

FIRST REGULAR SESSION

HOUSE BILL NO. 1036

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor),
WASSON AND DARROUGH (Co-sponsors).

Read 1st time March 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2137L.01I

AN ACT

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

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

Section A. Section 621.045, RSMo, is repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 324.1100, 324.1102, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114,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

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

- (1) "Board", the board of private investigator examiners established in section 324.1102;**
- (2) "Client", any person who engages the services of a private investigator;**
- (3) "Department", the department of insurance, financial institutions and professional registration;**
- (4) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;**
- (5) "Organization", a corporation, trust, estate, partnership, cooperative, or association;**
- (6) "Person", an individual or organization;**

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.

- 12 (7) "Private investigator", any person who receives any consideration, either
13 directly or indirectly, for engaging in the private investigator business;
- 14 (8) "Private investigator agency", a person who regularly employs any other
15 person, other than an organization, to engage in the private investigator business;
- 16 (9) "Private investigator business", the furnishing of, making of, or agreeing to
17 make, any investigation for the purpose of obtaining information pertaining to:
- 18 (a) Crimes or wrongs done or threatened against the United States or any state or
19 territory of the United States;
- 20 (b) The identity, habits, conduct, business, occupation, honesty, integrity,
21 credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement,
22 whereabouts, affiliations, associations, transactions, acts, reputation, or character of any
23 person;
- 24 (c) The location, disposition, or recovery of lost or stolen property;
- 25 (d) Securing evidence to be used before any court, board, officer, or investigating
26 committee;
- 27 (e) Sale of personal identification information to the public; or
- 28 (f) The cause of responsibility for libel, losses, accident, or damage or injury to
29 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, including two public members,
5 appointed by the governor with the advice and consent of the senate. Except for the public
6 members, each member of the board shall be a citizen of the United States, a resident of
7 Missouri, at least thirty years of age, and shall have been actively engaged in the private
8 investigator business for the previous five years. No more than one private investigator
9 board member may be employed by, or affiliated with, the same private investigator
10 agency. The initial private investigator board members shall not be required to be licensed
11 but shall obtain a license within one hundred eighty days after the effective date of the
12 rules promulgated under sections 324.1100 to 324.1148 regarding licensure. The public
13 members shall each be a registered voter and a person who is not and never was a member
14 of any profession licensed or regulated under sections 324.1100 to 324.1148 or the spouse
15 of such person; and a person who does not have and never has had a material, financial
16 interest in either the providing of the professional services regulated by sections 324.1100
17 to 324.1148, or an activity or organization directly related to any profession licensed or
18 regulated under sections 324.1100 to 324.1148. The duties of the public members shall not

19 include the determination of the technical requirements to be met for licensure or whether
20 any person meets such technical requirements or of the technical competence or technical
21 judgment of a licensee or a candidate for licensure.

22 3. The members shall be appointed for terms of two years, except those first
23 appointed, in which case two members, who shall be private investigators, shall be
24 appointed for terms of four years, two members shall be appointed for terms of three
25 years, and one member shall be appointed for a one-year term. Any vacancy on the board
26 shall be filled for the unexpired term of the member and in the manner as the first
27 appointment. No member may serve consecutive terms.

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

31 5. There is hereby created in the state treasury the "Board of Private Investigator
32 Examiners Fund", which shall consist of money collected under sections 324.1100 to
33 324.1148. The state treasurer shall be custodian of the fund and shall approve
34 disbursements from the fund in accordance with the provisions of sections 30.170 and
35 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the
36 administration of sections 324.1100 to 324.1148. Notwithstanding the provisions of section
37 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the
38 biennium shall not revert to the credit of the general revenue fund. The state treasurer
39 shall invest moneys in the fund in the same manner as other funds are invested. Any
40 interest and moneys earned on such investments shall be credited 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 under sections 324.1100
5 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 under sections 324.1100 to 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) Any employee, agent, or independent contractor employed by any government
10 agency, division, or department of the state whose work relationship is established by a
11 written contract while working within the scope of employment established under such
12 contract;

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

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

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

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

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

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

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

34 (11) Any real estate broker, real estate salesperson, or real estate appraiser acting
35 within the scope of his or her license;

36 (12) Expert witnesses who have been certified or accredited by a national or state
37 association associated with the expert's scope of expertise;

38 (13) Any person who does not hold themselves out to the public as a private
39 investigator but is under contract with a state agency or political subdivision; or

40 (14) Any person performing duties or conducting investigations relating to serving
41 legal process when such person's investigation is incidental to the serving of legal process;

42 (15) A consumer reporting agency as defined in 15 U.S.C. Section 1681(a) and its
43 contract and salaried employees.

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 under 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 conduct 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 processed in a manner approved by the Missouri state highway patrol, criminal records
16 and identification division, under section 43.543, RSMo;
- 17 (6) A verified statement of the applicant's experience qualifications; and
- 18 (7) Such other information, evidence, statements, or documents as may be required
19 by the board of private investigator examiners.

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

- 21 (1) Be at least twenty-one years of age;
- 22 (2) Be a citizen of the United States;
- 23 (3) Provide proof of liability insurance with amount to be no less than two hundred
24 fifty thousand dollars in coverage and proof of workers' compensation insurance if
25 required under chapter 287, RSMo. The board shall have the authority to raise the
26 requirements as deemed necessary; and
- 27 (4) Comply with such other qualifications as the board adopts by rules and
28 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 under sections 324.1100 to 324.1148. The board shall outline basic
7 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 shall be 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) Two hundred fifty thousand 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 under the provisions of sections 324.1100 to
5 324.1148;

6 (2) Within two years prior to the application date:

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) Has been refused a license under the provisions of sections 324.1100 to 324.1148
17 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 under the provisions of sections 324.1100
2 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 under sections 324.1100 to 324.1148 to furnish any bond, pass any examination,**
13 **or pay any license fee or occupational tax relative to practicing the person's profession.**

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

6 **(3) Has been fingerprinted in a manner approved by the Missouri state highway**
7 **patrol, criminal records and identification division, under section 43.543, RSMo; and**

8 **(4) Complies with any other qualifications and requirements the board adopts by**
9 **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 committed any act which, if committed by a licensee, would be grounds for**
4 **the suspension or revocation of a license under the provisions of sections 324.1100 to**
5 **324.1148;**

6 **(2) Within two years prior to the application date:**

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) Has been refused a license under the provisions of sections 324.1100 to 324.1148
17 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.

324.1120. 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 direct supervision of
3 the agency whose identification number appears on their application and shall work only
4 for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of continuing
2 education units biennially. An individual not licensed as a private investigator who is hired
3 as an employee by a private investigator agency shall successfully complete eight hours of
4 continuing education units biennially. Such continuing education shall be relevant to the
5 private investigator business and shall be approved by the board as such.

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 under sections 324.1100
10 to 324.1148. When any person to whom a card is issued terminates such person's position,
11 office, or association with the licensee, the card shall be surrendered to the licensee and
12 within five days thereafter shall be mailed or delivered by the licensee to the board of
13 private investigator examiners for cancellation. Within thirty days after any change of
14 address, a licensee shall notify the board of the address change. The principal place of
15 business may be at a residence or at a business address, but it shall be the place at which
16 the licensee maintains a permanent office.

324.1126. 1. Any license issued under sections 324.1100 to 324.1148 shall expire two
2 years after the date of its issuance. Renewal of any such license shall be made in the

3 manner prescribed for obtaining an original license, including payment of the appropriate
4 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 under sections 324.1100 to 324.1148 shall not be assignable.

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

7 2. No licensee 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 location of the licensee's principal place of business. The board may require the filing of
5 other information for the purpose of identifying such 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. No individual or business can advertise as a private
4 investigator, private detective, or private investigator agency without including their state
5 private investigator or private investigator agency license number in the advertisement.
6 A licensee shall not advertise or conduct business from any Missouri address other than
7 that shown on the records of the board as the licensee's principal place of business unless
8 the licensee has received an additional agency license for such location after compliance
9 with the provisions of sections 324.1100 to 324.1148 and such additional requirements
10 necessary for the protection of the public as the board may prescribe by regulation. A
11 licensee shall notify the board in writing within ten days after closing or changing the
12 location of a branch office. The fee for the additional license shall be one-half the cost of
13 the fee for the agency's original license.

324.1134. 1. The board may suspend or refuse to renew any certificate of
2 registration or authority, permit or license required under sections 324.1100 to 324.1148
3 for one or any combination of causes stated in subsection 2 of this section. The board shall
4 notify the applicant in writing of the reasons for the suspension or refusal and shall advise
5 the applicant of the applicant's right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or
7 renew any certificate, registration or authority, the board may, at its discretion, issue a
8 license which is subject to probation, restriction or limitation to an applicant for licensure
9 for any one or any combination of causes stated in subsection 2 of this section. The board's
10 order of probation, limitation or restriction shall contain a statement of the discipline
11 imposed, the basis therefor, the date such action shall become effective, and a statement

that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Making any false statement or giving any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) Violating any provision of sections 324.1100 to 324.1148;

(3) Violating any rule of the board of private investigator examiners adopted under the authority contained in sections 324.1100 to 324.1148;

(4) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

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

(6) Knowingly violating, or advising, encouraging, or assisting the violation of, any court order or injunction in the course of business as a licensee;

(7) Using any letterhead, advertisement, or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state, or any political subdivision thereof;

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

(9) Committing any act which is grounds for denial of an application for a license under section 324.1112.

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

47 **4. The agency may continue under the direction of another employee if the**
48 **licensee's license is suspended or revoked by the board. The board shall establish a time**
49 **frame in which the agency shall identify an acceptable person who is qualified to assume**
50 **control of the agency, as required by the board.**

51 **5. After the filing of a complaint before the administrative hearing commission, the**
52 **proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo.**
53 **Upon a finding by the administrative hearing commission that the grounds in subsection**
54 **1 of this section for disciplinary action are met, the board may singly or in combination**
55 **censure or place the person named in the complaint on probation under such terms and**
56 **conditions as the board deems appropriate for a period not to exceed five years, may**
57 **suspend for a period not to exceed three years, or revoke the license.**

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

14 **2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and**
15 **in making investigations relating to any violation thereof, the board shall have the power**
16 **to subpoena and bring before the board any person in this state and require the production**
17 **of any books, records, or papers which the board deems relevant to the inquiry. The board**
18 **also may administer an oath to and take the testimony of any person, or cause such**
19 **person's deposition to be taken, except that any applicant or licensee or officer, director,**
20 **partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued**
21 **under this section shall be governed by the Missouri rules of civil procedure and shall**
22 **comply with any confidentiality standards or legal limitations imposed by privacy or open**
23 **records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts,**
24 **judicially recognized privileged communications, and the bill of rights of both the United**
25 **States and Missouri Constitutions. Any person duly subpoenaed who fails to obey such**

26 subpoena without reasonable cause, or without such cause refuses to be examined or to
27 answer any legal or pertinent question as to the character or qualification of such applicant
28 or licensee or such applicant's alleged unlawful or deceptive practices or methods, shall be
29 guilty of a class A misdemeanor. The testimony of witnesses in any investigative
30 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. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
4 that is created under the authority delegated in sections 324.1100 to 324.1148 shall become
5 effective only if it complies with and is subject to all of the provisions of chapter 536,
6 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general assembly under chapter 536,
8 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after August 28, 2007, shall be invalid and void.

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 under 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 under sections 324.1100 to
8 324.1148 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 in order to train
17 private investigators sufficiently;

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

19 (4) Has paid the required fee.

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

324.1142. Any person who knowingly falsifies the fingerprints or photographs or
2 **other information required to be submitted under sections 324.1100 to 324.1148 is guilty**
3 **of a class D felony; and any person who violates any of the other provisions of sections**
4 **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 under this chapter subject to the following qualifications and limitations:**

3 **(1) The board may waive testing for law enforcement officers currently certified**
4 **under existing peace officer standards and training requirements under chapter 590,**
5 **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 under 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 the information of private citizens;**

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 citizen 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.**

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

5 621.045. 1. The administrative hearing commission shall conduct hearings and make
6 findings of fact and conclusions of law in those cases when, under the law, a license issued by
7 any of the following agencies may be revoked or suspended or when the licensee may be placed
8 on probation or when an agency refuses to permit an applicant to be examined upon his
9 qualifications or refuses to issue or renew a license of an applicant who has passed an
10 examination for licensure or who possesses the qualifications for licensure without examination:

11 Missouri State Board of Accountancy

12 Missouri Board of Registration for Architects, Professional Engineers and, Land
13 Surveyors

14 Board of Barber Examiners

15 Board of Cosmetology

16 Board of Chiropody and Podiatry

17 Board of Chiropractic Examiners

18 Missouri Dental Board

19 Board of Embalmers and Funeral Directors

20 Board of Registration for the Healing Arts

21 Board of Nursing

22 Board of Optometry

23 Board of Pharmacy

24 Missouri Real Estate Commission

25 Missouri Veterinary Medical Board

26 Supervisor of Liquor Control

27 Department of Health and Senior Services

28 Department of Insurance

29 Department of Mental Health

30 **Board of Private Investigator Examiners.**

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

34 3. Notwithstanding any other provision of this section to the contrary, after August 28,
35 1995, in order to encourage settlement of disputes between any agency described in subsection
36 1 or 2 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 and the agency's initial settlement offer, or file a
36 contested case against the licensee;

37 (2) If no contested case has been filed against the licensee, allow the licensee at least
38 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to
39 contact the agency to discuss the terms of such settlement offer;

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

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

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

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