

MINNESOTA:

Section 1. **DAKOTA COUNTY; NURSING SERVICE COMMITTEE.** Notwithstanding provisions of Minnesota Statutes, Section 145.12, Subdivision 1, to the contrary, the Dakota county board of commissioners may appropriate, without restriction, funds necessary to the effective operation of the nursing service committee and may establish a per diem rate for members of the committee as appropriate.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Dakota county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 28, 1974.

CHAPTER 310—S.F.No.162
[Coded in Part]

An act relating to private detectives and protective agents; providing regulations therefor; prescribing penalties; appropriating money; amending Minnesota Statutes 1971, Sections 326.331; 326.332, Subdivision 1; 326.333; 326.334; 326.336; 326.337; 326.338, by adding a subdivision; 326.339; and Chapter 326, by adding sections; repealing Minnesota Statutes 1971, Section 326.335.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Chapter 326, is amended by adding a section to read:

[326.32] PRIVATE DETECTIVES AND PROTECTIVE AGENTS; DEFINITIONS. Subdivision 1. As used in Minnesota Statutes, Sections 326.331 to 326.339, and this act, the terms defined in this section have the meanings given them.

Subd. 2. "Board" means the private detective and protective agent licensing board.

Subd. 3. "Board member" means any person appointed as a member of the private detective and protective agent licensing board.

Subd. 4. "Chairman" means the board member designated by the board to act in the capacity of board chairman.

Subd. 5. "Board review" means the review, by the board, of a private detective or protective agent license application, in conjunction with other pertinent facts and information related to the application.

Subd. 6. "Board hearing" means a formal public hearing including

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the testimony of witnesses and board power of subpoena.

Subd. 7. "Board finding" means any determinations or findings of the board as a result of a board review or board hearing.

Subd. 8. "Applicant" means any individual, partnership or corporation who has made application for a private detective or protective agent license.

Subd. 9. "License" means a private detective license or a protective agent license.

Subd. 10. "Licensee" means any individual, partnership or corporation licensed to perform the duties of a private detective or a protective agent.

Subd. 11. "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated, or the spouse of any such person or a person who has not, nor ever has had, a material financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession or occupation being licensed or regulated.

Sec. 2. Minnesota Statutes 1971, 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 hire, fee or reward unless previously licensed, or advertise or indicate in any letter, document or verbally that he is so engaged or available to supply such services without having first obtained a license 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 commissioner of public safety for a license. Upon application by any person qualified under sections 326.331 to 326.339 to engage in such business, the ~~commissioner~~ private detective and protective agent licensing board 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 sections 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

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shall be required by any other political unit or subdivision.

Sec. 3. Minnesota Statutes 1971, Section 326.332, Subdivision 1, is amended to read:

326.332 APPLICATION FOR LICENSE. Subdivision 1. The application for such license shall be in duplicate and shall state:

(1) The full name, age, sex, residence for the past five years, present and previous occupations and employers, of all persons signing the application;

(2) That each person signing the application is a citizen of the United States and has attained the age of majority ;

(3) That the person, firm, or corporation applying for the license is a resident of the state of Minnesota, or that the applicant holds an equivalent license in another state, which state shall be set forth;

(4) The municipality, stating the street and number or such apt description as will reasonably indicate the location in said municipality, where the licensed office of the applicant is to be located;

(5) Such further facts as may be required by the commissioner of public safety to show the good character, competency and integrity of each person signing the application;

(6) If applicant is a corporation, the name of the corporation, the date and place of its incorporation, the location of its principal place of business or registered office, in its state of incorporation ;

(7) That the applicant has been a bona fide resident of the state of Minnesota for a period of six months immediately preceding the filing of the application or is presently a license holder in another state;

(8) That the license holder, one member of a partnership or one corporate member of a corporation shall be an active participant in said licensee's business, and that the branch manager or director of a licensee's Minnesota based office shall have the same qualifications as a license holder and shall comply with all provisions of sections 326.331 to 326.339 .

Sec. 4. Minnesota Statutes 1971, Section 326.333, is amended to read:

326.333 INFORMATION AND MATERIAL ACCOMPANYING 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 commissioner of public safety, to

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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 for private detective has been regularly employed as a detective by a licensed detective agency 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 of sergeant or higher than that of patrolman, or equivalent occupation, for a period of not less than three years;

(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 or has completed a course prescribed by the state police officers training board. 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. 5. Minnesota Statutes 1971, Chapter 326, is amended by adding a section to read:

[326.33] PRIVATE DETECTIVE AND PROTECTIVE LICENSING BOARD; CREATION; DUTIES; APPEAL. Subdivision 1. There is hereby created a private detective and protective agent licensing board, consisting of the attorney general or a departmental employee designated by him; the superintendent of the bureau of criminal apprehension or a departmental employee designated by him; a licensed private detective and two public members appointed by the governor to a term of three years.

The board members shall meet on a regular basis and conduct such business ascribed to the board by the provisions of sections 326.331 to 326.339. The board shall designate one of the board members to fulfill the capacity of board chairman who will remain in the

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capacity of chairman for a term of one year. The board shall have the option of retaining or replacing a board member as chairman.

Subd. 2. It shall be the duty of the board to receive and review all applications for private detective and protective agent licenses and render approval or denial of the issuance of such licenses within the intent of sections 326.331 to 326.339.

(1) Upon conducting a board review of the application the board may approve the application for licensing and shall subsequently issue a license.

(2) Upon conducting a board review of the application the board may deny the application for licensing on the grounds that the applicant does not conform to the provisions of sections 326.331 to 326.339.

(3) Upon denial of a license the board chairman shall notify the applicant of the board finding and the facts and circumstances that constitute the board finding. The board chairman shall advise the applicant of the right of the applicant to a hearing pursuant to Minnesota Statutes, Sections 15.0418 to 15.0424.

Subd. 3. It shall be the duty of the board to receive objections to the continued possession of a license by a licensee on the ground that such licensee has not observed the provisions of sections 326.331 to 326.339, or any other law of Minnesota, or has ceased to be a qualified person, providing such objection is in the form of a written complaint.

(1) Upon receipt of an objection the board shall notify the licensee of such objection and the contents of the complaint and shall appoint a time and place for a board hearing.

(2) The board shall conduct a hearing relative to the objection and the contents of the written complaint and determine whether the allegations of such objection or complaint are true. The board hearing shall be public and be had upon the testimony of witnesses under oath, and the board shall have the power to compel the attendance of witnesses and the production of evidence by application to any district court for a subpoena to require testimony or a 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 board hearing, the board shall make findings of fact and, as the case may be, revoke the license or suspend it for a period of not more than one year. If the objection or complaint is not supported by a preponderance of credible evidence, the board may dismiss the objection or complaint.

(3) If a licensee or any employee of a licensee while acting in the
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capacity of a private detective or protective agent violates any provision of sections 326.331 to 326.339, such licensee may be subject to a board hearing and the suspension of the holder's license.

(4) If any licensee is convicted of a felony, such licensee shall be the subject of a board hearing and shall be subject to the revocation of the holder's license.

Subd. 4. Whoever shall fail to appear before a board hearing after receiving proper and timely notice shall forfeit by default any interest in the proceedings.

Subd. 5. Members of the private detective and protective agent licensing board shall receive, in addition to necessary traveling and lodging expenses, \$35 per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules and regulations regarding travel expense and per diem payments.

Sec. 6. Minnesota Statutes 1971, Section 326.334, is amended to read:

326.334 FEES; LICENSING PROCEDURE. Subdivision 1. Each such applicant for private detective license shall pay to the ~~commissioner of public safety-board~~ a fee, if an individual, of \$125 or if a partnership or corporation of \$250, which fee shall be returned to the applicant if the application for license be denied. Each applicant for protective agent shall pay to the ~~commissioner-board~~ a fee, if an individual, of \$62.50, or if a partnership or corporation of \$125, which fee shall be returned to the applicant if the application for license be denied. Upon the receipt of any such application, the ~~commissioner-board~~ forthwith shall:

(1) Post notice in ~~his~~-their 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~~-they shall deem necessary to determine the competence and fitness of the applicant.

Subd. 2. It shall be the duty of the bureau of criminal apprehension to compare such fingerprints with state criminal identification records, to conduct a sufficient investigation of the persons signing such application so as to determine their competence, character and fitness for such a license, and to report his findings to the ~~commissioner-board~~. ~~If within 30 days of such posting no person has objected in writing to the commissioner to the issuance of such license, if it shall appear that the statements in the application are true, and if it shall appear from the investigations of the bureau of criminal apprehension and the com-~~

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missioner that the applicant is qualified for such license; then the commissioner shall issue a license to such applicant.

Subd. 3. Any such license so issued shall be in a form to be prescribed by the commissioner, shall specify the full name of the applicant; the registered address of the office or agency for which issued; the date on which it is issued; the date on which it will expire; and shall be kept conspicuously posted in the office or place of business of the licensee for whom issued.

Subd. 4-3 . The license granted pursuant to this section shall expire after a period of two years, and may be renewed by the commissioner-board so long as the applicant remains qualified. Application for renewal shall be made by the licensee on a form prescribed by the commissioner-board , shall be accompanied by ~~a~~the fee of ~~\$25 for private detective or \$12.50 for protective agent~~hereinafter prescribed, and a surety bond equivalent to that required by section 326.333, and shall be filed with the commissioner board before the date of expiration of the previously issued license. The fee for renewal of a private detective or protective agent license shall be based on an applicant's average estimated daily employment of private detective and protective agents in the state of Minnesota as follows: 500 or more such employees, \$1,000; 100 or more such employees, \$500; 50 or more such employees, \$100; 10 or more such employees, \$75; less than 10 such employees, \$50.

Subd. 5-4 . If a licensee moves his office or agency to an address other than that described in the license certificate, he shall, within 24 hours immediately following such move, send his license certificate, together with written notice to the commissioner-board , which notice shall describe the premises to which such move is made and the date on which it was made. Upon receipt of such certificate and notice the commissioner-board shall endorse on the face thereof the date of such change and the new registered address of such office or agency, and shall return the certificate to the licensee.

Subd. 6-5 . In the case of a corporate licensee, due notice of the death, resignation or removal of any person who has signed the application shall forthwith be given to the commissioner-board , together with a copy of the minutes of any meeting of the board of directors indicating the death, resignation or removal of such person, and the election or designation of the successor thereof.

Subd. 7-6 . Every license certificate shall be surrendered to the commissioner-board within 72 hours after its term shall have expired or after notice in writing to the holder that such license has been revoked.

Subd. 8-7 . Every license issued prior to the passage of Laws 1957, Chapter 774, shall expire on December 31, 1958; but may be renewed in accordance with the provisions of this section; provided, that

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the holder of such a license shall have within six months after the passage of Laws 1967, Chapter 774, furnished the commissioner with the information and material required by sections 326.332 and 326.333. All fees accruing to the board shall be paid into the general fund in the state treasury. The cost of administering this act shall be paid from appropriations made to the board.

Sec. 7. Minnesota Statutes 1971, Section 326.336, is amended to read:

326.336 EMPLOYEES OF LICENSEES. Subdivision 1. A licensee may employ, in connection with the business of private detective or protective agent, as many unlicensed persons as may be necessary; provided however, that every licensee is at all times accountable for the good conduct of every person employed by him in connection with the business of private detective or protective agent.

Subd. 2. 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 326.330, and setting forth such further information as the commissioner 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. An identification card shall be issued to each employee of a private detective agency or protective agency and shall be in his possession at all times. Such identification card shall be issued by the license holder and contain the license holder's logo, corporate or company name, duly signed by the license holder or branch manager, the office address of the license holder or Minnesota branch of said license holder, the employee's photograph, and physical description, and shall bear the employee's signature. No identification card shall ~~contain~~ bear the word "police" or any other marking indicating the holder is a member of a police department or peace officer. The issuing agency shall have its name printed in full on said card and no initials

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that would correspond with municipal, state or federal law enforcement agencies shall be printed thereon.

Subd. 3. Any person who shall be issued an identification card, badge, holster, weapon, shield or any other equipment bearing the name, trademark or trade name, or any combination thereof, of any licensed agency, or indicating that such person is a private detective, private protective agent, or employee of same, who does not return such badge, weapon, holster, identification card, uniform emblem, or other equipment to the owner thereof within ten days of the termination of his employment, or the receipt by him of a written request to return same, made by registered mail to his last known address, whichever shall last occur, shall be guilty of a misdemeanor.

Subd. 4. 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 employee who shall make any false statement in his employment statement or who wilfully makes a false report to his employer in respect to any matter in the course of his employer's business, or who shall otherwise violate the provisions of this subdivision is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1971, Section 326.337, is amended to read:

326.337 VIOLATIONS. Subdivision 1. 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 or existence of a strike, or furnish armed guards upon the highways, for persons in-

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volved 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. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor.~~

Subd. 2. 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.

Subd. 3. It is unlawful for any agent or employee of a license holder to display, wear any badge or emblem, or to purport himself as being a private detective or protective agent, except as may be directed by the license holder.

Subd. 4. A private detective or protective agent licensed under the provisions of sections 326.331 to 326.339 and this act, may, in the course and conduct of his business, carry a firearm in any municipality of the state if he has met the registration and licensing requirements regarding firearms of a municipality wherein registration and licensing is a requirement.

Subd. 5. Any person violating the provisions of subdivisions 2 to 4 is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1971, Section 326.338, is amended by adding a subdivision to read:

Subd. 3. Any person or company that responds to any alarm signal device, burglar alarm, television camera, still camera, or any other mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, and other losses is deemed to be in the business of protective agent and is subject to the provisions of sections 326.331 to 326.339.

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Sec. 10. Minnesota Statutes 1971, Section 326.339, is amended to read:

326.339 VIOLATIONS. Unless otherwise specifically provided any violation of any provision or requirement of sections 326.331 to 326.339 ~~not otherwise punishable shall be deemed~~ is a gross misdemeanor.

Sec. 11. **APPROPRIATIONS.** There is appropriated to the private detective and protective agent licensing board from the general fund in the state treasury \$20,000 for carrying out the provisions of sections 326.331 to 326.339. Notwithstanding Minnesota Statutes 1971, Section 16.17, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse prior to June 30, 1975.

Sec. 12. Minnesota Statutes 1971, Section 326.335, is repealed.

Approved March 28, 1974.

CHAPTER 311—S.F.No.707

An act relating to tort liability; political subdivisions; defining notice; extending time for notice of claims and eliminating notice requirements for intentional torts and vehicular accidents; amending Minnesota Statutes 1971, Section 466.05.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 466.05, is amended to read:

466.05 TORT LIABILITY OF POLITICAL SUBDIVISIONS; NOTICE OF CLAIM. Subdivision 1. **NOTICE REQUIRED.** Except as provided in subdivisions 2 and 3, every person who claims damages from any municipality for or on account of any loss or injury within the scope of section 466.02 shall cause to be presented to the governing body of the municipality within ~~30-60~~ days after the alleged loss or injury is discovered a ~~written~~ notice stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the governing body of the municipality or its insurer on notice of a possible claim shall be construed to comply with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by the municipality. No action therefor shall be maintained unless such notice has been given and unless the action is commenced within one year after

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