

CHAPTER 130—H. F. No. 522

An act to provide for the licensing of the business of private detective, and repealing Minnesota Statutes 1941, Sections 326.33 to 326.36 inclusive, and Laws 1939, Chapter 305.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Repeal. Minnesota Statutes 1941, Sections 326.33 to 326.36 inclusive, and Laws 1939, Chapter 305, are hereby repealed.

Sec. 2. Private detectives; licenses. No person shall engage in the business of private detective or investigator for fee or reward unless previously licensed as herein provided. Any person desiring to engage in such business may apply to the Secretary of State for a license. Upon application by any person qualified under this Act to engage in such business, the Secretary of State shall issue such a license upon the conditions herein set forth, such license to continue so long as such licensee remains a qualified person and complies with the provisions of this Act and with the laws of Minnesota. No person shall be deemed qualified to hold such a license who is not a citizen of the United States or who has been convicted of felony by the courts of this or any other state or of the United States, or who has been convicted anywhere of acts which if done in Minnesota would be assault, theft, larceny, unlawful entry, extortion, defamation, buying or receiving stolen property, using, possessing or carrying weapons or burglar tools or escape, or who has been convicted in any other country of acts which if done in Minnesota would be a felony or would be any of the other offenses specified above, nor shall any person who shall make any false statement in any application for license hereunder be deemed a qualified person to hold any such license.

Sec. 3. Application for license. The application for such license to the Secretary of State shall set forth the name of the applicant, his age, sex, address, and the name of the person in active charge or in superintendence of such business. If the applicant be a partnership, such information shall be given respecting each member of the partnership. If the applicant shall be a corporation, the foregoing information shall be given concerning the officers and active managers of the corporation. Each such application shall be supported by the verified certificates of at least five citizens not related to the applicant who have known the applicant (or if a corporation, each officer and manager, or if a partnership, each partner) more than five years, certifying that the applicant

(or in the case of a corporation, each officer and manager, or in the case of a partnership, each partner) is of good character and that each statement in the application is true.

Sec. 4. Surety bond. Each such application shall be accompanied by a surety bond executed by a company authorized to do business in the State of Minnesota wherein the applicant shall be principal, with sureties to be approved by the Secretary of State, to the State of Minnesota, in the penal sum of Five Thousand Dollars, upon the condition that applicant (and each of applicant's employees) shall faithfully observe all the laws of Minnesota and of the United States, including this Act, and shall pay all damages suffered by any person by reason of the violation of any such law by applicant or by the commission of any wilful and malicious wrong by any such applicant in the course of the conduct of such business. Action upon such bond may be brought by any person so aggrieved not later than within two years of the act complained of.

Sec. 5. Fees. Each such applicant shall pay to the Secretary of State of Minnesota a fee, if an individual, of \$50.00, or, if a partnership or corporation, of \$100.00, which fee shall be returned to the applicant if the application for license be denied. Upon the receipt of any such application, the Secretary of State forthwith shall post notice and shall notify persons who specifically request notification thereof in his office, and if within 10 days of such posting no person has objected in writing to the Secretary of State to the issuance of such license, and if it shall appear that the statements in the application are true, then the Secretary of State shall issue a license to such applicant. Any such license so issued shall be kept conspicuously posted in the office or place of business of the licensee for whom issued.

Sec. 6. Objections; notice to applicant; hearing. If any person shall make timely and particular objection to the issuance of a license to any applicant upon the ground that such applicant is not a qualified person to hold a license or has made false statements in the application, or shall complain in writing with particularity to the Secretary of State that any licensee has not observed the provisions of this or any other law of Minnesota, or has ceased to be a qualified person, then the Secretary of State shall, within five days, notify such applicant or such licensee of such objection or such complaint, and shall promptly, at a place and time to be appointed by him, hold a hearing to determine whether the allegations of such objection or complaint be true. Such hearing shall be public and be had upon the testimony of witnesses under

oath, and the Secretary of State shall have power to compel the attendance of witnesses and the production of evidence by application to any District Court for subpoena ad testificandum or subpoena duces tecum, and to receive testimony by deposition taken by stipulation or pursuant to a commission which may be issued by any district court as in civil actions. If the averments of the objection or of the complaint be supported by a preponderance of the credible evidence presented at such hearing, the Secretary of State shall make findings of fact and, as the case may be, deny the application, or revoke the license or suspend it for a period not in excess of one year, and unless the objection or complaint be so supported he shall, as the case may be, issue the license or dismiss the complaint. An appeal upon the law and facts from any finding or determination of the Secretary of State may be taken within twenty days by any person aggrieved thereby to the District Court of Ramsey County, and such court shall review the finding or determination de novo, and reverse, affirm or modify it as the evidence before it may require.

Sec. 7. Employees of licensees. No licensee shall knowingly employ any person not qualified to hold a license. No person shall be employed by any licensee until he shall have executed under oath and furnished such licensee a statement setting forth his full name, age and residence, the business or occupation in which he has been engaged for the three years immediately preceding, disclosing the place or places of such business or occupation and the name or names of his employers and showing that he has never been convicted of a felony or of any offense disqualifying him from holding a license under this Act, and setting forth such further information as the Secretary of State may by rule require to show the good character, competency and integrity of the person executing the statement. No employee of any licensee shall divulge to anyone other than his employer, or as his employer shall direct, except as he may be required by law, any information acquired by him during such employment in respect of any matter or investigation undertaken or done by such employer. Any such employee who shall make any false statement in his employment statement or who shall violate the provisions of this section, or who shall wilfully make a false report to his employer in respect of any matter in the course of his employer's business shall be guilty of a gross misdemeanor.

Sec. 8. Unlawful acts. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the State of Minnesota: To incite, encourage, or

aid in the incitement or encouragement of any person or persons who have become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. The violation of any of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than Five Hundred Dollars, or one year's imprisonment, or both. It is unlawful for the holder of a license to collect or offer or attempt to collect or directly or indirectly to engage in a business of collecting of debts or claims of any kind, excepting recovery for the payee of money described in a dishonored check given for goods, money or services furnished by the payee, and excepting, that the repossession of property in the temporary possession of defaulting purchasers of conditional

sale agreements or under other circumstances by which title to said property has not been transferred to the temporary possessor shall not be considered a violation of this section.

Sec. 9. Private detective defined. Persons who for fee or reward or any consideration shall engage in the business of investigators or of watch, guard or patrol agency, or who for fee, reward or any consideration shall make investigations for the purpose of obtaining information for others with respect to any of the following matters: Crime or wrongs done or threatened against the government of the United States or of any state or municipal subdivision thereof; the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation or character of any person or organization; the credibility of witnesses or other persons; the whereabouts of missing persons; the location or recovery of lost or stolen property; the origin of and responsibility for libels, losses, accidents, or damage or injuries to real or personal property; the affiliation, connection or relation of any person, firm or corporation with any organization, society or association, or with any official, representative or member thereof; the conduct, honesty, efficiency, loyalty or activities of employees or persons seeking employment, agents, contractors and subcontractors; the evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body or officer or in the trial of civil or criminal cases; or the identification or apprehension of persons suspected of crimes or misdemeanors; and any person who shall furnish, for hire or reward, watchmen or guards or private patrolmen or other persons to protect other persons or their property or to prevent the theft, unlawful taking of goods, merchandise or money, or to prevent the misappropriation or concealment of goods, merchandise, money, choses in action, or other valuable things, or to procure the return thereof; shall be deemed engaged in the business of private detective or investigator, provided that no person engaged exclusively in making investigations and reports respecting the financial rating and credit responsibility of persons or corporations engaged in business, or respecting financial rating, credit responsibility and character of applicants for insurance, indemnity bonds or commercial credit, shall be deemed engaged in such business, nor shall any employee or peace officer of the United States or of this or any State while in the discharge of his official duties, nor any attorney at law engaged in the discharge of his professional duties; nor any full-time employee making investigations respecting pending or possible claims against his employer be deemed engaged in such business.

Sec. 10. Violation a gross misdemeanor. Any violation of any provision or requirement of this Act not otherwise punishable shall be deemed a gross misdemeanor.

Approved March 23, 1945.

CHAPTER 131—H. F. No. 461

An act to provide for the payment of fees for the re-issuance of state deeds lost or destroyed, and amending Laws 1943, Chapter 195, Section 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1943, Chapter 195, Section 1, is amended to read as follows:

“Section 1. **Lost or destroyed deeds.** Whenever an unrecorded deed from the State of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, and application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of taxation. If it appears to the commissioner of taxation that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. *The said application shall be accompanied by a fee of \$1.00, payable to the commissioner of taxation, which shall be deposited with the state treasurer and credited to the general revenue fund.*”

Approved March 23, 1945.

CHAPTER 132—H. F. No. 466

An act authorizing savings banks and mutual savings banks to invest in certain real estate mortgage securities.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Limitation on amount of loans by savings banks in real estate mortgage securities. Savings banks and mutual