WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 193

(By Mr. Beam)

PASSED March 12, 1959

In Effect

Passage

Filed in Office of the Secretary of State of West Virginia MAR 20 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen, relating to licensing of private detectives and investigators and prescribing penalties in connection therewith.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seventeen, to read as follows:

Article 17. Private Detectives and Investigators.

Section 1. Licenses.—No person, firm, company, partnership or corporation shall engage in the business of private detective or investigator or the business of watch, guard or patrol agency for the purpose of furnishing
guards, patrolmen, or other persons to protect persons
or property or to prevent the theft or the unlawful taking
of goods, wares, merchandise, money, bonds, stocks, docu-
ments and other articles of value, or in the business of
furnishing or supplying information as to the personal
character or activities of any person, firm, company, or
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, firm, company or corpora-
tion, or own or conduct or maintain a bureau or agency
for the above mentioned purpose, except as hereinafter
provided in section six, for fee, hire or reward, or adver-
tise his or their business to be that of detective or of a
detective agency or investigator, or watch, guard or pa-
trol 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 from
the office of the secretary of state a license so to do, as
hereinafter provided.

Sec. 2. Application for License; Qualifications.—Every
applicant for a license hereunder shall file in the office of the secretary of state a written application, in such form as the secretary may prescribe, duly signed and verified as follows:

(1) If the applicant is a person, the application shall be signed and verified by such person, and if the applicant is a firm or partnership, the application shall be signed and verified by each individual composing or intending to compose such firm or partnership. In addition to such other information as may be required by the secretary as to good character, competency and integrity of each person signing such application, the application shall include a complete identification of each person so signing such application and shall state whether the applicant, if he be a person, has, or, in the case of a firm or partnership, the members or partners, or any of them, have ever been convicted of a felony or other offense set forth in section three. The application shall be duly sworn by each person signing the same and acknowledged before a person authorized to take oaths and acknowledgment of deeds. In addition, each person signing such applica-
tion shall submit therewith, statements in writing of no
less than five reputable citizens of this state attesting
the good moral character of each such person.

Every such applicant shall establish to the satisfaction
of the secretary of state that such applicant, if he be a
person, or, in the case of a firm, partnership or corpora-
tion, at least one member of such firm, partnership or
corporation, has been regularly employed as a detective
or shall have been a member of any United States gov-
ernment investigative service, a sheriff or member of a
city or state police department, for a period of not less
than three years, or shall have had at least one year's
training in investigative work at an accredited college or
university or licensed private detective agency.

(2) If the applicant is a corporation, the application
shall be signed and verified by the president and secretary
of such corporation. In addition to such further infor-
mation as may be required by the secretary, each and
every requirement of subdivision (1) of this section as
to a person or individual member of a firm or partnership
shall apply to each and every officer of such corporation.
Each successor of any such officer, prior to entering upon the discharge of his duties, shall sign and verify a statement, in such form as the secretary may prescribe, setting forth the information required by subsection (1) of this section.

Sec. 3. Issuance of License; Fee; Bond.—An applicant for a license hereunder shall pay to the secretary a license fee of fifty dollars, if the applicant be an individual, or one hundred dollars, if the applicant be a firm, partnership or corporation, or five hundred dollars, if a nonresident of West Virginia or a foreign corporation. When the secretary of state shall be satisfied as to the good character, competency and integrity of such applicant, or, if the applicant be a firm, partnership or corporation, of each of the individual members or officers thereof, he shall issue and deliver to such applicant a certificate of license: Provided, That such applicant shall file in the office of the secretary of state a corporate surety bond in the sum of two thousand five hundred dollars conditioned for the faithful and honest conduct of such business by such applicant, which surety bond must be written by a company
recognized and approved by the insurance commissioner
of the state and approved by the attorney general of the
state with respect to its form, manner of execution and
sufficiency. Each license issued hereunder shall be for a
period of one year and shall be revocable at all times for
cause shown.

Except as hereinafter provided, no such license shall be
issued to any person who, or to a firm, partnership or
corporation if any member or officer thereof, has been con-
victed in this state or any other state or territory of a
felony, or any of the following misdemeanors, or offenses,
to wit: (a) illegally using, carrying or possessing a pistol
or other dangerous weapon; (b) making or possessing
burglar's instruments; (c) buying or receiving stolen
property; (d) unlawful entry of a building; (e) aiding
escape from prison; (f) unlawful possessing or distributing
habit forming narcotic drugs; or (g) any felony offense
involving moral turpitude. The provisions of this section
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, or who
has received a certificate of good conduct granted by the board of parole to remove the disability under this section because of such conviction.

Sec. 4. Renewal of Licenses.—A license granted under the provisions of this article may be renewed for a period of one year by the secretary of state upon application therefor, by the holder thereof, in such form as the secretary may prescribe, and upon payment of the fee and the filing of the surety bond as hereinabove provided in section three.

Sec. 5. Authority of the Secretary of State.—The secretary of state shall have the authority to promulgate and enforce such rules and regulations as he shall deem necessary for the administration and enforcement of this article and for the issuance, suspension or revocation of licenses issued under the provisions of this article. Before denying an application for a license, or a renewal thereof, or before suspending or revoking any license, the secretary shall afford said applicant or licensee an opportunity to be heard in person or by counsel in reference thereto, and at least fifteen days prior to the date set for
the hearing on such matter, notify in writing the appli-
cant for, or the holder of, such license of the date of said
hearing. The action of the secretary of state in granting
or renewing, or in refusing to grant or to renew, a license
hereunder, or in revoking or suspending such license,
shall be subject to review by the circuit court of Kanawha
county or other court of competent jurisdiction.

Sec. 6. Application of Article.—Nothing in this article
shall apply to any law enforcement officer of the state,
or any county, city, town or village thereof, while en-
gaged in the performance of his official duties; nor to any
person, firm, company, partnership, corporation, or any
bureau or agency, whose business is the furnishing of
information as to the business and financial standing, and
credit responsibility of persons, firms, 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; nor to any
corporation duly authorized by the state to operate a
central burglar or fire alarm protection business; nor to
any person while engaged in the business of adjuster for
an insurance company or companies 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 state and which is organized and maintained for the public good and not for private profit, nor shall anything in this article contained be construed to affect in any way attorneys or counselors at law or any employee or representative of such attorney or counselor at law.

Sec. 7. Disposition of Fees.—All fees collected hereunder by the secretary of state shall be paid to the treasurer of the state and deposited in the general revenue fund.

Sec. 8. Penalties.—Any person, firm, partnership or corporation who shall engage in the business of private detective as defined in section one without having first obtained a license as required under this article or who shall violate any of the other provisions of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect ____________ passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker, House of Delegates

The within __________________ this the _____ day of ________, 1959.

[Signature]
Governor