
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2055 Session of
2015

INTRODUCED BY KAMPF, PHILLIPS-HILL, MILLARD AND WARD,
MAY 10, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MAY 10, 2016

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 further providing for definitions and for application of act.

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

8 Section 1. Sections 2(b) and 15 of the act of August 21,
9 1953 (P.L.1273, No.361), known as The Private Detective Act of
10 1953, amended December 3, 1987 (P.L.405, No.83), are amended to
11 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[.], nor persons engaged in providing computer or digital
19 forensic services, the acquisition, review or analysis of
20 computer-based or digital information or network or system
21 vulnerability testing.

22 * * *

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

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

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

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

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

17 (d) Nothing in this act shall apply to any person engaged in
18 providing any of the following:

19 (1) computer or digital forensic services, or the
20 acquisition, review or analysis of digital or computer-based
21 information, whether for the purposes of obtaining or furnishing
22 information for evidentiary or other purposes, or for providing
23 expert testimony before a court; or

24 (2) network or system vulnerability testing, including
25 network scans and risk assessment and analysis of computers
26 connected to a network.

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