

1969 Senate Bill 356

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CHAPTER 467, LAWS OF 1969

AN ACT to repeal 175.08; to amend 25.401 (intro.); and to repeal and re-create 175.07 of the statutes, relating to licensing of detective agencies and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.401 (intro.) of the statutes is amended to read:

15.401 (intro.) The department of regulation and licensing shall have the program responsibilities specified for the department under ch. 129 and ss. 110.10, 110.16, 175.07, ~~175.08~~ and 175.13. In addition:

SECTION 2. 175.07 of the statutes is repealed and recreated to read:

175.07 PRIVATE DETECTIVES, AGENCIES AND EMPLOYEES; INVESTIGATORS, WATCHMEN AND GUARDS. (1) LICENSE OR PERMIT REQUIRED. No person shall advertise, solicit or engage in the business of operating a private detective agency, or act as a private detective, investigator, special investigator, private policeman, private guard or private watchman, or act as a supplier of private police, private guards or private watchmen, or solicit business or perform any other type of service or investigation as a private detective, private policeman, private guard or private watchman, or receive any fees or compensation for acting as such, without first filing an application and the necessary bond or liability policy with the department and being issued a license or a permit to be a watchman or guard under this section. No person shall be so licensed unless he is over 25 years of age as principal or owner of an agency and over 21 years of age if an individual agent.

(2) TYPES OF LICENSES; APPLICATION; APPROVAL. (a) *Types of licenses.* There are 2 types of licenses: a private detective agency license and a private detective license.

1. A private detective agency license may be issued to an individual, partnership or corporation. An individual, the members of a partnership and the officers or directors of a corporation, having a private detective agency license, are not required to have a private detective license unless actually engaged in the work of a private detective.

2. A private detective license may only be issued to an individual who is an owner, co-owner or employe of a licensed private detective agency.

(b) *Applications.* The department shall prescribe forms for original and renewal applications. All applications shall be executed under oath. A partnership application shall be executed by all members of the partnership. A corporate application shall be executed by the secretary and the president or vice president and, in addition, in the case of a foreign corporation, by the registered agent.

(c) *Approval.* The department shall prescribe, by administrative rule, such standards of professional, educational and moral qualification as it deems appropriate, with due regard to investigative experience, special professional education and training and other factors bearing on professional competence and trustworthiness. No person convicted of a felony in this state or elsewhere shall be eligible for a license for 5 years thereafter. The department, in considering applicants for license, shall seek the advice of the appropriate local law enforcement agency or governmental official, and conduct such further investigation, as it deems proper to determine the character, competence and integrity of the applicant.

(3) ISSUANCE OF LICENSE; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation deemed necessary, the department shall if it deems the applicant qualified, grant the proper license upon payment of a fee of \$200 if the applicant is an agency or upon payment of a fee of \$10 if the applicant is a private detective. No license shall be issued for a longer period than one year, and the license of a private detective shall expire on the expiration date of the agency's license even though his license may not have been in effect for a full year. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department, accompanied by the fees and bonds or liability policies herein specified.

(4) **BONDS OR LIABILITY POLICIES REQUIRED.** No license shall be issued pursuant to this section until a bond or liability policy, as approved by the department, in the amount of \$10,000 if the applicant for such license is an agency and includes all principals, partners or corporate officers, or in the amount of \$2,000 if the applicant is a private detective has been executed and filed with the department. Such bonds or liability policies shall be furnished by a surety or insurance company authorized to do business in this state in a form approved by the department.

(5) **EXEMPTIONS; WATCHMAN AND GUARD PERMIT.** This section shall not apply to any person employed, directly or indirectly by the state or municipality as defined in s. 345.05 1) (a), or to any employe of a railroad company under s. 192.47, or employes of commercial establishments, who operate exclusively on their premises. An employe of any licensed agency doing business in this state as a supplier of uniformed security guards, uniformed police or uniformed watchmen to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities shall be exempt from the license requirements of this section while engaged in such employment, if such person obtains a watchman and guard permit under this section. Such agency shall furnish upon request an up-to-date record of its employes to the chief of police or other local law enforcement official designated by the department for the municipality wherein such activities take place. Such record shall include the name, residence address, date of birth and a physical description of each such employe together with a recent photograph and 2 fingerprint cards bearing a complete set of fingerprints of such employe, and no one shall be eligible for a watchman and guard permit who has been convicted in this state or elsewhere of a felony within 5 years preceding his application. Such agency shall notify the chief of police or other designated official in writing within 5 days of any change of the residence address, or of the termination of employment of such person. A watchman and guard permit shall be issued or denied within 48 hours of application by the chief of police or other designated official. Such permit shall remain valid unless for just cause revoked by the chief of police or other designated official issuing the permit for just cause. Upon denial or revocation of a permit, appeal may be taken to the department. For each application for watchman and guard permit filed with the chief of police or other designated official the agency shall remit a fee of \$2 to the municipality issuing the permit.

(6) **REVOCATION OF LICENSES AND PERMITS.** If at any time a petition is presented to the department signed by 6 residents of this state requesting the revocation of a license or permit issued under this section, the department, after due notice, shall conduct a hearing and based upon the evidence presented take such action as is appropriate. If at any time such licensee or holder of a permit is convicted of a felony or if he engages in conduct reflecting adversely on his professional qualification, or makes a false statement in any application for a license or permit, the department after notice, hearing and proof thereof, shall revoke such license.

(7) **DEFINITIONS.** (a) "Private detective" does not include attorneys, law students or law school graduates employed by an attorney or persons directly employed by an attorney or firm of attorneys whose work as private detective is limited to such attorney or firm or persons directly employed by an insurance company or a retail credit rating establishment. A person who accepts employment with more than one law firm shall be subject to the licensing provisions of this section.

(b) "Department" means the department of regulation and licensing.

(8) **PENALTIES.** (a) Any person, acting as a private detective, investigator, private policeman or private guard, or who employs any person who solicits, advertises or performs services in this state as a private detective,

1459

CHAPTER 469

private policeman or private guard, or investigator or special investigator, without having procured the license or permit required by this section, may be fined not less than \$100 nor more than \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any agency having an employe, owner, officer or agent convicted of the above offense may have its agency license revoked or suspended by the department. Any person convicted of the above offense shall be ineligible for a license for a period of one year.

SECTION 3. 175.08 of the statutes is repealed.

SECTION 4. TRANSITIONAL PROVISIONS. (1) The treatment of sections 175.07 and 175.08 of the statutes by this act is intended to supersede the treatment of these sections by Chapter 336, Laws of 1969 (LRB-377).

(2) Any outstanding license issued by the department prior to the effective date of this act shall be valid until its expiration date.

SECTION 5. This act shall take effect on January 1, 1970.

Approved February 18, 1970.
