

45:19-9,12,12.1

LEGISLATIVE FACT SHEET

on *Detectives-- license fees*

N.J.R.S. 45:19-9,12,12.1

(Amendment)

LAWS OF 1971

CHAPTER 342 Dec. 13, 1971

SENATE BILL

ASSEMBLY BILL 2345 [OCR]

INTRODUCED *April 5, 1971*

BY *Rinaldi*

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING *None discovered*

VETO

BACKGROUND:

*See 974.90
L 699
1971*

*N.J. Professional and Occupational Licensing
Study Commission.
Regulating professions and occupations, 1971.*

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 2345

STATE OF NEW JERSEY

INTRODUCED APRIL 5, 1971

By Assemblyman RINALDI

Referred to Committee on Taxation

AN ACT to amend and supplement "An act to license and regulate the business of private detectives and private detective agencies, and providing penalties for violation of its provisions," approved November 18, 1939 (P. L. 1939, c. 369).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1939, c. 369 (C. 45:19-9) is amended to read
2 as follows:

3 2. Definitions:

4 (a) The term "private detective business" shall mean the busi-
5 ness of conducting a private detective agency or for the purpose of
6 making for hire or reward any investigation or investigations for
7 the purpose of obtaining information with reference to any of the
8 following matters, notwithstanding the fact that other functions and
9 services may also be performed by the same person, firm, associa-
10 tion or corporation for fee, hire or reward, to wit: (1) crime or
11 wrong done or threatened or assumed to have been done or threat-
12 ened against the Government of the United States of America, or
13 any State, Territory or Possession of the United States of America;
14 (2) the identity, habits, conduct, movements, whereabouts, affilia-
15 tions, associations, transactions, reputation or character of any
16 person, association, organization, society or groups of persons,
17 firms or corporations; (3) the credibility of witnesses or other
18 persons; (4) the whereabouts of missing persons; (5) the location
19 or recovery of lost or stolen property; (6) the causes and origin of,
20 or responsibility for, fires, libels, accidents, damage, injuries or
21 losses to persons, firms, associations or corporations, or to real or
22 personal property; (7) the affiliation, connection or relation of any
23 person, firm or corporation with any organization, society, associa-
24 tion, or with any official member or representative thereof; (8) with

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 reference to the conduct, honesty, efficiency, loyalty or activities of
26 employees, agents, contractors and subcontractors; (9) the securing
27 of evidence to be used before any investigating committee, board of
28 award, board of arbitration, or in the trial of any civil or criminal
29 cause; provided, however, that the term shall not include a person,
30 firm, association or corporation engaged exclusively in the business
31 of making investigations and reports as to the financial standing,
32 credit and financial responsibility of persons, firms, associations or
33 corporations nor to electrically controlled burglar or fire alarm
34 system with a central unit, nor to any person, firm, association or
35 corporation engaged in the business of making reports for insur-
36 ance or credit purposes. Also it shall mean the furnishing for hire
37 or reward of watchmen or guards or private patrolmen or other
38 persons to protect persons or property, either real or personal, or for
39 any other purpose whatsoever. The term shall not include and noth-
40 ing in this act shall apply to any lawful activity of any board, body,
41 commission or agency of the United States of America or of any
42 State, Territory or Possession of the United States of America, or
43 any county, municipality, school district, or any officer or employee
44 solely, exclusively and regularly employed by any of the foregoing;
45 nor to any attorney or counsellor-at-law in connection with the
46 regular practice of his profession, nor to any person employed by
47 any such attorney or counsellor-at-law when engaged upon
48 his employer's business; nor to any employee, investigator
49 or investigators solely, exclusively and regularly employed
50 by any person, firm, association or corporation which is not
51 engaged in any of the businesses hereinbefore described in items
52 numbered one to nine, both inclusive, of this subsection in so far as
53 their acts may relate solely to the business of their respective em-
54 ployers; nor to any person, firm, association or corporation licensed
55 to do a business of insurance of any nature under the insurance laws
56 of this State, nor to any employee or licensed agent thereof; nor to
57 any person, firm, association or corporation conducting any investi-
58 gation solely for its own account.

59 (b) The terms "the business of detective agency," "the business
60 of investigator" and "the business of watch, guard or patrol
61 agency" shall mean any person, firm, association or corporation
62 engaged in the private detective business as defined in subsection
63 (a) of this section, who employs one or more persons in conducting
64 such business.

65 (c) The terms "private detective" or "investigator" shall mean
66 and include any person who singly and for his own account and

67 profit conducts a private detective business without the aid or
68 assistance of any employees or associates.

69 (d) The masculine shall include the feminine and the neuter
70 genders.

71 (e) The term "superintendent" means the Superintendent of
72 State Police.

73 (f) *The terms "firm" and "association" shall include partner-*
74 *ships, but shall not include corporations.*

1 2. Section 5 of P. L. 1939, c. 369 (C. 45:19-12) is amended to
2 read as follows:

3 5. The superintendent, when satisfied from the examination of
4 any application and such further inquiry and investigations as he
5 shall deem proper as to the good character, competency and in-
6 tegrity of the applicant and the persons named in the application,
7 shall issue and deliver to the applicant a license to conduct such
8 business***[, and to]*** *. *Such licensee shall be permitted to** own,
9 conduct and maintain one or more bureaus, agencies, subagencies,
10 offices or branch offices for the conduct of such business at the
11 ***[location]*** **locations** stated in said application***[, together with**
12 **as many copies of said license as there are to be offices, bureaus,**
13 **agencies, subagencies, offices or branch offices,]*** upon the payment
14 by the applicant to the superintendent of a license fee **for each*
15 *location so licensed** which in the case of an individual ***[or partner-**
16 **ship]*** shall be **[\$200.00]** \$250.00, and in the case of a **[firm, associa-**
17 **tion or]** **firm, association or** corporation shall be \$300.00**[,].**
18 **[and]** *Any license or renewal thereof shall be further conditioned*
19 upon the applicant executing and delivering to the superintendent
20 a bond with a surety company authorized to be surety in the State
21 of New Jersey, as surety, and approved as to form, manner of
22 execution and sufficiency by the superintendent of the State Police,
23 running to the State of New Jersey and which shall be for the
24 benefit of any person injured by willful, malicious or wrongful act
25 of the applicant (with a sufficient surety bond), which in the case
26 of an individual shall be \$3,000.00, and in the case of a firm, associa-
27 tion or corporation \$5,000.00, which said bond shall be conditioned
28 for the faithful and honest conduct of such business by the
29 applicant. The license so granted by the superintendent shall be
30 valid for a period of **[5]** 2 years, *and upon renewal thereof said*
31 *applicant shall pay to the superintendent in the case of an in-*
31A *dividual* ***[or partneship]*** *a license fee of \$200.00 and in the case*
31B *of a* ***firm, association or*** *corporation \$250.00* ***for each location for**
31C *which such a license is renewed**. **[but]** *The license shall be*

32 revocable by the superintendent after hearing for cause. In case
 33 of revocation or surrender of any license, no refund shall be made
 34 of any license fee paid under the provisions hereof. The license
 35 shall be in a form to be prescribed by the superintendent and shall
 36 set forth the full name of the applicant, the location of the principal
 37 office or place of business, and the location of each bureau, agency,
 38 subagency, office or branch office for which the license is issued,
 39 date on which it is issued, the date on which it will expire, and the
 40 name or names of the persons named in the application, and their
 41 respective addresses. In the event of any change in the member-
 42 ship of the firm or in the officers or directors of any association
 43 or corporation or any change in the address of any office or loca-
 44 tion of such business the superintendent shall be notified in writing
 45 of such change within 5 days thereafter, and failure to give such
 46 notification shall be sufficient cause for revocation of such license.

47 No license shall be issued to a person under the age of 25 years,
 48 nor to any person, firm, association or corporation unless such
 49 person or at least one member of the firm and one officer or director
 50 of the association or corporation has had at least 5 years' experi-
 51 ence as an investigator or as a police officer with an organized
 52 police department of the State or a county or municipality thereof,
 53 or with an investigative agency of the United States of America
 54 or any State, county or municipality thereof.

55 The superintendent and all members of the State Police shall
 56 hold as confidential all information obtained as a result of any
 57 investigation of any applicant or officer, assistant, or employee of
 58 any holder of any license issued under the provisions of this act,
 59 and the same shall not be divulged except by an order so to do by
 60 a court of record of this State.

1 3. *a.* Subsequent to the effective date of this act, every ***[appli-**
 2 **cant]*** *licensee** **[for a license or renewal thereof]*** shall pay to
 3 the superintendent **[in addition to the foregoing license or renewal**
 4 **fees,]*** an additional fee of \$15.00 for each person in its employ
 5 engaged in said employment *in this State** as a private detec-
 6 tive***[.]*** *or** investigator **[or special policeman,]*** which
 7 **[latter term]*** *terms** shall include watchmen, guards and
 8 *private** patrolmen. Any licensee who shall employ any person in
 9 the aforementioned categories subsequent to its securing a license
 10 or renewal thereof and for whom the fee of \$15.00 has not been paid
 11 shall pay the fee of \$15.00 for each of said persons prior to the
 12 commencement of said employment with the licensee. Thereafter
 13 any licensee at the time of any renewal of its license hereunder shall

14 pay a renewal fee of \$5.00 for each of said employees in the afore-
15 mentioned categories for whom an initial fee of \$15.00 has been paid
16 by said licensee.

17 **b. Any licensee who shall employ any person in the aforemen-*
18 *tioned categories in subsection a. above without having paid the*
19 *fees in accordance with said subsection a. shall be a disorderly*
20 *person.**

1 4. This act shall take effect immediately.

ASSEMBLY, No. 2345

STATE OF NEW JERSEY

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8 following matters, notwithstanding the fact that other functions and
9 services may also be performed by the same person, firm, associa-
10 tion or corporation for fee, hire or reward, to wit: (1) crime or
11 wrong done or threatened or assumed to have been done or threat-
12 ened against the Government of the United States of America, or
13 any State, Territory or Possession of the United States of America;
14 (2) the identity, habits, conduct, movements, whereabouts, affilia-
15 tions, associations, transactions, reputation or character of any
16 person, association, organization, society or groups of persons,
17 firms or corporations; (3) the credibility of witnesses or other
18 persons; (4) the whereabouts of missing persons; (5) the location
19 or recovery of lost or stolen property; (6) the causes and origin of,
20 or responsibility for, fires, libels, accidents, damage, injuries or
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27 of evidence to be used before any investigating committee, board of
28 award, board of arbitration, or in the trial of any civil or criminal
29 cause; provided, however, that the term shall not include a person,
30 firm, association or corporation engaged exclusively in the business
31 of making investigations and reports as to the financial standing,
32 credit and financial responsibility of persons, firms, associations or
33 corporations nor to electrically controlled burglar or fire alarm
34 system with a central unit, nor to any person, firm, association or
35 corporation engaged in the business of making reports for insur-
36 ance or credit purposes. Also it shall mean the furnishing for hire
37 or reward of watchmen or guards or private patrolmen or other
38 persons to protect persons or property, either real or personal, or for
39 any other purpose whatsoever. The term shall not include and noth-
40 ing in this act shall apply to any lawful activity of any board, body,
41 commission or agency of the United States of America or of any
42 State, Territory or Possession of the United States of America, or
43 any county, municipality, school district, or any officer or employee
44 solely, exclusively and regularly employed by any of the foregoing;
45 nor to any attorney or counsellor-at-law in connection with the
46 regular practice of his profession, nor to any person employed by
47 any such attorney or counsellor-at-law when engaged upon
48 his employer's business; nor to any employee, investigator
49 or investigators solely, exclusively and regularly employed
50 by any person, firm, association or corporation which is not
51 engaged in any of the businesses hereinbefore described in items
52 numbered one to nine, both inclusive, of this subsection in so far as
53 their acts may relate solely to the business of their respective em-
54 ployers; nor to any person, firm, association or corporation licensed
55 to do a business of insurance of any nature under the insurance laws
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58 gation solely for its own account.

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8 business, and to own, conduct and maintain one or more bureaus,
9 agencies, subagencies, offices or branch offices for the conduct of
10 such business at the location stated in said application, together
11 with as many copies of said license as there are to be offices,
12 bureaus, agencies, subagencies, offices or branch offices, upon the
13 payment by the applicant to the superintendent of a license fee
14 which in the case of an individual *or partnership* shall be **[\$200.00]**
15 **\$250.00**, and in the case of a **[firm, association or]** corporation
16 shall be **\$300.00[,]. [and]** *Any license or renewal thereof shall be*
17 *further conditioned* upon the applicant executing and delivering to
18 the superintendent a bond with a surety company authorized to be
19 surety in the State of New Jersey, as surety, and approved as to
20 form, manner of execution and sufficiency by the superintendent
21 of the State Police, running to the State of New Jersey and which
22 shall be for the benefit of any person injured by willful, malicious
23 or wrongful act of the applicant (with a sufficient surety bond),
24 which in the case of an individual shall be \$3,000.00, and in the
25 case of a firm, association or corporation \$5,000.00, which said
26 bond shall be conditioned for the faithful and honest conduct of
27 such business by the applicant. The license so granted by the
28 superintendent shall be valid for a period of **[5]** 2 years, *and upon*
29 *renewal thereof said applicant shall pay to the superintendent in*
30 *the case of an individual or partnership a license fee of \$200.00*
31 *and in the case of a corporation \$250.00. [but]* *The license shall be*
32 *revocable by the superintendent after hearing for cause. In case*
33 *of revocation or surrender of any license, no refund shall be made*
34 *of any license fee paid under the provisions hereof. The license*
35 *shall be in a form to be prescribed by the superintendent and shall*

36 set forth the full name of the applicant, the location of the principal
37 office or place of business, and the location of each bureau, agency,
38 subagency, office or branch office for which the license is issued,
39 date on which it is issued, the date on which it will expire, and the
40 name or names of the persons named in the application, and their
41 respective addresses. In the event of any change in the member-
42 ship of the firm or in the officers or directors of any association
43 or corporation or any change in the address of any office or loca-
44 tion of such business the superintendent shall be notified in writing
45 of such change within 5 days thereafter, and failure to give such
46 notification shall be sufficient cause for revocation of such license.

47 No license shall be issued to a person under the age of 25 years,
48 nor to any person, firm, association or corporation unless such
49 person or at least one member of the firm and one officer or director
50 of the association or corporation has had at least 5 years' experi-
51 ence as an investigator or as a police officer with an organized
52 police department of the State or a county or municipality thereof,
53 or with an investigative agency of the United States of America
54 or any State, county or municipality thereof.

55 The superintendent and all members of the State Police shall
56 hold as confidential all information obtained as a result of any
57 investigation of any applicant or officer, assistant, or employee of
58 any holder of any license issued under the provisions of this act,
59 and the same shall not be divulged except by an order so to do by
60 a court of record of this State.

1 3. Subsequent to the effective date of this act, every applicant
2 for a license or renewal thereof shall pay to the superintendent
3 in addition to the foregoing license or renewal fees, an additional
4 fee of \$15.00 for each person in its employ engaged in said em-
5 ployment as a private detective, investigator or special policeman,
6 which latter term shall include watchmen, guards and patrolmen.
7 Any licensee who shall employ any person in the aforementioned
8 categories subsequent to its securing a license or renewal thereof
9 and for whom the fee of \$15.00 has not been paid shall pay the fee
10 of \$15.00 for each of said persons prior to the commencement of
11 said employment with the licensee. Thereafter any licensee at the
12 time of any renewal of its license hereunder shall pay a renewal
13 fee of \$5.00 for each of said employees in the aforementioned
14 categories for whom an initial fee of \$15.00 has been paid by said
15 licensee.

1 4. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 2345

STATE OF NEW JERSEY

ADOPTED MAY 10, 1971

Amend page 3, section 2, line 8, after "business", omit ", and to", insert ". Such licensee shall be permitted to".

Amend page 3, section 2, line 10, omit "location", insert "locations"; omit ", together".

Amend page 3, section 2, line 11, omit in its entirety.

Amend page 3, section 2, line 12, omit "bureaus, agencies, subagencies, offices or branch offices,".

Amend page 3, section 2, line 13, after "fee", insert "for each location so licensed".

Amend page 3, section 2, line 14, omit "or partnership".

Amend page 3, section 2, line 15, after "a", insert "firm, association or".

Amend page 3, section 2, line 30, omit "or partnership".

Amend page 3, section 2, line 31, after "a", insert "firm, association or"; after "\$250.00", insert "for each location for which such a license is renewed".

Amend page 4, section 3, line 1, after "3.", insert "a."; omit "applicant", insert "licensee".

Amend page 4, section 3, line 2, omit "for a license or renewal thereof".

Amend page 4, section 3, line 3, omit "in addition to the foregoing license or renewal fees,".

Amend page 4, section 3, line 5, after "ployment", insert "in this State"; after "detective", omit ",", insert "or"; after "investigator", omit "or special policeman".

Amend page 4, section 3, line 6, omit "latter term", insert "terms"; after "and", insert "private".

Amend page 4, section 3, after line 15 insert a paragraph:

"b. Any licensee who shall employ any person in the aforementioned categories in subsection a. above without having paid the fees in accordance with said subsection a. shall be a disorderly person."