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Bill Analysis
Legislative Service Commission

Am. Sub. H.B. 188
124th General Assembly
(As Passed by the House)

**Reps. Schaffer, Grendell, Williams, Rhine, Flowers, Strahorn, Seitz,
McGregor, Schmidt, Driehaus, Hagan, Krupinski, DeBose**

BILL SUMMARY

- Exempts commissioned police officers from the employee registration requirements of the Private Investigation Licensing Law when acting within the scope of their commissions.
- Reduces the civil penalty the Director of Commerce may impose upon a person licensed under the Private Investigator License Law from a minimum of \$100 per day and a maximum of \$200 per day to a maximum of \$100 per day.

CONTENT AND OPERATION

Background

Existing law requires the licensing and regulation by the Director of Commerce of private investigator and security service providers and their employees. The law establishes three general classes of license: (1) a class A license which allows an individual or other business entity to engage in both the business of private investigation and security service provider, (2) a class B license which allows one to engage only in the business of private investigation, and (3) a class C license which allows one to only engage in the business of providing security services. The law also requires licensees to register employees with the Director. Licensees and registered employees must carry identification cards and are subject to various restrictions on their activities and in the possession and use of firearms.

Exemptions from the private investigator and security guard licensing law

Under current law, there are exceptions to who is considered a private investigator or security guard, and who therefore, is required to abide by the

licensing laws governing private investigators or security guards. The bill adds an exemption from private investigator and security guard regulations for commissioned peace officers, except for those who engage in the business of private investigation or compensate others who engage in the business of private investigation or security services or both. Commissioned peace officers also are exempt from the bill's registration requirements. (Secs. 4749.01(H)(14) and 4749.06(E).)

Registrants

Under current law, licensees are responsible for registering their employees with the Department of Commerce no sooner than three days and no later than seven days after the date the employee is hired. Under the bill, this registration requirement does not apply to commissioned peace officers working for a class A, B, or C licensee, either as an employee or an independent contractor. (Sec. 4749.06(E).)

Discipline

Under current law, the Superintendent may revoke, suspend, or refuse to renew a license or registration for certain violations of the laws governing private investigators and security guards. The bill clarifies that the refusal to renew a license or registration only occurs when a renewal application is submitted to the Superintendent and that an appeal may only follow if a license or registration is not renewed after a renewal form has been submitted. (Sec. 4749.04(A).)

Civil penalties

Under current law, the Superintendent may issue a civil penalty of not less than \$100 and not more than \$200 per day for each day of the violation instead of suspending, revoking, or refusing to renew a license or registration. The bill reduces the civil penalty that may be imposed to an amount not to exceed \$100 per calendar day that the violation occurs. (Sec. 4749.04(B).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-27-01	p. 264
Reported, H. Commerce & Labor	11-20-02	p. 2080
Passed House (91-0)	11-21-02	pp. 2099-2100

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