

CHAPTER 1235**PRIVATE INVESTIGATIONS AND SECURITY AGENCIES***S.F. 449*

AN ACT relating to licensing private investigative agencies and private security agencies, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 80A.1 DEFINITIONS.** As used in this chapter unless the context otherwise requires:

1. "Commissioner" means the commissioner of public safety.
2. "Department" means the department of public safety.
3. "Licensee" means a person licensed under this chapter.
4. "Person" means an individual, partnership, corporation, or other business entity.
5. "Private investigative agency" means a person engaged in a private investigation business.
6. "Private investigation business" means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:
 - a. Crime or wrongs done or threatened.
 - b. The habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of a person.
 - c. The credibility of witnesses or other persons.
 - d. The location or recovery of lost or stolen property.
 - e. The cause, origin, or responsibility for fires, accidents, or injuries to property.
 - f. The truth or falsity of a statement or representation.
 - g. Detection of deception.
 - h. The business of securing evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.
7. "Private security agency" means a person engaged in a private security business.
8. "Private security business" means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district.
9. "Uniform" means a manner of dress of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public.

Sec. 2. **NEW SECTION. 80A.3 PERSONS EXEMPT.** This chapter does not apply to the following:

1. An officer or employee of the United States, of a state, or a political subdivision of the United States or of a state while the officer or employee is engaged in the performance of official duties.

2. A peace officer engaged in the private security business or the private investigation business with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency.

3. A person employed full or part-time by one employer in connection with the affairs of the employer.

4. An attorney licensed to practice in Iowa, while performing duties as an attorney.

5. A person engaged exclusively in the business of obtaining and furnishing information regarding the financial rating or standing and credit of persons.

6. A person exclusively employed in making investigations and adjustments for insurance companies.

7. A person who is the legal owner of personal property which has been sold under a security agreement or a conditional sales agreement, or a secured party under the terms of a security interest while the person is performing acts relating to the repossession of the property.

Sec. 3. NEW SECTION. 80A.4 LICENSE REQUIRED. A person shall not operate a private investigation business or private security business or employ persons in the operation of such a business unless the person is licensed by the commissioner. A license issued under this chapter expires two years from the date issued.

Sec. 4. NEW SECTION. 80A.5 LICENSE REQUIREMENTS.

1. Applications for a license or license renewal shall be submitted to the commissioner in the form the commissioner prescribes. A license shall not be issued unless the applicant:

a. Is eighteen years of age or older.

b. Is not a peace officer.

c. Has never been convicted of a felony or aggravated misdemeanor.

d. Is not addicted to the use of alcohol or a controlled substance.

e. Does not have a history of repeated acts of violence.

f. Is of good moral character and has not been judged guilty of a crime involving moral turpitude.

g. Has not been convicted of a crime described in sections 708.3, 708.4, 708.5, 708.6, 708.8, or 708.9.

h. Has not been convicted of illegally using, carrying or possessing a dangerous weapon.

i. Has not been convicted of fraud.

j. Complies with other qualifications and requirements the commissioner adopts by rule.

2. If the applicant is a corporation, partnership, or association the requirements of subsection 1 apply to each officer, director, partner, and person who directly or indirectly owns or controls ten percent or more of any class of stock or has an interest of ten percent or more in the ownership or profits of the corporation, partnership, or association. Under this section an individual and spouse are regarded as one person.

3. Each employee of an applicant or licensee shall possess the same qualifications required by subsection 1 of this section for a licensee.

Sec. 5. NEW SECTION. 80A.6 LICENSEE FEE. An applicant for a license shall deposit with each application the fee for the license. If the application is approved the deposited amount shall be applied on the license fee. If the application is disapproved, the deposited amount shall be refunded to the applicant. The fee for a two-year private investigative agency and private security agency license is one hundred dollars.

Sec. 6. NEW SECTION. 80A.7 DISPLAY OF LICENSE. A private investigation agency and private security agency shall conspicuously display the license in the principal place of business of the agency.

Sec. 7. NEW SECTION. 80A.8 IDENTIFICATION CARDS. The department shall issue to each licensee and to each employee of the licensee an identification card in a form approved by the commissioner. It is unlawful for a person to act in the private investigation business or private security business unless the person has in the person's immediate possession an identification card issued under this section.

The licensee is responsible for the use of identification cards by the licensee's employees and shall return an employee's card to the department upon termination of the employee's service. Identification cards remain the property of the department. The fee for each card is three dollars.

A county sheriff may issue temporary identification cards valid for fourteen days to a person employing individuals on a temporary basis for private security business in the county. The fee for each card is three dollars. The form of the temporary identification cards shall be approved by the commissioner.

Sec. 8. NEW SECTION. 80A.9 DUPLICATE LICENSE. A duplicate license shall be issued by the commissioner upon the payment of a fee in the amount of five dollars and upon receiving for filing, in the form prescribed, a statement under oath that the original license has been lost or destroyed and that, if the original license is recovered, the original or the duplicate will be returned immediately to the commissioner for cancellation.

Sec. 9. NEW SECTION. 80A.10 BADGES — UNIFORMS. A licensee or an employee of a licensee shall not use a badge in connection with the activities of the licensee's business unless the badge has been prescribed or approved by the commissioner. A licensee or an employee of a licensee shall not use an identification card other than the card issued by the department or make a statement with the intent to give the impression that the licensee or employee is a peace officer.

A uniform worn by a licensee or employee of a licensee shall conform with rules adopted by the commissioner.

Sec. 10. NEW SECTION. 80A.11 LICENSEE'S BOND. A license shall not be issued unless the applicant files with the department a surety bond in an amount determined by the number of employees of the applicant. If an applicant has from one to three employees, the bond shall be in the amount of ten thousand dollars. If an applicant has from four to thirty employees, the bond shall be in the amount of twenty-five thousand dollars. If an applicant has more than thirty employees, the bond shall be in the amount of fifty thousand dollars. The bond shall be issued by a surety company authorized to do business in this state. The bond shall be conditioned on the faithful, lawful, and honest conduct of the applicant and those employed by the applicant in carrying on the business licensed. The bond shall provide that a person injured by a breach of the conditions of the bond may bring an action on the bond to recover legal damages suffered by reason of the breach. However, the aggregate liability of the surety for all damages shall not exceed the amount of the bond. Bonds issued and filed with the department shall remain in force and effect until the surety has terminated future liability by a written thirty-day notice to the department.

Sec. 11. NEW SECTION. 80A.12 WRITTEN REPORT. The licensee shall furnish, upon the client's request, a written report describing all the work performed by the licensee for that client.

Sec. 12. NEW SECTION. 80A.13 SUSPENSION OR REVOCATION. The commissioner may refuse to issue, or may suspend or revoke a license issued, for any of the following reasons:

1. Fraud in applying for or obtaining a license.
2. Violation of any of the provisions of this chapter.
3. If a licensee or employee of a licensee has been adjudged guilty of a crime involving moral turpitude, a felony, or an aggravated misdemeanor.
4. If a licensee willfully divulges to an unauthorized person information obtained by the licensee in the course of the licensed business.

5. Upon the disqualification or insolvency of the surety on the licensee's bond, unless the licensee files a new bond with sufficient surety within fifteen days of the receipt of notice from the commissioner.

6. If the applicant for a license or licensee or employee of a licensee fails to meet or retain any of the other qualifications provided in section 80A.5.

7. If the licensee fails to maintain the general liability insurance coverage required in section 80A.11.

8. If the applicant for a license or licensee knowingly makes a false statement or knowingly conceals a material fact or otherwise commits perjury in an original application or a renewal application.

9. Willful failure or refusal to render to a client services contracted for and for which compensation has been paid or tendered in accordance with the contract.

Sec. 13. NEW SECTION. 80A.14 CAMPUS WEAPON REQUIREMENTS. An individual employed by a college or university, or by a private security business holding a contract with a college or university, who performs private security duties on a college or university campus and who carries a weapon while performing these duties shall meet all of the following requirements:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved firearms training program under section 724.9.

2. Possess a permit to carry weapons issued by the sheriff of the county in which the campus is located under sections 724.6 through 724.11.

3. File with the sheriff of the county in which the campus is located a sworn affidavit from the employer outlining the nature of the duties to be performed and justification of the need to go armed.

Sec. 14. NEW SECTION. 80A.15 DEPOSIT OF FEES. Fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department to offset the cost of administering this chapter. Any unspent balance as of June 30 of each year shall revert to the general fund as provided by section 8.33.

Sec. 15. NEW SECTION. 80A.16 RULES. The commissioner may adopt administrative rules pursuant to chapter 17A to carry out this chapter.

Sec. 16. NEW SECTION. 80A.17 PENALTIES. A person who violates any of the provisions of this chapter where no other penalty is provided is guilty of a simple misdemeanor. A person who makes a false statement or representation in an application or statement filed with the commissioner, as required by this chapter, or a person who falsely states or represents that the person has been or is a private investigator or private security agent or advertises as such is guilty of a fraudulent practice. A person who engages in a private investigation or private security business as defined in this chapter, without possessing a current valid license as provided by this chapter, is guilty of a serious misdemeanor.

Sec. 17. Section 724.6, Code Supplement 1983, is amended to read as follows:

724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person may be issued a permit to carry weapons when the person's employment in a private investigation business or private security business licensed under chapter 80A, or a person's employment as a peace officer, correctional officer, security guard, private detective licensed under chapter 80A, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed. The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder, and

shall state the nature of the employment requiring the holder to go armed. A permit so issued, other than to a peace officer, shall authorize the person to whom it is issued to go armed anywhere in the state, only while engaged in the employment, and while going to and from the place of the employment. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state at all times. Permits shall expire twelve months after the date when issued except that permits issued to peace officers and correctional officers are valid through the officer's period of employment unless otherwise canceled. When the employment is terminated, the holder of the permit shall surrender it to the issuing officer for cancellation.

Sec. 18. Chapter 80A, Code 1983, is repealed and sections 1 through 16 of this Act are inserted in lieu thereof.

Sec. 19. This Act takes effect January 1 following its enactment.

Approved May 8, 1984

CHAPTER 1236

FAMILY FARM DEVELOPMENT AUTHORITY

S.F. 2102

AN ACT relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 175.7, subsections 1 and 2, Code 1983, are amended to read as follows:

1. ~~The executive director and staff of the Iowa housing finance authority shall also serve as executive director and staff of the authority, respectively governor, subject to confirmation by the senate, shall appoint an executive director of the authority, who shall serve at the pleasure of the governor. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation.~~ The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

2. The executive director shall advise the authority on matters relating to agricultural land and property and agricultural finance, and carry out all directives from the authority, and ~~may~~ shall hire and supervise ~~additional the~~ the authority's staff pursuant to its directions and under the provisions of chapter 19A, except that principal administrative assistants with responsibilities in beginning farm loan programs, accounting, mortgage loan processing, and investment portfolio management are exempt from that chapter.

Sec. 2. Section 220.10, subsection 1, Code Supplement 1983, is amended to read as follows:

1. All moneys declared by the authority to be surplus moneys which are not required to service bonds and notes issued by the authority, to pay administrative expenses of the authority,