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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 11.3. Private Investigators [7512 - 7573.5] (*Chapter 11.3 added by Stats. 1994, Ch. 1285, Sec. 4.)*

ARTICLE 4. Application of Chapter [7540 - 7542.12] (*Article 4 added by Stats. 1994, Ch. 1285, Sec. 4.)*

7540. For purposes of this article, "licensee" means a licensed private investigator.

(*Added by Stats. 1994, Ch. 1285, Sec. 4. Effective January 1, 1995.*)

7541. (a) Except as otherwise provided by this section, an applicant, or his or her manager, for a license as a private investigator shall have had at least three years' experience in investigation work. One year's experience shall consist of not less than 2,000 hours of actual compensated work performed by each applicant preceding the filing of an application.

(1) An applicant who holds a law degree or bachelor's degree in police science, criminal justice, criminal law, or the equivalent thereof from an accredited college shall be credited with 2,000 hours of experience in investigation work.

(2) An applicant who holds an associate degree in police science, criminal justice, criminal law, or the equivalent thereof from an accredited college shall be credited with 1,000 hours of experience in investigation work.

(3) The total amount of time credited to an applicant for degrees described in this subdivision shall not exceed 2,000 hours of experience in investigation work.

(b) An applicant shall substantiate the claimed years of qualifying experience and the exact details as to the character and nature thereof by written certifications from the employer or qualified manager, subject to independent verification by the director as he or she may determine.

(1) Notwithstanding any other law, only an employer, qualified manager, or his or her designated agent may certify experience for purposes of this section.

(2) For purposes of this section, the term "employer" shall mean only those persons, corporations, partnerships, proprietorships, or other associations which, in the employ of the designated individual, regularly and routinely withheld income taxes and other payroll deductions for direct forwarding to governmental taxing authorities.

(3) For the purposes of this section, the term "qualified manager" shall mean only a manager who has qualified pursuant to Section 7536, who has directly overseen the work and experience of the applicant, and is under an employment or contractual arrangement to provide primary supervision of the applicant.

(c) An employer who is a licensee or qualified manager shall respond in writing within 30 days to an applicant's written request for certifications of the applicant's work experience as an employee and either provide the certifications or the reasons for denial. If the applicant notifies the director in writing, under penalty of perjury, that the applicant is unable to obtain the required written response from a licensee or qualified manager, or provides the licensee's or qualified manager's written denial and states, under penalty of perjury, that the licensee's or qualified manager's reasons for denial are invalid or insufficient and the director concurs, the director may require the licensee or qualified manager to provide the bureau with all relevant employment records maintained pursuant to Section 7531.5 regarding the applicant for evaluation in substantiating the applicant's employment experience.

(*Amended by Stats. 2017, Ch. 569, Sec. 31. (SB 559) Effective January 1, 2018.*)

7541.1. (a) Notwithstanding any other law, experience for purposes of taking the examination for licensure as a private investigator shall be limited to those activities actually performed in connection with investigations, as defined in Section 7521, and only if those activities are performed by persons who are employed or managed in the following capacities:

- (1) Sworn law enforcement officers possessing powers of arrest and employed by agencies in the federal, state, or local government.
- (2) Military police of the Armed Forces of the United States or the National Guard.
- (3) An insurance adjuster or their employees subject to Chapter 1 (commencing with Section 14000) of Division 5 of the Insurance Code.
- (4) Persons employed by a private investigator who are duly licensed in accordance with this chapter, or managed by a qualified manager in accordance with Section 7536.
- (5) Persons employed by repossessioners duly licensed in accordance with Chapter 11 (commencing with Section 7500), only to the extent that those persons are routinely and regularly engaged in the location of debtors or the location of personal property utilizing methods commonly known as "skip tracing." For purposes of this section, only that experience acquired in that skip tracing shall be credited toward qualification to take the examination.
- (6) Persons duly trained and certified as an arson investigator and employed by a public agency engaged in fire suppression.
- (7) Persons trained as investigators and employed by a public defender to conduct investigations.
- (8) (A) Persons trained as investigative reporters and employed by a media source, as defined in Section 1070 of the Evidence Code, whose investigative journalism experience is comprised of conducting primary investigations and producing investigative projects.

(B) For purposes of this paragraph "primary investigation" means original and in-depth research and analysis involving multiple sources, including, but not limited to, public records, databases, archives, published and unpublished documents, witnesses, informers, whistleblowers, public officials, and experts, to produce investigative projects.

(b) The following activities shall not be deemed to constitute acts of investigation for purposes of experience toward licensure:

- (1) The serving of legal process or other documents.
- (2) Activities relating to the search for heirs or similar searches which involve only a search of public records or other reference sources in the public domain.
- (3) The transportation or custodial attendance of persons in the physical custody of a law enforcement agency.
- (4) The provision of bailiff or other security services to a court of law.
- (5) The collection or attempted collection of debts by telephone or written solicitation after the debtor has been located.
- (6) The repossession or attempted repossession of personal property after that property has been located and identified.

(c) Where the activities of employment of an applicant include those which qualify as bona fide experience as stated in this section as well as those which do not qualify, the director may, by delegation to the bureau, determine and apportion that percentage of experience for which any applicant is entitled to credit.

(Amended by Stats. 2017, Ch. 569, Sec. 32. (SB 559) Effective January 1, 2018.)

7541.2. The bureau shall consider requiring, and may require, an applicant for licensure to submit proof of satisfactory completion of a course in professional ethics. If the bureau requires an applicant to submit proof of satisfactory completion of a course in professional ethics, the bureau shall specify which courses and course providers satisfy the requirement and shall make that information regarding the course and course providers available on its internet website.

(Amended by Stats. 2019, Ch. 377, Sec. 11. (SB 609) Effective January 1, 2020.)

7542. (a) (1) A licensee or qualified manager of a licensee who, in the course of that person's employment or business, carries a deadly weapon shall complete a training course in the carrying and use of firearms, as specified in Sections 7585, 7585.1, 7585.2,

and 7585.6.

(2) A licensee or qualified manager of a licensee shall not carry or use a firearm unless that person has met the requirements of Sections 7542.2, 7542.3, and 7542.7 and possesses a valid firearms qualification card.

(b) A licensee or qualified manager of a licensee who possesses a valid firearms qualification card shall comply with, and be subject to, Sections 7542.4, 7542.5, 7542.6, 7542.9, 7542.10, 7542.11, and 7542.12.

(c) A licensee or qualified manager of a licensee who possesses a valid firearms qualification card may carry a firearm capable of being concealed upon the person in a concealed manner if that person complies with applicable provisions set forth in Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6 of the Penal Code.

(d) If a firearms qualification card is denied, the denial shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if the applicant desires a review by the Private Investigator Disciplinary Review Committee to contest the denial, the review shall be requested of the director within 30 days following the issuance of the denial. A review or hearing shall be held pursuant to Section 7519.3. However, no review or hearing shall be granted to an individual who is otherwise prohibited by law from carrying a firearm.

(e) Paragraph (1) of subdivision (a) shall not apply to either of the following:

(1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the use of firearms.

(2) A federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the use of firearms.

(Amended by Stats. 2023, Ch. 571, Sec. 9. (AB 1244) Effective January 1, 2024.)

7542.1. Every licensee and any person employed and compensated by a licensee who in the course of that employment or business carries tear gas or any other nonlethal chemical agent shall complete the required course pursuant to Section 22835 of the Penal Code.

(Amended by Stats. 2010, Ch. 178, Sec. 1. (SB 1115) Effective January 1, 2011. Operative January 1, 2012, by Sec. 107 of Ch. 178.)

7542.2. The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) (1) The applicant is a licensee or a qualified manager of a licensee.

(b) The firearms permit is associated with one of the following:

(1) An individual licensed as a private investigator pursuant to Section 7525.1.

(2) A partner of a partnership licensed as a private investigator pursuant to Section 7525.1.

(3) A qualified manager of a licensed private investigator pursuant to Section 7536 or a qualified manager license pursuant to subdivision (c) of Section 7536.

(c) (1) A bureau-certified firearms training instructor certifies that the applicant has successfully completed a written examination prepared by the bureau and a training course in the carrying and use of firearms approved by the bureau.

(2) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of paragraph (1) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(d) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) The applicant is at least 21 years of age and the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of the applicant's duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(f) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be

deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(g) The application is accompanied by the application fees prescribed in this chapter.

(h) This section shall become operative on January 1, 2025.

(Repealed (in Sec. 10) and added by Stats. 2023, Ch. 571, Sec. 2. (AB 1244) Effective January 1, 2024. Operative January 1, 2025, by its own provisions.)

7542.3. (a) The bureau shall not issue a firearm permit if the applicant is prohibited from possessing, receiving, owning, or purchasing a firearm pursuant to state or federal law.

(b) Before issuing an initial firearm permit, the bureau shall provide the Department of Justice with the name, address, social security number, and fingerprints of the applicant.

(c) The Department of Justice shall inform the bureau, within 60 days from receipt of the information specified in subdivision (b), of the applicant's eligibility to possess, receive, purchase, or own a firearm pursuant to state and federal law.

(d) An applicant who has been denied a firearm permit based upon subdivision (a) may reapply for the permit after the prohibition expires. The bureau shall treat this application as an initial application and shall follow the required screening process as specified in this section.

(Amended by Stats. 2023, Ch. 571, Sec. 12. (AB 1244) Effective January 1, 2024.)

7542.4. (a) The bureau shall not renew a firearm permit if the applicant is prohibited from possessing, receiving, purchasing, or owning a firearm pursuant to state or federal law.

(b) Before renewing a firearm permit, the bureau shall provide the Department of Justice with the information necessary to identify the renewal applicant.

(c) The Department of Justice shall inform the bureau, within 30 days of receipt of the information specified in subdivision (b), of the renewal applicant's eligibility to possess, receive, purchase, or own a firearm pursuant to state and federal law.

(Amended by Stats. 2023, Ch. 571, Sec. 13. (AB 1244) Effective January 1, 2024.)

7542.5. (a) The Department of Justice may charge the bureau a fee sufficient to reimburse the department's costs for furnishing firearm eligibility information upon submission of the application for issuance or renewal of a firearm permit. The fee charged shall not exceed the actual costs for system development, maintenance, and processing necessary to provide this service.

(b) The bureau shall collect the fee described in subdivision (a) for all initial and renewal applications for firearm permits.

(Added by Stats. 2018, Ch. 791, Sec. 5. (SB 1217) Effective January 1, 2019.)

7542.6. (a) A firearm permit may be automatically revoked if, at any time, the Department of Justice notifies the bureau that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm pursuant to state or federal law. Following the automatic revocation, an administrative hearing shall be provided upon written request to the bureau in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The bureau may seek an emergency order pursuant to Article 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code against the holder of the firearms permit if, after the bureau's investigation relating to any of the following events, the bureau determines that the holder of the firearms permit presents an undue hazard to public safety that may result in substantial injury to another:

(1) Receipt of subsequent arrest information of an arrest for any of the following:

(A) Assault.

(B) Battery.

(C) Any use of force or violence on any person committed by the permitholder.

(2) A report from a bureau-approved firearms training facility or instructor made pursuant to Section 7585.18.

(3) A report from the permitholder's employer or former employer that the permitholder may be a threat to public safety.

(4) A complaint filed by any member of the public that the permitholder may be a threat to public safety.

(5) The results of the assessment administered pursuant to Section 7583.47 indicate that the permitholder is incapable of exercising appropriate judgment, restraint, and self-control for the purpose of carrying and using a firearm in the course of their duties as a registered security guard.

(Amended by Stats. 2023, Ch. 571, Sec. 14. (AB 1244) Effective January 1, 2024.)

7542.7. If an applicant fails to complete his or her application within one year after it has been filed, the application shall be considered to be abandoned. An application submitted subsequent to the abandonment of the former application shall be treated as a new application.

(Added by Stats. 2018, Ch. 791, Sec. 7. (SB 1217) Effective January 1, 2019.)

7542.9. The firearms qualification card, if issued, shall be mailed to the applicant at the address which appears on the application. In the event of the loss or destruction of the card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay the replacement fee prescribed in this chapter, whereupon the bureau shall issue a certified replacement of the card.

(Added by Stats. 2018, Ch. 791, Sec. 8. (SB 1217) Effective January 1, 2019.)

7542.10. In order to carry a firearm capable of being concealed upon the person, the holder of a firearms qualification card shall comply with Section 7542. A firearms qualification card does not authorize the holder thereof to carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(Added by Stats. 2018, Ch. 791, Sec. 9. (SB 1217) Effective January 1, 2019.)

7542.11. (a) A firearms qualification card expires two years from the date of issuance, if not renewed. A person who wishes to renew a firearms qualification card shall file an application for renewal at least 60 days prior to the card's expiration. A person whose card has expired shall not carry a firearm until the person has been issued a renewal card by the bureau.

(b) The bureau shall not renew a firearms qualification card unless all of the following conditions are satisfied:

(1) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

(2) (A) The applicant has requalified on the range and has successfully passed a written examination based on course content as specified in the firearms training manual approved by the department and taught at a training facility approved by the bureau.

(B) An applicant who is a bureau-certified firearms training instructor is prohibited from self-certifying as having successfully carried out the requirements of subparagraph (A) and shall instead carry out the requirements under another bureau-certified firearms training instructor.

(3) The application is accompanied by a firearms requalification fee as prescribed in this chapter.

(4) The applicant has produced evidence to the firearms training facility, either upon receiving their original qualification card or upon filing for renewal of that card, that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status is that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, the United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(c) An expired firearms qualification card may not be renewed. A person with an expired registration is required to apply for a new firearms qualification in the manner required of persons not previously registered. A person whose card has expired shall not carry a firearm until that person has been issued a new firearms qualification card by the bureau.

(d) Paragraph (2) of subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who is authorized to carry a firearm in the course of the officer's duties and who has successfully completed requalification training.

7542.12. The director may assess fines as enumerated in Article 6 (commencing with Section 7561). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee or qualified manager shall, during the course and scope of licensed activity, do any of the following:

(a) Carry any inoperable, replica, or other simulated firearm.

(b) Use a firearm in violation of the law, or in knowing violation of the standards for the carrying and usage of firearms as taught in the course of training in the carrying and use of firearms. Unlawful or prohibited uses of firearms shall include, but not be limited to, the following:

(1) Illegally using, carrying, or possessing a dangerous weapon.

(2) Brandishing a weapon.

(3) Drawing a weapon without proper cause.

(4) Provoking a shooting incident without cause.

(5) Carrying or using a firearm while on duty while under the influence of alcohol or dangerous drugs.

(6) Carrying or using a firearm of a caliber for which a firearms permit has not been issued by the bureau.

(7) Carrying or using a firearm while performing duties not related to the qualifying license or registration to which the bureau associated the firearms permit.

(c) Carry or use a baton in the performance of his or her duties.

(d) Carry or use tear gas or any other nonlethal chemical agent in the performance of his or her duties unless he or she has in his or her possession proof of completion of a course in the carrying and use of tear gas or any other nonlethal chemical agent.

(e) Carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person unless one of the following circumstances applies:

(1) The person has been issued a permit to carry a pistol, revolver, or other firearm capable of being concealed upon the person in a concealed manner by a local law enforcement agency pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code.

(2) The person is a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a concealed firearm in the course and scope of his or her employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.