

SECOND REGULAR SESSION

# HOUSE BILL NO. 2170

95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WASSON.

4439L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 324.1100, section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, sections 324.1110, 324.1112, 324.1114, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, sections 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, and 324.1140, RSMo, and to enact in lieu thereof sixteen new sections relating to the professional registration of 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 324.1100, section 324.1102 as enacted by conference committee  
2 substitute for senate substitute for senate committee substitute for house committee substitute

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.

3 for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as  
4 enacted by conference committee substitute no. 2 for house committee substitute for senate  
5 committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session,  
6 section 324.1106 as enacted by conference committee substitute for senate substitute for senate  
7 committee substitute for house committee substitute for house bill no. 780, ninety-fourth general  
8 assembly, first regular session, section 324.1106 as enacted by conference committee substitute  
9 no. 2 for house committee substitute for senate committee substitute for senate bill no. 308,  
10 ninety-fourth general assembly, first regular session, sections 324.1110, 324.1112, 324.1114,  
11 section 324.1118 as enacted by conference committee substitute for senate substitute for senate  
12 committee substitute for house committee substitute for house bill no. 780, ninety-fourth general  
13 assembly, first regular session, section 324.1118 as enacted by conference committee substitute  
14 no. 2 for house committee substitute for senate committee substitute for senate bill no. 308,  
15 ninety-fourth general assembly, first regular session, sections 324.1124, 324.1126, 324.1128,  
16 324.1130, 324.1132, 324.1134, 324.1136, and 324.1140, RSMo, are repealed and sixteen new  
17 sections enacted in lieu thereof, to be known as sections 324.1100, 324.1102, 324.1103,  
18 324.1106, 324.1110, 324.1112, 324.1114, 324.1118, 324.1124, 324.1126, 324.1128, 324.1132,  
19 324.1134, 324.1136, 324.1140, and 324.1147, 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 324.1102;
- 3 (2) "Client", any person who engages the services of a private investigator;
- 4 (3) "Department", the department of insurance, financial institutions and professional  
5 registration;
- 6 (4) **"Director", the director of the division of professional registration;**
- 7 (5) **"Division", the division of professional registration;**
- 8 (6) "Law enforcement officer", a law enforcement officer as defined in section 556.061,  
9 RSMo;
- 10 [(5)] (7) "Organization", a corporation, trust, estate, partnership, cooperative, or  
11 association;
- 12 [(6)] (8) "Person", an individual or organization;
- 13 [(7)] (9) "Private investigator", any person who receives any consideration, either directly  
14 or indirectly, for engaging in the private investigator business;
- 15 [(8)] (10) "Private investigator agency", a person who regularly employs any other  
16 person, other than an organization, to engage in the private investigator business;
- 17 [(9)] (11) "Private investigator business", the furnishing of, making of, or agreeing to  
18 make, any investigation for the purpose of obtaining information pertaining to:

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

21 (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility,  
22 knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations,  
23 associations, transactions, acts, reputation, or character of any 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 persons  
29 or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby created within the  
2 division of professional registration. The board shall be a body corporate and may sue and be  
3 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 Missouri  
7 **for at least one year, a registered voter**, at least thirty years of age, and shall have been actively  
8 engaged in the private investigator business for the previous five years. No more than one  
9 private investigator board member may be employed by, or affiliated with, the same private  
10 investigator agency. The initial private investigator board members shall not be required to be  
11 licensed 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 **citizen of the United States, a resident of Missouri**, a registered voter  
14 and a person who is not and never was a member of any profession licensed or regulated under  
15 sections 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and  
16 never has had a material, financial interest in either the providing of the professional services  
17 regulated by sections 324.1100 to 324.1148, or an activity or organization directly related to any  
18 profession licensed or regulated under sections 324.1100 to 324.1148. The duties of the public  
19 members shall not include the determination of the technical requirements to be met for licensure  
20 or whether any person meets such technical requirements or of the technical competence or  
21 technical judgment of a licensee or a candidate for licensure.

22 3. The members shall be appointed for terms of [two] **five** years, except those first  
23 appointed, in which case two members, who shall be private investigators, shall be appointed for  
24 terms of four years, two members shall be appointed for terms of three years, and one member  
25 shall be appointed for a one-year term. Any vacancy on the board shall be filled for the

26 unexpired term of the member and in the manner as the first appointment. [No member may  
27 serve consecutive terms.]

28 4. The members of the board may receive compensation, as determined by the director  
29 for their services, if appropriate, and shall be reimbursed for actual and necessary expenses  
30 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 324.1148.  
33 The state treasurer shall be custodian of the fund and shall approve disbursements from the fund  
34 in accordance with the provisions of sections 30.170 and 30.180, RSMo. Upon appropriation,  
35 money in the fund shall be used solely for the administration of sections 324.1100 to 324.1148.  
36 The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund  
37 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
38 at the end of the biennium exceeds two times the amount of the appropriation from the board's  
39 funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently  
40 than yearly, then three times the appropriation from the board's funds for the preceding fiscal  
41 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
42 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal  
43 year.

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

4 2. The board shall be composed of five members, including two public  
5 members, appointed by the governor with the advice and consent of the senate.  
6 Except for the public members, each member of the board shall be a citizen of the  
7 United States, a resident of Missouri, at least thirty years of age, and shall have  
8 been actively engaged in the private investigator business for the previous five  
9 years. No more than one private investigator board member may be employed  
10 by, or affiliated with, the same private investigator agency. The initial private  
11 investigator board members shall not be required to be licensed but shall obtain  
12 a license within one hundred eighty days after the effective date of the rules  
13 promulgated under sections 324.1100 to 324.1148 regarding licensure. The  
14 public members shall each be a registered voter and a person who is not and  
15 never was a member of any profession licensed or regulated under sections  
16 324.1100 to 324.1148 or the spouse of such person; and a person who does not  
17 have and never has had a material, financial interest in either the providing of the  
18 professional services regulated by sections 324.1100 to 324.1148, or an activity  
19 or organization directly related to any profession licensed or regulated under  
20 sections 324.1100 to 324.1148. The duties of the public members shall not  
21 include the determination of the technical requirements to be met for licensure

22 or whether any person meets such technical requirements or of the technical  
 23 competence or technical judgment of a licensee or a candidate for licensure.

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

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

34 5. There is hereby created in the state treasury the "Board of Private  
 35 Investigator Examiners Fund", which shall consist of money collected under  
 36 sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund  
 37 and shall approve disbursements from the fund in accordance with the provisions  
 38 of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund  
 39 shall be used solely for the administration of sections 324.1100 to 324.1148.  
 40 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any  
 41 moneys remaining in the fund at the end of the biennium shall not revert to the  
 42 credit of the general revenue fund. The state treasurer shall invest moneys in the  
 43 fund in the same manner as other funds are invested. Any interest and moneys  
 44 earned on such investments shall be credited to the fund.]  
 45

**324.1103. For the purposes of sections 324.1100 to 324.1148, the division shall:**

2 **(1) Employ board personnel, within the limits of the appropriations for that**  
 3 **purpose as established in sections 324.1100 to 324.1148;**

4 **(2) Exercise all administrative functions;**

5 **(3) Deposit all fees collected under sections 324.1100 to 324.1148 by transmitting**  
 6 **such funds to the department of revenue for deposition to the state treasury to the credit**  
 7 **of the board of private investigators examiners fund.**

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 only  
 4 with the affairs of such employer and where there exists an employer-employee relationship;

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

8            [(3)] (2) Any employee, agent, or independent contractor employed by any government  
9 agency, division, or department of the state whose work relationship is established by a written  
10 contract while working within the scope of employment established under such contract;

11            [(4)] (3) 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 investigation  
13 on behalf of such attorney;

14            [(5)] (4) 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, including  
16 an investigation of the location of a debtor or a debtor's property where the contract with an  
17 assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or  
18 the equivalent thereof;

19            [(6)] (5) Insurers and insurance producers licensed by the state, performing duties in  
20 connection with insurance transacted by them;

21            [(7)] (6) 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)] (7) 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 of  
26 insurance or engaging in soliciting insurance adjustment business;

27            [(9)] (8) 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)] (9) Employees of [a not-for-profit] **an organization whether for-profit or not-**  
30 **for-profit** or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory  
31 activities are limited to making and processing requests for criminal history records and other  
32 background information from state, federal, or local databases, including requests for employee  
33 background check information under section 660.317, RSMo;

34            [(11)] (10) Any real estate broker, real estate salesperson, or real estate appraiser acting  
35 within the scope of his or her license;

36            [(12)] (11) 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)] (12) Any person who does not hold themselves out to the public as a private  
39 investigator [but is under] **and is exclusively employed by or under exclusive** contract with a  
40 state agency or political subdivision;

41            [(14)] (13) Any person performing duties or [conducting investigations] **activities**  
42 relating to serving legal process when such person's [investigation is] **duties or activities are**  
43 incidental to the serving of legal process; or

44 [(15)] (14) A consumer reporting agency is defined in 15 U.S.C. Section 1681(a) and its  
45 contract and salaried employees.

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

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

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

9 (3) Any employee, agent, or independent contractor employed by any  
10 government agency, division, or department of the state whose work relationship  
11 is established by a written contract while working within the scope of  
12 employment established under such contract;

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

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

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

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

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

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

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

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

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

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

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

48 (15) A consumer reporting agency as defined in 15 U.S.C. Section  
49 1681(a) and its contract and salaried employees.]  
50

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

4 2. The [department] **board** shall conduct a complete investigation of the background of  
5 each 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 and 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, qualification  
9 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 and  
14 shall meet this state's minimum insurance requirements.

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

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

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

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

9 (b) Has been convicted of or entered a plea of guilty or nolo contendere to a  
10 misdemeanor offense involving moral turpitude, **including receiving a suspended imposition**  
11 **of sentence following a plea of guilty to a misdemeanor offense;**

12 (c) Has falsified or willfully misrepresented information in an employment application,  
13 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 or  
17 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 for  
19 which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

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

324.1114. 1. Every application submitted under the provisions of sections 324.1100 to  
2 324.1148 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 under  
4 an agency license; or

5 (2) If a license is issued for a period of less than one year, the fee shall be prorated for  
6 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 to  
8 produce revenue which will not substantially exceed the cost and expense of administering  
9 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 licensed  
12 under sections 324.1100 to 324.1148 to furnish any bond, pass any examination, or pay any  
13 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 **of**  
15 **Missouri** to conduct investigations. An agency license shall be applied for separately and held  
16 by [an individual] **a person** who is licensed as a private investigator. The agency may hire  
17 individuals to work for the agency conducting investigations for the agency only. Persons hired  
18 shall 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 be  
20 allowed to begin working immediately upon the agency submitting their applications.

[324.1118. A private investigator agency shall not hire an individual,  
2 who is not 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  
4 grounds for the suspension or revocation of a license under the provisions of  
5 sections 324.1100 to 324.1148;

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

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

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

12 (c) Has falsified or willfully misrepresented information in an  
13 employment 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  
 17 to 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  
 19 of any act for which a license is required by sections 324.1100 to 324.1148 after  
 20 August 28, 2007; or  
 21 (5) Knowingly made any false statement in the application.]  
 22

- 324.1118. A private investigator agency shall not hire an individual, who is not licensed  
 2 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 the  
 4 suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;  
 5 (2) Within two years prior to the application date:  
 6 (a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony  
 7 offense, including the receiving of a suspended imposition of sentence following a plea or  
 8 finding of guilty to a felony offense;  
 9 (b) Has been convicted of or entered a plea of guilty or nolo contendere to a  
 10 misdemeanor offense involving moral turpitude, **including receiving a suspended imposition**  
 11 **of sentence following a plea of guilty to a misdemeanor offense;**  
 12 (c) Has falsified or willfully misrepresented information in an employment application,  
 13 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 or  
 17 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 for  
 19 which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or  
 20 (5) Knowingly made any false statement in the application.

- 324.1124. 1. The [board of private investigator examiners] **division** shall determine the  
 2 form 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 place  
 7 of business of the licensee. Upon the issuance of a license, a pocket card of such size, design,  
 8 and content as determined by the division shall be issued without charge to each licensee. Such  
 9 card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When

10 any person to whom a card is issued terminates such person's position, office, or association with  
11 the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be  
12 mailed or delivered by the licensee to the board of private investigator examiners for  
13 cancellation. Within thirty days after any change of address, a licensee shall notify the board of  
14 the address change. The principal place of business may be at a residence or at a business  
15 address, but it shall be the place at which 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 manner  
3 prescribed for obtaining an original license, including payment of the appropriate fee, except  
4 that:

5 (1) The application upon renewal need only provide information required of original  
6 applicants if the information shown on the original application or any renewal thereof on file  
7 with the board is no longer accurate;

8 (2) A new photograph shall be submitted with the application for renewal only if the  
9 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 that  
11 the applicant successfully completed sixteen hours of continuing education credits; and

12 (4) Additional information may be required by rules and regulations adopted by the  
13 board of private investigator examiners] **be valid for two years. An application for renewal  
14 of license shall be mailed to every person to whom a license was issued or renewed during  
15 the current licensing period. The applicant shall complete the application and return it to  
16 the board by the renewal date with a renewal fee in an amount to be set by the board and  
17 evidence of continuing education under section 324.1122. Any licensee who practices  
18 during the time the license has expired shall be considered engaging in prohibited acts  
19 under section 324.1104 and shall be subject to the penalties provided for violation of the  
20 provisions of sections 324.1100 to 324.1148. If a person is otherwise eligible to renew the  
21 person's certification or license, the person may renew an expired certification or license  
22 within two years from the date of expiration. To renew such expired certification or  
23 license, the person shall submit an application for renewal, pay the renewal fee, pay a  
24 delinquent renewal fee as established by the board, and present evidence in the form  
25 prescribed by the board of having completed the continuing education requirements for  
26 renewal specified in section 324.1122. Upon a finding of extenuating circumstances, the  
27 commission may waive the payment of the delinquent fee. If a person has failed to renew  
28 the person's license within two years of its expiration, the license shall be void. A new  
29 photograph shall be submitted with the application for renewal only if the photograph on  
30 file with the board has been on file for more than two years.**

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

36           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 acquire  
3 about any criminal offense. [The licensee may instruct his or her client to divulge such  
4 information if the client is the victim, but such person shall not divulge to any other person,  
5 except as he or she may be required by law, any information acquired by such person at the  
6 direction of the employer or client for whom the information was obtained] **The licensee shall**  
7 **not divulge to any other person, except as required by law, any other information acquired**  
8 **by the licensee at the direction of his or her employer or client for whom the information**  
9 **was obtained. A licensee may instruct his or her client to divulge any information to the**  
10 **board, any law enforcement officer, prosecuting attorney, or other such person's**  
11 **representative related to a criminal offense if the client is the victim of the criminal offense.**

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

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

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

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

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

24           (5) Manufacture false evidence; or

25           (6) Create any video recording of an individual in their domicile without the individual's  
26 permission. Furthermore, if such video recording is made, it shall not be admissible as evidence  
27 in any civil proceeding.

          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 private  
3 investigator examiners. No individual or business can advertise as a private investigator, private

4 detective, or private investigator agency without including their state private investigator or  
5 private investigator agency license number in the advertisement. A licensee shall not advertise  
6 or conduct business from any Missouri address other than that shown on the records of the board  
7 as the licensee's principal place of business unless the licensee has received an additional agency  
8 license for such location after compliance with the provisions of sections 324.1100 to 324.1148  
9 and such additional requirements necessary for the protection of the public as the board may  
10 prescribe by regulation. A licensee shall notify the board in writing within ten days after closing  
11 or changing the location of a branch office. The fee for the additional license shall be [one-half  
12 the cost of the fee for the agency's original license] **determined by the board.**

324.1134. 1. The board may suspend or refuse to renew any certificate of registration  
2 or authority, permit or license required under sections 324.1100 to 324.1148 for one or any  
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant  
4 in writing of the reasons for the suspension or refusal and shall advise the applicant of the  
5 applicant's right to file a complaint with the administrative hearing commission as provided by  
6 chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration  
7 or authority, the board may, at its discretion, issue a license which is subject to probation,  
8 restriction or limitation to an applicant for licensure for any one or any combination of causes  
9 stated in subsection 2 of this section. The board's order of probation, limitation or restriction  
10 shall contain a statement of the discipline imposed, the basis therefor, the date such action shall  
11 become effective, and a statement that the applicant has thirty days to request in writing a hearing  
12 before the administrative hearing commission. If the board issues a probationary, limited or  
13 restricted license to an applicant for licensure, either party may file a written petition with the  
14 administrative hearing commission within thirty days of the effective date of the probationary,  
15 limited or restricted license seeking review of the board's determination. If no written request  
16 for a hearing is received by the administrative hearing commission within the thirty-day period,  
17 the right to seek review of the board's decision shall be considered as waived.

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

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

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

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

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

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

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

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

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

41 (9) **Violation if, or assisting or enabling any person to violate any provision of this**  
42 **chapter or any lawful rule or regulation adopted pursuant to authority granted in this**  
43 **chapter; or**

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

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

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

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

324.1136. 1. **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.**

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

19       **[2.]3.** For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and  
20 in making investigations relating to any violation thereof, the board shall have the power to  
21 subpoena and bring before the board any person in this state and require the production of any  
22 books, records, or papers which the board deems relevant to the inquiry. The board also may  
23 administer an oath to and take the testimony of any person, or cause such person's deposition to  
24 be taken, except that any applicant or licensee or officer, director, partner, or associate thereof  
25 shall not be entitled to any fees or mileage. A subpoena issued under this section shall be  
26 governed by the Missouri rules of civil procedure and shall comply with any confidentiality  
27 standards or legal limitations imposed by privacy or open records acts, fair credit reporting acts,  
28 polygraph acts, driver privacy protection acts, judicially recognized privileged communications,  
29 and the bill of rights of both the United States and Missouri Constitutions. Any person duly  
30 subpoenaed who fails to obey such subpoena without reasonable cause, or without such cause  
31 refuses to be examined or to answer any legal or pertinent question as to the character or  
32 qualification of such applicant or licensee or such applicant's alleged unlawful or deceptive  
33 practices or methods, shall be guilty of a class A misdemeanor. The testimony of witnesses in  
34 any investigative proceeding shall be under oath.

35       **4. Any licensee who is required by fully executed written contract or court order**  
36 **to destroy, seal, or return to a party to a lawsuit, or to the court, records related to work**  
37 **performed under that contract or court order shall maintain in his or her files, a fully**  
38 **executed copy of the contract or court order requiring destruction, sealing, or return of the**

39 **records. Maintenance of the contract or court order shall fulfill the requirements of this**  
40 **section.**

324.1140. 1. The board of private investigator examiners shall [certify] **license** persons  
2 who 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 324.1148  
8 and qualified to train private investigators.

9 3.] Persons wishing to become [certified] **licensed** trainers shall make application to the  
10 board 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 operation  
12 of the training offered by the applicant and the materials and aids to be used and any other  
13 information required by the board.

14 [4.] **3.** A [certificate] **license** shall be granted to a trainer if the board finds that the  
15 applicant:

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

17 (2)] Has sufficient knowledge of private investigator business in order to train private  
18 investigators sufficiently;

19 [(3)] (2) Has supplied all [required] information to the board; and

20 [(4)] (3) Has paid the required fee.

21 [5.] **4.** The [certificate] **license** issued under this section shall [expire on the third year  
22 after the year in which it is issued and shall be renewable triennially upon application and  
23 payment of a fee] **be valid for two years and shall be renewable biennially upon application**  
24 **and payment of the renewal fee established by the board. An application for renewal of**  
25 **license shall be mailed to every person to whom a license was issued or renewed during the**  
26 **current licensing period. The applicant shall complete the application and return it to the**  
27 **board by the renewal date with a renewal fee in an amount to be set by the board and**  
28 **evidence of continuing education under section 324.1122. Any licensee who practices**  
29 **during the time the license has expired shall be considered engaging in prohibited acts**  
30 **under section 324.1104 and shall be subject to the penalties provided for the violation of**  
31 **the provisions of sections 324.1100 to 324.1148. If a person is otherwise eligible to renew**  
32 **the person's certification or license, the person may renew an expired certification or**  
33 **license within two years from the date of expiration. To renew such expired certificate or**  
34 **license, the person shall submit an application for renewal, pay the renewal fee, pay a**

35 delinquent renewal fee as established by the board, and present evidence in the form  
36 prescribed by the board of having completed the continuing education requirements for  
37 renewal specified in section 324.1122. Upon a finding of extenuating circumstances, the  
38 commission may waive the payment of the delinquent fee. If a person has failed to renew  
39 the person's license within two years of its expiration, the license shall be void.

2 324.1147. The provisions of sections 324.1100 to 324.1148 shall not be construed to  
3 release any person from civil liability or criminal prosecution under any other law of this  
4 state.

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

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