

## No. 361

## 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.

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\* "to Prosecute" omitted in original.

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

"The Private Detective Act of 1953."

Section 1. Short Title.—This act shall be known and may be cited as "The Private Detective Act of 1953."

Section 2. Definitions.—(a) "Private detective business" shall mean and include the business of private detective, private detective business, the business of investigator, or th business of watch, guard, or patrol agency.

(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, or investigators in the employment of credit bureaus.

(c) The terms "the business of detective agency," the "business of investigator," the "business of watch, guard or patrol agency," and the terms "private detective" or "investigator" shall mean and include any person, partnership, association, or corporation, engaged in the private detective business, as defined in subsections (a) and (b) of this section, with or without the assistance of any employe or employes.

(d) The term "commissioner" shall mean the Commissioner of the Pennsylvania State Police.

Section 3. Licenses.—(a) No person, partnership, association, or corporation, shall engage in the business of private detective, or the business of investigator, or the business of watch, guard or patrol agency, for the purpose of furnishing guards or 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, merchandise, money, bonds, stocks, documents, and other articles of value, for hire or reward, or advertise his or their business to be that of detective, or of a detective agency, or investigator, or watch, guard or patrol agency, notwithstanding the name or title used in describing such agency, or notwithstanding the fact that other functions and services may also be performed for fee, hire or reward, without having first obtained a license so to do as hereinafter provided.

(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. 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, or investigators in the employment of credit bureaus.

Section 4. Application for Licenses.—Any person, partnership, association, or corporation, intending to conduct a private detective business, the business of investigator, or the business of watch, guard or patrol agency, or the business of a detective agency, and any person, partnership, association, or corporation, intending to conduct the business of furnishing or supplying information as to the personal character of any person, or as to the character or kind of the business and occupation of any person, partnership, corporation, society, or association, or any person or group of persons, or intending to own, conduct, manage or maintain a bureau or agency for the above mentioned purposes, or, while engaged in other lawful business activities, also intending to engage in any one or more of the activities set forth in subsections (a), (b) and (c) of section two of this act, except exclusively as to the financial rating, standing and credit responsibility of persons, partnerships, associations, or corporations, shall, 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 person, partnership, association or corporation for the conduct of such business, file, in the office of the clerk of the court of quarter sessions of the county wherein the principal office of such business is located, a written application, duly signed and verified, as follows:

(a) If the applicant is a person, the application shall be signed and verified by such person, and if the applicant is a partnership or association, the application shall be signed and verified by each individual composing or intending to compose such partnership or association. The application shall state the full name, age, residence, present and previous occupations, of each person or individual so signing the same, that he is a citizen of the

United States, and shall also specify the name of the city, borough, township, or incorporated town, stating the street and number if the premises have a street and number, and otherwise such apt description as will reasonably indicate the location thereof, where is to be located the principal place of business, and the bureau, agency, sub-agency, office or branch office for which the license is desired, and such further facts as may be required by the court of quarter sessions, to show the good character, competency and integrity of each person or individual so signing such application. Each person or individual signing such application shall, together with such application, submit to the court of quarter sessions his photograph, in duplicate, in passport size, and also fingerprints of his two hands, recorded in such manner as may be specified by the court of quarter sessions. Before approving such application, it shall be the duty of the court of quarter sessions to compare such fingerprints with fingerprints of criminals now or hereafter filed in the records of the Pennsylvania State Police. Every such applicant shall establish, to the satisfaction of the court of quarter sessions and by at least two duly acknowledged certificates, that such applicant, if he be a person, or, in the case of a partnership, association, or corporation, at least one member of such partnership, association, or corporation, has been regularly employed as a detective, or shall have been a member of the United States government investigative service, a sheriff, or member of a city police department of a rank or grade higher than that of patrolman, for a period of not less than three years. Such application shall be approved as to each person or individual so signing the same by not less than five reputable citizens of the community in which such applicant resides or transacts business, or in which it is proposed to own, conduct, manage or maintain the bureau, agency, sub-agency, office or branch office for which the license is desired, each of whom shall certify that he has personally known the said person or individual for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true, that such person is honest, of good character, and competent, and not related or connected to the person so certifying by blood or marriage. The certificate of approval shall be signed by such reputable citizens and duly verified and acknowledged by them before an officer authorized to take oaths and acknowledgment of deeds.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the

location of its principal place of business, and the name of the city, borough, township, or incorporated town, stating the street and number if the premises have a street and number, and otherwise such apt description as will reasonably indicate the location thereof, where is to be located the bureau, agency, sub-agency, office or branch office for which the license is desired, the amount of the corporation's outstanding paid up capital stock and whether paid in cash or property, and, if in property, the nature of the same, and shall be accompanied by a duly certified copy of its certificate of incorporation. Each and every requirement of clause (a) of this section as to a person or individual member of a partnership or association shall apply to the president, secretary and treasurer, and each such officer, his successor and successors, shall, prior to entering upon the discharge of his duties, sign and verify a like statement, approved in like manner, as is by clause (a) prescribed in the case of a person or individual member of a partnership or association. In the event of the death, resignation or removal of such officer, due notice of that fact shall forthwith be given in writing to the court of quarter sessions, together with a copy of the minutes of any meeting of the board of directors of said corporation, certified by the secretary, indicating the death, resignation or removal of such officer, and the election or designation of the successor of such deceased, resigned or removed officer.

Section 5. Enforcement of Act; Investigations.—(a) The district attorneys of the various counties shall have the power to enforce the provisions of this act, and, upon complaint of any person, or on his own initiative, to investigate any violation thereof, or to investigate the business, business practices and business methods of any person, partnership, association or corporation applying for or holding a license as a private detective or investigator if, in the opinion of the district attorney, such investigation is warranted. Each such applicant or licensee shall be obliged, on request of the district attorney, to supply such information as may be required concerning his or its business, business practices or business methods, or proposed business practices or methods.

(b) For the purpose of enforcing the provisions of this act and in making investigations relating to any violation thereof, and for the purpose of investigating the character, competency and integrity of the applicants or licensees hereunder, and for the purpose of investigating the business, business practices and business methods of any applicant or licensee, or of the officers or agents thereof, the district attorney, acting by such officer or person in the office of the district attorney as the district

attorney may designate, shall have the power to subpoena and bring before the officer or person so designated any person in the county, and require the production of any books or papers which he deems relevant to the inquiry, and administer an oath to, and take testimony of, any person, or cause his deposition to be taken, with the same fees and mileage and in the same manner as prescribed by law for civil cases in a court of record, except that any applicant, or licensee, or officer, or agent thereof, shall not be entitled to such fees or mileage. Any person duly subpoenaed who fails to obey such subpoena without reasonable cause, or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's or licensee's business, business practices and methods, or such violations, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than one (1) year, or both. The testimony of witnesses in any such proceeding shall be under oath, which the district attorney or his subordinate \* designated by the district attorney may administer, and wilful, false swearing in any such proceeding shall be punishable as perjury.

Section 6. Issuance of Licenses; Fees; Bonds.—(a) When the application shall have been examined, and such further inquiry and investigation made as the court of quarter sessions or the district attorney shall deem proper, and when the court of quarter sessions shall be satisfied therefrom of the good character, competency and integrity of such applicant, or, if the applicant be a partnership, association or corporation, of the individual members or officers thereof, and a period of ten days from the date of the filing of the application shall have passed, the court of quarter sessions shall issue and deliver to such applicant a certificate of license to conduct such business, and to own, conduct or maintain a bureau, agency, sub-agency, office or branch office for the conduct of such business on the premises stated in such application, upon the applicant's paying to the court of quarter sessions for each such certificate of license so issued, for the use of the county, a license fee of two hundred dollars (\$200), if the applicant be an individual, or of three hundred dollars (\$300), if a partnership, association or corporation, and upon the applicant's executing, delivering and filing in the office of the clerk of the court of quarter sessions a corporate bond in the sum of ten thousand dollars (\$10,000), conditioned for the faithful and honest conduct of such business by such applicant,

\* "of the" deleted from original.

which surety bond must be written by a corporate surety company authorized to do business in this Commonwealth as surety, and approved by the court of quarter sessions with respect to its form, manner of execution and sufficiency. The license granted pursuant to this act shall last for a period of two years, but shall be revocable at all times by the court of quarter sessions for cause shown. In the event of such revocation or of a surrender of such license, no refund shall be made in respect of any license fee paid under the provisions of this act. Such bond shall be executed to the Commonwealth of Pennsylvania, and any person injured by the violation of any of the provisions of this act, or by the wilful, malicious and wrongful act of the principal or employe, may bring an action against such principal, employe, or both; on said bond, in his own name, to recover damages suffered by reason of such wilful, malicious and wrongful act: Provided, That the aggregate liability of the surety for all such damages shall in no event exceed the sum of such bond. In each and every suit or prosecution arising out of this act, the agency of any employe as to the employment and as to acting in the course of his employment shall be presumed.

The license certificate shall be in a form to be prescribed by the court of quarter sessions, and shall specify the full name of the applicant, the location of the principal office or place of business, and the location of the bureau, agency, sub-agency, office or branch office for which the license is issued, the date \*on which it is issued, the date on which it will expire, and the names and residences of the applicant or applicants filing the statement required by section four upon which the license is issued, and in the event of a change of any such address or residence, the court of quarter sessions shall be duly notified in writing of such change within twenty-four hours thereafter, and failure to give such notification shall be sufficient cause for revocation of such license. No such license shall be issued to a person under the age of twenty-five years.

(b) Except as hereinafter provided in this subsection, no such license shall be issued to any person who has been convicted in this State or any other state or territory of a felony, or any of the following offenses: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempt-

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\* "in" in original.

ing to do so; or (8) soliciting any person to commit sodomy or other lewdness.

Except as hereinafter in this subsection provided, no license shall be issued to any person whose license has been previously revoked by the court of quarter sessions or the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section. The provisions of this subsection shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability.

(c) There shall be kept in the office of the clerk of the court of quarter sessions a bulletin board, in a place accessible to the general public, on which shall be posted, at noon on Friday of each week, the following: a statement of all pending applications for licenses under this act, giving the name of the applicant, and whether individual, partnership, association or corporation, and the proposed business address, a similar statement of all such licenses issued during the preceding week, a similar statement of all such licenses revoked during the preceding week.

(d) No holder of an employment agency license shall be licensed under this act. While holding a license under this act, a licensee shall not, simultaneously, hold an employment agency license, or have financial interest in, or participate in the control and management of, any employment agency, or any other person, partnership, association or corporation engaged in private detective business, except that a licensee hereunder may own or possess stock in any corporation whose only business is to undertake, for hire, the preparation of payrolls and the transportation of payrolls, moneys, securities and other valuables, or whose only business is to provide or furnish protective or guard service to the government of the United States, or any subdivision, department or agency of the government of the United States. In the event of the filing in the office of the clerk of the court of quarter sessions \*of a verified statement of objections to the issuance of a license under the provisions of this act, no license shall be issued to such applicant until all objections shall have been heard in a hearing and a determination made by the court of quarter sessions.

Section 7. Refund of Fees.—Moneys heretofore or hereafter received by the court of quarter sessions pursuant to this act may, within three years from the receipt thereof, be refunded to the person entitled thereto on satisfactory proof that:

(1) Such moneys were in excess of the amount required by this act, to the extent of such excess,

\* "of" omitted in original.

(2) The license for which application was made has been denied.

(3) The applicant for the license has predeceased its issuance.

(4) The licensee has enlisted in or been otherwise inducted into active Federal military, naval or marine service, or in any branch or division thereof, in which event the refund shall be such proportion of the license fee paid as the number of full months remaining unexpired of the license period bears to the total number of months in such period.

Such refunds shall, upon approval by the court of quarter sessions, be paid from any moneys received from the operation of this act and in the custody of the county treasurer.

Section 8. Posting and Surrender of License Certificate.—Immediately upon the receipt of the license certificate issued by the court of quarter sessions pursuant to this act, the licensee named therein shall cause such license certificate to be posted up and at all times displayed in a conspicuous place in the bureau, agency, sub-agency, office or branch office for which it is issued, so that all persons visiting such place may readily see the same. Such license certificate shall, at all reasonable times, be subject to inspection by the district attorney or an authorized representative or representatives of the Pennsylvania State Police and the Attorney General. It shall be unlawful for any person, partnership, association or corporation holding such license certificate to post such certificate, or to permit such certificate to be posted, upon premises other than those described therein, or to which it has been transferred pursuant to the provisions of this act, or knowingly to alter, deface or destroy any such license certificate. Every license certificate shall be surrendered to the court of quarter sessions within seventy-two hours after its term shall have expired, or after notice in writing to the holder that such license has been revoked. Any licensee failing to comply with any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than (1) year, or both. Such failure shall be sufficient cause for the revocation of a license.

Section 9. Certificate, Pocket Card or Badge Lost or Destroyed.—If it shall be established to the satisfaction of the court of quarter sessions, in accordance with rules and regulations promulgated and established by such court, that an unexpired license certificate, pocket card or badge issued in accordance with the provisions of this act has been lost or destroyed without fault on the

part of the holder, the court of quarter sessions shall issue a duplicate license certificate or pocket card for the unexpired portion of the term of the original license certificate, and shall issue a duplicate badge for the unexpired portion of the term of the original license, upon payment to the court of quarter sessions of an amount required for such duplicate badge.

Section 10. Removal of Bureau, Agency or Office.—If the holder of an unexpired license certificate issued pursuant to this act shall remove the bureau, agency, sub-agency, office or branch office to a place other than that described in the license certificate, he shall, within the twenty-four hours immediately following such removal, give written notice of such removal to the court of quarter sessions. Such notice shall describe the premises to which such removal is made, and the date on which it was made. Such license certificate shall be sent to the court of quarter sessions. A judge of such court shall cause to be written or stamped across the face of such license certificate a statement signed by him to the effect that the holder of such license has removed, on the date stated in such written notice, such bureau, agency, sub-agency, office or branch office from the place originally described in such license certificate to the place described in such written notice, and such license certificate, with the indorsement thereon, shall then be returned to the licensee named therein.

Section 11. Renewal of Licenses.—A license granted under the provisions of this act may be renewed by the court of quarter sessions upon application therefor by the holder thereof in such form as the court of quarter sessions may prescribe and payment of fee and filing of surety bond, each in amounts equivalent to those specified in section 6 as pertaining to original licenses. A renewal period, within the meaning of this act, is considered as being six months from the date of expiration of a previously issued license.

Section 12. License Certificates, Pocket Cards, Shields or Badges.—Upon the issuing of a license as hereinbefore provided, the court of quarter sessions shall issue to each such person, individual member of a partnership or association, or officer of a corporation making and filing a statement required by section 4 of this act, a pocket card, of such size and design as such court may prescribe, which card shall contain a photograph of the licensee, the name and business address of the licensee, and the imprint or impress of the seal of the court, and also a metal shield or badge, of such shape and description and bearing such inscription as the court may designate, which pocket card and badge shall be evidence of due authorization pursuant to the

terms of this act. All persons to whom such license certificates, pocket cards, shields or badges shall have been issued shall be responsible for the safe keeping of the same, and shall not loan, let or allow any other person to use, wear or display such certificate, pocket card, shield or badge. No person shall wear or display any license certificate, pocket card, shield or badge, purporting to authorize the holder or wearer thereof to act as a private detective or investigator, unless the same shall have been duly issued pursuant to the provisions of this act. Failure to comply with the provisions of this section shall be sufficient cause for revocation of such license, and all such certificates, pocket cards, shields and badges shall be returned to the court of quarter sessions within seventy-two hours after the holder thereof has received notice in writing of the expiration or revocation of such license. No person, except as authorized in this section, shall wear or display a shield or badge of any design or material, purporting to indicate that the wearer or bearer thereof is a private detective or investigator or is authorized to act as a private detective or investigator, unless required by law to do so. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than one (1) year, or both.

Section 13. *Employes.*—(a) The holder of any license certificate issued pursuant to this act may employ to assist him in his work of private detective or investigator as described in section 2 and in the conduct of such business as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed.

No holder of any unexpired license certificate issued pursuant to this act shall knowingly employ in connection with his or its business, in any capacity whatsoever, any person who has been convicted of a felony, or any of the following offenses, and who has not, subsequent to such conviction, received executive pardon therefor removing this disability: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempting to do so; (8) soliciting any person to commit sodomy or other lewdness; or (9) any person whose private detective or investigator's license was revoked or application for such license was

denied by the court of quarter sessions or by the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section.

Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than one (1) year, or both.

(b) No person shall hereafter be employed by any holder of a license certificate until he shall have executed and furnished to such license certificate holder a verified statement to be known as "employee's statement," setting forth:

- (1) His full name, age and residence address;
- (2) The country of which he is a citizen;
- (3) The business or occupation engaged in for the three years immediately preceding the date of the filing of the statement, setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any;
- (4) That he has not been convicted of a felony, or of any offense involving moral turpitude, or of any of the misdemeanors or offenses described in subsection (a) of this section;
- (5) Such further information as the court of quarter sessions may by rule require to show the good character, competency and integrity of the person executing the statement.

(c) Immediately upon the verification of an employe's statement, the holder of a license certificate by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the court of quarter sessions may by rule prescribe. The holder of a license certificate shall immediately stamp, in indelible ink, the employe's statement and each set of fingerprints with the name, year and license certificate number of such holder, and a number, which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

(d) The holder of a license certificate shall affix one set of such fingerprints to the employe's statement, in such manner that the prints can be examined without disclosing the contents of the employe's statement, and shall retain such statement and prints so long as he shall be licensed under this act.

(e) The holder of a license certificate shall file the other set of fingerprints with the court of quarter sessions.

(f) Within five days after the filing of such fingerprints, the court of quarter sessions shall cause such fingerprints to be compared with fingerprints of criminals now or hereafter filed in the records of the Pennsylvania State Police, and if the court finds any record affecting such prints, it shall immediately notify the holder of such license certificate and shall also refer the matter to the district attorney of the county. The quarter sessions court may also, from time to time, cause such fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of the Pennsylvania State Police or of other official fingerprint files within or without this Commonwealth, and if the court finds that such person has been convicted of a felony or any other offense specified in subsection (a) of this section, he shall immediately notify the holder of such license certificate and shall also refer the matter \*to the district attorney. The quarter sessions court shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of a license certificate as provided in subsection (d) of this section.

(g) If any holder of a certificate shall file with the quarter sessions court the fingerprints of a person other than the person so employed, he shall be subject to a fine not exceeding five thousand dollars (\$5000) or to imprisonment not exceeding one (1) year, or both.

Section 14. *Employes Not to Divulge Information or Make False Reports.*—Any person who is or has been an employe of a holder of a license shall not divulge to any one other than his employer or as his employer shall direct, except as he may be required by law, any information acquired by him during such employment in respect of any of the work to which he shall have been assigned by such employer. Any such employe violating the provisions of this section, and any such employe who shall wilfully make a false report to his employer in respect of any of such work, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than one (1) year, or both. The employer of any employe believed to have violated this section shall, without any liability whatsoever upon said employer, supply the court of quarter sessions, and such court shall, should the facts and circumstances be deemed to warrant, con-

\* "of" in original.

duct further investigation \*and submit the evidence thus acquired to the district attorney for appropriate action in accordance with the provisions of section 18 of this act.

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

\* "and" omitted in original.

act prohibited by this act shall constitute a violation thereof.

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 16. Unlawful Acts.—It is unlawful for the holder of a license issued under this act, or for any employe of such licensee, knowingly to commit any of the following acts, within or without the Commonwealth of Pennsylvania: to incite, encourage, or aid in the incitement or encouragement of, any person or persons who have become a party to any strike to do unlawful acts against the person or property of any one, or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employes of any person, partnership, association, or corporation with the intention of having them strike, to interfere or prevent lawful and peaceful picketing during strikes, to interfere with, restrain, or coerce employes in the exercise of their right to form, join, or assist any labor organization of their own choosing, to interfere or hinder the lawful or peaceful collective bargaining between employes and employers, to pay, offer, or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person, for any verbal or written report of the lawful activities of employes in the exercise of their right of self-organization, to form, join, or assist labor organizations, and to bargain collectively through representatives of their own choosing, to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without the Commonwealth of Pennsylvania, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards theretofore regularly employed, for the protection of payrolls, property or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents, any arms, munitions, tear gas, implements, or any other weapons, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. The violation of any of the provisions of this section shall constitute a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than five hundred dollars (\$500)

nor more than one thousand dollars (\$1000), or to imprisonment for not less than six (6) months nor more than one (1) year or both. It is unlawful for the holders of a license to furnish or perform any services described in subsections (a) and (b) of section 2 of this act on a contingent or percentage basis, or to make or enter into any agreement for furnishing services of any kind or character, by the terms or conditions of which agreement the compensation to be paid for such services to the holder of a license is partially or wholly contingent or based upon a percentage of the amount of money or property recovered or dependent in any way upon the result achieved.

Section 17. District Attorneys to Prosecute.—Criminal action for violation of this act shall be prosecuted by the district attorney of the county in which any violation of this act occurred.

Section 18. Reward May be Presumed.—In any prosecution under this act, any person, partnership, association, or corporation, who or which performs or commits any of the acts set forth in sections 2 and 3, shall be presumed to do so for a fee, compensation, valuable consideration, or reward.

Section 19. Roster of Licenses.—The clerk of each court of quarter sessions shall publish, at least once in each year, a roster of the names and addresses of all persons, partnerships, associations and corporations licensed by such court under the provisions of this act. A copy of each roster published by each clerk shall be mailed by him to any licensee upon request and without charge, and a copy of each such roster shall also be mailed by him to the commissioner, who shall keep a roster of the names and addresses of all persons, partnerships and corporations in the Commonwealth of Pennsylvania under the provisions of this act. A copy of the roster kept by the commissioner shall be mailed by him to any licensee upon request and without charge.

Section 20. Disposition of Fees and Other Revenue.—All fees and other moneys derived from the operation of this act shall, on the first day of each month, be paid by the court of quarter sessions into the county treasury.

Section 21. Repeals.—The act, approved the twenty-third day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 173), entitled "An act to make the carrying on of the business of detectives without license a misdemeanor, and to regulate the licensing and powers of detectives," as amended by the act, approved the thirty-first day of May, one thousand nine hundred one (Pamphlet Laws 355), is hereby repealed.

All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

No. 362

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the penalties for operating a motor vehicle, trailer or semi-trailer that has not been inspected.

"The Vehicle Code."

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

Subsection (h) and the penalty clause of section 823, act of May 1, 1929, P. L. 905, as last amended by act of May 21, 1943, P. L. 317, further amended.

Section 1. Subsection (h) and the penalty clause of section 823 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of