

No. 1987-83

## AN ACT

HB 80

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

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

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

Section 2. Definitions.—\* \* \*

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

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

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

(3) The credibility of witnesses or other persons.

(4) The whereabouts of missing persons.

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

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

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

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

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

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

(11) The furnishing, for hire or reward, of watchmen, or guards, or private patrolmen, or other persons, to protect persons or property, or to

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

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

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Section 3. Licenses.—\* \* \*

(b) No person, partnership, association, or corporation, shall engage in the business of furnishing or supplying for fee, hire, or any consideration or reward, information as to the personal character or activities of any person, partnership, corporation, society, or association, or any person or group of persons, or as to the character or kind of the business and occupation of any person, partnership, association, or corporation, or own or conduct or maintain a bureau or agency for the above mentioned purposes, except exclusively as to the financial rating, standing, and credit responsibility of persons, partnerships, associations, or corporations, or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit, or of claimants under insurance policies: Provided, That the business so exempted does not embrace other activities described in subsections (a), (b) and (c) of section two of this act, without having first obtained, as hereafter provided, a license so to do, for each such bureau or agency, and for each and every sub-agency, office and branch office to be owned, conducted, managed, or maintained by such persons, partnership, association, or corporation, for the conduct of such business.

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

Section 15. Application of Act.—Nothing in this act shall apply to any detective officer or man belonging to the Pennsylvania State Police, or to the

police force of any county, city, borough, township, or incorporated town, or any employe of such State Police, or such police force, appointed or elected by due authority of law, while engaged in the performance of their official duties, nor to any person, partnership, association, or corporation, or any bureau or agency, whose business is exclusively the furnishing of information as to the business and financial standing and credit responsibility of persons, partnerships, associations, or corporations, or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit, or of claimants under insurance policies, and whose business does not embrace other activities described in section 2 of this act, nor to any corporation duly authorized by the Commonwealth to operate a fire alarm protection business, nor to any person while engaged in the business of adjuster for an insurance company, nor to any person regularly employed as special agent, detective or investigator exclusively by one employer in connection with the affairs of that employer only, nor to any charitable or philanthropic society or association duly incorporated under the laws of the Commonwealth and which is organized and maintained for the public good and not for private profit, nor shall anything in this act contained be construed to affect in any way attorneys or counselors at law in the regular practice of their profession, but such exemption shall not enure to the benefit of any employe or representative of such attorney or counselor at law who is not employed solely, exclusively and regularly by such attorney or counselor at law, nor to persons in the exclusive employment of common carriers subject to regulation by the interstate commerce commission or the Public Utility Commission of the Commonwealth of Pennsylvania, nor to investigators in the employment of credit bureaus. No person, partnership, association, corporation, or any bureau or agency, exempted hereunder from the application of this act, shall perform any manner of detective service as described in section 2 hereof for any other person, partnership, association, corporation, bureau or agency, whether for fee, hire, reward, other compensation, remuneration, or consideration, or as an accommodation without fee, reward, or remuneration, or by a reciprocal arrangement whereby such services are exchanged on request of parties thereto. The commission of a single act prohibited by this act shall constitute a violation thereof.

*Nothing in this act shall apply to any telephone, telegraph or other tele-communications company subject to regulation by the Federal Communications Commission or the Public Utility Commission of the Commonwealth of Pennsylvania or to an employe of any such company while performing any investigatory activities engaged in by his employer.*

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

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

APPROVED—The 3rd day of December, A. D. 1987.

ROBERT P. CASEY