

MAR 1 1984

SENATE FILE 449

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 117)

Passed Senate, Date 1-16-84 (p. 111) Passed House, Date 3-27-84 (p. 1339)

Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 3

Approved May 8, 1984

~~Amended & reported~~ 1-18-84 (p. 161)

40-0

A BILL FOR

1 An Act relating to licensing private investigative agencies
2 and private security agencies, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 449

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

3 1. "Commissioner" means the commissioner of public safety.

4 2. "Department" means the department of public safety.

5 3. "Licensee" means a person licensed under this chapter.

6 4. "Person" means an individual, partnership, corporation,
7 or other business entity.

8 5. "Private investigative agency" means a person engaged
9 in a private investigation business.

10 6. "Private investigation business" means the business
11 of making, for hire or reward, an investigation for the purpose
12 of obtaining information on any of the following matters:

13 a. Crime or wrongs done or threatened.

14 b. The habits, conduct, movements, whereabouts,
15 associations, transactions, reputations, or character of a
16 person.

17 c. The credibility of witnesses or other persons.

18 d. The location or recovery of lost or stolen property.

19 e. The cause, origin, or responsibility for fires,
20 accidents, or injuries to property.

21 f. The truth or falsity of a statement or representation.

22 g. Detection of deception.

23 h. The business of securing evidence to be used before
24 authorized investigating committees, boards of award or
25 arbitration, or in the trial of civil or criminal cases.

26 7. "Private security agency" means a person engaged in
27 a private security business.

28 8. "Private security business" means a business of
29 furnishing, for hire or reward, guards, watch personnel,
30 armored car personnel, patrol personnel, or other persons
31 to protect persons or property, to prevent the unlawful taking
32 of goods and merchandise, or to prevent the misappropriation
33 or concealment of goods, merchandise, money, securities, or
34 other valuable documents or papers, and includes an individual
35 who for hire patrols, watches, or guards a residential,

1 industrial, or business property or district.

2 9. "Uniform" means a manner of dress of a particular style
3 and distinctive appearance as distinguished from ordinary
4 clothing customarily used and worn by the general public.

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

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

11 2. A person employed exclusively and regularly by one
12 employer in connection with the affairs of the employer.

13 3. An attorney licensed to practice in Iowa, while
14 performing duties as an attorney.

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

18 5. A person exclusively employed in making investigations
19 and adjustments for insurance companies.

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

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

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

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

- 1 a. Is eighteen years of age or older.
- 2 b. Has never been convicted of a felony or aggravated
3 misdemeanor.
- 4 c. Is not addicted to the use of alcohol or a controlled
5 substance.
- 6 d. Does not have a history of repeated acts of violence.
- 7 e. Is of good moral character and has not been judged
8 guilty of a crime involving moral turpitude.
- 9 f. Has not been convicted of a crime described in sections
10 708.3, 708.4, 708.5, 708.6, 708.8, or 708.9.
- 11 g. Has not been convicted of illegally using, carrying
12 or possessing a dangerous weapon.
- 13 h. Has not been convicted of fraud.
- 14 i. Complies with other qualifications and requirements
15 the commissioner adopts by rule.
- 16 2. If the applicant is a corporation, partnership, or
17 association the requirements of subsection 1 apply to each
18 officer, director, partner, and person who directly or
19 indirectly owns or controls ten percent or more of any class
20 of stock or has an interest of ten percent or more in the
21 ownership or profits of the corporation, partnership, or
22 association. Under this section an individual and spouse
23 are regarded as one person.
- 24 3. Each employee of an applicant or licensee shall possess
25 the same qualifications required by subsection 1 of this
26 section for a licensee.

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

35 Sec. 6. NEW SECTION. 80A.7 DISPLAY OF LICENSE. A private

1 investigation agency and private security agency shall
2 conspicuously display the license in the principal place of
3 business of the agency.

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

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

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

24 Sec. 9. NEW SECTION. 80A.10 BADGES--UNIFORMS. A licensee
25 or an employee of a licensee shall not use a badge in
26 connection with the activities of the licensee's business.
27 A licensee or an employee of a licensee shall not use an
28 identification card other than the card issued by the
29 department or make a statement with the intent to give the
30 impression that the licensee or employee is a peace officer.

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

33 Sec. 10. NEW SECTION. 80A.11 LICENSEE'S INSURANCE AND
34 BOND. A license shall not be issued unless the applicant
35 files with the department a certificate of insurance evidencing

1 comprehensive general liability coverage for death, personal
2 injury, and property damage. Personal injury coverage shall
3 include bodily injury, false arrest, detention or imprisonment,
4 malicious prosecution, libel, slander, defamation of character,
5 and violation of the right of privacy. Death and personal
6 injury coverage shall be in the amount of one hundred thousand
7 dollars per person and three hundred thousand dollars per
8 occurrence, and property damage coverage shall be in the
9 amount of one hundred thousand dollars per occurrence. The
10 certificate shall provide that the insurance shall not be
11 modified or cancelled unless thirty days prior written notice
12 is given to the department.

13 A license shall not be issued unless the applicant files
14 with the department a surety bond in the sum of five thousand
15 dollars issued by a surety company authorized to do business
16 in this state. The bond shall be conditioned on the faithful,
17 lawful, and honest conduct of the applicant and those employed
18 by the applicant in carrying on the business licensed. The
19 bond shall provide that a person injured by a breach of the
20 conditions of the bond may bring an action on the bond to
21 recover legal damages suffered by reason of the breach.
22 However, the aggregate liability of the surety for all damages
23 shall not exceed the amount of the bond. Bonds issued and
24 filed with the department shall remain in force and effect
25 until the surety has terminated future liability by a written
26 thirty-day notice to the department.

27 Sec. 11. NEW SECTION. 80A.12 CONTRACTS. The licensee
28 shall make available to clients a contract which contains
29 a description of the type of service to be performed by the
30 licensee for the client and a statement by the client that
31 the client has a legal right to the information or services
32 requested in the contract. The contract shall outline the
33 charges and agreements on the licensee's part, setting forth
34 what the licensee agrees to do for the client. The contract
35 shall be signed by both parties and a copy of the contract

1 shall be furnished to the client.

2 Sec. 12. NEW SECTION. 80A.13 WRITTEN REPORT. The
3 licensee shall furnish, upon the client's request, a written
4 report describing all the work performed by the licensee for
5 that client. The report shall contain the details of the
6 work, and the date, time, and number of hours spent on an
7 assignment. A requested written report shall be made available
8 to the client within a reasonable time after the work is
9 performed.

10 Sec. 13. NEW SECTION. 80A.14 SUSPENSION OR REVOCATION.
11 The commissioner may refuse to issue, or may suspend or revoke
12 a license issued, for any of the following reasons:

- 13 1. Fraud in applying for or obtaining a license.
- 14 2. Violation of any of the provisions of this chapter.
- 15 3. If a licensee or employee of a licensee has been
16 adjudged guilty of a crime involving moral turpitude, a felony,
17 or an aggravated misdemeanor.
- 18 4. If a licensee willfully divulges to an unauthorized
19 person information obtained by the licensee in the course
20 of the licensed business.
- 21 5. Upon the disqualification or insolvency of the surety
22 on the licensee's bond, unless the licensee files a new bond
23 with sufficient surety within fifteen days of the receipt
24 of notice from the commissioner.
- 25 6. If the applicant for a license or licensee or employee
26 of a licensee fails to meet or retain any of the other
27 qualifications provided in section 80A.5.
- 28 7. If the licensee fails to maintain the general liability
29 insurance coverage required in section 80A.11.
- 30 8. If the applicant for a license or licensee knowingly
31 makes a false statement or knowingly conceals a material fact
32 or otherwise commits perjury in an original application or
33 a renewal application.
- 34 9. Willful failure or refusal to render to a client
35 services contracted for and for which compensation has been

1 paid or tendered in accordance with the contract.

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

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

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

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

26 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
27 may be issued a permit to carry weapons when the person's
28 employment in a private investigation business or private
29 security business licensed under chapter 80A, or a person's
30 employment as a peace officer, correctional officer, security
31 guard, ~~private-detective-licensed-under-chapter-80A~~, bank
32 messenger or other person transporting property of a value
33 requiring security, or in police work, reasonably justifies
34 that person going armed. ~~Such~~ The permits shall be on a form
35 prescribed and published by the commissioner of public safety,

1 shall identify the holder thereof of the permit, and shall
2 state the nature of the employment requiring ~~his-or-her~~ the
3 person going armed. A permit so issued, ~~other than to a peace~~
4 ~~officer,~~ shall authorize the person to whom it is issued to
5 go armed anywhere in the state, only while engaged in ~~such~~
6 the employment for which the permit is issued, and while going
7 to and from the place of ~~such~~ the employment. ~~A permit issued~~
8 ~~to a certified peace officer shall authorize that peace officer~~
9 ~~to go armed anywhere in the state at all times. Any such~~
10 ~~permit~~ A permit issued under this section shall expire twelve
11 months after the date when issued. When ~~such~~ the employment
12 is terminated, the holder of ~~such~~ the permit shall surrender
13 ~~his-or-her~~ the permit to the issuing officer for cancellation.

14 Sec. 18. Chapter 80A, Code 1983, is repealed and sections
15 2 through 17 of this Act are inserted in lieu thereof.

16 EXPLANATION

17 This bill repeals chapter 80A of the Code and replaces
18 it with the bill's provisions. However, the bill reenacts
19 much of the substance of the present Code chapter. There
20 are some internal references to the new sections. Some of
21 the more significant changes in the bill include adding the
22 definition of "private security agency", separating "private
23 security business" from the previous definition of "private
24 detective business", and the qualifications for a license
25 under the chapter. The requirement of insurance and bond
26 and the mandatory provisions of a contract and written report
27 are also new provisions of the chapter. The bill would be
28 effective July 1 following its enactment.

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S-5034

1 Amend Senate File 449 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 "2. A certified police officer."

5 2. Page 2, line 11, by striking the words
6 "exclusively and regularly" and inserting in lieu
7 thereof the words "full or part-time".

8 3. By striking page 7, line 24 through page 8,
9 line 13, and inserting in lieu thereof the following:

10 "Sec. Section 724.6, Code Supplement 1983,
11 is amended to read as follows:

12 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A
13 person may be issued a permit to carry weapons when
14 the person's employment in a private investigation
15 business or private security business licensed under
16 chapter 80A, or a person's employment as a peace
17 officer, correctional officer, security guard, private
18 detective-licensed-under-chapter-80A, bank messenger
19 or other person transporting property of a value
20 requiring security, or in police work, reasonably
21 justifies that person going armed. The permit shall
22 be on a form prescribed and published by the
23 commissioner of public safety, shall identify the
24 holder, and shall state the nature of the employment
25 requiring the holder to go armed. A permit so issued,
26 ~~other-than-to-a-peace-officer,~~ shall authorize the
27 person to whom it is issued to go armed anywhere in
28 the state, only while engaged in the employment, and
29 while going to and from the place of the employment.
30 ~~A-permit-issued-to-a-certified-peace-officer-shall~~
31 ~~authorize-that-peace-officer-to-go-armed-anywhere~~
32 ~~in-the-state-at-all-times.~~ Permits shall expire
33 twelve months after the date when issued except that
34 permits issued to peace officers and correctional
35 officers are valid through the officer's period of
36 employment unless otherwise canceled. When the
37 employment is terminated, the holder of the permit
38 shall surrender it to the issuing officer for
39 cancellation."

40 4. Page 8, line 15, by striking the word and
41 figures "2 through 17" and inserting in lieu thereof
42 the word and figures "1 through 16".

43 5. By numbering and renumbering sections and
44 correcting internal references as necessary.

S-5034 FILED & ADOPTED
JANUARY 18, 1984 (p. 161)

BY TOM SLATER
LOWELL JUNKINS

SENATE FILE 449

S-3272

- 1 Amend Senate File 449 as follows:
2 1. Page 2, by inserting after line 10 the
3 following:
4 "2. A certified police officer."
5 2. Page 7, line 30, by striking the words "peace
6 officer," and inserting in lieu thereof the words
7 "~~peace-officer,~~".
8 3. Page 8, by striking lines 3 and 4 and inserting
9 in lieu thereof the following: "person going armed.
10 A permit so issued, ~~other-than-to-a-peace-officer,~~
11 shall authorize the person to whom it is issued to".
12 4. Page 8, by striking lines 7 through 9 and
13 inserting in lieu thereof the following: "to and
14 from the place of ~~such~~ the employment. A ~~permit~~
15 ~~issued-to-a-certified-peace-officer-shall-authorize~~
16 ~~that-peace-officer-to-go-armed-anywhere-in-the-state~~
17 ~~at-all-times---~~Any-such".
18 5. By numbering and renumbering as necessary.

S-3272 FILED

BY CHARLES P. MILLER

MARCH 21, 1983 *Adopted 1/16/84 (p. 111)*
Reconsidered & placed out of order 1/18 (p. 161)

SENATE FILE 449

S-3473

- 1 Amend Senate File 449 as follows:
2 1. Page 2, line 11, by striking the words "ex-
3 clusively and regularly" and inserting in lieu thereof
4 the words "full or part-time".

S-3473 FILED

BY CHARLES P. MILLER

APRIL 8, 1983

Adopted 1/16/84 (p. 111)
Reconsidered & placed out of order 1/18 (p. 161)

1 Section 1. NEW SECTION. 80A.1 DEFINITIONS. As used
2 in this chapter unless the context otherwise requires:
3 1. "Commissioner" means the commissioner of public safety.
4 2. "Department" means the department of public safety.
5 3. "Licensee" means a person licensed under this chapter.
6 4. "Person" means an individual, partnership, corporation,
7 or other business entity.
8 5. "Private investigative agency" means a person engaged
9 in a private investigation business.
10 6. "Private investigation business" means the business
11 of making, for hire or reward, an investigation for the purpose
12 of obtaining information on any of the following matters:
13 a. Crime or wrongs done or threatened.
14 b. The habits, conduct, movements, whereabouts,
15 associations, transactions, reputations, or character of a
16 person.
17 c. The credibility of witnesses or other persons.
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24 authorized investigating committees, boards of award or
25 arbitration, or in the trial of civil or criminal cases.
26 7. "Private security agency" means a person engaged in
27 a private security business.
28 8. "Private security business" means a business of
29 furnishing, for hire or reward, guards, watch personnel,
30 armored car personnel, patrol personnel, or other persons
31 to protect persons or property, to prevent the unlawful taking
32 of goods and merchandise, or to prevent the misappropriation
33 or concealment of goods, merchandise, money, securities, or
34 other valuable documents or papers, and includes an individual
35 who for hire patrols, watches, or guards a residential,

1 industrial, or business property or district.

2 9. "Uniform" means a manner of dress of a particular style
3 and distinctive appearance as distinguished from ordinary
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6 does not apply to the following:

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

11 2. A certified police officer.

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

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

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

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

21 7. A person who is the legal owner of personal property
22 which has been sold under a security agreement or a conditional
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25 to the repossession of the property.

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30 A license issued under this chapter expires two years from
31 the date issued.

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

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2 a. Is eighteen years of age or older.

3 b. Has never been convicted of a felony or aggravated
4 misdemeanor.

5 c. Is not addicted to the use of alcohol or a controlled
6 substance.

7 d. Does not have a history of repeated acts of violence.

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

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12 g. Has not been convicted of illegally using, carrying
13 or possessing a dangerous weapon.

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6 and violation of the right of privacy. Death and personal
7 injury coverage shall be in the amount of one hundred thousand
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14 A license shall not be issued unless the applicant files
15 with the department a surety bond in the sum of five thousand
16 dollars issued by a surety company authorized to do business
17 in this state. The bond shall be conditioned on the faithful,
18 lawful, and honest conduct of the applicant and those employed
19 by the applicant in carrying on the business licensed. The
20 bond shall provide that a person injured by a breach of the
21 conditions of the bond may bring an action on the bond to
22 recover legal damages suffered by reason of the breach.
23 However, the aggregate liability of the surety for all damages
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25 filed with the department shall remain in force and effect
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34 a renewal application.

35 9. Willful failure or refusal to render to a client

1 services contracted for and for which compensation has been
2 paid or tendered in accordance with the contract.

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

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

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

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

27 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
28 may be issued a permit to carry weapons when the person's
29 employment in a private investigation business or private
30 security business licensed under chapter 80A, or a person's
31 employment as a peace-officer, correctional officer, security
32 guard, private-detective-licensed-under-chapter-80A, bank
33 messenger or other person transporting property of a value,
34 requiring security, or in police work, reasonably justifies
35 that person going armed. The permit shall be on a form

1 prescribed and published by the commissioner of public safety,
2 shall identify the holder, and shall state the nature of the
3 employment requiring the holder to go armed. A permit so
4 issued, ~~other than to a peace officer,~~ shall authorize the
5 person to whom it is issued to go armed anywhere in the state,
6 only while engaged in the employment, and while going to and
7 from the place of the employment. ~~A permit issued to a~~
8 ~~certified peace officer shall authorize that peace officer~~
9 ~~to go armed anywhere in the state at all times.~~ Permits shall
10 expire twelve months after the date when issued except that
11 permits issued to peace officers and correctional officers
12 are valid through the officer's period of employment unless
13 otherwise canceled. When the employment is terminated, the
14 holder of the permit shall surrender it to the issuing officer
15 for cancellation.

16 Sec. 18. Chapter 80A, Code 1983, is repealed and sections
17 1 through 16 of this Act are inserted in lieu thereof.

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HOUSE AMENDMENT TO SENATE FILE 449

S-5648

1 Amend Senate File 449, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 11 and inserting in
4 lieu thereof the following:

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

9 2. Page 3, by inserting after line 2 the following:
10 "_____. Is not a peace officer."

11 3. Page 4, by inserting after line 16 the
12 following:

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

20 4. Page 4, line 27, by inserting after the word
21 "business" the words "unless the badge has been
22 prescribed or approved by the commissioner".

23 5. By striking page 4, line 34, through page 5,
24 line 13, and inserting in lieu thereof the following:

25 "Sec. _____. NEW SECTION. 80A.11 LICENSEE'S BOND."

26 6. Page 5, by striking lines 15 and 16 and
27 inserting in lieu thereof the following: "with the
28 department a surety bond in an amount determined by
29 the number of employees of the applicant. If an
30 applicant has from one to three employees, the bond
31 shall be in the amount of ten thousand dollars. If
32 an applicant has from four to thirty employees, the
33 bond shall be in the amount of twenty-five thousand
34 dollars. If an applicant has more than thirty
35 employees, the bond shall be in the amount of fifty
36 thousand dollars. The bond shall be issued by a
37 surety company authorized to do business".

38 7. By striking page 5, line 28 through page 6,
39 line 2.

40 8. Page 6, by striking lines 6 through 10 and
41 inserting in lieu thereof the words "that client."

42 9. Page 7, by inserting after line 2 the following:

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

- 1 1. File with the sheriff of the county in which
2 the campus is located evidence that the individual
3 has successfully completed an approved firearms
4 training program under section 724.9.
- 5 2. Possess a permit to carry weapons issued by
6 the sheriff of the county in which the campus is
7 located under sections 724.6 through 724.11.
- 8 3. File with the sheriff of the county in which
9 the campus is located a sworn affidavit from the
10 employer outlining the nature of the duties to be
11 performed and justification of the need to go armed."
- 12 10. By striking page 7, line 27 through page 8,
13 line 15, and inserting in lieu thereof the following:
14 "724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS.
15 A person may be issued a permit to carry weapons when
16 the person's employment in a private investigation
17 business or private security business licensed under
18 chapter 80A, or a person's employment as a peace
19 officer, correctional officer, security guard, private
20 detective-licensed-under-chapter-80A, bank messenger
21 or other person transporting property of a value
22 requiring security, or in police work, reasonably
23 justifies that person going armed. The permit shall
24 be on a form prescribed and published by the
25 commissioner of public safety, shall identify the
26 holder, and shall state the nature of the employment
27 requiring the holder to go armed. A permit so issued,
28 other than to a peace officer, shall authorize the
29 person to whom it is issued to go armed anywhere in
30 the state, only while engaged in the employment, and
31 while going to and from the place of the employment.
32 A permit issued to a certified peace officer shall
33 authorize that peace officer to go armed anywhere
34 in the state at all times. Permits shall expire
35 twelve months after the date when issued except that
36 permits issued to peace officers and correctional
37 officers are valid through the officer's period of
38 employment unless otherwise canceled. When the
39 employment is terminated, the holder of the permit
40 shall surrender it to the issuing officer for
41 cancellation."
- 42 11. Page 8, by inserting after line 17 the
43 following:
44 "Sec. _____. This Act takes effect January 1
45 following its enactment."
- 46 12. By numbering and renumbering sections and
47 correcting internal references as necessary.

SENATE FILE 449

H-5815

- 1 Amend Senate File 449, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 11 and inserting in
4 lieu thereof the following:
5 "2. A peace officer engaged in the private security
6 business or the private investigation business with
7 the knowledge and consent of the chief executive
8 officer of the peace officer's law enforcement agency."
9 2. Page 3, by inserting after line 2 the following:
10 "_____. Is not a peace officer."
11 3. Page 4, by inserting after line 16 the
12 following:
13 "A county sheriff may issue temporary identification
14 cards valid for fourteen days to a person employing
15 individuals on a temporary basis for private security
16 business in the county. The fee for each card is
17 three dollars. The form of the temporary
18 identification cards shall be approved by the
19 commissioner."
20 4. Page 4, line 27, by inserting after the word
21 "business" the words "unless the badge has been
22 prescribed or approved by the commissioner".
23 5. By striking page 4, line 34, through page 5,
24 line 13, and inserting in lieu thereof the following:
25 "Sec. _____. NEW SECTION. 80A.11 LICENSEE'S BOND."
26 6. Page 5, by striking lines 15 and 16 and
27 inserting in lieu thereof the following: "with the
28 department a surety bond in an amount determined by
29 the number of employees of the applicant. If an
30 applicant has from one to three employees, the bond
31 shall be in the amount of ten thousand dollars. If
32 an applicant has from four to thirty employees, the
33 bond shall be in the amount of twenty-five thousand
34 dollars. If an applicant has more than thirty
35 employees, the bond shall be in the amount of fifty
36 thousand dollars. The bond shall be issued by a
37 surety company authorized to do business".
38 7. By striking page 5, line 28 through page 6,
39 line 2.
40 8. Page 6, by striking lines 6 through 10 and
41 inserting in lieu thereof the words "that client."
42 9. Page 7, by inserting after line 2 the following:
43 "Sec. _____. NEW SECTION. 80A.14A CAMPUS WEAPON
44 REQUIREMENTS. An individual employed by a college
45 or university, or by a private security business
46 holding a contract with a college or university, who
47 performs private security duties on a college or
48 university campus and who carries a weapon while
49 performing these duties shall meet all of the following
50 requirements:

H-5815
Page Two

- 5839 1 1. File with the sheriff of the county in which
2 the campus is located evidence that the campus security
3 officer has successfully completed an approved firearms
4 training program under section 724.9.
5 2. Possess a permit to carry weapons issued by
6 the sheriff of the county in which the campus is
7 located under sections 724.6 through 724.11.
8 3. File with the sheriff of the county in which
9 the campus is located a sworn affidavit from the
10 employer outlining the nature of the duties to be
11 performed and justification of the need to go armed."
12 10. By striking page 7, line 27 through page 8,
13 line 15, and inserting in lieu thereof the following:
14 "724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS.
15 A person may be issued a permit to carry weapons when
16 the person's employment in a private investigation
17 business or private security business licensed under
18 chapter 80A, or a person's employment as a peace
19 officer, correctional officer, security guard, private
20 ~~detective-licensed-under-chapter-80A,~~ bank messenger
21 or other person transporting property of a value
22 requiring security, or in police work, reasonably
23 justifies that person going armed. The permit shall
24 be on a form prescribed and published by the
25 commissioner of public safety, shall identify the
26 holder, and shall state the nature of the employment
27 requiring the holder to go armed. A permit so issued,
28 other than to a peace officer, shall authorize the
29 person to whom it is issued to go armed anywhere in
30 the state, only while engaged in the employment, and
31 while going to and from the place of the employment.
32 A permit issued to a certified peace officer shall
33 authorize that peace officer to go armed anywhere
34 in the state at all times. Permits shall expire
35 twelve months after the date when issued except that
36 permits issued to peace officers and correctional
37 officers are valid through the officer's period of
38 employment unless otherwise canceled. When the
39 employment is terminated, the holder of the permit
40 shall surrender it to the issuing officer for
41 cancellation."
42 11. Page 8, by inserting after line 17 the
43 following:
44 "Sec. _____. This Act takes effect January 1
45 following its enactment."
46 12. By numbering and renumbering sections and
47 correcting internal references as necessary.

H-5815 FILED MARCH 23, 1984 BY COMMITTEE ON STATE GOVERNMENT

*Adopted as amended by 5839
3/27 (p. 1338)*

SENATE FILE 449

H-5839

1 Amend the amendment H-5815 to Senate File 449 as
2 follows:
3 1. Page 2, lines 2 and 3, by striking the words
4 "campus security officer" and inserting in lieu thereof
5 the word "individual".

H-5839 FILED MARCH 26, 1984 BY SWARTZ of Marshall

Adopted 3/27 (p. 1337)

SENATE FILE 449

H-5682

1 Amend Senate File 449 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 10, by striking the word "may"
4 and inserting in lieu thereof the word "shall".
5 2. Page 7, line 11, by inserting after the word
6 "chapter" the following: ", giving due consideration
7 to varying factors and special requirements of private
8 investigative agencies and private security agencies,
9 including minimum standards of mental fitness which
10 shall govern whether an applicant is qualified for
11 the attainment of a license. The rules shall include,
12 but are not limited to, providing a battery of
13 psychological tests to determine cognitive skills,
14 personality characteristics, and suitability of all
15 applicants".
16 3. Page 7, by inserting after line 24 the
17 following:
18 "Sec. ____ Section 217A.8, subsection 1, Code
19 Supplement 1983, is amended by adding the following
20 new lettered paragraph after paragraph "e":
21 NEW LETTERED PARAGRAPH. Establish standards of
22 mental fitness which shall govern whether an applicant
23 is qualified for the attainment of a license to operate
24 a private investigative agency or private security
25 agency. To promote these standards, the director
26 shall by rule require a battery of psychological tests
27 to determine cognitive skills, personality
28 characteristics, and suitability of all applicants."
29 4. Renumber as necessary.

H-5682 FILED MARCH 14, 1984 BY BRAMMER of Linn

Loch 3/27 (p. 1338)

SENATE FILE 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.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 449, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 8, 1984

TERRY E. BRANSTAD
Governor