

FIRST REGULAR SESSION

# HOUSE BILL NO. 652

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), SHOEMYER AND PAGE (Co-sponsors).

Read 1<sup>st</sup> time February 28, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1327L.011

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### AN ACT

To repeal sections 571.030 and 621.045, RSMo, and to enact in lieu thereof twenty-seven new sections relating to private investigators, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 571.030 and 621.045, RSMo, are repealed and twenty-seven new  
2 sections enacted in lieu thereof, to be known as sections 324.1100, 324.1102, 324.1104,  
3 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122,  
4 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140,  
5 324.1142, 324.1144, 324.1146, 324.1148, 571.030, and 621.045, to read as follows:

**324.1100. As used in sections 324.1100 to 324.1148, the following terms mean:**

- 2 (1) **"Board", the board of private investigator examiners established in section**  
3 **324.1102;**
- 4 (2) **"Client", any person who engages the services of a private investigator;**
- 5 (3) **"Department", the department of economic development;**
- 6 (4) **"Law enforcement officer", a law enforcement officer as defined in section**  
7 **556.061, RSMo;**
- 8 (5) **"Organization", a corporation, trust, estate, partnership, cooperative, or**  
9 **association;**
- 10 (6) **"Person", an individual or organization;**
- 11 (7) **"Private investigator", any person who receives any consideration, either**  
12 **directly or indirectly, for engaging in the private investigator business;**
- 13 (8) **"Private investigator agency", a person who regularly employs any other**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 person, other than an organization, to engage in the private investigator business;

15 (9) "Private investigator business", the furnishing of, making of, or agreeing to  
16 make, any investigation for the purpose of obtaining information pertaining to:

17 (a) Crimes or wrongs done or threatened against the United States or any state or  
18 territory of the United States;

19 (b) The identity, habits, conduct, business, occupation, honesty, integrity,  
20 credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement,  
21 whereabouts, affiliations, associations, transactions, acts, reputation, or character of any  
22 person;

23 (c) The location, disposition, or recovery of lost or stolen property;

24 (d) Securing evidence to be used before any court, board, officer, or investigating  
25 committee;

26 (e) Sale of personal identification information to the public; or

27 (f) The cause of responsibility for libel, losses, accident, or damage or injury to  
28 persons or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby created  
2 within the division of professional registration. The board shall be a body corporate and  
3 may sue and be sued.

4 2. The board shall be composed of five members appointed by the governor with  
5 the advice and consent of the senate. Each member of the board shall be a citizen of the  
6 United States, a resident of Missouri, at least thirty years of age, and shall have been  
7 actively engaged in the private investigator business for the previous five years. No more  
8 than one board member may be employed by, or affiliated with, the same private  
9 investigator agency. The initial board members shall not be required to be licensed but  
10 shall obtain a license within one hundred eighty days after the effective date of the rules  
11 promulgated pursuant to sections 324.1100 to 324.1148 regarding licensure.

12 3. The members shall be appointed for terms of two years, except those first  
13 appointed, in which case two members, who shall be private investigators, shall be  
14 appointed for terms of four years, two members shall be appointed for terms of three years  
15 and one member shall be appointed for a one-year term. Any vacancy on the board shall  
16 be filled for the unexpired term of the member and in the manner as the first appointment.  
17 No member may serve consecutive terms.

18 4. The members of the board may receive compensation, as determined by the  
19 director for their services, if appropriate, and shall be reimbursed for actual and necessary  
20 expenses incurred in performing their official duties on the board.

21 5. There is hereby created in the state treasury the "Board of Private Investigator

22 **Examiners Fund"**, hereafter the fund, which shall consist of money collected pursuant to  
23 **sections 324.1100 to 324.1148.** The fund shall be administered by the board of private  
24 **investigator examiners, which shall collect the fees authorized by sections 324.1100 to**  
25 **324.1148 and transmit them to the director of revenue for deposit to the state treasury to**  
26 **the credit of the fund. Money in the fund shall be used solely for the purposes of the board**  
27 **of private investigator examiners, as authorized by sections 324.1100 to 324.1148.**

28 **6. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund**  
29 **shall be transferred to the general revenue fund, and any appropriation made to the fund**  
30 **shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as**  
31 **other funds are invested. Interest and moneys earned on such investments shall be credited**  
32 **to the fund.**

**324.1104. Unless expressly exempted from the provisions of sections 324.1100 to**  
2 **324.1148:**

3 **(1) It shall be unlawful for any person to engage in the private investigator business**  
4 **in this state unless such person is licensed as a private investigator pursuant to sections**  
5 **324.1100 to 324.1148;**

6 **(2) It shall be unlawful for any person to engage in business in this state as a private**  
7 **investigator agency unless such person is licensed pursuant to sections 324.1100 to**  
8 **324.1148.**

**324.1106. The following persons shall not be deemed to be engaging in the private**  
2 **investigator business:**

3 **(1) A person employed exclusively and regularly by one employer in connection**  
4 **only with the affairs of such employer and where there exists an employer-employee**  
5 **relationship;**

6 **(2) Any officer or employee of the United States, or of this state or a political**  
7 **subdivision thereof while engaged in the performance of the officer's or employee's official**  
8 **duties;**

9 **(3) A consumer reporting agency as defined in 15 U.S.C. Section 1681(a) and its**  
10 **contract and salaried employees;**

11 **(4) An attorney performing duties as an attorney, or an attorney's paralegal or**  
12 **employee retained by such attorney assisting in the performance of such duties or**  
13 **investigation on behalf of such attorney;**

14 **(5) A collection agency or an employee thereof while acting within the scope of**  
15 **employment, while making an investigation incidental to the business of the agency,**  
16 **including an investigation of the location of a debtor or a debtor's property where the**  
17 **contract with an assignor creditor is for the collection of claims owed or due, or asserted**

18 to be owed or due, or the equivalent thereof;

19 (6) Insurers and insurance producers licensed by the state, performing duties in  
20 connection with insurance transacted by them;

21 (7) Any bank subject to the jurisdiction of the director of the division of finance of  
22 the state of Missouri or the comptroller of currency of the United States;

23 (8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an  
24 "insurance adjuster" means any person who receives any consideration, either directly or  
25 indirectly, for adjusting in the disposal of any claim under or in connection with a policy  
26 of insurance or engaging in soliciting insurance adjustment business;

27 (9) Any private fire investigator whose primary purpose of employment is the  
28 determination of the origin, nature, cause, or calculation of losses relevant to a fire;

29 (10) Employees of a not-for-profit organization or its affiliate or subsidiary who  
30 makes and processes requests on behalf of health care providers and facilities for employee  
31 criminal and other background information pursuant to section 660.317, RSMo; or

32 (11) Any real estate broker, real estate salesperson, or real estate appraiser acting  
33 within the scope of his or her license.

324.1108. 1. Every person desiring to be licensed in this state as a private  
2 investigator or private investigator agency shall make application therefor to the board of  
3 private investigator examiners. An application for a license pursuant to the provisions of  
4 sections 324.1100 to 324.1148 shall be on a form prescribed by the board of private  
5 investigator examiners and accompanied by the required application fee. An application  
6 shall be verified and shall include:

7 (1) The full name and business address of the applicant;

8 (2) The name under which the applicant intends to do business;

9 (3) A statement as to the general nature of the business in which the applicant  
10 intends to engage;

11 (4) A statement as to the classification or classifications under which the applicant  
12 desires to be qualified;

13 (5) Two recent photographs of the applicant, of a type prescribed by the board of  
14 private investigator examiners, and two classifiable sets of the applicant's fingerprints;

15 (6) A verified statement of the applicant's experience qualifications; and

16 (7) Such other information, evidence, statements, or documents as may be required  
17 by the board of private investigator examiners.

18 2. Before an application for a license may be granted, the applicant shall:

19 (1) Be at least twenty-one years of age;

20 (2) Be a citizen of the United States;

21           (3) Provide proof of insurance with amount to be no less than one million in  
22 coverage for liability and proof of workers' compensation insurance if required in chapter  
23 287, RSMo. The board shall have the authority to raise the requirements as deemed  
24 necessary; and

25           (4) Comply with such other qualifications as the board adopts by rules and  
26 regulations.

324.1110. 1. The board of private investigator examiners shall require as a  
2 condition of licensure as a private investigator that the applicant pass a written  
3 examination as evidence of knowledge of investigator rules and regulations.

4           2. The department shall conduct a complete investigation of the background of each  
5 applicant for licensure as a private investigator to determine whether the applicant is  
6 qualified for licensure pursuant to sections 324.1100 to 324.1148. The board will outline  
7 basic qualification requirements for licensing as a private investigator and agency.

8           3. In the event requirements have been met so that testing has been waived,  
9 qualification is dependent on a showing of, for the two previous years:

10           (1) Registration and good standing as a business in this state; and

11           (2) One quarter million dollars in business general liability insurance.

12           4. The board may review applicants seeking reciprocity. An applicant seeking  
13 reciprocity shall have undergone a licensing procedure similar to that required by this state  
14 and shall meet this state's minimum insurance requirements.

324.1112. The board of private investigator examiners may deny a request for a  
2 license if the applicant:

3           (1) Has committed any act which, if committed by a licensee, would be grounds for  
4 the suspension or revocation of a license pursuant to the provisions of sections 324.1100 to  
5 324.1148;

6           (2) Within two years prior to the effective date of this section:

7           (a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony  
8 offense, including the receiving of a suspended imposition of sentence following a plea or  
9 finding of guilty to a felony offense;

10           (b) Has been convicted of or entered a plea of guilty or nolo contendere to a  
11 misdemeanor offense involving moral turpitude;

12           (c) Has falsified or willfully misrepresented information in an employment  
13 application, records of evidence, or in testimony under oath;

14           (d) Has been dependent on or abused alcohol or drugs; or

15           (e) Has used, possessed, or trafficked in any illegal substance;

16           (3) Been refused a license pursuant to the provisions of sections 324.1100 to

17 **324.1148 or had a license revoked in this state or in any other state;**

18 **(4) While unlicensed, committed or aided and abetted the commission of any act**  
19 **for which a license is required by sections 324.1100 to 324.1148 after the effective date of**  
20 **this section; or**

21 **(5) Knowingly made any false statement in the application.**

**324.1114. 1. Every application submitted pursuant to the provisions of sections**  
2 **324.1100 to 324.1148 shall be accompanied by a fee as determined by the board as follows:**

3 **(1) For an individual license, agency license and employees being licensed to work**  
4 **under an agency license; or**

5 **(2) If a license is issued for a period of less than one year, the fee shall be prorated**  
6 **for the months, or fraction thereof, for which the license is issued.**

7 **2. The board shall set fees as authorized by sections 324.1100 to 324.1148 at a level**  
8 **to produce revenue which will not substantially exceed the cost and expense of**  
9 **administering sections 324.1100 to 324.1148.**

10 **3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive and**  
11 **notwithstanding any other provision of law. No municipality may require any person**  
12 **licensed pursuant to sections 324.1100 to 324.1148 to furnish any bond, pass any**  
13 **examination, or pay any license fee or occupational tax relative to practicing the person's**  
14 **profession.**

15 **4. A private investigator license shall allow only the individual licensed by the state**  
16 **to conduct investigations. An agency license shall be applied for separately and held by an**  
17 **individual who is licensed as a private investigator. The agency may hire individuals to**  
18 **work for the agency conducting investigations for the agency only. Persons hired shall**  
19 **make application as determined by the board and meet all requirements set forth by the**  
20 **board except that they shall not be required to meet any experience requirements and shall**  
21 **be allowed to begin working immediately upon the agency submitting their applications.**

**324.1116. A private investigator agency shall not hire any individual as an**  
2 **employee unless the individual:**

3 **(1) Is at least twenty-one years of age;**

4 **(2) Provides two recent photographs of themselves, of a type prescribed by the**  
5 **board of private investigator examiners, and two classifiable sets of their fingerprints; and**

6 **(3) Complies with any other qualifications and requirements the board adopts by**  
7 **rule.**

**324.1118. A private investigator agency shall not hire an individual, who is not**  
2 **licensed as a private investigator, as an employee if the individual:**

3 **(1) Has been convicted of a felony or aggravated misdemeanor;**

- 4           (2) Is addicted to the use of alcohol or a controlled substance;  
5           (3) Has a history of repeated acts of violence;  
6           (4) Is not of good moral character or has been adjudged guilty of a crime involving  
7 moral turpitude;  
8           (5) Has been convicted of illegally using, carrying, or possessing a dangerous  
9 weapon.

**324.1120.** An individual, who is not licensed as a private investigator, hired as an  
2 employee by a private investigator agency shall work only under the direction of the  
3 agency whose identification number appears on their application and shall only work for  
4 one agency at any one time.

**324.1122.** A licensee shall successfully complete sixteen hours of continuing  
2 education units biennially and an individual, who is not licensed as a private investigator,  
3 who is hired as an employee by a private investigator agency shall successfully complete  
4 eight hours of continuing education units biennially.

**324.1124. 1.** The board of private investigator examiners shall determine the form  
2 of the license which shall include the:

- 3           (1) Name of the licensee;  
4           (2) Name under which the licensee is to operate; and  
5           (3) Number and date of the license.

6           **2.** The license shall be posted at all times in a conspicuous place in the principal  
7 place of business of the licensee. Upon the issuance of a license, a pocket card of such size,  
8 design, and content as determined by the division shall be issued without charge to each  
9 licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions  
10 of sections 324.1100 to 324.1148. When any person to whom a card is issued terminates  
11 such person's position, office, or association with the licensee, the card shall be surrendered  
12 to the licensee and within five days thereafter shall be mailed or delivered by the licensee  
13 to the board of private investigator examiners for cancellation. Within thirty days after  
14 any change of address, a licensee shall notify the board of the address change. The  
15 principal place of business may be at a residence or at a business address, but it shall be  
16 the place at which the licensee maintains a permanent office.

**324.1126. 1.** Any license issued pursuant to sections 324.1100 to 324.1148 shall  
2 expire two years after the date of its issuance. Renewal of any such license shall be made  
3 in the manner prescribed for obtaining an original license, including payment of the  
4 appropriate fee, except that:

- 5           (1) The application upon renewal need only provide information required of  
6 original applicants if the information shown on the original application or any renewal

7 thereof on file with the board is no longer accurate;

8 (2) A new photograph shall be submitted with the application for renewal only if  
9 the photograph on file with the board has been on file more than two years; and

10 (3) The applicant does not have to be tested again but must instead provide proof  
11 that the applicant successfully completed sixteen hours of continuing education credits;  
12 and

13 (4) Additional information may be required by rules and regulations adopted by  
14 the board of private investigator examiners.

15 2. A licensee shall at all times be legally responsible for the good conduct of each  
16 of the licensee's employees or agents while engaged in the business of the licensee and the  
17 licensee is legally responsible for any acts committed by such licensee's employees or agents  
18 which are in violation of sections 324.1100 to 324.1148. A person receiving an agency  
19 license shall directly manage the agency and employees.

20 3. A license issued pursuant to the provisions of sections 324.1100 to 324.1148 shall  
21 not be assignable.

324.1128. 1. Any licensee may divulge to the board, any law enforcement officer,  
2 or prosecuting attorney, or such person's representative, any information such person may  
3 acquire as to any criminal offense, or instruct his or her client to do so if the client is the  
4 victim but such person shall not divulge to any other person, except as he or she may be  
5 required by law to do, any information acquired by such person at the direction of the  
6 employer or client for whom the information was obtained.

7 2. No licensee or officer, director, partner, associate, or employee thereof shall:

8 (1) Knowingly make any false report to his or her employer or client for whom  
9 information was being obtained;

10 (2) Cause any written report to be submitted to a client except by the licensee, and  
11 the person submitting the report shall exercise diligence in ascertaining whether or not the  
12 facts and information in such report are true and correct;

13 (3) Use a title, wear a uniform, use an insignia or an identification card, or make  
14 any statement with the intent to give an impression that such person is connected in any  
15 way with the federal government, a state government, or any political subdivision of a state  
16 government;

17 (4) Appear as an assignee party in any proceeding involving claim and delivery,  
18 replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien,  
19 materialman's lien, or any other lien;

20 (5) Manufacture false evidence; or

21 (6) Create any video recording of an individual in their domicile without the



22 individual's permission. Furthermore, if such video recording is made, it shall not be  
23 admissible as evidence in any civil proceeding.

324.1130. Each licensee shall maintain a record containing such information  
2 relative to the licensee's employees as may be prescribed by the board of private  
3 investigator examiners. Such licensee shall file with the board the complete address of the  
4 licensee's principal place of business including the name and number of the street. The  
5 board may require the filing of other information for the purpose of identifying such  
6 principal place of business.

324.1132. Every advertisement by a licensee soliciting or advertising business shall  
2 contain the licensee's name, city, and state as it appears in the records of the board of  
3 private investigator examiners. A licensee shall not advertise or conduct business from any  
4 Missouri address other than that shown on the records of the board as the licensee's  
5 principal place of business unless the licensee has received an additional agency license for  
6 such location after compliance with the provisions of sections 324.1100 to 324.1148 and  
7 such additional requirements necessary for the protection of the public as the board may  
8 prescribe by regulation. A licensee shall notify the board in writing within ten days after  
9 closing or changing the location of a branch office. The fee for the additional license shall  
10 be one-half the cost of the fee for the agencies original license.

324.1134. 1. The board of private investigator examiners may suspend or revoke  
2 a license issued pursuant to sections 324.1100 to 324.1148 if, after notice and opportunity  
3 for hearing in accordance with the provisions of chapter 621, RSMo, the administrative  
4 hearing commission determines that the licensee has:

5 (1) Made any false statement or given any false information in connection with an  
6 application for a license or a renewal or reinstatement thereof;

7 (2) Violated any provision of sections 324.1100 to 324.1148;

8 (3) Violated any rule of the board of private investigator examiners adopted  
9 pursuant to the authority contained in sections 324.1100 to 324.1148;

10 (4) Impersonated, or permitted or aided and abetted an employee to impersonate,  
11 a law enforcement officer or employee of the United States of America, or of any state or  
12 political subdivision thereof;

13 (5) Committed, or permitted any employee to commit any act, while the license was  
14 expired, which would be cause for the suspension or revocation of a license, or grounds for  
15 the denial of an application for a license;

16 (6) Knowingly violated, or advised, encouraged, or assisted the violation of, any  
17 court order or injunction in the course of business as a licensee;

18 (7) Used any letterhead, advertisement, or other printed matter, or in any manner

19 whatever represented that such person is an instrumentality of the federal government, a  
20 state, or any political subdivision thereof;

21 (8) Used a name different from that under which such person is currently licensed  
22 in any advertisement, solicitation, or contract for business; or

23 (9) Committed any act which is grounds for denial of an application for a license  
24 pursuant to the provisions of section 324.1112.

25 2. The record of conviction, or a certified copy thereof, shall be conclusive evidence  
26 of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the  
27 meaning thereof.

28 3. The agency may continue under the direction of another employee if the  
29 individual holding the license is suspended or revoked as approved by the board. The  
30 board shall establish a time frame in which the agency shall identify an acceptable person  
31 who is qualified to assume control of the agency, as required by the board.

32 4. After the filing of a complaint before the administrative hearing commission, the  
33 proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo.  
34 Upon a finding by the administrative hearing commission that the grounds in subsection  
35 1 of this section for disciplinary action are met, the board may singly or in combination  
36 censure or place the person named in the complaint on probation pursuant to such terms  
37 and conditions as the board deems appropriate for a period not to exceed five years, may  
38 suspend for a period not to exceed three years, or revoke the license.

324.1136. 1. Each private investigator or investigator agency operating pursuant  
2 to the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete  
3 record of the business transactions of such investigator or investigator agency for a period  
4 of seven years. Upon the service of a court order issued by a court of competent  
5 jurisdiction or upon the service of a subpoena issued by the board which is based on a  
6 complaint supported by oath or affirmation, and particularly describing the records and  
7 reports, any licensed private investigator who is the owner, partner, director, corporate  
8 officer, or custodian of business records shall provide an opportunity for the inspection of  
9 the same and to inspect reports made; but any information obtained by the board shall be  
10 kept confidential, except as may be necessary to commence and prosecute any legal  
11 proceedings. The board shall not personally enter a licensee's place of business to inspect  
12 records, but shall utilize an employee of the division of professional registration to act as  
13 a gatherer of information and facts to present to the board regarding any complaint or  
14 inspection they are looking into.

15 2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and  
16 in making investigations relating to any violation thereof, the board shall have the power

17 to subpoena and bring before the board any person in this state and require the production  
18 of any books, records, or papers which the board deems relevant to the inquiry. The board  
19 also may administer an oath to and take the testimony of any person, or cause such  
20 person's deposition to be taken, except that any applicant or licensee or officer, director,  
21 partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued  
22 pursuant to this section shall be governed by the Missouri rules of civil procedure and shall  
23 comply with any confidentiality standards or legal limitations imposed by privacy or open  
24 records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts,  
25 judicially recognized privileged communications, and the bill of rights of both the United  
26 States and Missouri Constitutions. Any person duly subpoenaed, who fails to obey such  
27 subpoena without reasonable cause or without such cause refuses to be examined or to  
28 answer any legal or pertinent question as to the character or qualification of such applicant  
29 or licensee or such applicant's alleged unlawful or deceptive practices and methods or such  
30 violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any  
31 investigative proceeding shall be under oath.

324.1138. 1. The board shall adopt such rules and regulations as may be necessary  
2 to carry out the provisions of sections 324.1100 to 324.1148.

3 2. No rule or portion of a rule promulgated pursuant to the authority of sections  
4 324.1100 to 324.1148 shall become effective unless it has been promulgated pursuant to the  
5 provisions of chapter 536, RSMo.

324.1140. 1. The board of private investigator examiners shall certify persons who  
2 are qualified to train private investigators.

3 2. In order to be certified as a trainer pursuant to this section, a trainer shall:

4 (1) Be twenty-one or more years of age;

5 (2) Have a minimum of one-year supervisory experience with a private investigator  
6 agency; and

7 (3) Be personally licensed as a private investigator pursuant to sections 324.1100  
8 to 324.1148 and qualified to train private investigators.

9 3. Persons wishing to become certified trainers shall make application to the board  
10 of private investigator examiners on a form prescribed by the board and accompanied by  
11 a fee determined by the board. The application shall contain a statement of the plan of  
12 operation of the training offered by the applicant and the materials and aids to be used and  
13 any other information required by the board.

14 4. A certificate shall be granted to a trainer if the board finds that the applicant:

15 (1) Meets the requirements of subsection 2 of this section;

16 (2) Has sufficient knowledge of private investigator business to be a suitable person

17 to train private investigators;

18 (3) Has supplied all required information to the board; and

19 (4) Has paid the required fee.

20 5. The certificate issued pursuant to this section shall expire on the third year after  
21 the year in which it is issued and shall be renewable triennially upon application and  
22 payment of a fee.

324.1142. Any person who knowingly falsifies the fingerprints or photographs or  
2 other information required to be submitted pursuant to sections 324.1100 to 324.1148 is  
3 guilty of a class D felony; and any person who violates any of the other provisions of  
4 sections 324.1100 to 324.1148 is guilty of a class A misdemeanor.

324.1144. The board may negotiate and enter into reciprocal agreements with  
2 appropriate officials in other states to permit licensed private investigator agencies and  
3 licensed private investigators who meet or exceed the qualifications established in sections  
4 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

324.1146. Law enforcement officers who perform private investigations shall be  
2 licensed pursuant to this chapter subject to the following qualifications and limitations:

3 (1) The board may waive testing for law enforcement officers currently certified  
4 pursuant to then existing peace officer standards and training requirements pursuant to  
5 chapter 590, RSMo;

6 (2) Law enforcement officers shall pay the appropriate licensing fees;

7 (3) Law enforcement officers shall assume individual liability for their actions while  
8 performing private investigations, complying with any insurance or bonding requirements  
9 imposed pursuant to sections 324.1100 to 324.1148;

10 (4) Law enforcement officers shall not utilize their official capacity in the course  
11 of a private investigation, including but not limited to:

12 (a) Accessing information intended only for police officials. Law enforcement  
13 officers shall comply with the legal limits on access to information by a private citizen;

14 (b) Utilizing any official item, such as a uniform, badge, or vehicle, while  
15 performing a private investigation. Law enforcement officers shall provide their own  
16 equipment;

17 (c) Utilizing law enforcement officer arrest and use of force standards. Law  
18 enforcement officers shall use private person arrest and use of force standards while  
19 operating as a private investigator;

20 (5) Law enforcement officers shall produce evidence of training and experience  
21 concerning the legal limits imposed on private investigations or pass a test on such subject  
22 produced by the board; and

23           **(6) The provisions of sections 324.1100 to 324.1148 shall not apply to law**  
24 **enforcement officers who provide only private security services and not private**  
25 **investigator services.**

**324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class**  
2 **A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is**  
3 **a class D felony.**

          571.030. 1. A person commits the crime of unlawful use of weapons if he or she  
2 knowingly:

3           (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use; or

5           (2) Sets a spring gun; or

6           (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,  
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the  
8 assembling of people; or

9           (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
10 lethal use in an angry or threatening manner; or

11           (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12           (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
13 courthouse, or church building; or

14           (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or  
15 across a public highway or discharges or shoots a firearm into any outbuilding; or

16           (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
17 or place where people have assembled for worship, or into any election precinct on any election  
18 day, or into any building owned or occupied by any agency of the federal government, state  
19 government, or political subdivision thereof; or

20           (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
21 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or  
22 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

23           (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable  
24 of lethal use into any school, onto any school bus, or onto the premises of any function or activity  
25 sponsored or sanctioned by school officials or the district school board.

26           2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall  
27 not apply to or affect any of the following:

28           (1) All state, county and municipal peace officers who have completed the training  
29 required by the police officer standards and training commission pursuant to sections 590.030  
30 to 590.050, RSMo, and possessing the duty and power of arrest for violation of the general

31 criminal laws of the state or for violation of ordinances of counties or municipalities of the state,  
32 whether such officers are on or off duty, and whether such officers are within or outside of the  
33 law enforcement agency's jurisdiction, or any person summoned by such officers to assist in  
34 making arrests or preserving the peace while actually engaged in assisting such officer;

35 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
36 institutions for the detention of persons accused or convicted of crime;

37 (3) Members of the armed forces or national guard while performing their official duty;

38 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
39 judicial power of the state and those persons vested by Article III of the Constitution of the  
40 United States with the judicial power of the United States, the members of the federal judiciary;

41 (5) Any person whose bona fide duty is to execute process, civil or criminal;

42 (6) Any federal probation officer;

43 (7) Any state probation or parole officer, including supervisors and members of the  
44 board of probation and parole;

45 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
46 of the regulations established by the board of police commissioners under section 84.340, RSMo;  
47 [and]

48 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; **and**

49 **(10) Any licensed private investigator meeting the definition and fulfilling the**  
50 **requirements of the rules and regulations established by the board of private investigator**  
51 **examiners pursuant to sections 324.1100 to 324.1148, RSMo.**

52 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
53 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
54 ammunition is not readily accessible or when such weapons are not readily accessible.  
55 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
56 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
57 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
58 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
59 his or her dwelling unit or upon premises over which the actor has possession, authority or  
60 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
61 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
62 a person while traversing school premises for the purposes of transporting a student to or from  
63 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
64 firearm-related event.

65 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
66 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to

67 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
68 political subdivision of another state.

69 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
70 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031,  
71 RSMo.

72 6. Nothing in this section shall make it unlawful for a student to actually participate in  
73 school-sanctioned gun safety courses, student military or ROTC courses, or other  
74 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
75 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
76 of any other function or activity sponsored or sanctioned by school officials or the district school  
77 board.

78 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
79 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
80 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
81 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
82 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
83 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
84 a class A felony.

85 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
86 follows:

87 (1) For the first violation a person shall be sentenced to the maximum authorized term  
88 of imprisonment for a class B felony;

89 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person  
90 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
91 the possibility of parole, probation or conditional release for a term of ten years;

92 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a  
93 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony  
94 without the possibility of parole, probation, or conditional release;

95 (4) For any violation which results in injury or death to another person, a person shall  
96 be sentenced to an authorized disposition for a class A felony.

97 9. Any person knowingly aiding or abetting any other person in the violation of  
98 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
99 prescribed by this section for violations by other persons.

621.045. 1. The administrative hearing commission shall conduct hearings and make  
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by  
3 any of the following agencies may be revoked or suspended or when the licensee may be placed

4 on probation or when an agency refuses to permit an applicant to be examined upon his  
5 qualifications or refuses to issue or renew a license of an applicant who has passed an  
6 examination for licensure or who possesses the qualifications for licensure without examination:

7 Missouri State Board of Accountancy

8 Missouri Board [of Registration] for Architects, [Professional] Engineers [and], Land  
9 Surveyors **and Landscape Architects**

10 Board of Barber Examiners

11 Board of Cosmetology

12 Board of Chiropody and Podiatry

13 Board of Chiropractic Examiners

14 Missouri Dental Board

15 Board of Embalmers and Funeral Directors

16 Board of Registration for the Healing Arts

17 Board of Nursing

18 Board of Optometry

19 Board of Pharmacy

20 Missouri Real Estate Commission

21 Missouri Veterinary Medical Board

22 Supervisor of Liquor Control

23 Department of Health and Senior Services

24 Department of Insurance

25 Department of Mental Health

26 **Board of Private Investigator Examiners**

27 2. If in the future there are created by law any new or additional administrative agencies  
28 which have the power to issue, revoke, suspend, or place on probation any license, then those  
29 agencies are under the provisions of this law.

30 3. Notwithstanding any other provision of this section to the contrary, after August 28,  
31 1995, in order to encourage settlement of disputes between any agency described in subsection  
32 1 of this section and its licensees, any such agency shall:

33 (1) Provide the licensee with a written description of the specific conduct for which  
34 discipline is sought and a citation to the law and rules allegedly violated, together with copies  
35 of any documents which are the basis thereof, or file a contested case against the licensee, at least  
36 thirty days prior to offering the licensee a settlement proposal, and provide the licensee with an  
37 opportunity to respond to the allegations;

38 (2) If no contested case has been filed against the licensee, allow the licensee at least  
39 sixty days, from the date of mailing, during which to consider the agency's initial settlement offer



40 and discuss the terms of such settlement offer with the agency;

41 (3) If no contested case has been filed against the licensee, advise the licensee that the  
42 licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen  
43 days thereafter, submit the agreement to the administrative hearing commission for determination  
44 that the facts agreed to by the parties to the settlement constitute grounds for denying or  
45 disciplining the license of the licensee; and

46 (4) In any contact pursuant to this subsection by the agency or its counsel with a licensee  
47 who is not represented by counsel, advise the licensee that the licensee has the right to consult  
48 an attorney at the licensee's own expense.

49 4. If the licensee desires review by the administrative hearing commission pursuant to  
50 subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final,  
51 the licensee may rescind and withdraw from the settlement and any admissions of fact or law in  
52 the agreement shall be deemed withdrawn and not admissible for any purposes under the law  
53 against the licensee. Any settlement submitted to the administrative hearing commission shall  
54 not be effective and final unless and until findings of fact and conclusions of law are entered by  
55 the administrative hearing commission that the facts agreed to by the parties to the settlement  
56 constitute grounds for denying or disciplining the license of the licensee.

57 5. As to a matter settled prior to August 28, 1995, by consent agreement or agreed  
58 settlement, any party to a consent agreement or agreed settlement, other than a state agency, after  
59 having received written notice at their last known address known to the agency from the  
60 respective licensing agency of a person's rights under this section, shall have six months to file  
61 an action in the circuit court of Cole County contesting the authority of any agency described in  
62 subsection 1 of this section to enter into such consent agreement or agreed settlement. Any  
63 consent agreement or agreed settlement which is not invalidated by the court pursuant to this  
64 subsection shall be given full force and effect by all courts and agencies.