUCH APPEALS SHALL BE IN  
12 ACCORDANCE WITH THE ADMINISTRATIVE AGENCY LAW.

13 (H) FINES.--ADMINISTRATIVE FINES IMPOSED PURSUANT TO THIS  
14 SECTION SHALL NOT EXCEED \$1,000 FOR ANY SINGLE VIOLATION. ALL  
15 MONEY DERIVED FROM THE ASSESSMENT OF ADMINISTRATIVE FINES IS  
16 HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD TO SUPPORT THE  
17 BOARD'S ENFORCEMENT PROGRAM.

18 § 1703. PROSECUTIONS.

19 IN ADDITION TO FOLLOWING ADMINISTRATIVE DISCIPLINARY  
20 PROCEEDINGS, THE BOARD MAY, IN ITS DISCRETION, REFER MATTERS  
21 BROUGHT TO ITS ATTENTION UNDER THIS SECTION TO THE ATTORNEY  
22 GENERAL OR A DISTRICT ATTORNEY FOR CRIMINAL PROSECUTION.  
23 CRIMINAL PROSECUTIONS FOR VIOLATION OF THIS PART SHALL BE  
24 BROUGHT BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY OF THE  
25 COUNTY IN WHICH THE VIOLATION OCCURRED.

26 § 1704. INJUNCTION AGAINST UNLAWFUL PRACTICE.

27 IT SHALL BE UNLAWFUL FOR ANY PARTY TO PRACTICE OR ATTEMPT TO  
28 OFFER TO PRACTICE THE PROFESSIONS DEFINED IN THIS ACT, WITHOUT  
29 HAVING AT THE TIME OF SO DOING, WHERE REQUIRED, A VALID,  
30 UNEXPIRED, UNREVOKED AND UNSUSPENDED LICENSE OR REGISTRATION

1 ISSUED UNDER THIS CHAPTER. THE UNLAWFUL PRACTICE OF THE  
2 PROFESSIONS DEFINED IN THIS CHAPTER MAY BE ENJOINED BY THE  
3 COURTS ON PETITION OF THE BOARD. IN ANY SUCH PROCEEDING IT SHALL  
4 NOT BE NECESSARY TO SHOW THAT ANY PERSON IS INDIVIDUALLY INJURED  
5 BY THE ACTIONS COMPLAINED OF. IF THE RESPONDENT IS FOUND GUILTY  
6 OF UNLAWFUL PRACTICE, THE COURT SHALL ENJOIN HIM FROM SO  
7 PRACTICING UNLESS AND UNTIL HE HAS POSSESSED A VALID LICENSE OR  
8 REGISTRATION. PROCEDURE IN SUCH CASES SHALL BE THE SAME AS IN  
9 ANY OTHER INJUNCTION SUIT. THE REMEDY BY INJUNCTION IS IN  
10 ADDITION TO THE ADMINISTRATIVE DISCIPLINE AND CRIMINAL  
11 PROSECUTION PROVIDED FOR HEREIN.

12 § 1705. SUBPOENAS.

13 FOR THE PURPOSE OF ENFORCING THE PROVISIONS OF THIS PART, IN  
14 MAKING INVESTIGATIONS AND CONDUCTING ADMINISTRATIVE DISCIPLINARY  
15 PROCEEDINGS RELATING TO ANY VIOLATION THEREOF AND FOR THE  
16 PURPOSE OF INVESTIGATING APPLICANTS OR LICENSEES, THE BOARD, THE  
17 ATTORNEY GENERAL AND DISTRICT ATTORNEY, OR THEIR DESIGNEE, SHALL  
18 HAVE THE POWER TO SUBPOENA ANY PERSON WITHIN HIS OR ITS  
19 JURISDICTION AND REQUIRE THE PRODUCTION OF ANY BOOKS OR PAPERS  
20 DEEMED RELEVANT TO THE INQUIRY OR PROCEEDINGS. ANY PERSON  
21 SUBPOENAED WHO FAILS TO OBEY THE SUBPOENA WITHOUT REASONABLE  
22 CAUSE OR WITHOUT SUCH CAUSE REFUSES TO BE EXAMINED OR TO ANSWER  
23 ANY RELEVANT QUESTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.  
24 THE TESTIMONY OF WITNESSES SHALL BE UNDER OATH AND WILLFUL FALSE  
25 SWEARING IN ANY SUCH PROCEEDING SHALL BE PUNISHABLE AS PERJURY.

26 SUBCHAPTER B  
27 VIOLATIONS AND PENALTIES

28 Sec.

29 1711. Unfair labor practices.

30 1712. Contingent or percentage fees.

1 1713. Unlicensed activities.

2 1714. False representations.

3 1715. Privileged information and false reports.

4 § 1711. Unfair labor practices.

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

9 § 1712. Contingent or percentage fees.

10 It is unlawful for a private detective or business licensee  
11 to furnish or perform any private detective business service on  
12 a contingent or percentage basis, or make or enter into any  
13 agreement for furnishing services of any kind or character by  
14 the terms or conditions of which agreement the compensation to  
15 be paid for the services to the licensee is partially or wholly  
16 contingent or based upon a percentage of the amount of money or  
17 property recovered or dependent in any way upon the result  
18 achieved. A violation of this section may be the basis for  
19 denying the renewal of a license.

20 § 1713. Unlicensed activities.

21 Any person, in violation of the provisions of Subchapter A of  
22 Chapter 13 (relating to private detective and security  
23 business), who engages in the private detective OR SECURITY ←  
24 business without a license commits a misdemeanor of the third  
25 degree.

26 § 1714. False representations.

27 If the business licensee falsely represents that a person is  
28 or has been in his employ, such misrepresentation shall be  
29 sufficient cause for the revocation of his license. Any person  
30 who falsely represents that he is or has been a detective or

1 employed by a licensee commits a misdemeanor of the third  
2 degree. Any person who files with the board the fingerprints,  
3 photographs or application for registration of a person other  
4 than the applicant commits a misdemeanor of the first degree.  
5 § 1715. Privileged information and false reports.

6 Any person who is or has been an employee of a business  
7 licensee shall not divulge to anyone other than his employer, or  
8 as his employer shall direct, any information acquired by him  
9 during such employment in respect to any of the work to which he  
10 has been assigned. Any employee violating the provisions of this  
11 section, or any employee who shall willfully make a false report  
12 to his employer in respect to any of such work, commits a  
13 misdemeanor of the third degree. The employer of any employee  
14 believed to have violated this section shall, without any  
15 liability whatsoever upon the employer, inform the board who  
16 shall, should the facts and circumstances warrant it, conduct  
17 further investigation ~~and~~ OR ADMINISTRATIVE DISCIPLINARY ←  
18 PROCEEDINGS OR refer that matter to the district attorney for  
19 appropriate action.

20 PART III

21 PRIVATE POLICE

22 Chapter

23 31. Private Police

24 CHAPTER 31

25 PRIVATE POLICE

26 Sec.

27 3101. Appointment.

28 3102. Oath of office.

29 3103. Powers.

30 3104. Compensation.

1 3105. Termination of appointment.

2 § 3101. Appointment.

3 Any nonprofit organization or entity, including a nonprofit  
4 corporation as defined in Part III of Title 15 (relating to  
5 corporations not-for-profit), which maintains a cemetery or any  
6 buildings or grounds open to the public, or is organized for the  
7 prevention of cruelty to children, aged persons or animals, or  
8 conducts agricultural or horticultural exhibitions may apply to  
9 the board upon such forms as it shall prescribe for the  
10 appointment of specific persons as the applicant may designate  
11 to act as private policemen for it. The board after such  
12 investigation as it shall deem necessary shall recommend to the  
13 Governor the commissioning of such persons as private policemen  
14 or advise the applicant of its adverse recommendation and the  
15 reasons therefor.

16 § 3102. Oath of office.

17 Every policeman so commissioned shall, before entering upon  
18 the duties of his office, take and subscribe the oath required  
19 by Article VI of the Constitution of Pennsylvania. The oath and  
20 the commission issued by the Governor shall be recorded in the  
21 office for the recording of deeds of each county in which it is  
22 intended that the policemen shall act and a copy filed with the  
23 board.

24 § 3103. Powers.

25 (a) General rule.--Private policemen shall severally possess  
26 and exercise all the powers of a police officer in this  
27 Commonwealth, in and upon, and in the immediate and adjacent  
28 vicinity of, the property of the appointing authority, and in  
29 the case of policemen commissioned to act for organizations for  
30 prevention of cruelty to persons and animals, shall severally

1 possess and exercise all the powers of a police officer in any  
2 county in which they may be directed by their appointing  
3 authority to act and may arrest persons for the commission of  
4 any offense of cruelty to children, aged persons or animals.

5 (b) Detention of arrested persons.--The keepers of jails and  
6 other places of detention in any county of this Commonwealth  
7 shall receive all persons arrested by private policemen for  
8 purposes of detention until they are dealt with according to  
9 law.

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

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

17 § 3104. Compensation.

18 The compensation of the policemen shall be paid by their  
19 appointing authority.

20 § 3105. Termination of appointment.

21 When any appointing authority no longer requires the services  
22 of any policeman, it shall file a notice to that effect, under  
23 its corporate or other seal, if any, in the office of each  
24 recorder of deeds where the oath and commission of the policeman  
25 were recorded and with the board. The recorder of deeds shall  
26 note this information upon the margin of the record where the  
27 commission and oath were recorded.

28 Section 3. Repeals.

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

30 Act of April 26, 1870 (P.L.1269, No.1166), entitled "An act



1 to authorize the private patrol and watchmen to be commissioned  
2 by the mayor of Philadelphia to perform police duty within  
3 prescribed limits in said city."

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

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

9 Act of June 26, 1895 (P.L.333, No.248), entitled "An act to  
10 authorize occupants of real estate in cities and boroughs of the  
11 Commonwealth to employ night watchmen, with the approval of the  
12 court of quarter sessions of the proper county or of the  
13 Director of the Department of Public Safety in any city having  
14 such a department, and conferring upon the night watchmen thus  
15 employed, all rights, privileges and powers of constables and  
16 policemen duly elected or appointed in such cities or boroughs."

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

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

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

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

27 Section 4. Transition provisions.

28 (a) State Board of Private Detectives and Security  
29 Businesses.--The Governor shall appoint the members of the State  
30 Board of Private Detectives and Security Businesses within 90

1 days of the effective date of this act and the board shall  
2 organize within 30 days after the confirmation of the members.

3 (b) Extension of existing licenses.--Each person,  
4 partnership, association or corporation who holds a valid  
5 license issued pursuant to the former provisions of the act of  
6 August 21, 1953 (P.L.1273, No.361), known as The Private  
7 Detective Act of 1953, but which license will expire within one  
8 year of the effective date of this section shall be deemed to  
9 have been granted an extension of that license until one year  
10 from the effective date of this section.

11 (c) Information concerning existing licenses.--Each person,  
12 partnership, association or corporation who holds a valid  
13 license issued pursuant to The Private Detective Act of 1953 on  
14 the effective date of this act shall send a copy of the license,  
15 or all pertinent information thereon, to the board within 60  
16 days of the effective date of this act.

17 (d) Application for new license.--Each person, partnership,  
18 association or corporation who holds a valid license issued  
19 pursuant to The Private Detective Act of 1953 on the effective  
20 date of this act and who desires to engage in a business or  
21 profession regulated under this act must make application  
22 therefor to the board before 90 days of the expiration of that  
23 license or before 90 days of the expiration of that license as  
24 extended by subsection (b). If it appears to the board that the  
25 person, partnership, association or corporation making  
26 application under this subsection does not meet the substantive  
27 qualifications of 22 Pa.C.S. § 1323(a) (relating to  
28 qualifications for licensure) or 1324 (relating to incompatible  
29 employment) the board may nonetheless issue the license upon a  
30 public statement of its reasons therefor.

1 (e) Certain applications for license limited to security  
2 services.--Any person who prior to the effective date of this  
3 act is engaged in providing security services as defined in 22  
4 Pa.C.S. § 1102(3) (relating to applicability of part) and has  
5 been so engaged in a supervisory capacity for at least five  
6 years but does not meet the substantive qualifications of 22  
7 Pa.C.S. § 1323(a), may apply to the board for the issuance of a  
8 license limited to the services as defined in § 1102(3) and a  
9 limited license may be issued in accordance with the provisions  
10 of § 1322 (relating to limited licenses).

11 Section 5. Appropriation.

12 The sum of \$100,000, or as much thereof as may be necessary,  
13 is hereby appropriated to the Department of State for the use of  
14 the Bureau of Professional and Occupational Affairs to defray  
15 costs and expenses on account of the State Board of Private  
16 Detectives and Security Businesses. This sum shall be expended  
17 and accounted for in accordance with the act of July 1, 1978  
18 (P.L.700, No.124), known as the Bureau of Professional and  
19 Occupational Affairs Fee Act, and shall be credited against sums  
20 subsequently appropriated in accordance with that act.

21 Section 6. Effective date.

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