

c. If a licensee knowingly falsifies any information required by the board, the licensee shall be guilty of a crime of the fourth degree and shall have his license revoked.

d. After confirming the information provided on an employee with the Division of State Police in the Department of Law and Public Safety and conducting other investigations as necessary, if the board determines that an employee is subject to the requirements of section 14 of this act and fails to satisfy those requirements, the board shall advise the licensee immediately of the employee's unfitness. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Division of State Police and the Federal Bureau of Investigation for use in making the determinations required by this act. The employer shall bear the cost for the criminal history record check pursuant to this section. Employees hired by an alarm business through a recognized trade union on a temporary basis not to exceed six months or one project, whichever is greater, are exempt from the requirements of this act.

THE PRIVATE DETECTIVE, PRIVATE ALARM, PRIVATE SECURITY, AND
LOCKSMITH LICENSING LAW

(446/1. Short title) Section 1. Short title. This Act may be cited as the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/5. Definitions) Section 5. Definitions. In this Act:

"Armed employee" means a licensee or a person who is currently employed by an agency certified under this Act who is armed while engaged in the performance of official duties within the course and scope of his or her employment or exclusively employed by an employer during the hours or times he or she is scheduled to work for that employer, or is commuting between his or her home and place of employment, provided the commuting is accomplished within one hour from departure from home or place of employment, and there exists an employer/employee relationship, whose full or part-time duties include the wearing, carrying or possessing of a firearm in the performance of those duties.

"Board" means the Illinois Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Person" means a natural person.

"Private alarm contractor" means any person who engages in a business that sells, installs, monitors, maintains, alters, repairs, replaces, services, or responds to alarm systems, including fire alarm systems, at protected premises or at premises to be protected on an emergency basis and not as a full-time security guard; but shall not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at the protected premise or premise to be protected or a licensed electrical contractor who repairs or services fire alarm systems on an "emergency call-in basis", or who sells, installs, maintains, alters, and repairs, or services fire alarm systems.

"Private alarm contractor agency" means any person, firm, association, or corporation that engages in the private alarm contractor business and employs one or more persons in conducting such business.

"Private detective" means any person who by any means, including but not limited to manual or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for fees or other valuable consideration to obtain information with reference to:

(1) Crime or wrongs done or threatened against the United States or any state or

territory of the United States.

(2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, association, or corporation, by any means, manually or electronically.

(3) The location, disposition, or recovery of lost or stolen property.

(4) The cause, origin, or responsibility for fires, accidents, or injuries to real or personal property.

(5) The truth or falsity of any statement or representation.

(6) Securing evidence to be used before any court, board, officer, or investigating committee.

(7) Personal protection of individuals from bodily harm or death (bodyguard functions).

(8) Service of process in criminal and civil proceedings without court order.

"Private detective agency" means any person, firm, association, or corporation that engages in the private detective business and employs one or more persons in conducting the business.

"Private security contractor" means any person who engages in the business of providing a private guard, watchman,

patrol service, or any like service by any other title or name on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performing one or more of the following functions:

- (1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.
- (2) The prevention, observation, or detection of any unauthorized activity on private or governmental property.
- (3) The protection of patrons and persons lawfully authorized to be on the premises of the person, firm, association, or corporation for whom he or she contractually is obligated to provide security services.
- (4) The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, valuable documents, or papers.
- (5) The control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property on property owned or controlled by the client.
- (6) The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means any person, firm, association, or corporation that engages in the private security contractor business and that employs one or more persons in conducting such business.

"Locksmith" means a person who has received a license under this Act and who engages in the practice of locksmithing as defined in this Act.

"Locksmith agency" means any person, firm, association, or corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

"The practice of locksmithing" includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or an employee of a licensee. The term "relative" shall be determined by rules of the Department.

"In-charge" means the individual licensee whose name and license number appear on a certificate of registration for a detective, private security contractor, private alarm contractor, or locksmith agency is a full-time executive employee or owner who assumes full responsibility for all employees of the agency and for their directed actions, and assumes

full responsibility for maintaining all records required by this Act or rule of the Department and is responsible for otherwise assuring compliance with this Act. Records shall be maintained at a location in Illinois and the address of the location filed with the Department and accessible to Department representatives in accordance with Section 115 of this Act. This does not relieve any person, firm, association, or corporation licensed as an agency under this Act from also assuming full responsibility for compliance with this Act. It is the responsibility of the licensee in charge to notify the Department, in writing within 10 days, when the licensee terminates his or her in charge relationship with an agency.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and has been found to be employable by an agency certified under this Act.

"Firearm authorization card" means a card issued by the Department that authorizes the holder to carry a weapon during the performance of his or her duties as specified under Section 180 of this Act.

"Burglar alarm system" means any system, including an electronic access system or other electronic security system, that activates an audible, visible, or remote signal that requires a response and is designed for the prevention or detection of intrusion, entry, theft, vandalism, or trespass.

"Fire alarm system" means any system that is activated by any automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal that requires response.

"Branch office" means any business location removed from the place of business for which an agency license has been issued.

"Armed Proprietary security force" means any security force made up of 5 or more armed individuals employed in a commercial or industrial operation; one or more armed individuals employed in a financial operation as security guards for the protection of persons; or one or more armed individuals employed for the protection of private property related to a commercial, industrial, or financial operation. Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/10. Legislative intent) Section 10. Legislative intent. The intent of the General Assembly in enacting this statute is to regulate persons and businesses licensed under this Act for the protection of the public. These practices are declared to be practices affecting the public health, safety, and welfare and subject to State regulation. This Act shall be construed to best carry out these purposes.

(446/15. Requirement of license) Section 15. Requirement of license.

(a) It is unlawful for any person to act as a private detective, private security contractor, private alarm contractor, or

locksmith, or to advertise or assume to act as any one of these, or to use any other title implying that the person is engaged in any of these practices unless licensed by the Department.

(h) It is unlawful for a firm, association, or corporation to act as an agency certified under this Act, to advertise or assume to act as a certified agency, or to use any other title implying that the firm, association, or corporation is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless certified by the Department.
Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/20. Violation - Injunctive relief - Service) Section 20. Violation: injunctive

relief: service. The practice of a private detective, private security contractor, private alarm contractor, private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency by any person, firm, association, or corporation that has not been issued a license or certificate by the Department, or whose license or certificate has been suspended, revoked, or not renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

The Director, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person, firm, association, or corporation that has not been issued a license or certificate or whose license or certificate has been

suspended, revoked, or not renewed, from practicing a licensed activity. Upon the filing of a verified petition in court, the court, if satisfied by affidavit or otherwise that the person, firm, association, or corporation is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in other civil cases. If it is established the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from further activity. In case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings shall be in addition to all penalties and other remedies under this Act.
Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/25. Failure to file tax return) Section 25. Failure to file tax return. The Department may refuse to issue or may suspend the license of any person, firm, association, or corporation that fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(446/30. Exemptions) Section 30. Exemptions. This Act does not apply to:

- (1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.
- (2) An attorney-at-law licensed to practice in Illinois while engaging in the practice of law.
- (3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:
 - (i) Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer.
 - (ii) Information for employment purposes.
 - (iii) Information for the underwriting of insurance involving the consumer.
- (4) Insurance adjusters legally employed or under contract as adjusters and who engage in no other investigative

- activities other than those connected with adjustment of claims against an insurance company or self-insured by which they are employed or with which they have a contract. No insurance adjuster or company may utilize the term "investigation" or any derivative thereof in its company name or in its advertising other than for the handling of insurance claims.
- For the purposes of this Code, "insurance adjuster" includes any person expressly authorized to act on behalf of an insurance company or self-insured and any employee thereof who acts or appears to act on behalf of the insurance company or self-insured in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.
- (5) A person engaged exclusively and employed by a person, firm, association or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.
 - (6) Any person, watchman, or guard employed exclusively and regularly by one employer in connection with the affairs of that employer only and there exists an employer/employee relationship.
 - (7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as prescribed by the Illinois Law Enforcement Training