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22 § 11

DETECTIVES

PRIVATE DETECTIVE ACT OF 1953

§ 11. Short title

This act¹ shall be known and may be cited as "The Private Detective Act of 1953". 1953, Aug. 21, P.L. 1273, § 1.

¹ Sections 11-30 of this title.

Historical Note

Section 21 of the act of 1953 repealed sections 1 to 3 of this title, and repealed all other acts and parts of acts in so far as inconsistent.

Title of Act:

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. 1953, Aug. 21, P. L. 1273.

Notes of Decisions

1. Validity

The act of 1887, May 23, P.L. 173, was constitutional. *Amour's Application*, 1 Dist. 620, 1992.

§ 12. Definitions

(a) "Private detective business" shall mean and include the business of private detective, private detective business, the business of investigator, or the 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.

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(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. 1953, Aug. 21, P.L. 1273, § 2.

§ 13. 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

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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 act¹, 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. 1953, Aug. 21, P.L. 1273, § 3.

¹ Section 12(a), (b), (c) of this title.

Notes of Decisions

1. Construction and application

Since the act of 1887, May 23, P.L. 173 it is unlawful to act as a private detective for hire or reward without first obtaining a license. In re Licensed Detectives, 60 D. & C. 544, 39 Berks 270, 1948.

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§ 14. 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 act¹, 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) pre-

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scribed 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. 1953, Aug. 21, P.L. 1273, § 4.

¹ Section 12(a), (b), (c) of this title.

§ 15. Enforcement of act; investigations

(a) The district attorneys of the various counties shall have the power to enforce the provisions of this act,¹ 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,