

LEGISLATIVE BILL 25

Approved by the Governor August 15, 2002

Introduced by Thompson, 14

AN ACT relating to private detectives; to amend sections 71-3204 and 71-3209, Reissue Revised Statutes of Nebraska, and section 71-3205, Revised Statutes Supplement, 2000; to change provisions relating to fees; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-3204, Reissue Revised Statutes of Nebraska, is amended to read:

71-3204. (1) The secretary shall have power and authority to ~~make, adopt,~~ adopt and promulgate and to alter from time to time rules and regulations relating to the administration of, but not inconsistent with, the provisions of sections 71-3201 to 71-3213.

(2) The secretary shall establish fees for initial and renewal applications for applicants at rates sufficient to cover the costs of administering sections 71-3201 to 71-3213.

Sec. 2. Section 71-3205, Revised Statutes Supplement, 2000, is amended to read:

71-3205. Any person desiring to engage in the private detective business in the State of Nebraska and desiring to be licensed under sections 71-3201 to 71-3213 shall file with the secretary an application for a license. The secretary shall issue to the person if qualified therefor a nontransferable license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska as follows:

(1) If the applicant is an individual, the individual, if the applicant is a corporation, each of its individual officers performing the duties of the president, the secretary, and the treasurer of the corporation and the duties of the manager of the business of the corporation in the State of Nebraska, or if the applicant is any person other than an individual or a corporation, each of the individual partners, members, managers, officers, or other individuals having a right to participate in the management of the applicant's business in the State of Nebraska, before the license may be issued, shall be at least twenty-one years of age, a citizen of the United States, and of good moral character, temperate habits, and good reputation for truth, honesty, and integrity and shall have such experience and competence in the detective business or otherwise as the secretary may determine to be reasonably necessary for the individual to perform the duties of his or her position with the applicant in a manner consistent with the public interest and welfare. No license issued under sections 71-3201 to 71-3213 shall be issued or renewed to any person who in any manner engages in the business of debt collection in the State of Nebraska as licensee or employee of a licensee as provided in the Collection Agency Act. If any collection agency, or any person in the employ of such agency with knowledge of the owner or operator of such agency, engages in the business of a private detective or represents to others that he or she is engaged in such business, it shall be cause for suspension or revocation of such agency's license as a collection agency. Prior to the issuance of the license, the secretary shall notify the Nebraska State Patrol, and the patrol shall investigate the character and reputation of the applicant respecting his or her fitness to engage in the business of a private detective. Upon completion of the investigation, the patrol shall notify the secretary of the results of the investigation within ninety days after the date of the application. The license shall be issued by the secretary unless he or she has received within ninety days after the application is made for the license a report of investigation from the patrol stating that the applicant is not of the proper character and reputation to engage in the business of a private detective; and

(2) The applications shall be made on a suitable form prescribed by the secretary, shall include the applicant's social security number if the applicant is an individual, shall be accompanied when filed by an application fee established pursuant to section 71-3204, of fifty dollars for a license for a private detective, one hundred dollars for a license for a private detective agency, or twenty-five dollars for a license for a plain clothes investigator, shall be signed and verified by each individual connected with the applicant to whom the requirements of subdivision (1) of this section

apply, and may contain such information, including specimens of fingerprints, as may be required by the secretary.

Sec. 3. Section 71-3209, Reissue Revised Statutes of Nebraska, is amended to read:

71-3209. Each license issued or renewed by the secretary shall expire on June 30 of the first even-numbered year following its issuance and may be renewed by the secretary upon the payment by the licensee, not later than the expiration date, of a the license renewal fee of fifty dollars for a license for a private detective, one hundred dollars for a license for a private detective agency, or twenty-five dollars for a license for a plain clothes investigator established pursuant to section 71-3204 and upon the submission by such licensee of such a license renewal application as the secretary may prescribe as reasonably necessary to ascertain such licensee's continued compliance with the provisions of sections 71-3201 to 71-3213.

Sec. 4. This act becomes operative on October 1, 2002.

Sec. 5. Original sections 71-3204 and 71-3209, Reissue Revised Statutes of Nebraska, and section 71-3205, Revised Statutes Supplement, 2000, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.