

pointed under Minnesota Statutes, section 458.10, subdivision 1, shall have jurisdiction and shall be empowered to exercise and apply any and all of its powers and duties, as defined in sections 458.09 to 458.1991, at any place or places within the entire geographical area included within the boundary limits of the city of the first class in which said port authority is located, and said area of operations shall be known and described as the port district. The power to lease property which the port authority, in its discretion, believes suitable and proper to be put to use by the port authority in the execution of its duties and responsibilities is not to be deemed limited to said port district, but the port authority shall have the power to lease such property either within or without said port district for such purpose.

Subd. 3. The provisions of sections 458.09 to 458.19 only shall be applicable to seaway port authorities and the term "port authority" when used in those sections shall be deemed to include seaway port authorities. The provisions of sections 458.191 to 458.1991 shall not be applicable to seaway port authorities.

Approved April 17, 1959.

CHAPTER 317—H. F. No. 1293

An act relating to private detectives; amending Minnesota Statutes 1957, Sections 326.331; 326.333; 326.334, Subdivisions 1 and 4; 326.336; 326.337; and 326.338.

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

Section 1. Minnesota Statutes 1957, Section 326.331, is amended to read:

326.331 Licenses. No person shall engage in the business of private detective, investigator, or protective agent for fee or reward unless previously licensed as herein provided. Any person desiring to engage in such business may for each office or agency to be maintained by such person apply to the secretary of state for a license. Upon application by any person qualified under sections 326.331 to 326.339 to engage in such business, the secretary of state shall issue such a license for a period of two years upon the conditions herein set forth, such license to continue for said period so long as such licensee remains a qualified person and complies with the provisions of section 326.331 to 326.339 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. *No other license shall be required by any other political unit or subdivision.*

Sec. 2. Minnesota Statutes 1957, Section 326.333, is amended to read:

326.333 Contents of application. Each such application shall be accompanied by:

(1) 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 \$5,000, 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 sections 326.331 to 326.339, 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;

(2) For each person signing the application the verified certificates of at least five citizens not related to the signer who have known the signer for more than five years, certifying that the signer is of good moral character;

(3) Two photographs and a full set of fingerprints for each person signing the application;

(4) A duly acknowledged certificate evidencing the fact that at least one of the persons signing the application has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent occupation, for a period of not less than three years;

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(5) *An acknowledged certificate evidencing the fact that at least one of the persons signing the application for protective agent has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent part time occupation or special training, for a period of not less than three years.*

Sec. 3. Minnesota Statutes 1957, Section 326.334, Subdivision 1, is amended to read:

326.334 Fees; licensing procedure. Subdivision 1. Each such applicant for *private detective license* shall pay to the secretary of state a fee, if an individual, of \$100 or if a partnership or corporation of \$200, which fee shall be returned to the applicant if the application for license be denied. *Each applicant for protective agent shall pay to the secretary of state a fee, if an individual, of \$50, or if a partnership or corporation of \$100, 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:

(1) Post notice in his office and notify persons who specifically request notification thereof;

(2) Transmit to the bureau of criminal apprehension the duplicate copy of the application and the fingerprints of the signers;

(3) Conduct such further investigation as he shall deem necessary to determine the competence and fitness of the applicant.

Sec. 4. Minnesota Statutes 1957, Section 326.334, Subdivision 4, is amended to read:

Subd. 4. The license granted pursuant to this section shall expire after a period of two years, and may be renewed by the secretary of state so long as the applicant remains qualified. Application for renewal shall be made by the licensee on a form prescribed by the secretary of state, shall be accompanied by a fee of \$20 for *private detective* or \$10 for *protective agent* and a surety bond equivalent to that required by section 326.333, and shall be filed with the secretary of state before the date of expiration of the previously issued license.

Sec. 5. Minnesota Statutes 1957, Section 326.336, is amended to read:

326.336 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 sections 326.331 to 326.339, 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. *Each employee of a license holder shall have in his possession an identification card bearing his name, picture, employer, signature, and such other information as the license holder issuing the identification card cares to include. No identification card shall contain the word "police" or any other marking indicating the holder is a member of a police department or peace officer.*

Sec. 6. Minnesota Statutes 1957, Section 326.337, is amended to read:

326.337 Violations. 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 who has 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 of 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; to use in any manner the word "police" on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, or peace officer, 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 \$500 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. 7. Minnesota Statutes 1957, Section 326.338, is amended to read:

326.338 Persons engaged as private detectives or protective agents. *Subdivision 1.* Persons who for fee or reward or any consideration shall engage in the business of investigators, 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 *shall be deemed engaged in the business of private detective.*

Subd. 2. 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 mis-appropriation 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 *protective agent*, 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 *or that of private detective*, 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. *A licensed private detective may perform those duties attributable to a protective agent without obtaining any additional license.*

Approved April 17, 1959.
