

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative M. Wilson**

A Bill

HOUSE BILL 1555

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §17-33-103 TO
9 EXEMPT PERSONS ACTING AT THE DIRECTION OF OR FOR THE
10 BENEFIT OF AN ATTORNEY FROM THE REQUIREMENT TO BE LICENSED
11 AS A PRIVATE INVESTIGATOR; TO ADD A NEW SECTION TO
12 SUBCHAPTER 3 OF CHAPTER 33 OF TITLE 17 TO INSURE
13 VIOLATIONS DO NOT AFFECT THE ADMISSIBILITY OF EVIDENCE;
14 AND FOR OTHER PURPOSES."

15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Arkansas Code Annotated §17-33-103 is amended to read as
19 follows:

20 "17-33-103. Exemptions.

21 (a) This chapter does not apply to:

22 (1) A person employed exclusively and regularly by one (1)
23 employer in connection with the affairs of that employer only and where there
24 exists an employer-employee relationship;

25 (2) An officer or employee of the United States of America, of
26 this state, or of a political subdivision of either, while the employee or
27 officer is engaged in the performance of official duties;

28 (3) A person who has part-time or full-time employment as a law
29 enforcement officer and who is certified by the State of Arkansas Commission
30 on Law Enforcement Standards and Training as a law enforcement officer and
31 receives compensation for private employment on an individual or an
32 independent contractor basis as a patrolman, guard, or watchman if the person
33 is:

34 (A) Employed in an employee-employer relationship; or

35 (B) Employed on an individual contractual basis; and

- 1 (C) Not in the employ of another law enforcement officer;
- 2 (4) A person engaged exclusively in the business of obtaining and
- 3 furnishing information for purposes of credit worthiness or collecting debts
- 4 or ascertaining the financial responsibility of applicants for property
- 5 insurance and for indemnity or surety bonds, with respect to persons, firms,
- 6 and corporations;
- 7 (5) Consumer reporting agencies as defined in 15 U.S.C. 1681 et
- 8 seq.;
- 9 (6) An attorney at law in performing his duties or persons *acting*
- 10 *at the direction of or for the benefit of an attorney, only in connection with*
- 11 *providing investigative services to the attorney and his practice;*
- 12 (7) Admitted insurers, insurance adjusters, agents, and insurance
- 13 brokers licensed by the state performing duties in connection with insurance
- 14 transacted by them;
- 15 (8) An officer, employee, or agent of a communications common
- 16 carrier, as defined in 47 U.S.C. 153(h), while engaged in the normal course of
- 17 business of the carrier or protecting the carrier or a user of the services of
- 18 that carrier from fraudulent, unlawful, or abusive use of services;
- 19 (9) A professional engineer registered with the *Arkansas Board of*
- 20 *Professional Engineers and Land Surveyors engaged in providing investigative*
- 21 *services as outlined in this chapter;*
- 22 (10) A person who or business which sells or manufacturers alarm
- 23 systems, unless such person or business performs any service as described in
- 24 17-33-102(6);
- 25 (11) Installation, servicing, or responding to fire alarm systems
- 26 or any alarm device which is installed in a motor vehicle, aircraft, or boat;
- 27
- 28 (12) Installation of an alarm system on property owned by or
- 29 leased to the installer;
- 30 (13) Installation of fixed fire extinguisher systems by persons
- 31 licensed by the Fire Extinguisher Board;
- 32 (14) Installation of a fire alarm system by a person or
- 33 organization not employed by a licensee under this chapter who holds an
- 34 electrical contractor's license in the State of Arkansas when the installation
- 35 is directed, inspected, and certified by a person or organization licensed

1 under this chapter as an alarm systems company.

2 (b) Although under the provisions of this chapter the security
3 department of a private business that hires or employs an individual in the
4 capacity of a private security officer to possess a firearm in the course and
5 scope of his duties is required to make application for a security officer
6 commission for the individual according to the provisions of this chapter, the
7 security department of a private business shall not be required to make
8 application to the board for any license under this chapter.

9 (c) Notwithstanding any other provision of this chapter, employees of a
10 licensee who are employed exclusively as undercover agents shall not be
11 required to register with the board under this chapter."

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13 SECTION 2. Subchapter 3 of Chapter 33 of Title 17 is amended by adding a
14 new section as follows:

15 "17-33-330.

16 The introduction of evidence in all courts in Arkansas shall not be
17 affected by violations of this act."

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19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 5. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 /s/M. Wilson