

HB75 ENROLLED



1 7B4LEV-3

2 By Representatives Mooney, Treadaway, Bedsole, Pettus, Rogers

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4 RFD: Boards, Agencies and Commissions

5 First Read: 07-Mar-23

6 2023 Regular Session



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1 Enrolled, An Act,

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6 Relating to the Alabama Private Investigation

7 Regulatory Act; to designate as Article 1, Sections 34-25B-1

8 to 34-25B-29, inclusive, Code of Alabama 1975; to amend

9 Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10,

10 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17,

11 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of

12 Alabama 1975, relating to the Alabama Private Investigation

13 Board; to add Section 34-25B-12.1 and add a new Article 2,

14 commencing with Section 34-25B-50 to Chapter 25B, Title 34 of

15 the Code of Alabama 1975; to require applicants for private

16 investigator licenses to complete education and work

17 experience; to clarify those fees collected by the board that

18 must be deposited into the Alabama Private Investigation Board

19 Fund; to provide further for the qualifications for licensure

20 as a private investigator; to provide further for criminal

21 history background checks for applicants for licensure; to

22 authorize the board to grant inactive status to licensees and

23 to provide, by rule, for a procedure and fee to reinstate an

24 inactive license; to provide for administrative penalties

25 against any person practicing without a license; to require

26 licensees to report arrests to the board within 72 hours; and

27 to clarify that the number of hours of continuing education

28 required to maintain licensure is 16 hours during the two-year

29 license period; to license private investigator apprentices

30 and allow apprentices to gain work experience through an

31 internship; to provide for licensure of apprentices as private



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32 investigators after completing certain requirements; and to
33 provide for licensure of private investigation agencies that
34 do business in the state; and in connection therewith would
35 have as its purpose or effect the requirement of a new or
36 increased expenditure of local funds within the meaning of
37 Section 111.05 of the Constitution of Alabama of 2022.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. An article heading is added before Section
40 34-25B-1 of the Code of Alabama 1975, to read as follows:

41 ARTICLE 1. Private Investigator Licenses, Private
42 Investigator Apprentice Licenses, and Private Investigation
43 Board.

44 Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4,
45 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13,
46 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and
47 34-25B-26 of the Code of Alabama 1975, are amended to read as
48 follows:

49 "§34-25B-2

50 As used in this chapter, the following terms shall have
51 the following meanings:

52 (1) BOARD. The Alabama Private Investigation Board.

53 ~~(1)~~ (2) FELONY. A criminal offense that is defined and
54 punishable under the laws of this state, or an offense
55 committed outside the State of Alabama, which if committed in
56 this state, would constitute a felony under Alabama law; a
57 crime in any other state or a crime against the United States
58 which is designated as a felony; or an offense in any other
59 state, territory, or country punishable by imprisonment for a
60 term exceeding one year.



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61 ~~(2)~~ (3) PRIVATE INVESTIGATION. The compensated act of
62 any individual or company engaging in the business of
63 obtaining or furnishing information with reference to any of
64 the following:

65 a. A crime committed or threatened against the United
66 States or any state or territory of the United States.

67 b. The identity, habits, conduct, business, occupation,
68 honesty, integrity, credibility, including, but not limited
69 to, the credibility of ~~a person~~ an individual giving testimony
70 in a criminal or civil proceeding, knowledge, trustworthiness,
71 efficiency, loyalty, activity, movement, whereabouts,
72 affiliations, associations, transactions, acts, reputations,
73 or character of any ~~person~~ individual.

74 c. The location, disposition, or recovery of lost or
75 stolen property.

76 d. The cause or responsibility for fires, losses,
77 accidents, damages, or injuries to ~~persons~~ individuals or to
78 property.

79 (4) PRIVATE INVESTIGATION AGENCY. A corporation, firm,
80 partnership, or other business entity that, for compensation,
81 practices private investigation in this state and employs
82 licensed private investigators. The term includes a business
83 entity that practices private investigation through licensed
84 private investigators who are solely independent contractors
85 rather than employees.

86 ~~(3)~~ (5) PRIVATE INVESTIGATOR. a. ~~A person~~ An individual
87 who, for compensation, performs one or more of the private
88 investigation services defined and regulated by this chapter.



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89 b. ~~A person~~ An individual who, for consideration,
90 advertises as providing or performing private investigation.
91 The term does not include an informant who, on a one time or
92 limited basis, as a result of a unique expertise, ability, or
93 vocation, and who provides information or services while under
94 the direction and control of a licensee of the board, that
95 would otherwise be included in the definition of private
96 investigation.

97 c. ~~A person~~ An individual who is engaged in private
98 investigation ~~as defined herein~~ and who is licensed in
99 accordance with this ~~chapter~~ article.

100 (6) PRIVATE INVESTIGATOR APPRENTICE. An individual who
101 is engaged in private investigation under the supervision of a
102 licensed private investigator and who is licensed in
103 accordance with this article."

104 "§34-25B-3

105 An individual may not ~~No person shall~~ practice private
106 investigation or hold himself or herself out to the public as
107 a private investigator or private investigator apprentice or
108 use any term, title, or abbreviation that expresses, infers,
109 or implies that the ~~person~~ individual is licensed as a private
110 investigator or private investigator apprentice unless the
111 ~~person~~ individual at the time holds a valid license to
112 practice private investigation as provided in this ~~chapter~~
113 article. ~~All applicants shall pass a criminal background check~~
114 ~~based on criteria established pursuant to Section 34-25B-4."~~

115 "§34-25B-4

116 (a) There is created the Alabama Private Investigation



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117 Board. The appointing authorities shall coordinate their
118 appointments to assure the membership of the board ~~shall~~
119 ~~reflect~~ is inclusive and reflects the racial, gender,
120 geographic, urban ~~and,~~ rural, and economic diversity of the
121 state.

122 (b) Private investigator members ~~provided for herein~~
123 shall have had five years of experience as an investigator
124 prior to his or her appointment. Beginning on August 1, 2018,
125 each private investigator ~~members who are~~ member appointed to
126 the board shall have been licensed pursuant to this chapter as
127 a private investigator for a period of at least five years
128 prior to his or her appointment.

129 (c) The following members shall be appointed to the
130 board:

131 (1) Three ~~persons~~ individuals appointed by the
132 Governor, two of whom shall be private investigators ~~in this~~
133 ~~state~~ and one of whom shall be a consumer who will represent
134 the public at large. ~~The Governor shall appoint the three~~
135 ~~members to initial terms of three years. Thereafter, successor~~
136 ~~members shall be appointed for terms of four years each.~~

137 (2) One ~~person~~ individual appointed by the Lieutenant
138 Governor, who ~~must~~ shall be a private investigator. ~~The~~
139 ~~Lieutenant Governor shall appoint the member for an initial~~
140 ~~term of two years. Thereafter, successor members shall be~~
141 ~~appointed for terms of four years.~~

142 (3) One ~~person~~ individual appointed by the Speaker of
143 the House of Representatives who ~~must~~ shall be a private
144 investigator. ~~The Speaker of the House of Representatives~~

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145 ~~shall appoint the member for an initial term of two years.~~
146 ~~Thereafter, successor members shall be appointed for terms of~~
147 ~~four years.~~

148 (4) One ~~person~~ individual appointed by the Attorney
149 General who ~~must~~ shall be a private investigator. ~~The Attorney~~
150 ~~General shall appoint the member for an initial term of two~~
151 ~~years. Thereafter, successor members shall be appointed for~~
152 ~~terms of four years.~~

153 (5) One ~~person~~ individual appointed by the Alabama
154 State Bar Association who ~~must~~ shall be a member in good
155 standing ~~for an initial term of four years. Thereafter,~~
156 ~~successor members shall be appointed for terms of four years~~
157 of the bar.

158 (6) One ~~person~~ individual appointed by the Alabama
159 Private Investigators Association who ~~must~~ shall be a private
160 investigator. ~~The association shall appoint the member for an~~
161 ~~initial term of four years. Thereafter, successor members~~
162 ~~shall be appointed for terms of four years.~~

163 (d) ~~Following the initial appointments, all successor~~
164 All members of the board shall be appointed for a term of four
165 years and shall serve until their successors are appointed and
166 qualified by subscribing to the constitutional oath of office,
167 ~~which shall be filed with the Secretary of State.~~

168 (e) Any vacancy occurring on the board shall be filled
169 by the appointing authority of the vacating member for the
170 unexpired term.

171 (f) No member may be appointed to succeed himself or
172 herself for more than ~~one full term~~ three consecutive full



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173 terms.

174 (g) The appointing authority may remove a member of the
175 board for misconduct, incompetency, or willful neglect of
176 duty. The board may recommend to the appointing authority
177 suggested administrative actions that may be taken against a
178 board member for missing an excessive ~~amount~~ number of
179 meetings.

180 ~~(h) Each member of the board shall receive a~~
181 ~~certificate of appointment from the Governor before entering~~
182 ~~upon the discharge of the duties of office."~~

183 "§34-25B-7

184 (a) There is ~~hereby~~ created in the State Treasury for
185 the use of the ~~Alabama Private Investigation Board~~ board a
186 fund to be known as the Alabama Private Investigation Board
187 Fund. All application and license fees, penalties, fines, and
188 any other funds collected by the board ~~under the provisions of~~
189 ~~this chapter are to~~ related to private investigators, private
190 investigator apprentices, private investigation agencies, and
191 the implementation of this chapter, shall be deposited in this
192 fund and used only to carry out the operations of the board.
193 The fees that the board may charge, collect, and deposit into
194 the fund shall include, but not be limited to, all of the
195 following:

196 (1) An application fee for an original license and for
197 an inactive status certificate.

198 (2) A renewal fee for a license and for an inactive
199 status certificate.

200 (3) A reinstatement application fee.



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201 (4) A late renewal fee.
202 (5) A change of information fee.
203 (6) A replacement license fee.
204 (7) An inactive license fee.
205 (8) An issuance fee for a private investigator license,
206 a private investigator apprentice license, or a private
207 investigation agency license.

208 (9) Reasonable and necessary administrative fees that
209 reflect the actual cost of services provided.

210 (b) No monies shall be withdrawn or expended from the
211 fund for any purpose unless the monies have been appropriated
212 by the Legislature and allocated pursuant to this chapter. Any
213 monies appropriated shall be budgeted and allotted pursuant to
214 the Budget Management Act in accordance with Article 4,
215 ~~commencing with Section 41-4-80~~, of Chapter 4 of Title 41,
216 and only in the amounts provided by the Legislature in the
217 general appropriations act or other appropriations act.~~There~~
218 ~~is hereby appropriated to the Alabama Private Investigation~~
219 ~~Board the sum of all monies collected and deposited into the~~
220 ~~Alabama Private Investigation Board Fund for each of the~~
221 ~~fiscal years ending September 30, 2013, and September 30,~~
222 ~~2014, to be used for the operations of the board.~~

223 (c) All expenses incurred by the board in implementing
224 and administering this chapter shall be paid out of the fund,
225 ~~provided that the expenses of the board shall not exceed the~~
226 ~~amount of monies in the fund.~~"

227 "§34-25B-10

228 (a) Except as otherwise provided in this chapter, it



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229 shall be unlawful for any ~~person~~ individual to act as a
230 private investigator or private investigator apprentice
231 without first obtaining a license from the board. For
232 prosecution purposes, a violation of this chapter is
233 classified as a Class A misdemeanor, punishable by a fine of
234 not more than six thousand dollars (\$6,000) and imprisonment
235 for up to one year.

236 (b) Each ~~person~~ individual licensed in accordance with
237 this ~~chapter~~ article shall designate to the board a physical
238 address where his or her records are to be kept."

239 "§34-25B-11

240 (a) Except as provided in subsection (b), an ~~An~~
241 application and all information on an application for
242 licensure as a private investigator, private investigator
243 apprentice, or private investigation agency shall be treated
244 as confidential and shall be filed with the board on forms
245 prescribed by the board. The application shall include all of
246 the following information of the applicant:

247 (1) His or her full name.

248 (2) His or her date and place of birth.

249 (3) All residences during the immediate past five
250 years.

251 (4) All employment or occupations engaged in during the
252 immediate past five years.

253 (5) Three sets of classifiable fingerprints or
254 electronic fingerprints or criminal history background
255 information, or both, as approved by the board for initial
256 licensure.



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257 (6) A list of convictions and pending charges involving
258 a felony or misdemeanor in any jurisdiction.

259 (b) The board may publish the name of a licensee and
260 his or her license number, date of licensure, and license
261 status on the website of the board and in any licensee
262 directory printed or distributed by the board. Additionally,
263 with written permission of the licensee, the board may release
264 or publish contact information for a licensee, including his
265 or her email address, website, telephone number, and address."

266 "§34-25B-12

267 ~~(a)~~ Each individual applicant for a license as a
268 private investigator shall meet all of the following criteria
269 ~~that he or she:~~

270 (1) Is at least 21 years of age.

271 (2) Has successfully completed a criminal history
272 background check based on criteria established by the board.

273 ~~(2)~~ (3) Has not been declared by any court of competent
274 jurisdiction incompetent by reason of mental defect or disease
275 unless a court of competent jurisdiction has subsequently
276 declared the applicant competent.

277 ~~(3)~~ (4) Has not been convicted of a crime of moral
278 turpitude, with the board having the final determination on
279 the interpretation of moral turpitude.

280 ~~(4)~~ (5) Has not been convicted of a felony crime.

281 ~~(5)~~ (6) Has passed an examination ~~to be~~ administered
282 ~~twice annually~~ by the board designed to measure knowledge and
283 competence in the investigation field and in state civil and
284 criminal privacy laws.



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285 ~~(b) A study guide shall be provided to any applicant~~
286 ~~seeking to obtain an initial or renewal license under this~~
287 ~~chapter.~~

288 ~~(c) Any investigator currently holding a business~~
289 ~~license in the State of Alabama shall not have to meet the~~
290 ~~initial application requirements of this chapter, but shall be~~
291 ~~issued a license pursuant to this chapter upon application.~~

292 (7) Has a minimum of two years' experience, education,
293 or training, or a combination thereof, including 120 hours of
294 practical field experience directly related to private
295 investigation, in any of the following areas:

296 a. Special investigations, consisting of special
297 investigative experience in insurance, fire or arson, banking,
298 legal, or similar setting, or other special investigatory
299 experience as determined suitable by the board.

300 b. Law enforcement, consisting of experience as a sworn
301 law enforcement officer, investigative experience as a
302 detective or investigator at the federal, state, or local
303 level, or other investigative experience as determined
304 suitable by the board.

305 c. Education, consisting of a minimum of a two-year
306 degree in a field of study directly related to private
307 investigation including, but not limited to, criminal justice,
308 political science, criminology, or law enforcement.

309 d. Internship, consisting of successful completion of a
310 private investigator apprenticeship pursuant to Section
311 34-25B-12.1."

312 "§34-25B-13



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313 (a) Upon receipt of an application for a license as a
314 private investigator pursuant to this chapter, nonrefundable,
315 nonprorateable application fees shall be submitted to the
316 board by the applicant for all of the following services:

317 (1) A request that the Alabama ~~Bureau of Investigation~~
318 ~~compare~~ State Law Enforcement Agency perform a state criminal
319 history background check on the fingerprints submitted with
320 the application ~~to fingerprints filed with the Alabama Bureau~~
321 ~~of Investigation~~. On subsequent applications, the Alabama
322 ~~Bureau of Investigation~~ State Law Enforcement Agency, at the
323 request of the board, shall review its criminal history files
324 based upon the name, date of birth, sex, race, and Social
325 Security number of an applicant whose fingerprints have
326 previously been submitted to the bureau for any new
327 information since the date of the initial fingerprint
328 ~~comparison~~ submission, and shall furnish any information
329 thereby derived to the board.

330 (2) A request to submit the fingerprints to the Federal
331 Bureau of Investigation for ~~a search of its files to determine~~
332 ~~whether an individual fingerprinted has any recorded~~
333 ~~convictions~~ completion of a national criminal history
334 background check.

335 (b) After the approval of the application by the board,
336 the board shall issue a license in a form prescribed by the
337 board to each qualified applicant upon its receipt of a
338 nonrefundable, nonprorateable private investigator license fee
339 as set by the board.

340 (c) (1) If an application for a license is denied, the



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341 board shall notify the applicant in writing and specify the
342 grounds for denial. If the grounds are subject to correction
343 by the applicant, the notice shall so state and specify a
344 reasonable period of time within which the applicant shall
345 make the required correction.

346 (2) The applicant may submit an application for
347 reconsideration to the board within 30 days from the date of
348 receipt of the denial.

349 (d) The board shall issue a license to all licensees
350 that shall be at least 8" x 10" in size and shall be displayed
351 on a wall of the workplace of the licensee. ~~This license~~ All
352 licenses and identification cards issued by the board shall be
353 deemed property of the State of Alabama and subject to
354 forfeiture to the state upon revocation."

355 "§34-25B-14

356 (a) The board shall issue to every private investigator
357 licensee and private investigator apprentice licensee an
358 identification card, which shall be issued in credit card
359 size, be permanently laminated, and contain all of the
360 following information of the licensee:

361 (1) Name.

362 (2) Photograph.

363 (3) Physical characteristics.

364 (4) Private investigator's license number.

365 (5) Expiration date of license.

366 (b) The identification card shall be carried on the
367 person of the licensee when engaged in the activities of the
368 licensee.

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369 (c) A private investigator licensee shall include his
370 or her license number on all advertisements, brochures,
371 stationary, letterhead, case reports, and business cards
372 distributed or used by the private investigator."

373 "§34-25B-17

374 (a) All licenses issued or renewed under this ~~chapter~~
375 article shall be valid for a period of two years from the ~~date~~
376 month of issuance. The board shall ~~provide mail to~~ each
377 licensee ~~with a renewal application,~~ at his or her address of
378 record, a notice of renewal at least 60 days prior to the
379 expiration of ~~the~~ his or her license. An application for
380 renewal shall be available for download by the licensee on the
381 website of the board. A licensee shall report any change of
382 address to the board.

383 (b) Each application for renewal shall be reviewed for
384 criminal convictions and civil fraud findings.

385 (c) An administrative late fee not exceeding two
386 hundred dollars (\$200), as prescribed by the board, shall be
387 assessed on any renewal application postmarked after the
388 expiration date of the license.

389 (d) ~~No~~ A renewal application may not be accepted by the
390 board more than 30 days after the expiration date of the
391 license. This subsection may be waived by the board for good
392 cause.

393 (e) A licensee may request, in writing, for the board
394 to place his or her license on inactive status. The fees for
395 issuing and renewing an inactive status certificate shall be
396 established by rule of the board. The board shall also



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397 provide, by rule, for the activities an inactive status
398 certificate holder may engage in, and for the procedure and
399 fees required to reinstate an inactive status license. Any
400 holder of an inactive status certificate who violates the
401 limitations of the certificate shall be subject to fines and
402 disciplinary action established by rule of the board."

403 "§34-25B-18

404 (a) The board may suspend, revoke, or refuse to issue
405 or renew any private investigator license issued by ~~it~~ the
406 board upon finding that the holder or applicant has committed
407 any of the following acts:

408 (1) A violation of this chapter or any rule ~~promulgated~~
409 adopted pursuant to this chapter.

410 (2) Fraud, deceit, or misrepresentation regarding an
411 application or license.

412 (3) Knowingly and willfully making a material
413 misstatement in connection with an application for a license
414 or renewal.

415 (4) A conviction by a court of competent jurisdiction
416 of a felony.

417 (5) A conviction by a court of competent jurisdiction
418 of a Class A misdemeanor, if the board finds that the
419 conviction reflects unfavorably on the fitness of the ~~person~~
420 individual for the license.

421 (6) The commission of any act which would have been
422 cause for refusal to issue the license or identification card
423 had it existed and been known to the board at the time of
424 issuance.



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425 (b) In addition to, or in lieu of, any other lawful
426 disciplinary action under this section, the board may assess a
427 civil penalty not exceeding two thousand dollars (\$2,000) for
428 each violation.

429 (c) A license may be suspended for the remaining
430 license period and renewed during any period in which the
431 license was suspended.

432 (d) Any entity or individual who operates, provides
433 services, or advertises the provision of private investigator
434 services without a license as required by this chapter shall
435 be subject to an administrative fine of up to one thousand
436 dollars (\$1,000) per day that those services are provided or
437 advertised and may be administratively enjoined by the board
438 from providing services or advertising until in compliance
439 with this chapter."

440 "§34-25B-21

441 The board shall ~~provide~~ routinely publish and update a
442 copy of this chapter and any rules ~~promulgated~~ adopted under
443 this chapter ~~to the following:~~ on the website of the board.

444 ~~(1) Each licensee, upon issuance of an original~~
445 ~~license, and every two years thereafter upon license renewal.~~

446 ~~(2) Any other person, upon request, for a reasonable~~
447 ~~fee established by the board."~~

448 "§34-25B-22

449 (a) The following acts when committed by an individual
450 licensed as a private investigator ~~in Alabama~~ or a private
451 investigator apprentice, or employed by or contracting with a
452 private investigation agency, shall constitute a violation



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453 punishable as a Class A misdemeanor:

454 (1) To knowingly make a material misrepresentation as
455 to the ability of the individual to perform the investigation
456 required by a potential client in order to obtain employment.

457 (2) To make unsubstantiated monetary charges to a
458 client for services not rendered or transportation not
459 utilized.

460 (3) To knowingly make a false report to a client in
461 relation to the investigation performed for a client.

462 (4) To continue an investigation for a client when it
463 becomes obvious to the investigator that a successful
464 completion of an investigation is unlikely without first
465 advising the client and obtaining the approval of the client
466 for continuation of the investigation.

467 (5) To reveal information obtained for a client during
468 an investigation to another individual except as required by
469 law.

470 (b) ~~Persons~~ Individuals licensed pursuant to this
471 chapter shall report any suspected instances of child abuse or
472 neglect to a local law enforcement agency or the Department of
473 Human Resources, or both."

474 "§34-25B-26

475 (a) Each private investigator licensee shall complete
476 ~~eight~~ 16 hours of continuing professional education, including
477 two hours of ethics instruction, acceptable to the board in
478 each ~~calendar year~~ two-year renewable licensing period.

479 ~~(b) The board shall make every effort to ensue at least~~
480 ~~one seminar per year will be held in each congressional~~



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481 ~~district of the state providing an opportunity to fulfill the~~
482 ~~continuing professional education requirements of this~~
483 ~~section, which shall include at least one hour per year on~~
484 ~~ethics.~~

485 ~~(c)~~ (b) The board shall ~~promulgate~~ adopt rules as
486 necessary to ~~carry out~~ implement this section."

487 Section 3. Section 34-25B-12.1 is added to the Code of
488 Alabama 1975, to read as follows:

489 §34-25B-12.1

490 (a) An individual may obtain a license as a private
491 investigator apprentice and work under the supervision of a
492 private investigator.

493 (b) An applicant for a private investigator apprentice
494 license shall meet all of the following criteria to obtain a
495 license:

496 (1) Be at least 18 years of age.

497 (2) Be a high school graduate, have earned a GED
498 certification, or have completed other equivalent education as
499 determined suitable by the board.

500 (3) Meet the requirements of subdivisions (2) to (5),
501 inclusive, of Section 34-25B-12.

502 (c) An individual issued a private investigator
503 apprentice license shall successfully pass an examination
504 required by the board, which shall be taken during a time
505 period designated by rule of the board, not sooner than 45
506 days after initial licensure. Before taking the examination, a
507 private investigator apprentice licensee may begin working as
508 an intern. If the examination is not successfully passed by



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509 the deadline set by rule of the board, the private
510 investigator apprentice license may be suspended until such
511 time that a passing grade has been achieved.

512 (d) (1) A private investigator apprentice shall be
513 trained under the supervision of a sponsor private
514 investigator who has at least two years' experience as a
515 licensed private investigator in this state and who is
516 certified by the board as a sponsor. The board may charge a
517 one-time certification fee per sponsor, not exceeding fifty
518 dollars (\$50), and may, by rule, establish standards for
519 certification, refusing certification, reporting of
520 apprentices sponsored, and documentation required for
521 sponsorships.

522 (2) Supervision of a private investigator apprentice
523 may be in person, by telephone, or by other form of electronic
524 communication and oversight. A sponsor may not act as a
525 sponsor for more than five private investigator apprentices at
526 one time. A sponsor shall maintain records of training
527 activities as required by the board, by rule, and shall make
528 those records available to the board upon request. Failure of
529 a sponsor to maintain adequate records may result in the
530 revocation of his or her sponsor certification.

531 (e) A private investigator apprentice shall have three
532 years to complete his or her internship. An internship shall
533 consist of both of the following:

534 (1) The successful completion of a minimum number of
535 hours of experience in the field and classroom training, not
536 exceeding 300 hours, as established by board rule. Classroom



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537 instruction shall be provided by a certified trainer and shall
538 include instruction in administrative functions, including
539 report writing and research.

540 (2) The successful completion of a minimum of eight
541 hours per year of continuing education credit, as administered
542 by the Alabama Private Investigators Association, or other
543 certified provider of continuing education approved by the
544 board. The coursework shall include instruction in
545 investigations and a minimum of two hours of ethics training
546 annually, and may include business operations training.

547 (f) To qualify for a license as a private investigator,
548 a private investigator apprentice licensee shall submit proof
549 of successful completion of an internship pursuant to this
550 section and shall pay the applicable license fee to the board.

551 (g) A private investigator apprentice licensee who does
552 not complete an internship within three years after being
553 issued a private investigator apprentice license shall be
554 required to reapply for a new private investigator apprentice
555 license. A private investigator apprentice license shall be
556 renewed annually during an internship. Any education and
557 training experience completed during a previous internship
558 shall be credited toward completing a new internship. A
559 private investigator apprentice licensee may obtain a copy of
560 his or her training records from the sponsoring private
561 investigator. A sponsor who fails to provide training records,
562 as requested, may have his or her sponsor certification
563 revoked or be fined by the board, or both.

564 (h) A private investigator apprentice licensee may only



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565 perform work under the supervision of a certified sponsor and
566 may not advertise or perform any private investigation
567 services for the general public outside of that supervision.

568 (i) If a private investigator apprentice is instructed
569 by a sponsor to perform any action that violates this chapter,
570 both the private investigator apprentice and the sponsor may
571 be held responsible by the board. The private investigator
572 apprentice licensee shall be responsible for identifying any
573 conflicts of interest on assigned case work and notifying the
574 sponsor of any conflict.

575 Section 4. Article 2, commencing with Section
576 34-25B-50, is added to Chapter 25B of Title 34 of the Code of
577 Alabama 1975, to read as follows:

578 ARTICLE 2. Private Investigation Agencies.

579 §34-25B-50

580 (a) (1) A business entity and its agents, officers, and
581 employees, whether domiciled within or outside of this state,
582 which employ or subcontract with private investigators, may
583 not practice, advertise, or hold themselves out to the public
584 as a private investigation agency without first being licensed
585 by the board. A violation of this subsection by an applicant
586 or a licensee shall be punishable as a Class A misdemeanor.

587 (2) This subsection does not prevent a business entity
588 domiciled outside of this state from contracting with a
589 private investigation agency domiciled within this state, but
590 requires any private investigator doing contract work for a
591 business entity domiciled outside of this state, that is not
592 licensed in this state, to register as a private investigation



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593 agency.

594 (b) Commencing on January 1, 2024, no business entity
595 that conducts private investigations for compensation in this
596 state, and employs private investigators in this state, may
597 operate without a license.

598 §34-25B-51

599 (a) Application for a license as a private
600 investigation agency shall be made in writing to the board, on
601 forms prescribed by the board, and shall include all of the
602 following information:

603 (1) The name of the applicant.

604 (2) The business name and physical and email address of
605 the applicant.

606 (3) A telephone number and other contact information
607 for the applicant.

608 (4) If the applicant is not a domestic business entity
609 in the state, the name and contact information for the
610 registered agent of the applicant for service of process.

611 (5) The name, address, and contact information of a
612 principal contact for the applicant.

613 (6) The name, address, and contact information for at
614 least one officer or principal of the company who holds a
615 valid private investigator license in this state.

616 (7) An irrevocable uniform consent to service of
617 process.

618 (8) A designated physical address where the records of
619 the applicant shall be kept.

620 (9) Any other information required by the board and



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621 reasonably necessary to grant licensure, as established by
622 rule of the board.

623 (b) Upon receipt of a properly completed application
624 and payment of a license fee as provided in this subsection,
625 the board shall issue the applicant a private investigation
626 agency license.

627 (1) For a private investigation agency domiciled within
628 this state, the license fee and renewal fee shall be in an
629 amount determined by the board, not exceeding fifty dollars
630 (\$50) for a private investigation agency that employs or
631 contracts with not more than two licensed private
632 investigators, and not exceeding two hundred dollars (\$200)
633 for a private investigation agency that employs or contracts
634 with three or more licensed private investigators.

635 (2) For a private investigation agency domiciled
636 outside of this state, the license fee shall be in an amount
637 determined by the board, not exceeding five hundred dollars
638 (\$500).

639 (c) A private investigation agency license shall be
640 valid for two years from the month of issuance and may be
641 renewed upon payment of the license fee provided in subsection
642 (b) and the satisfaction of any other reasonable requirement
643 established by rule by the board.

644 §34-25B-52

645 (a) The board shall issue to each private investigation
646 agency licensee a certification, which shall be at least 8" x
647 10" in size and shall contain the following information:

648 (1) The name of the private investigation agency.



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649 (2) The physical address of the private investigation
650 agency.

651 (3) The license number.

652 (4) The expiration date of the license.

653 (b) The certification card shall be posted in a
654 conspicuous area at the physical address of the private
655 investigation agency.

656 (c) The private investigation agency shall display the
657 agency license number on all advertisements, brochures,
658 stationary, letterhead, case reports, and business cards,
659 distributed or used by the private investigation agency. Any
660 invoice generated for professional services performed by the
661 private investigation agency or a private investigator
662 licensee, contractor, or employee of the private investigation
663 agency shall include the license number for each licensee
664 whose services are being compensated for by a consumer and the
665 time being charged by the private investigator licensee,
666 contractor, or employee of the private investigation agency.

667 §34-25B-53

668 (a) The board shall mail to each private investigation
669 agency licensee a notice of renewal at least 60 days prior to
670 the expiration of the license. An application for renewal
671 shall be available for download by the licensee on the website
672 of the board. A licensee shall report any change of address to
673 the board.

674 (b) An administrative late fee, not exceeding two
675 hundred dollars (\$200) as prescribed by rule of the board,
676 shall be assessed on any renewal application postmarked after



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677 the expiration date of the license.

678 (c) A renewal application may not be accepted by the
679 board more than 30 days after the expiration date of the
680 license. This subsection may be waived by the board for good
681 cause.

682 §34-25B-54

683 The board shall adopt rules as necessary to implement
684 this article.

685 Section 5. Although this bill would have as its purpose
686 or effect the requirement of a new or increased expenditure of
687 local funds, the bill is excluded from further requirements
688 and application under Section 111.05 of the Constitution of
689 Alabama of 2022, because the bill defines a new crime or
690 amends the definition of an existing crime.

691 Section 6. This act shall become effective on the first
692 day of the third month following its passage and approval by
693 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 20-Apr-23, as amended.

John Treadwell
Clerk

Senate

24-May-23

Passed