

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 633

Session of  
1983

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

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 17, 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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6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

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9 Pennsylvania Consolidated Statutes are repealed.

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

11 TITLE 22

12 DETECTIVES AND PRIVATE POLICE

13 Part

- 14 I. General Provisions
- 15 II. Private Detective and Security Business
- 16 III. Private Police

17 PART I

18 GENERAL PROVISIONS

19 Chapter

- 20 1. Preliminary Provisions
- 21 3. Lethal Weapons Training
- 22 5. State Board of Private Detectives and Security Businesses

23 CHAPTER 1

24 PRELIMINARY PROVISIONS

25 Sec.

26 101. Definitions.

27 § 101. Definitions.

28 Subject to additional definitions contained in subsequent  
29 provisions of this title which are applicable to specific  
30 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly  
2 indicates otherwise, the meanings given to them in this section:

3 ~~"Alarm agent." An individual who holds an alarm agent~~ ←  
4 ~~license under section 1323(a)(2) (relating to qualifications for~~  
5 ~~licensure).~~

6 ~~"Alarm associate." An employee of an alarm business~~  
7 ~~registered pursuant to the provisions of Subchapter C of Chapter~~  
8 ~~13 (relating to employees of private detectives and security~~  
9 ~~business and privately employed security guards) or who has~~  
10 ~~applied for registration and has been issued a temporary~~  
11 ~~registration which has not expired.~~

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

19 "Board." The State Board of Private Detectives and Security  
20 Businesses.

21 "Business license." A license to engage in the private  
22 detective and security business issued pursuant to the  
23 provisions of Subchapter A of Chapter 13.

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

28 "FULL-TIME POLICE OFFICER." ANY EMPLOYEE OF A CITY, BOROUGH, ←  
29 INCORPORATED TOWN, TOWNSHIP OR COUNTY POLICE DEPARTMENT ASSIGNED  
30 TO LAW ENFORCEMENT DUTIES WHO WORKS A MINIMUM OF 200 DAYS PER

1 YEAR. THE TERM DOES NOT INCLUDE PERSONS EMPLOYED TO CHECK  
2 PARKING METERS OR TO PERFORM ONLY ADMINISTRATIVE DUTIES, NOR  
3 DOES IT INCLUDE AUXILIARY AND FIRE POLICE.

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

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

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

17 "Private policeman" or "policeman." An individual  
18 commissioned under Chapter 31 (relating to private police) to  
19 act as a private policeman.

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

26 CHAPTER 3

27 LETHAL WEAPONS TRAINING

28 Sec.

29 301. Short title of chapter.

30 302. Education and training program.

- 1 303. Powers and duties of commissioner.
- 2 304. Enrollment in program.
- 3 305. Certification.
- 4 306. Notice of discharge for cause.
- 5 307. Revocation of certificate.
- 6 308. Limitation on type of firearms.
- 7 309. Disposition of fees and other moneys.
- 8 310. Penalties.

9 § 301. Short title of chapter.

10 This chapter shall be known and may be cited as the Lethal  
11 Weapons Training Act.

12 § 302. Education and training program.

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

18 (b) Attendance.--A private detective, private detective  
19 associate, security guard, POLICE OFFICER EMPLOYED BY A ←  
20 MUNICIPAL AUTHORITY and any other person who is required to be  
21 licensed or registered under this title or who is employed as a  
22 private policeman by a nonprofit organization or entity and  
23 commissioned under the provisions of Chapter 31 (relating to  
24 private police) and who, as an incidence to his employment,  
25 carries a lethal weapon shall be required to attend the program  
26 established by subsection (a) in accordance with the  
27 requirements or regulations established by the commissioner and,  
28 upon satisfactory completion of the program, shall be entitled  
29 to certification by the commissioner. This subsection shall not  
30 require attendance for guards and watchmen who fulfill the

1 requirements of the appropriate Federal agency for the  
2 performance of security guard duties in connection with the  
3 construction and operation of a commercial utilization or  
4 production facility under the authority of the Federal Atomic  
5 Energy Act of 1954.

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

12 § 303. Powers and duties of commissioner.

13 The commissioner shall have the power and duty to:

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

20 (2) Implement and administer or approve physical and  
21 psychological testing and screening of the candidate for the  
22 purpose of barring from the program those not physically or  
23 mentally fit to handle lethal weapons. HOWEVER, CANDIDATES ←  
24 WHO ARE FULL-TIME POLICE OFFICERS AND HAVE SUCCESSFULLY  
25 COMPLETED A PHYSICAL AND PSYCHOLOGICAL EXAMINATION AS A  
26 PREREQUISITE TO EMPLOYMENT OR TO CONTINUED EMPLOYMENT BY  
27 THEIR LOCAL POLICE DEPARTMENTS OR WHO HAVE BEEN CONTINUOUSLY  
28 EMPLOYED AS FULL-TIME POLICE OFFICERS SINCE JUNE 18, 1974  
29 SHALL NOT BE REQUIRED TO UNDERGO ANY PHYSICAL OR  
30 PSYCHOLOGICAL TESTING AND SCREENING PROCEDURES SO



1 IMPLEMENTED.

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

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

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

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

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

18 (8) Visit and inspect approved schools annually.

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

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

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

27 § 304. Enrollment in program.

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

30 (b) Information required.--The application shall be signed

1 and verified by the applicant. It shall include his full name,  
2 age, residence, present and previous occupations and such other  
3 information that may be required by the commissioner to show the  
4 good character, competency and integrity of the applicant.

5 (c) Fingerprints, photograph and fee.--The application shall  
6 be personally presented by the applicant at an office of the  
7 Pennsylvania State Police where his fingerprints shall be  
8 affixed thereto. The application, together with two current  
9 photographs of the applicant and ~~an~~ THE REQUIRED application fee <—  
10 ~~of \$35~~, shall be forwarded to the commissioner. NO APPLICATION <—  
11 FEE SHALL BE REQUIRED OF AN APPLICANT WHO IS A FULL-TIME POLICE  
12 OFFICER.

13 (d) Investigation.--The fingerprints of the applicant shall  
14 be examined by the Pennsylvania State Police and, UNLESS WAIVED <—  
15 BY THE COMMISSIONER, the Federal Bureau of Investigation to  
16 determine if he has been convicted of a felony or a violation of  
17 any provision of law listed in section 1323(b) (relating to  
18 qualifications for licensure). ANY FEE CHARGED BY THE FEDERAL <—  
19 BUREAU OF INVESTIGATION SHALL BE PAID BY THE APPLICANT.

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

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

27 § 305. Certification.

28 (a) General rule.--Upon receipt of ~~a fee of \$15~~ THE REQUIRED <—  
29 FEE, the commissioner shall furnish to each person  
30 satisfactorily completing the program an appropriate certificate

1 which shall include his photograph.

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

5 (c) Duration.--Certification shall be for a period of five  
6 years ~~and the renewal fee shall be \$15.~~ Additional training as a ←  
7 condition of renewal shall be required by the commissioner at  
8 intervals of not less than five years, unless the commissioner  
9 is aware of information which would require specific training  
10 prior to renewal. The commissioner shall prescribe the manner in  
11 which the certification shall be renewed.

12 (D) RETIRED POLICE OFFICERS.--A NONDISABILITY RETIRED POLICE ←  
13 OFFICER OF A PENNSYLVANIA MUNICIPALITY OR THE PENNSYLVANIA STATE  
14 POLICE SHALL BE INITIALLY CERTIFIED UNDER THIS ACT AND NEED NOT  
15 MEET THE TRAINING QUALIFICATION STANDARDS OR PHYSICAL AND  
16 PSYCHOLOGICAL QUALIFICATIONS HEREUNDER, IF HE WAS A FULL-TIME  
17 POLICE OFFICER FOR AT LEAST 20 YEARS, RETIRED IN GOOD STANDING  
18 AND HAS ASSUMED THE DUTIES DESCRIBED IN CHAPTER 11 (RELATING TO  
19 GENERAL PROVISIONS) ON OR BEFORE THREE YEARS FROM THE DATE OF  
20 HIS RETIREMENT. IF A RETIRED POLICE OFFICER COMMENCES HIS DUTIES  
21 AS A PRIVATELY EMPLOYED AGENT AFTER THREE YEARS FROM THE DATE OF  
22 HIS RETIREMENT, HE MUST MEET THE PHYSICAL AND PSYCHOLOGICAL  
23 REQUIREMENTS OF THIS TITLE FOR CERTIFICATION UNDER THIS  
24 SUBSECTION. A RETIRED POLICE OFFICER INITIALLY CERTIFIED UNDER  
25 THIS SUBSECTION SHALL NOT BE REQUIRED TO PAY THE APPLICATION FEE  
26 BUT SHALL PAY THE CERTIFICATION FEE UPON THE SUBMISSION OF A  
27 COMPLETED APPLICATION PROVIDED BY THE COMMISSIONER.

28 § 306. Notice of discharge for cause.

29 Whenever an employer discharges a certified individual  
30 subject to the provisions of this chapter for cause, the

1 employer shall immediately notify the commissioner of the  
2 discharge.

3 § 307. Revocation of certificate.

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

10 § 308. Limitation on type of firearms.

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

16 § 309. Disposition of fees and other moneys.

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

19 § 310. Penalties.

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

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

30

CHAPTER 5

1 STATE BOARD OF PRIVATE DETECTIVES  
2 AND SECURITY BUSINESSES

3 Sec.

4 501. Creation of board.

5 502. Organization of board.

6 503. Powers and duties of board.

7 504. Proceedings of board.

8 505. Board to keep records.

9 § 501. Creation of board.

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

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

24 § 502. Organization of board.

25 (a) Composition.--The State Board of Private Detectives and  
26 Security Businesses shall consist of the Commissioner of  
27 Professional and Occupational Affairs, two persons who shall be  
28 members representing the public at large, and four licensees (at  
29 least one of whom is engaged in investigation, at least one of  
30 whom is engaged in security and at least one of whom is engaged

1 in alarm services) and one person who represents an employer  
2 (other than a licensee) of security guards registered under this  
3 title. Members shall be appointed by the Governor with the  
4 advice and consent of a majority of the members elected to the  
5 Senate and shall serve terms of six years, except that the first  
6 appointed members shall serve staggered terms of two, four and  
7 six years as determined by the Governor. Vacancies occurring by  
8 death or resignation shall be filled by the Governor for the  
9 unexpired term.

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

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

30 § 503. Powers and duties of board.

1 The board shall have the power and duty to:

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

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

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

12 (4) Receive and act upon complaints.

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

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

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

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

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

28 § 504. Proceedings of board.

29 In proceedings of the board relating to the license and  
30 registration powers and duties, the board shall not be bound by

1 the strict rules of evidence in the conduct of its proceedings  
2 but any determinations made shall be found upon sufficient legal  
3 evidence to sustain them. The burden of meeting the  
4 qualifications for licensing or registration shall be on the  
5 applicant. A district attorney who has filed objections shall be  
6 considered a party for the purposes of appeal. The right of  
7 appeal from decisions of the board shall be in accordance with  
8 law.

9 § 505. Board to keep records.

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

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

25 PART II

26 PRIVATE DETECTIVE AND SECURITY BUSINESS

27 Chapter

28 11. General Provisions

29 13. Licenses and Registrations

30 15. Identification Documents, Uniforms and Equipment



1 17. Enforcement

2 CHAPTER 11

3 GENERAL PROVISIONS

4 Sec.

5 1101. Short title of part.

6 1102. Applicability of part.

7 1103. Inapplicability of part.

8 1104. Preemption of local regulation.

9 § 1101. Short title of part.

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

12 § 1102. Applicability of part.

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

21 (1) Investigative and related services.--

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

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

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

30 (iv) The whereabouts of missing persons.

1 (v) The location or recovery of lost or stolen  
2 property.

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

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

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

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

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

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

30 (3) Security services.--Watchmen, guards, private

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

9 § 1103. Inapplicability of part.

10 This part does not apply to:

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

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

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

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

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

1 the premises to be protected.

2 (6) Investigators or adjusters for insurance companies.

3 (7) An employer not in the security service business  
4 that employs persons to provide security services solely in  
5 or upon property owned or leased by the employer.

6 (8) A person employed by one employer to provide  
7 security services solely in or upon property owned or leased  
8 by the employer, to include security services which relate to  
9 the safety of the employees.

10 § 1104. Preemption of local regulation.

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

18 CHAPTER 13

19 LICENSES AND REGISTRATIONS

20 Subchapter

21 A. Private Detective and Security Business

22 B. Private Detectives and Other Security Agents

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

25 SUBCHAPTER A

26 PRIVATE DETECTIVE AND SECURITY BUSINESS

27 Sec.

28 1301. License required.

29 1302. Application for license.

30 1303. Managing agent required for each office.

1 1304. Investigation of applicant.

2 1305. License.

3 1306. Transfer of license to another location.

4 1307. Renewal of license.

5 § 1301. License required.

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

14 § 1302. Application for license.

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

1 board to show the good character, competency and integrity of  
2 the individual. The application shall also contain two  
3 photographs and the fingerprints of the two hands of each  
4 applicant. The managing agent of the applicant for each location  
5 of its offices shall be identified and a copy of his private  
6 detective or alarm agent license, or application for license,  
7 shall be included.

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

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

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

1 officer or shareholder shall file with the board the appropriate  
2 information or application.

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

8 § 1303. Managing agent required for each office.

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

14 ~~(b) Alarm business. No alarm business license shall be~~ ←  
15 ~~issued unless, either:~~

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

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

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

15 § 1304. Investigation of applicant.

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

27 § 1305. License.

28       (a) Issuance.--If after investigation the board is satisfied  
29 of the good character, competency and integrity of the applicant  
30 and a period of 45 days from the date of the filing of the



1 application has elapsed, the board shall issue and deliver to  
2 the applicant a business license for the premises stated in the  
3 application. In the event verified objections to the issuance of  
4 a license are filed with the board, he shall hold a public  
5 hearing with notice to all interested parties prior to issuing  
6 or refusing to issue the license.

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

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

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

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

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

9 § 1306. Transfer of license to another location.

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

17 § 1307. Renewal of license.

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

28 SUBCHAPTER B

29 PRIVATE DETECTIVES AND OTHER SECURITY AGENTS

30 Sec.

1 1321. License or registration required.

2 1322. Limited licenses.

3 1323. Qualifications for licensure.

4 1324. Incompatible employment.

5 1325. Application for license.

6 1326. License.

7 1327. Renewal of license.

8 § 1321. License or registration required.

9 No person shall perform any of the functions and services set  
10 forth in section 1102 (relating to applicability of part)

11 without having obtained from the board a private detective ~~or~~ ←  
12 ~~security business~~ license or having registered as an associate  
13 or as a security guard under Subchapter C (relating to employees  
14 of private detectives and security business and privately  
15 employed security guards).

16 § 1322. Limited licenses.

17 (a) General rule.--Notwithstanding the prohibition contained  
18 in section 1321 (relating to license or registration required),  
19 a person, partnership, association or corporation may perform  
20 polygraph AND ALARM services defined in section 1102(1)(ix) OR ←  
21 (2) (relating to applicability of part) providing he or it  
22 applies to the board for a limited license. This limited license  
23 may be granted by the board notwithstanding that the applicant  
24 does not meet the experience qualifications of section

25 1323(a)(1) ~~or~~ (2) (relating to qualifications for licensure) ←  
26 provided that the applicant meets all other requirements of this  
27 title relating to standards of criminal disqualification,  
28 incompatible employment, character fitness, personal references,  
29 age or other qualifications set by the board.

30 (b) Defining types of licensees.--The board may define those

1 persons to be licensed under this section as "ALARM AGENT," <—  
2 "ALARM BUSINESS" OR "polygraph operator," but the definition  
3 shall be substantially as follows:

4 "ALARM AGENT." ANY INDIVIDUAL EMPLOYED WITHIN THIS <—  
5 COMMONWEALTH BY AN ALARM BUSINESS FOR THE PURPOSE OF PROVIDING  
6 INSTALLATION, SERVICE OR MONITORING OF ALARM SYSTEMS.

7 "ALARM BUSINESS." ANY INDIVIDUAL, PARTNERSHIP, ASSOCIATION,  
8 CORPORATION OR OTHER ENTITY ENGAGED IN THE SALE, LEASING,  
9 INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT OR SERVICING OF  
10 ALARM SYSTEMS AS DEFINED IN SECTION 1102(2) (RELATING TO  
11 APPLICABILITY OF PART); OR THE FURNISHING OF MONITORING OR  
12 RESPONDING SERVICES IN CONNECTION WITH ANY ALARM SIGNALING  
13 DEVICES. THE TERM DOES NOT INCLUDE ANY COMPANY DESCRIBED IN  
14 SECTION 1103(5) (RELATING TO INAPPLICABILITY OF PART) OR ANY  
15 ENTITY ON WHOSE PREMISES IS INSTALLED AN ALARM SYSTEM SOUNDING  
16 OR RECORDING ALARM AND SUPERVISORY SIGNALS AT A CONTROL CENTER  
17 ON THE PROTECTED PREMISES AND UNDER THE SUPERVISION OF THE  
18 PROPRIETOR OF THE PROTECTED PREMISES.

19 "Polygraph operator." Any individual employed in this  
20 Commonwealth to investigate the conduct, honesty, efficiency,  
21 loyalty or activities of employees, agents, contractors and  
22 subcontractors by means of detection of deception devices of a  
23 mechanical nature.

24 (c) Regulation of licensees.--All other rights and duties of  
25 ALARM AGENTS, ALARM BUSINESSES AND polygraph operators shall be <—  
26 as provided by this title. It is the intent of this section only  
27 that ALARM AGENTS, ALARM BUSINESSES AND polygraph operators <—  
28 shall be relieved of the experience requirements for licensure  
29 as private detectives ~~or alarm agents~~. The board may set, by <—  
30 rules and regulations, reasonable and appropriate requirements

1 for licensure for these limited licenses.

2 (d) Limitation on activities of licensees.--Limited licenses  
3 issued under this section shall authorize only the conduct of  
4 ALARM AGENT, ALARM BUSINESS OR polygraph operator and by ←  
5 operation of law prohibit private detective and security  
6 business activities.

7 § 1323. Qualifications for licensure.

8 (a) Experience and examination.--

9 ~~(1)~~ No private detective license shall be issued unless ←  
10 the applicant has been regularly employed for a period of not  
11 less than five years as a detective, an associate of a  
12 licensed private detective, a member of the United States  
13 Government investigative service, the Pennsylvania State  
14 Police, a municipality with a rank or grade higher than  
15 patrolman, or a sheriff.

16 ~~(2)~~ No alarm agent license shall be issued unless the ←  
17 applicant establishes that he was an alarm associate or was  
18 regularly engaged or was employed in the provision of alarm  
19 services of on premises sales, installation or service for an  
20 aggregate period of not less than five years prior to the  
21 filing of the application. The individual shall be required  
22 to engage full time in, or supervising, the on premises  
23 sales, installation or servicing of alarm systems.

24 ~~(3)~~ Applicants for an alarm agent license shall take a  
25 board administered alarm agent examination designed to  
26 measure the individual's knowledge and competence in the  
27 alarm business and score a passing grade. Applicants engaged  
28 in the alarm business on the effective date of the part shall  
29 have one year after the effective date of the part to comply  
30 with this examination requirement.



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 ~~or alarm~~ ←  
16       ~~agent~~ license shall be issued to a member of a State or  
17       municipality police force, constable, probation officer or any  
18       individual who holds a public office and who, by virtue of that  
19       public office, possess extraordinary police authority, not  
20       allowed private persons, for the benefit of the public. In the  
21       case of an association, partnership or corporation, no license  
22       shall be 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 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 private detective associates.

18 1343. Registration of security guards ~~and alarm associates.~~ <—

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 private detective 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 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 ~~and alarm associates.~~ <—

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 under this part unless he has executed and filed  
3 with the board an application for registration as provided in  
4 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) Two sets of classifiable fingerprints recorded in~~ <—  
17 ~~such manner as may be specified by the board.~~

18 ~~(6)~~ (5) If applying for a security guard registration, <—  
19 that he is not employed by a state or municipality police  
20 force or, if he is so employed, that his public employer does  
21 not prohibit him from serving as a security guard during  
22 hours other than those when he is pursuing his regular  
23 duties.

24 ~~(7)~~ (6) Such further information as the board may <—  
25 require to show the good character, competency and integrity  
26 of the applicant.

27 The application shall be accompanied by ~~a set~~ TWO SETS of <—  
28 fingerprints and two photographs and a registration fee of \$25  
29 which shall be 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 a  
6 security guard ~~or alarm 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 \$15. 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 § 1344. Duties of licensee and certain other employers.

24 Prior to allowing an associate or a security guard registered  
25 under section 1342 (relating to registration of private  
26 detective associates) or 1343 (relating to registration of  
27 security guards ~~and alarm associates~~) to perform services, the ←  
28 business licensee or other employer shall verify his  
29 registration, or in the case of an applicant for registration,  
30 the licensee or employer may issue, in accordance with

1 regulations promulgated by the board, a temporary registration  
2 which shall be void if the applicant's employment is terminated  
3 for any reason, the registration is refused by the board, on or  
4 after 90 days, whichever first occurs. The licensee or employer  
5 shall retain on file a copy of the application and one set of  
6 fingerprints until permanent registration of the associate or  
7 security guard is verified. If the employment of an associate or  
8 security guard is terminated for cause at any time, the licensee  
9 or employer shall immediately notify the board.

10 CHAPTER 15

11 IDENTIFICATION DOCUMENTS, UNIFORMS

12 AND EQUIPMENT

13 Sec.

14 1501. Private detective ~~and alarm agent~~ identification card. <—

15 1502. Associate and security guard identification card.

16 1503. Responsibility for identification documents.

17 1504. Uniforms and equipment.

18 § 1501. Private detective ~~and alarm agent~~ identification card. <—

19 (a) Contents of card.--Upon the issuance of a private  
20 detective ~~or alarm agent~~ license, the board shall also issue an <—

21 identification card which shall contain the licensee's  
22 photograph, name and business address, and, ~~in the case of~~ <—

23 ~~private detectives~~, a metal badge as evidence of authorization  
24 pursuant to the terms of this part.

25 (b) Carrying requirement.--The identification card shall be  
26 carried by an individual required to obtain an identification  
27 card under subsection (a) whenever the individual is engaged in  
28 the provision of private detective or alarm services and shall  
29 be exhibited upon request.

30 § 1502. Associate and security guard identification card.

1 (a) Associate or security guard.--Upon the issuance of a  
2 registration as an associate or security guard under Subchapter  
3 C of Chapter 13, (relating to employees of private detectives  
4 and security business and privately employed security guards)  
5 the board shall issue an identification card which shall contain  
6 such information as the board shall prescribe.

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

12 § 1503. Responsibility for identification documents.

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

18 (b) Wearing unauthorized identification card or badge.--No  
19 person shall wear or display any license, card, shield or badge  
20 of any design or material purporting to authorize the holder or  
21 wearer thereof to act as a private detective, associate or  
22 security guard, which has not been issued pursuant to the  
23 provisions of this part. Any person who violates this subsection  
24 commits a misdemeanor of the third degree and any such violation  
25 is sufficient cause for revocation of the license or  
26 registration.

27 (c) Loss or destruction.--If it is established to the  
28 satisfaction of the board that a license, document, card or  
29 badge has been lost or destroyed, the board, upon payment of an  
30 appropriate fee, shall issue a duplicate license, document, card



1 or badge for the unexpired portion of the term of the license or  
2 registration.

3 § 1504. Uniforms and equipment.

4 (a) Return when employment terminated.--Any associate or  
5 security guard issued a uniform or equipment by his employer  
6 whose employment is terminated for any reason who fails or  
7 refuses to return the uniform or equipment for any reason within  
8 three days after the employment ceases, commits a misdemeanor of  
9 the third degree.

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

15 (c) Uniform standards.--The board may promulgate standards  
16 or guidelines relating to the design or color of security guard  
17 uniforms so as to assure differentiation of public police and  
18 security guard uniforms.

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

24 CHAPTER 17

25 ENFORCEMENT

26 Subchapter

27 A. General Provisions

28 B. Violations and Penalties

29 SUBCHAPTER A

30 GENERAL PROVISIONS

1 Sec.

2 1701. Enforcement and investigations.

3 1702. Administrative disciplinary proceedings.

4 1703. Prosecutions.

5 1704. Injunction against unlawful practice.

6 1705. Subpoenas.

7 § 1701. Enforcement and investigations.

8 The board, or at its request and in accordance with sections  
9 1703 (relating to prosecutions) and 1704 (relating to injunction  
10 against unlawful practice), the Attorney General or each  
11 district attorney shall enforce the provisions of this part and,  
12 upon complaint of any person or on his or its own initiative,  
13 shall investigate any suspected violation or the business  
14 practices and methods of any applicant or licensee. Each  
15 applicant or licensee shall, on request of the board or the  
16 district attorney, supply such information as may be required  
17 concerning his or its business, business practices or methods.

18 § 1702. Administrative disciplinary proceedings.

19 (a) Disciplinary action.--The board may revoke or suspend  
20 any license or registration granted under this act, reprimand,  
21 censure, fine or otherwise discipline in accordance with the  
22 provisions of this act any party that, after notice and hearing,  
23 the board determines:

24 (1) Has willfully or repeatedly acted in a manner  
25 inconsistent with the health and safety of the public.

26 (2) Has committed any act involving dishonesty, fraud or  
27 deceit in the practice of the businesses regulated herein.

28 (3) Is convicted, in any court of competent  
29 jurisdiction, of a felony committed in the practice of the  
30 businesses regulated herein.

1           (4) Has done any act without a license or registration  
2           for which a license or registration is required under this  
3           chapter or has employed any person for whom a license or  
4           registration certificate under this chapter is required, who  
5           does not have such license or registration.

6           (5) Has otherwise violated the provisions of this  
7           chapter or the rules enacted in accordance therewith.

8           (b) Filing of charges.--Proceedings under this section shall  
9           be begun by filing with the board charges in writing and under  
10          oath. The charges may be preferred by any person or by the  
11          board. The chairman of the board shall designate three or more  
12          members thereof as a hearing committee to hear the charges and  
13          to report to the board thereon.

14          (c) Written notice.--Before any hearing or disciplinary  
15          action is taken, the charged party shall be given notice in  
16          writing of the charges against him. The notice shall set a time,  
17          date and place of hearing not less than ten days from the date  
18          of the notice.

19          (d) Hearing.--At the hearing the charged party shall have  
20          the right to appear either personally or by counsel, or both, to  
21          produce witnesses and evidence on his own behalf, to cross-  
22          examine witnesses and to have subpoenas issued in his behalf by  
23          the hearing committee.

24          (e) Written report.--The hearing committee shall make a  
25          written report to the board of its findings and recommendations  
26          which shall be considered by the board in arriving at its  
27          determination.

28          (f) Committee powers.--Members of the hearing committee  
29          shall exercise any of the powers of the board as may be  
30          necessary for the proper conduct of the hearing.

1 (g) Appeal.--The administrative disciplinary proceedings  
2 shall be conducted pursuant to 2 Pa.C.S. § 103 et seq. (relating  
3 to Administrative Agency Law). Every party shall have the right  
4 to appeal any decision of the board and such appeals shall be in  
5 accordance with the Administrative Agency Law.

6 (h) Fines.--Administrative fines imposed pursuant to this  
7 section shall not exceed \$1,000 for any single violation. All  
8 money derived from the assessment of administrative fines is  
9 hereby continuously appropriated to the board to support the  
10 board's enforcement program.

11 § 1703. Prosecutions.

12 In addition to following administrative disciplinary  
13 proceedings, the board may, in its discretion, refer matters  
14 brought to its attention under this section to the Attorney  
15 General or a district attorney for criminal prosecution.  
16 Criminal prosecutions for violation of this part shall be  
17 brought by the Attorney General or the district attorney of the  
18 county in which the violation occurred.

19 § 1704. Injunction against unlawful practice.

20 It shall be unlawful for any party to practice or attempt to  
21 offer to practice the professions defined in this act, without  
22 having at the time of so doing, where required, a valid,  
23 unexpired, unrevoked and unsuspended license or registration  
24 issued under this chapter. The unlawful practice of the  
25 professions defined in this chapter may be enjoined by the  
26 courts on petition of the board. In any such proceeding it shall  
27 not be necessary to show that any person is individually injured  
28 by the actions complained of. If the respondent is found guilty  
29 of unlawful practice, the court shall enjoin him from so  
30 practicing unless and until he has possessed a valid license or

1 registration. Procedure in such cases shall be the same as in  
2 any other injunction suit. The remedy by injunction is in  
3 addition to the administrative discipline and criminal  
4 prosecution provided for herein.

5 § 1705. Subpoenas.

6 For the purpose of enforcing the provisions of this part, in  
7 making investigations and conducting administrative disciplinary  
8 proceedings relating to any violation thereof and for the  
9 purpose of investigating applicants or licensees, the board, the  
10 Attorney General and district attorney, or their designee, shall  
11 have the power to subpoena any person within his or its  
12 jurisdiction and require the production of any books or papers  
13 deemed relevant to the inquiry or proceedings. Any person  
14 subpoenaed who fails to obey the subpoena without reasonable  
15 cause or without such cause refuses to be examined or to answer  
16 any relevant question commits a misdemeanor of the third degree.  
17 The testimony of witnesses shall be under oath and willful false  
18 swearing in any such proceeding shall be punishable as perjury.

19 SUBCHAPTER B

20 VIOLATIONS AND PENALTIES

21 Sec.

22 1711. Unfair labor practices.

23 1712. Contingent or percentage fees.

24 1713. Unlicensed activities.

25 1714. False representations.

26 1715. Privileged information and false reports.

27 § 1711. Unfair labor practices.

28 It is a misdemeanor of the third degree for a private  
29 detective or any employee of a business licensee knowingly to  
30 encourage, aid, commit or participate within or without this

1 Commonwealth in any unfair labor practice.

2 § 1712. Contingent or percentage fees.

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

13 § 1713. Unlicensed activities.

14 Any person, in violation of the provisions of Subchapter A of  
15 Chapter 13 (relating to private detective and security  
16 business), who engages in the private detective or security  
17 business without a license commits a misdemeanor of the third  
18 degree.

19 § 1714. False representations.

20 If the business licensee falsely represents that a person is  
21 or has been in his employ, such misrepresentation shall be  
22 sufficient cause for the revocation of his license. Any person  
23 who falsely represents that he is or has been a detective or  
24 employed by a licensee commits a misdemeanor of the third  
25 degree. Any person who files with the board the fingerprints,  
26 photographs or application for registration of a person other  
27 than the applicant commits a misdemeanor of the first degree.

28 § 1715. Privileged information and false reports.

29 Any person who is or has been an employee of a business  
30 licensee shall not divulge to anyone other than his employer, or

1 as his employer shall direct, any information acquired by him  
2 during such employment in respect to any of the work to which he  
3 has been assigned. Any employee violating the provisions of this  
4 section, or any employee who shall willfully make a false report  
5 to his employer in respect to any of such work, commits a  
6 misdemeanor of the third degree. The employer of any employee  
7 believed to have violated this section shall, without any  
8 liability whatsoever upon the employer, inform the board who  
9 shall, should the facts and circumstances warrant it, conduct  
10 further investigation or administrative disciplinary proceedings  
11 or refer that matter to the district attorney for appropriate  
12 action.

13 PART III

14 PRIVATE POLICE

15 Chapter

16 31. Private Police

17 CHAPTER 31

18 PRIVATE POLICE

19 Sec.

20 3101. Appointment.

21 3102. Oath of office.

22 3103. Powers.

23 3104. Compensation.

24 3105. Termination of appointment.

25 § 3101. Appointment.

26 Any nonprofit organization or entity, including a nonprofit  
27 corporation as defined in Part III of Title 15 (relating to  
28 corporations not-for-profit), which maintains a cemetery or any  
29 buildings or grounds open to the public, or is organized for the  
30 prevention of cruelty to children, aged persons or animals, or

1 conducts agricultural or horticultural exhibitions may apply to  
2 the board upon such forms as it shall prescribe for the  
3 appointment of specific persons as the applicant may designate  
4 to act as private policemen for it. The board after such  
5 investigation as it shall deem necessary shall recommend to the  
6 Governor the commissioning of such persons as private policemen  
7 or advise the applicant of its adverse recommendation and the  
8 reasons therefor.

9 § 3102. Oath of office.

10 Every policeman so commissioned shall, before entering upon  
11 the duties of his office, take and subscribe the oath required  
12 by Article VI of the Constitution of Pennsylvania. The oath and  
13 the commission issued by the Governor shall be recorded in the  
14 office for the recording of deeds of each county in which it is  
15 intended that the policemen shall act and a copy filed with the  
16 board.

17 § 3103. Powers.

18 (a) General rule.--Private policemen shall severally possess  
19 and exercise all the powers of a police officer in this  
20 Commonwealth, in and upon, and in the immediate and adjacent  
21 vicinity of, the property of the appointing authority, and in  
22 the case of policemen commissioned to act for organizations for  
23 prevention of cruelty to persons and animals, shall severally  
24 possess and exercise all the powers of a police officer in any  
25 county in which they may be directed by their appointing  
26 authority to act and may arrest persons for the commission of  
27 any offense of cruelty to children, aged persons or animals.

28 (b) Detention of arrested persons.--The keepers of jails and  
29 other places of detention in any county of this Commonwealth  
30 shall receive all persons arrested by private policemen for



1 purposes of detention until they are dealt with according to  
2 law.

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

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

10 § 3104. Compensation.

11 The compensation of the policemen shall be paid by their  
12 appointing authority.

13 § 3105. Termination of appointment.

14 When any appointing authority no longer requires the services  
15 of any policeman, it shall file a notice to that effect, under  
16 its corporate or other seal, if any, in the office of each  
17 recorder of deeds where the oath and commission of the policeman  
18 were recorded and with the board. The recorder of deeds shall  
19 note this information upon the margin of the record where the  
20 commission and oath were recorded.

21 Section 3. Repeals.

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

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

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

30 Act of April 26, 1883 (P.L.14, No.13), entitled "An act for

1 the protection of agricultural and horticultural societies."

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

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

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

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

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

20 Section 4. Transition provisions.

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

26 (b) Extension of existing licenses.--Each person,  
27 partnership, association or corporation who holds a valid  
28 license issued pursuant to the former provisions of the act of  
29 August 21, 1953 (P.L.1273, No.361), known as The Private  
30 Detective Act of 1953, but which license will expire within one

1 year of the effective date of this section shall be deemed to  
2 have been granted an extension of that license until one year  
3 from the effective date of this section.

4 (c) Information concerning existing licenses.--Each person,  
5 partnership, association or corporation who holds a valid  
6 license issued pursuant to The Private Detective Act of 1953 on  
7 the effective date of this act shall send a copy of the license,  
8 or all pertinent information thereon, to the board within 60  
9 days of the effective date of this act.

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

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

1 license limited to the services as defined in § 1102(3) and a  
2 limited license may be issued in accordance with the provisions  
3 of § 1322 (relating to limited licenses).

4 Section 5. Appropriation.

5 The sum of \$100,000, or as much thereof as may be necessary,  
6 is hereby appropriated FROM THE PROFESSIONAL LICENSURE ←  
7 AUGMENTATION RESTRICTED REVENUE ACCOUNT to the Department of  
8 State for the use of the Bureau of Professional and Occupational  
9 Affairs to defray costs and expenses on account of the State  
10 Board of Private Detectives and Security Businesses. This sum  
11 shall be expended and accounted for in accordance with the act  
12 of July 1, 1978 (P.L.700, No.124), known as the Bureau of  
13 Professional and Occupational Affairs Fee Act, and shall be  
14 credited against sums subsequently appropriated in accordance  
15 with that act.

16 Section 6. Effective date.

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