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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 80**

Session of  
1987

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INTRODUCED BY MAYERNIK, MARKOSEK, COWELL, McCALL, SEVENTY,  
TRELLO, DAWIDA AND BORTNER, FEBRUARY 2, 1987

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 1987

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AN ACT

1 Amending the act of August 21, 1953 (P.L.1273, No.361), entitled  
2 "An act to regulate the business of private detectives,  
3 investigators and watch, guard, or patrol agencies, and the  
4 licensing thereof in each county; providing penalties,"  
5 exempting certain telephone, telegraph or other  
6 telecommunications companies and their employees.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 2(b), 3(b) and 15 of the act of August  
10 21, 1953 (P.L.1273, No.361), known as The Private Detective Act  
11 of 1953, are amended to read:

12 Section 2. Definitions.--\* \* \*

13 (b) "Private detective business" shall also mean and  
14 include, separately or collectively, the making, for hire,  
15 reward, or for any consideration whatsoever, of any  
16 investigation or investigations for the purpose of obtaining  
17 information with reference to any of the following matters,  
18 notwithstanding the fact that other functions and services may  
19 also be performed for fee, hire, or reward:

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

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

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

10 (4) The whereabouts of missing persons.

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

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

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

19 (8) With reference to any person or persons seeking  
20 employment in the place of any person or persons who have quit  
21 work by reason of any strike.

22 (9) With reference to the conduct, honesty, efficiency,  
23 loyalty, or activities, of employes, agents, contractors and  
24 subcontractors.

25 (10) The securing of evidence to be used before any  
26 authorized investigating committee, board of award, board of  
27 arbitration, or in the trial of civil or criminal cases.

28 (11) The furnishing, for hire or reward, of watchmen, or  
29 guards, or private patrolmen, or other persons, to protect  
30 persons or property, or to prevent the theft or the unlawful

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

7 The foregoing shall not be deemed to include persons engaged  
8 in the business of investigators for or adjusters for insurance  
9 companies, nor persons in the exclusive employment of common  
10 carriers subject to regulation by the interstate commerce  
11 commission or the Public Utility Commission of the Commonwealth  
12 of Pennsylvania, nor any telephone, telegraph or other  
13 telecommunications company subject to regulation by the Federal  
14 Communications Commission or the Public Utility Commission of  
15 the Commonwealth of Pennsylvania or an employe of any such  
16 company while performing any investigatory activities engaged in  
17 by his employer, or investigators in the employment of credit  
18 bureaus.

19 \* \* \*

20 Section 3. Licenses.--\* \* \*

21 (b) No person, partnership, association, or corporation,  
22 shall engage in the business of furnishing or supplying for fee,  
23 hire, or any consideration or reward, information as to the  
24 personal character or activities of any person, partnership,  
25 corporation, society, or association, or any person or group of  
26 persons, or as to the character or kind of the business and  
27 occupation of any person, partnership, association, or  
28 corporation, or own or conduct or maintain a bureau or agency  
29 for the above mentioned purposes, except exclusively as to the  
30 financial rating, standing, and credit responsibility of

1 persons, partnerships, associations, or corporations, or as to  
2 the personal habits and financial responsibility of applicants  
3 for insurance, indemnity bonds, or commercial credit, or of  
4 claimants under insurance policies: Provided, That the business  
5 so exempted does not embrace other activities described in  
6 subsections (a), (b) and (c) of section two of this act, without  
7 having first obtained, as hereafter provided, a license so to  
8 do, for each such bureau or agency, and for each and every sub-  
9 agency, office and branch office to be owned, conducted,  
10 managed, or maintained by such persons, partnership,  
11 association, or corporation, for the conduct of such business.

12 (c) Nothing contained in this section shall be deemed to  
13 include the business of investigators for or adjusters for  
14 insurance companies, nor persons in the exclusive employment of  
15 common carriers subject to regulation by the interstate commerce  
16 commission or the Public Utility Commission of the Commonwealth  
17 of Pennsylvania, nor any telephone, telegraph or other  
18 telecommunications company subject to regulation by the Federal  
19 Communications Commission or the Public Utility Commission of  
20 the Commonwealth of Pennsylvania or an employe of any such  
21 company while performing any investigatory activities engaged in  
22 by his employer, or investigators in the employment of credit  
23 bureaus.

24 Section 15. Application of Act.--Nothing in this act shall  
25 apply to any detective officer or man belonging to the  
26 Pennsylvania State Police, or to the police force of any county,  
27 city, borough, township, or incorporated town, or any employe of  
28 such State Police, or such police force, appointed or elected by  
29 due authority of law, while engaged in the performance of their  
30 official duties, nor to any person, partnership, association, or

1 corporation, or any bureau or agency, whose business is  
2 exclusively the furnishing of information as to the business and  
3 financial standing and credit responsibility of persons,  
4 partnerships, associations, or corporations, or as to the  
5 personal habits and financial responsibility of applicants for  
6 insurance, indemnity bonds, or commercial credit, or of  
7 claimants under insurance policies, and whose business does not  
8 embrace other activities described in section 2 of this act, nor  
9 to any corporation duly authorized by the Commonwealth to  
10 operate a fire alarm protection business, nor to any person  
11 while engaged in the business of adjuster for an insurance  
12 company, nor to any person regularly employed as special agent,  
13 detective or investigator exclusively by one employer in  
14 connection with the affairs of that employer only, nor to any  
15 charitable or philanthropic society or association duly  
16 incorporated under the laws of the Commonwealth and which is  
17 organized and maintained for the public good and not for private  
18 profit, nor shall anything in this act contained be construed to  
19 affect in any way attorneys or counselors at law in the regular  
20 practice of their profession, but such exemption shall not enure  
21 to the benefit of any employe or representative of such attorney  
22 or counselor at law who is not employed solely, exclusively and  
23 regularly by such attorney or counselor at law, nor to persons  
24 in the exclusive employment of common carriers subject to  
25 regulation by the interstate commerce commission or the Public  
26 Utility Commission of the Commonwealth of Pennsylvania, nor to  
27 investigators in the employment of credit bureaus. No person,  
28 partnership, association, corporation, or any bureau or agency,  
29 exempted hereunder from the application of this act, shall  
30 perform any manner of detective service as described in section

1 2 hereof for any other person, partnership, association,  
2 corporation, bureau or agency, whether for fee, hire, reward,  
3 other compensation, remuneration, or consideration, or as an  
4 accommodation without fee, reward, or remuneration, or by a  
5 reciprocal arrangement whereby such services are exchanged on  
6 request of parties thereto. The commission of a single act  
7 prohibited by this act shall constitute a violation thereof.

8 Nothing in this act shall apply to any telephone, telegraph  
9 or other telecommunications company subject to regulation by the  
10 Federal Communications Commission or the Public Utility  
11 Commission of the Commonwealth of Pennsylvania or to an employe  
12 of any such company while performing any investigatory  
13 activities engaged in by his employer.

14 Nothing in this act shall be construed to affect or prohibit  
15 the right of any person to form, or become affiliated with, or  
16 to continue as a member of, any union, association, society, or  
17 organization of his own choosing.

18 Section 2. This act shall take effect in 60 days.