

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 406

(Senator Jimeno)

Judicial Proceedings

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**Business Occupations - Private Detectives - Exemptions for Professional  
Engineers, Surveyors, and Architects**

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This bill exempts licensed professional engineers, licensed professional land surveyors or property line surveyors, and licensed professional architects who are licensed in Maryland and practicing within the scope of their licenses from licensure provisions applicable to private detectives.

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**Fiscal Summary**

**State Effect:** This bill would not materially affect State government operations.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Current Law:** The Secretary of State Police must license a person before the person may conduct a business that provides private detective services in the State. An individual or a firm may qualify for a license as a private detective agency.

Private detective services means to provide, for compensation, the service of: (1) conducting specified types of investigations; (2) securing evidence for use before any investigating committee, board of award, or board of arbitration or for use in the trial of any civil or criminal cause; (3) nonuniformed personal protection; or (4) conducting an

investigation to locate or apprehend a fugitive from justice, unless the person is a property bail bondsman or licensed bail bondsman or an agent of a bondsman.

Provision of private detective services does not include: (1) performing any activity of a person who is engaged exclusively in the business of making investigations and reports that relate to the financial standing, creditworthiness, or financial responsibility of any person; (2) performing any activity of a person who is engaged exclusively in the business of making a report for an insurance or credit purpose, except if the making of the report involves an investigation or surveillance of a sort normally performed by a person who otherwise is subject to this title; (3) monitoring an electronically controlled burglar or fire alarm system with a central unit; or (4) making a marketing survey.

The following individuals are specifically exempt from private detective licensing requirements: (1) an officer or employee of any unit of the United States, of any state, or of any county, municipal corporation, or other political subdivision of any state, while performing a duty of the office or employment; (2) a lawyer, while performing any activity that relates to the lawyer's regular practice of law in the State; (3) an individual who, as a regular part-time or full-time employee of a lawyer, provides services that relate to the lawyer's regular practice of law in the State; (4) an individual who is regularly and exclusively employed as an investigator or in any other capacity by a person who is not engaged in the business of providing private detective services, while performing any duty of the employment; (5) a person who is licensed to engage in insurance business of any kind in the State, while conducting that business, or to any employee or licensed agent of that person, while conducting that business; (6) an independent insurance adjuster, while conducting the business of an insurance adjuster; (7) a person while conducting an investigation solely for the person's own account; or (8) a special police officer.

**State Revenue:** The Department of State Police indicates that there are approximately 300 licensed private detectives. The agency cannot estimate how many are licensed engineers, land surveyors, or architects. Private detectives are licensed for a term of three years. Any loss of licensure revenue would be minimal and spread over a three-year period.

**Background:** The Department of Labor, Licensing, and Regulation issues licenses and permits for professional engineers, land surveyors, and architects. This bill would only affect licensees. There are approximately 14,000 licensed engineers, 5,000 licensed architects, and 800 licensed land surveyors.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 543 (Delegate Krysiak) – Economic Matters.

**Information Source(s):** Maryland State Police; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2003  
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