

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

- (1) "Board", the board of private investigator and private fire investigator examiners established in section 324.1102;
- (2) "Client", any person who engages the services of a private investigator or a private fire investigator;
- (3) "Department", the department of insurance, financial institutions and professional registration;
- (4) "Director", the director of the division of professional registration;
- (5) "Division", the division of professional registration;
- (6) "Insurance adjuster", any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;
- (7) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;
- (8) "Organization", a corporation, trust, estate, partnership, cooperative, or association;
- (9) "Person", an individual or organization;
- (10) "Principal place of business", the place where the licensee maintains a permanent office, which may be a residence or business address;
- (11) "Private fire investigation", the furnishing of, making of, or agreeing to make any investigation of a fire to determine the origin or cause of such fire, or responsibility for such fire;
- (12) "Private fire investigator", any person who received any consideration, either directly or indirectly, for engaging in private fire investigation;
- (13) "Private fire investigator agency", a person or firm that employs any person to engage in private fire investigations;
- (14) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;
- (15) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;
- (16) "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information pertaining to:
  - (a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;
  - (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;
  - (c) The location, disposition, or recovery of lost or stolen property;
  - (d) Securing evidence to be used before any court, board, officer, or investigating committee;
  - (e) Sale of personal identification information to the public; or
  - (f) The cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property.

**324.1102 Board created, members, qualifications, terms--fund created, use of moneys.**

1. The "Board of Private Investigator and Private Fire Investigator Examiners" is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued. The board shall guide, advise, and make recommendations to the division and fulfill all other responsibilities designated by sections 324.1100 to 324.1148. The duties and responsibilities of the board with regard to private fire investigators shall not take full force and effect until such time as the governor appoints the fire investigator members and the appointments are confirmed by the senate. Members serving on the board of private investigator

examiners on August 28, 2011, shall continue to serve on the board, fulfill the term they were previously appointed for, and be eligible for reappointment.

2. Upon appointment by the governor and confirmation by the senate of the private fire investigator members, the board of private investigator examiners and the board of licensed private fire investigator examiners are abolished and their duties and responsibilities shall merge into the board of private investigator and private fire investigator examiners as established pursuant to this section. The board shall be a continuance of and shall carry out the powers, duties, and functions of the board of private investigator examiners and the board of licensed private fire investigator examiners.

3. Every act performed in the exercise of such powers, duties, and authorities by or under the authority of the board of private investigator and private fire investigator examiners shall be deemed to have the same force and effect as if performed by the board of private investigator examiners or the board of licensed private fire investigator examiners.

4. All rules and regulations of the board of private investigator examiners shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the board of private investigator and private fire investigator examiners until revised, amended, or repealed by the board. The board shall review such rules and regulations and shall adopt new rules and regulations as required 27 for the administration of sections 28 324.1100 to 324.1148.

5. Any person licensed by the board of private investigator examiners prior to the appointment by the governor and confirmation by the senate of the private fire investigator members of the board shall be considered licensed by the board.

6. The board shall be composed of seven members, three members who have been actively engaged in the private investigator business for the previous five years, two members who have been actively engaged in private fire investigation for the previous five years, and two public members, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a citizen of the United States, a resident of Missouri for at least one year and a registered voter. No more than one private investigator or fire investigator board member may be employed by, or affiliated with, the same private investigator agency or fire investigator agency. The initial fire investigator board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after the effective date of the rules regarding the licensure of private fire investigators. The public members shall each be a person who is not and never was a member of any profession licensed or regulated under sections 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 324.1100 to 324.1148, or an activity or organization directly related to any profession licensed or regulated under sections 324.1100 to 324.1148.

7. The members shall be appointed for terms of two years, except of the first two members appointed who are fire investigators, one member shall be appointed for a term of five years, and one member shall be appointed for a term of three years. Any vacancy on the board shall be filled for the unexpired term of the member.

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

9. All money held in the Board of Private Investigator Examiners Fund shall be transferred to the "Board of Private Investigator and Private Fire Investigator Examiners Fund" which is hereby created. The "Board of Private Investigator and Private Fire Investigator Examiners Fund" shall consist of money collected under sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with the provisions of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1100 to 324.1148. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently

than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

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

- (1) Employ board personnel, within the limits of the appropriations for that purpose as established in sections 324.1100 to 324.1148;
- (2) Exercise all administrative functions;
- (3) Deposit all fees collected under sections 324.1100 to 324.1148 by transmitting such funds to the department of revenue for deposit in the state treasury to the credit of the board of private investigator and private fire investigator examiners fund.

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

- (1) It shall be unlawful for any person to engage in the private investigator business or carry out a private fire investigation in this state unless such person is licensed as a private investigator or private fire investigator under sections 324.1100 to 324.1148;
- (2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed under sections 324.1100 to 324.1148.

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

- (1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;
- (2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;
- (3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;
- (4) An attorney performing duties as an attorney, or an attorney's paralegal or employee retained by such attorney assisting in the performance of such duties or investigation on behalf of such attorney;
- (5) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;
- (6) Insurers and insurance producers licensed by the state, performing duties in connection with insurance transacted by them;
- (7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;
- (8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;
- (9) Any private fire investigator whose primary purpose of employment is the determination of the origin, nature, cause, or calculation of losses relevant to a fire;
- (10) Employees of a not-for-profit organization or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases, including requests for employee background check information under section 660.317, RSMo;

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

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

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

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

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

**324.1107 Persons deemed not to be engaging in private fire investigation business.** The following persons or organizations shall not be deemed to be engaging in private fire investigation:

(1) Any officer or employee of the United States, this state, or a political subdivision of this state, or an entity organized under section 320.300 while engaged in the performance of the officer's or employee's official duties;

(2) An attorney performing duties as an attorney;

(3) An investigator who is an employee of an insurance company;

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

(5) An insurance adjuster;

(6) An investigator employed by and under the supervision of a licensed attorney while acting within the scope of employment who does not represent himself or herself to be a licensed private fire investigator; or

(7) An individual certified by the division of fire safety as a fire instructor while providing instruction, except if the individual conducts an on-site investigation within the course of instruction.

**324.1108 Application for licensure, contents--qualifications.**

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

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

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

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

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

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri state highway patrol, criminal records and identification division, under section 43.543, RSMo;

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

(7) Such other information, evidence, statements, or documents as may be required by the board.

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

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

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two

hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287, RSMo. The board shall have the authority to raise the requirements as deemed necessary; and

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

**324.1109.** 1. The owner of a company seeking any fire investigator agency license shall be licensed as a private fire investigator. The fire investigator agency may hire individuals to work for the agency who shall conduct investigations for such fire investigator agency only. Such individuals shall make application for a license as determined by the board and shall meet all requirements set forth by the board by rule. These individuals shall not be required to meet any experience requirements and shall be allowed to begin work immediately upon approval of the application by the board. Employees shall attend an approved training program within a time to be determined by the board and shall be under the direct supervision of a licensed private fire investigator until all requirements are met.

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

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

**324.1110 Examination is required--background investigation required--waiver of testing, showing required.**

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

(1) In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

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

(b) Two hundred fifty thousand dollars in business general liability insurance.

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

2. The board shall require as a condition of licensure as a private fire investigator that the applicant:

(1) Provide evidence of active certification as a fire investigator issued by the division of fire safety; and

(2) Provide proof of liability insurance with coverage of at least one million dollars.

3. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator or private fire investigator to determine whether the applicant is qualified for licensure under sections 324.1100 to 324.1148. The board shall and will outline basic qualification requirements for licensing as a private investigator, private investigator agency, private fire investigator and private investigator agency.

**324.1112 Denial of a request for licensure, when.** 1. The board may deny a request for a license if the applicant:

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

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

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

(4) Has been refused a license under sections 324.1100 to 324.1148 or had a license revoked or denied in this state or any other state;

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

(6) Has been dependent on or abused alcohol or drugs; or

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

(8) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

(9) Knowingly made any false statement in the application to the board.

2. The board shall consider any evidence of the applicant's rehabilitation when considering a request for licensure.

**324.1114 Fee required--license for individuals only, agency license must be applied for separately.**

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

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

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

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

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

4. A license issued under sections 324.1100 to 324.1148 shall allow only the individual licensed by the state to conduct investigations as designated by the licensure classification. An agency license shall be applied for separately and held by an individual who is licensed as a private investigator or private fire investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon approval of the application by the board.

**324.1116 Agency hiring criteria.** A private investigator agency or private fire investigator agency shall not hire any individual as an employee unless the individual:

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

(2) Provides two recent photographs of themselves, of a type prescribed by the board of private investigator examiners;

(3) Has been fingerprinted in a manner approved by the Missouri state highway patrol, central repository, under section 43.543, RSMo; and

(4) Complies with any other qualifications and requirements the board adopts by rule.

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

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

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

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

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

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

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

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

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had a license revoked, denied or refused in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

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

**324.1118. Licensure required--prohibited acts.** A private investigator agency or private fire investigator agency shall not hire an individual, who is not licensed as a private investigator or private fire investigator, as an employee if the individual:

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

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

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

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

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

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

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

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had a license revoked, denied or refused in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

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

**324.1120 Supervision of agency employees required, when.** An individual, who is not licensed as a private investigator or private fire investigator, hired as an employee by a private investigator agency or private fire investigator shall work only under the direct supervision of the agency whose identification number appears on their application and shall work only for one agency at any one time.

**324.1122 Continuing education requirements.** A licensee shall successfully complete sixteen hours of continuing education units biennially. An individual not licensed as a private investigator who is hired as an employee by a private investigator agency shall successfully complete eight hours of continuing education units biennially. Such continuing education shall be relevant to the private investigator or private fire investigator business and shall be approved by

the board as such.

**324.1124 Form of license, contents--posting requirements.**

1. The division shall determine the form of the license which shall include the:
  - (1) Name of the licensee;
  - (2) Name under which the licensee is to operate; and
  - (3) Number and date of the license.

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

**324.1126 Expiration of license, when--renewal--licensee responsible for good conduct of employees.**

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

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

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

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

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

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

3. A license issued under sections 324.1100 to 324.1148 shall not be assignable.

**324.1128 Information regarding criminal offenses, licensee may divulge, when, exceptions--prohibited acts.**

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

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

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

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

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

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

(5) Manufacture false evidence; or

(6) Allow anyone other than the individual licensed pursuant to the provisions of sections 324.1100 to 324.1148 or otherwise authorized by such sections to conduct an investigation;

(7) Assign or transfer a license issued pursuant to section 324.1100 to 324.1148;

or

(8) Create any video recording of an individual in their domicile without the individual's permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding, except in a proceeding against such licensee officer, director, partner, associate or employee.

**324.1130 Records to be maintained--required filings.** Each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the location of the licensee's principal place of business. The board may require the filing of other information for the purpose of identifying such principal place of business.

**324.1132 Advertising requirements.** Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name, city, and state as it appears in the records of the board. No individual or business can advertise as a private investigator, private detective, private investigator agency, private fire investigator or private fire investigator agency without including their individual or agency license number in the advertisement. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received an additional agency license for such location after compliance with the provisions of sections 324.1100 to 324.1148 and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office. The fee for the additional license shall be one-half the cost of the fee for the agency's original license.

**324.1134 Licensure sanctions permitted, procedure--complaint may be filed with administrative hearing commission--disciplinary action authorized, when.**

1. The board may suspend or refuse to renew any certificate of registration or authority, permit or license required under sections 324.1100 to 324.1148 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline 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 sections 324.1100 to 324.1148 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 or given 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, fire safety 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;

(9) Violating or assisting or enabling any person to violate any provision of this chapter or any lawful rule or regulation adopted pursuant to the authority granted in this chapter; or

(10) 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.

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

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

### **324.1136 Record-keeping requirements--investigatory powers of the board.**

1. Each licensee operating under the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete record of the business transactions of such investigator or investigator agency for a period of seven years. Upon the service of a court order issued by a court of competent jurisdiction or upon the service of a subpoena issued by the board that is based on a complaint supported by oath or affirmation, which particularly describes the records and reports, any licensee who is the owner, partner, director, corporate officer, or custodian of business records shall provide an opportunity for the inspection of the same and to inspect reports made. Any information obtained by the board shall be kept confidential, except as may be

necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall utilize an employee of the division of professional registration to act as a gatherer of information and facts to present to the board regarding any complaint or inspection under investigation.

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

3. Any licensee who is required by fully executed written contract or court order to destroy, seal, or return to a party to a lawsuit, or to the court, records related to work performed under that contract or court order shall maintain in his or her files a fully executed copy of the contract or court order requiring destruction, sealing, or return of the records. Maintenance of the contract or court order shall fulfill the requirements of this section.

#### **324.1138 Rulemaking authority.**

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

2. The board may establish by rule requirements for a dual license to be issued to individuals who qualify separately for both a private investigator and private fire investigator licensure.

3. The board may establish by rule a code of conduct.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.1100 to 324.1148 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

#### **324.1140 Board to certify persons qualified to train private investigators, qualifications – application procedure --certificate granted, when --expiration of certificate.**

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

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

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

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

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

3. Persons wishing to become certified trainers shall make application to the board of

private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

4. A certificate shall be granted to a trainer if the board finds that the applicant:
  - (1) Meets the requirements of subsection 2 of this section;
  - (2) Has sufficient knowledge of private investigator business in order to train private investigators sufficiently;
  - (3) Has supplied all required information to the board; and
  - (4) Has paid the required fee.

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

**324.1142 Falsification of required information, penalties.** Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class D felony; and any person who violates any of the other provisions of sections 324.1100 to 324.1148 is guilty of a class A misdemeanor.

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

**324.1146 Licensure of law enforcement officers, qualifications.** Law enforcement officers who perform private investigations shall be licensed under this chapter subject to the following qualifications and limitations:

- (1) The board may waive testing for law enforcement officers currently certified under existing peace officer standards and training requirements under chapter 590, RSMo;
- (2) Law enforcement officers shall pay the appropriate licensing fees;
- (3) Law enforcement officers shall assume individual liability for their actions while performing private investigations, complying with any insurance or bonding requirements imposed under sections 324.1100 to 324.1148;
- (4) Law enforcement officers shall not utilize their official capacity in the course of a private investigation, including but not limited to:
  - (a) Accessing information intended only for police officials. Law enforcement officers shall comply with the legal limits on access to the information of private citizens;
  - (b) Utilizing any official item, such as a uniform, badge, or vehicle, while performing a private investigation. Law enforcement officers shall provide their own equipment;
  - (c) Utilizing law enforcement officer arrest and use of force standards. Law enforcement officers shall use private citizen arrest and use of force standards while operating as a private investigator;
- (5) Law enforcement officers shall produce evidence of training and experience concerning the legal limits imposed on private investigations or pass a test on such subject produced by the board; and
- (6) The provisions of sections 324.1100 to 324.1148 shall not apply to law enforcement officers who provide only private security services and not private investigator services.

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