

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 193

(By Mr. BOARD)



PASSED March 12 1959

In Effect from Passage



Filed in Office of the Secretary of State
of West Virginia **MAR 20 1959**
JOE F. BURDETT
SECRETARY OF STATE

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House Bill No. 193
(By MR. BOARD)

[Passed March 12, 1959; in effect from passage.]

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

5 guards, patrolmen, or other persons to protect persons
6 or property or to prevent the theft or the unlawful taking
7 of goods, wares, merchandise, money, bonds, stocks, docu-
8 ments and other articles of value, or in the business of
9 furnishing or supplying information as to the personal
10 character or activities of any person, firm, company, or
11 corporation, society or association, or any person or group
12 of persons, or as to the character or kind of the business
13 and occupation of any person, firm, company or corpora-
14 tion, or own or conduct or maintain a bureau or agency
15 for the above mentioned purpose, except as hereinafter
16 provided in section six, for fee, hire or reward, or adver-
17 tise his or their business to be that of detective or of a
18 detective agency or investigator, or watch, guard or pa-
19 trol agency, notwithstanding the name or title used in
20 describing such agency or notwithstanding the fact that
21 other functions and services may also be performed for
22 fee, hire or reward, without having first obtained from
23 the office of the secretary of state a license so to do, as
24 hereinafter provided.

Sec. 2. *Application for License; Qualifications.*—Every

2 applicant for a license hereunder shall file in the office
3 of the secretary of state a written application, in such
4 form as the secretary may prescribe, duly signed and
5 verified as follows:

6 (1) If the applicant is a person, the application shall
7 be signed and verified by such person, and if the applicant
8 is a firm or partnership, the application shall be signed
9 and verified by each individual composing or intending
10 to compose such firm or partnership. In addition to such
11 other information as may be required by the secretary
12 as to good character, competency and integrity of each
13 person signing such application, the application shall in-
14 clude a complete identification of each person so signing
15 such application and shall state whether the applicant,
16 if he be a person, has, or, in the case of a firm or partner-
17 ship, the members or partners, or any of them, have ever
18 been convicted of a felony or other offense set forth in
19 section three. The application shall be duly sworn by
20 each person signing the same and acknowledged before
21 a person authorized to take oaths and acknowledgment
22 of deeds. In addition, each person signing such applica-

23 tion shall submit therewith, statements in writing of no
24 less than five reputable citizens of this state attesting
25 the good moral character of each such person.

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

37 (2) If the applicant is a corporation, the application
38 shall be signed and verified by the president and secretary
39 of such corporation. In addition to such further infor-
40 mation as may be required by the secretary, each and
41 every requirement of subdivision (1) of this section as
42 to a person or individual member of a firm or partnership
43 shall apply to each and every officer of such corporation.

44 Each successor of any such officer, prior to entering upon
45 the discharge of his duties, shall sign and verify a state-
46 ment, in such form as the secretary may prescribe, set-
47 ting forth the information required by subsection (1) of
48 this section.

Sec. 3. *Issuance of License; Fee; Bond.*—An applicant
2 for a license hereunder shall pay to the secretary a license
3 fee of fifty dollars, if the applicant be an individual, or
4 one hundred dollars, if the applicant be a firm, partner-
5 ship or corporation, or five hundred dollars, if a nonresi-
6 dent of West Virginia or a foreign corporation. When the
7 secretary of state shall be satisfied as to the good character,
8 competency and integrity of such applicant, or, if the
9 applicant be a firm, partnership or corporation, of each
10 of the individual members or officers thereof, he shall issue
11 and deliver to such applicant a certificate of license: *Pro-*
12 *vided*, That such applicant shall file in the office of the
13 secretary of state a corporate surety bond in the sum of
14 two thousand five hundred dollars conditioned for the
15 faithful and honest conduct of such business by such ap-
16 plicant, which surety bond must be written by a company

17 recognized and approved by the insurance commissioner
18 of the state and approved by the attorney general of the
19 state with respect to its form, manner of execution and
20 sufficiency. Each license issued hereunder shall be for a
21 period of one year and shall be revocable at all times for
22 cause shown.

23 Except as hereinafter provided, no such license shall be
24 issued to any person who, or to a firm, partnership or
25 corporation if any member or officer thereof, has been con-
26 victed in this state or any other state or territory of a
27 felony, or any of the following misdemeanors, or offenses,
28 to wit: (a) illegally using, carrying or possessing a pistol
29 or other dangerous weapon; (b) making or possessing
30 burglar's instruments; (c) buying or receiving stolen
31 property; (d) unlawful entry of a building; (e) aiding
32 escape from prison; (f) unlawful possessing or distributing
33 habit forming narcotic drugs; or (g) any felony offense
34 involving moral turpitude. The provisions of this section
35 shall not prevent the issuance of a license to any person
36 who, subsequent to his conviction, shall have received
37 executive pardon therefor removing this disability, or who

38 has received a certificate of good conduct granted by the
39 board of parole to remove the disability under this section
40 because of such conviction.

Sec. 4. *Renewal of Licenses.*—A license granted under
2 the provisions of this article may be renewed for a period
3 of one year by the secretary of state upon application
4 therefor, by the holder thereof, in such form as the secre-
5 tary may prescribe, and upon payment of the fee and the
6 filing of the surety bond as hereinabove provided in sec-
7 tion three.

Sec. 5. *Authority of the Secretary of State.*—The secre-
2 tary of state shall have the authority to promulgate and
3 enforce such rules and regulations as he shall deem neces-
4 sary for the administration and enforcement of this ar-
5 ticle and for the issuance, suspension or revocation of
6 licenses issued under the provisions of this article.

7 Before denying an application for a license, or a renewal
8 thereof, or before suspending or revoking any license, the
9 secretary shall afford said applicant or licensee an op-
10 portunity to be heard in person or by counsel in reference
11 thereto, and at least fifteen days prior to the date set for

12 the hearing on such matter, notify in writing the appli-
13 cant for, or the holder of, such license of the date of said
14 hearing. The action of the secretary of state in granting
15 or renewing, or in refusing to grant or to renew, a license
16 hereunder, or in revoking or suspending such license,
17 shall be subject to review by the circuit court of Kanawha
18 county or other court of competent jurisdiction.

Sec. 6. *Application of Article.*—Nothing in this article
2 shall apply to any law enforcement officer of the state,
3 or any county, city, town or village thereof, while en-
4 gaged in the performance of his official duties; nor to any
5 person, firm, company, partnership, corporation, or any
6 bureau or agency, whose business is the furnishing of
7 information as to the business and financial standing, and
8 credit responsibility of persons, firms, or corporations, or
9 as to the personal habits and financial responsibility of
10 applicants for insurance, indemnity bonds or commercial
11 credit or of claimants under insurance policies; nor to any
12 corporation duly authorized by the state to operate a
13 central burglar or fire alarm protection business; nor to
14 any person while engaged in the business of adjuster for

15 an insurance company or companies nor to any person
16 regularly employed as special agent, detective or investi-
17 gator exclusively by one employer in connection with the
18 affairs of that employer only nor to any charitable or
19 philanthropic society or association duly incorporated
20 under the laws of the state and which is organized and
21 maintained for the public good and not for private profit,
22 nor shall anything in this article contained be construed
23 to affect in any way attorneys or counselors at law or any
24 employee or representative of such attorney or counselor
25 at law.

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

Sec. 8. *Penalties.*—Any person, firm, partnership or cor-
2 poration who shall engage in the business of private de-
3 tective as defined in section one without having first ob-
4 tained a license as required under this article or who shall
5 violate any of the other provisions of this article shall
6 be guilty of a misdemeanor, and, upon conviction thereof,
7 shall be fined not less than one hundred dollars nor more
8 than one thousand dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. M. Jasper
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates

Takes effect *Jan 1* passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Joseph Bean
President of the Senate

H. R. Pauley
Speaker, House of Delegates

The within *approved* this the *30th*

day of *March* 1959.

W. P. Henderson
Governor

