

**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Private Investigation
Regulatory Act; to designate as Article 1, Sections 34-25B-1
to 34-25B-29, inclusive, Code of Alabama 1975; to amend
Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10,
34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17,
34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of
Alabama 1975, relating to the Alabama Private Investigation
Board; to add Section 34-25B-12.1 and add a new Article 2,
commencing with Section 34-25B-50 to Chapter 25B, Title 34 of
the Code of Alabama 1975; to require applicants for private
investigator licenses to complete education and work
experience; to clarify those fees collected by the board that
must be deposited into the Alabama Private Investigation Board
Fund; to provide further for the qualifications for licensure
as a private investigator; to provide further for criminal
history background checks for applicants for licensure; to
authorize the board to grant inactive status to licensees and
to provide, by rule, for a procedure and fee to reinstate an
inactive license; to provide for administrative penalties
against any person practicing without a license; to require
licensees to report arrests to the board within 72 hours; and



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

32 to clarify that the number of hours of continuing education
33 required to maintain licensure is 16 hours during the two-year
34 license period; to license private investigator apprentices
35 and allow apprentices to gain work experience through an
36 internship; to provide for licensure of apprentices as private
37 investigators after completing certain requirements; and to
38 provide for licensure of private investigation agencies that
39 do business in the state; and in connection therewith would
40 have as its purpose or effect the requirement of a new or
41 increased expenditure of local funds within the meaning of
42 Section 111.05 of the Constitution of Alabama of 2022.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. An article heading is added before Section
45 34-25B-1 of the Code of Alabama 1975, to read as follows:

46 ARTICLE 1. Private Investigator Licenses, Private
47 Investigator Apprentice Licenses, and Private Investigation
48 Board.

49 Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4,
50 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13,
51 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and
52 34-25B-26 of the Code of Alabama 1975, are amended to read as
53 follows:

54 "§34-25B-2

55 As used in this chapter, the following terms shall have
56 the following meanings:

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

58 ~~(1)~~ (2) FELONY. A criminal offense that is defined and
59 punishable under the laws of this state, or an offense
60 committed outside the State of Alabama, which if committed in



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

61 this state, would constitute a felony under Alabama law; a
62 crime in any other state or a crime against the United States
63 which is designated as a felony; or an offense in any other
64 state, territory, or country punishable by imprisonment for a
65 term exceeding one year.

66 ~~(2)~~ (3) PRIVATE INVESTIGATION. The compensated act of
67 any individual or company engaging in the business of
68 obtaining or furnishing information with reference to any of
69 the following:

70 a. A crime committed or threatened against the United
71 States or any state or territory of the United States.

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

79 c. The location, disposition, or recovery of lost or
80 stolen property.

81 d. The cause or responsibility for fires, losses,
82 accidents, damages, or injuries to ~~persons~~ individuals or to
83 property.

84 (4) PRIVATE INVESTIGATION AGENCY. A corporation, firm,
85 partnership, or other business entity that, for compensation,
86 practices private investigation in this state and employs
87 licensed private investigators. The term includes a business
88 entity that practices private investigation through licensed



House Boards, Agencies and Commissions Engrossed
Substitute for HB75

89 private investigators who are solely independent contractors
90 rather than employees.

91 ~~(3)~~ (5) PRIVATE INVESTIGATOR. a. ~~A person~~ An individual
92 who, for compensation, performs one or more of the private
93 investigation services defined and regulated by this chapter.

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

102 c. ~~A person~~ An individual who is engaged in private
103 investigation ~~as defined herein~~ and who is licensed in
104 accordance with this ~~chapter~~ article.

105 (6) PRIVATE INVESTIGATOR APPRENTICE. An individual who
106 is engaged in private investigation under the supervision of a
107 licensed private investigator and who is licensed in
108 accordance with this article."

109 "§34-25B-3

110 An individual may not ~~No person shall~~ practice private
111 investigation or hold himself or herself out to the public as
112 a private investigator or private investigator apprentice or
113 use any term, title, or abbreviation that expresses, infers,
114 or implies that the ~~person~~ individual is licensed as a private
115 investigator or private investigator apprentice unless the
116 ~~person~~ individual at the time holds a valid license to



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

117 practice private investigation as provided in this ~~chapter~~
118 article. ~~All applicants shall pass a criminal background check~~
119 ~~based on criteria established pursuant to Section 34-25B-4."~~

120 "§34-25B-4

121 (a) There is created the Alabama Private Investigation
122 Board. The appointing authorities shall coordinate their
123 appointments to assure the membership of the board ~~shall~~
124 ~~reflect~~ is inclusive and reflects the racial, gender,
125 geographic, urban ~~and~~, rural, and economic diversity of the
126 state.

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

134 (c) The following members shall be appointed to the
135 board:

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

142 (2) One ~~person~~ individual appointed by the Lieutenant
143 Governor, who ~~must~~ shall be a private investigator. ~~The~~
144 ~~Lieutenant Governor shall appoint the member for an initial~~



House Boards, Agencies and Commissions Engrossed
Substitute for HB75

145 ~~term of two years. Thereafter, successor members shall be~~
146 ~~appointed for terms of four years.~~

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

153 (4) One ~~person~~ individual appointed by the Attorney
154 General who ~~must~~ shall be a private investigator. ~~The Attorney~~
155 ~~General shall appoint the member for an initial term of two~~
156 ~~years. Thereafter, successor members shall be appointed for~~
157 ~~terms of four years.~~

158 (5) One ~~person~~ individual appointed by the Alabama
159 State Bar Association who ~~must~~ shall be a member in good
160 standing ~~for an initial term of four years. Thereafter,~~
161 ~~successor members shall be appointed for terms of four years~~
162 ~~of the bar.~~

163 (6) One ~~person~~ individual appointed by the Alabama
164 Private Investigators Association who ~~must~~ shall be a private
165 investigator. ~~The association shall appoint the member for an~~
166 ~~initial term of four years. Thereafter, successor members~~
167 ~~shall be appointed for terms of four years.~~

168 (d) ~~Following the initial appointments, all successor~~
169 All members of the board shall be appointed for a term of four
170 years and shall serve until their successors are appointed and
171 qualified by subscribing to the constitutional oath of office, ~~7~~
172 ~~which shall be filed with the Secretary of State.~~



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

173 (e) Any vacancy occurring on the board shall be filled
174 by the appointing authority of the vacating member for the
175 unexpired term.

176 (f) No member may be appointed to succeed himself or
177 herself for more than ~~one full term~~ three consecutive full
178 terms.

179 (g) The appointing authority may remove a member of the
180 board for misconduct, incompetency, or willful neglect of
181 duty. The board may recommend to the appointing authority
182 suggested administrative actions that may be taken against a
183 board member for missing an excessive ~~amount~~ number of
184 meetings.

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

188 "§34-25B-7

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



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

201 (1) An application fee for an original license and for
202 an inactive status certificate.

203 (2) A renewal fee for a license and for an inactive
204 status certificate.

205 (3) A reinstatement application fee.

206 (4) A late renewal fee.

207 (5) A change of information fee.

208 (6) A replacement license fee.

209 (7) An inactive license fee.

210 (8) An issuance fee for a private investigator license,
211 a private investigator apprentice license, or a private
212 investigation agency license.

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

215 (b) No monies shall be withdrawn or expended from the
216 fund for any purpose unless the monies have been appropriated
217 by the Legislature and allocated pursuant to this chapter. Any
218 monies appropriated shall be budgeted and allotted pursuant to
219 the Budget Management Act in accordance with Article 4,
220 ~~+(commencing with Section 41-4-80)+~~, of Chapter 4 of Title 41,
221 and only in the amounts provided by the Legislature in the
222 general appropriations act or other appropriations act. ~~There~~
223 ~~is hereby appropriated to the Alabama Private Investigation~~
224 ~~Board the sum of all monies collected and deposited into the~~
225 ~~Alabama Private Investigation Board Fund for each of the~~
226 ~~fiscal years ending September 30, 2013, and September 30,~~
227 ~~2014, to be used for the operations of the board.~~

228 (c) All expenses incurred by the board in implementing



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

229 and administering this chapter shall be paid out of the fund,
230 ~~provided that the expenses of the board shall not exceed the~~
231 ~~amount of monies in the fund.~~"

232 "§34-25B-10

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

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

244 "§34-25B-11

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

252 (1) His or her full name.

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

254 (3) All residences during the immediate past five
255 years.

256 (4) All employment or occupations engaged in during the



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

257 immediate past five years.

258 (5) Three sets of classifiable fingerprints or
259 electronic fingerprints or criminal history background
260 information, or both, as approved by the board for initial
261 licensure.

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

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

271 "§34-25B-12

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

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

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

278 ~~(2)~~ (3) Has not been declared by any court of competent
279 jurisdiction incompetent by reason of mental defect or disease
280 unless a court of competent jurisdiction has subsequently
281 declared the applicant competent.

282 ~~(3)~~ (4) Has not been convicted of a crime of moral
283 turpitude, with the board having the final determination on
284 the interpretation of moral turpitude.



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

285 ~~(4)~~ (5) Has not been convicted of a felony crime.

286 ~~(5)~~ (6) Has passed an examination ~~to be~~ administered
287 ~~twice annually~~ by the board designed to measure knowledge and
288 competence in the investigation field and in state civil and
289 criminal privacy laws.

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

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

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

301 a. Special investigations, consisting of special
302 investigative experience in insurance, fire or arson, banking,
303 legal, or similar setting, or other special investigatory
304 experience as determined suitable by the board.

305 b. Law enforcement, consisting of experience as a sworn
306 law enforcement officer, investigative experience as a
307 detective or investigator at the federal, state, or local
308 level, or other investigative experience as determined
309 suitable by the board.

310 c. Education, consisting of a minimum of a two-year
311 degree in a field of study directly related to private
312 investigation including, but not limited to, criminal justice,



House Boards, Agencies and Commissions Engrossed
Substitute for HB75

313 political science, criminology, or law enforcement.

314 d. Internship, consisting of successful completion of a
315 private investigator apprenticeship pursuant to Section
316 34-25B-12.1."

317 "§34-25B-13

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

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

335 (2) A request to submit the fingerprints to the Federal
336 Bureau of Investigation for ~~a search of its files to determine~~
337 ~~whether an individual fingerprinted has any recorded~~
338 ~~convictions~~ completion of a national criminal history
339 background check.

340 (b) After the approval of the application by the board,



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

341 the board shall issue a license in a form prescribed by the
342 board to each qualified applicant upon its receipt of a
343 nonrefundable, nonprorateable private investigator license fee
344 as set by the board.

345 (c) (1) If an application for a license is denied, the
346 board shall notify the applicant in writing and specify the
347 grounds for denial. If the grounds are subject to correction
348 by the applicant, the notice shall so state and specify a
349 reasonable period of time within which the applicant shall
350 make the required correction.

351 (2) The applicant may submit an application for
352 reconsideration to the board within 30 days from the date of
353 receipt of the denial.

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

360 "§34-25B-14

361 (a) The board shall issue to every private investigator
362 licensee and private investigator apprentice licensee an
363 identification card, which shall be issued in credit card
364 size, be permanently laminated, and contain all of the
365 following information of the licensee:

- 366 (1) Name.
367 (2) Photograph.
368 (3) Physical characteristics.



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

369 (4) Private investigator's license number.

370 (5) Expiration date of license.

371 (b) The identification card shall be carried on the
372 person of the licensee when engaged in the activities of the
373 licensee.

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

378 "§34-25B-17

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

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

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

394 (d) ~~No~~ A renewal application may not be accepted by the
395 board more than 30 days after the expiration date of the
396 license. This subsection may be waived by the board for good



House Boards, Agencies and Commissions Engrossed
Substitute for HB75

397 cause.

398 (e) A licensee may request, in writing, for the board
399 to place his or her license on inactive status. The fees for
400 issuing and renewing an inactive status certificate shall be
401 established by rule of the board. The board shall also
402 provide, by rule, for the activities an inactive status
403 certificate holder may engage in, and for the procedure and
404 fees required to reinstate an inactive status license. Any
405 holder of an inactive status certificate who violates the
406 limitations of the certificate shall be subject to fines and
407 disciplinary action established by rule of the board."

408 "§34-25B-18

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

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

415 (2) Fraud, deceit, or misrepresentation regarding an
416 application or license.

417 (3) Knowingly and willfully making a material
418 misstatement in connection with an application for a license
419 or renewal.

420 (4) A conviction by a court of competent jurisdiction
421 of a felony.

422 (5) A conviction by a court of competent jurisdiction
423 of a Class A misdemeanor, if the board finds that the
424 conviction reflects unfavorably on the fitness of the ~~person~~



House Boards, Agencies and Commissions Engrossed
Substitute for HB75

425 individual for the license.

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

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

434 (c) A license may be suspended for the remaining
435 license period and renewed during any period in which the
436 license was suspended.

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

445 "§34-25B-21

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

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

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



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

453 "§34-25B-22

454 (a) The following acts when committed by an individual
455 licensed as a private investigator ~~in Alabama~~ or a private
456 investigator apprentice, or employed by or contracting with a
457 private investigation agency, shall constitute a violation
458 punishable as a Class A misdemeanor:

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

462 (2) To make unsubstantiated monetary charges to a
463 client for services not rendered or transportation not
464 utilized.

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

467 (4) To continue an investigation for a client when it
468 becomes obvious to the investigator that a successful
469 completion of an investigation is unlikely without first
470 advising the client and obtaining the approval of the client
471 for continuation of the investigation.

472 (5) To reveal information obtained for a client during
473 an investigation to another individual except as required by
474 law.

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

479 "§34-25B-26

480 (a) Each private investigator licensee shall complete



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

481 ~~eight~~ 16 hours of continuing professional education, including
482 two hours of ethics instruction, acceptable to the board in
483 each ~~calendar year~~ two-year renewable licensing period.

484 ~~(b) The board shall make every effort to ensue at least~~
485 ~~one seminar per year will be held in each congressional~~
486 ~~district of the state providing an opportunity to fulfill the~~
487 ~~continuing professional education requirements of this~~
488 ~~section, which shall include at least one hour per year on~~
489 ~~ethics.~~

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

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

494 §34-25B-12.1

495 (a) An individual may obtain a license as a private
496 investigator apprentice and work under the supervision of a
497 private investigator.

498 (b) An applicant for a private investigator apprentice
499 license shall meet all of the following criteria to obtain a
500 license:

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

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

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

507 (c) An individual issued a private investigator
508 apprentice license shall successfully pass an examination



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

509 required by the board, which shall be taken during a time
510 period designated by rule of the board, not sooner than 45
511 days after initial licensure. Before taking the examination, a
512 private investigator apprentice licensee may begin working as
513 an intern. If the examination is not successfully passed by
514 the deadline set by rule of the board, the private
515 investigator apprentice license may be suspended until such
516 time that a passing grade has been achieved.

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

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

536 (e) A private investigator apprentice shall have three



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

537 years to complete his or her internship. An internship shall
538 consist of both of the following:

539 (1) The successful completion of a minimum number of
540 hours of experience in the field and classroom training, not
541 exceeding 300 hours, as established by board rule. Classroom
542 instruction shall be provided by a certified trainer and shall
543 include instruction in administrative functions, including
544 report writing and research.

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

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

556 (g) A private investigator apprentice licensee who does
557 not complete an internship within three years after being
558 issued a private investigator apprentice license shall be
559 required to reapply for a new private investigator apprentice
560 license. A private investigator apprentice license shall be
561 renewed annually during an internship. Any education and
562 training experience completed during a previous internship
563 shall be credited toward completing a new internship. A
564 private investigator apprentice licensee may obtain a copy of



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

565 his or her training records from the sponsoring private
566 investigator. A sponsor who fails to provide training records,
567 as requested, may have his or her sponsor certification
568 revoked or be fined by the board, or both.

569 (h) A private investigator apprentice licensee may only
570 perform work under the supervision of a certified sponsor and
571 may not advertise or perform any private investigation
572 services for the general public outside of that supervision.

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

580 Section 4. Article 2, commencing with Section
581 34-25B-50, is added to Chapter 25B of Title 34 of the Code of
582 Alabama 1975, to read as follows:

583 ARTICLE 2. Private Investigation Agencies.

584 §34-25B-50

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

592 (2) This subsection does not prevent a business entity



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

593 domiciled outside of this state from contracting with a
594 private investigation agency domiciled within this state, but
595 requires any private investigator doing contract work for a
596 business entity domiciled outside of this state, that is not
597 licensed in this state, to register as a private investigation
598 agency.

599 (b) Commencing on January 1, 2024, no business entity
600 that conducts private investigations for compensation in this
601 state, and employs private investigators in this state, may
602 operate without a license.

603 §34-25B-51

604 (a) Application for a license as a private
605 investigation agency shall be made in writing to the board, on
606 forms prescribed by the board, and shall include all of the
607 following information:

608 (1) The name of the applicant.

609 (2) The business name and physical and email address of
610 the applicant.

611 (3) A telephone number and other contact information
612 for the applicant.

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

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

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



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

621 (7) An irrevocable uniform consent to service of
622 process.

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

625 (9) Any other information required by the board and
626 reasonably necessary to grant licensure, as established by
627 rule of the board.

628 (b) Upon receipt of a properly completed application
629 and payment of a license fee as provided in this subsection,
630 the board shall issue the applicant a private investigation
631 agency license.

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

640 (2) For a private investigation agency domiciled
641 outside of this state, the license fee shall be in an amount
642 determined by the board, not exceeding five hundred dollars
643 (\$500).

644 (c) A private investigation agency license shall be
645 valid for two years from the month of issuance and may be
646 renewed upon payment of the license fee provided in subsection
647 (b) and the satisfaction of any other reasonable requirement
648 established by rule by the board.



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

649 §34-25B-52

650 (a) The board shall issue to each private investigation
651 agency licensee a certification, which shall be at least 8" x
652 10" in size and shall contain the following information:

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

654 (2) The physical address of the private investigation
655 agency.

656 (3) The license number.

657 (4) The expiration date of the license.

658 (b) The certification card shall be posted in a
659 conspicuous area at the physical address of the private
660 investigation agency.

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

672 §34-25B-53

673 (a) The board shall mail to each private investigation
674 agency licensee a notice of renewal at least 60 days prior to
675 the expiration of the license. An application for renewal
676 shall be available for download by the licensee on the website



**House Boards, Agencies and Commissions Engrossed
Substitute for HB75**

677 of the board. A licensee shall report any change of address to
678 the board.

679 (b) An administrative late fee, not exceeding two
680 hundred dollars (\$200) as prescribed by rule of the board,
681 shall be assessed on any renewal application postmarked after
682 the expiration date of the license.

683 (c) A renewal application may not be accepted by the
684 board more than 30 days after the expiration date of the
685 license. This subsection may be waived by the board for good
686 cause.

687 §34-25B-54

688 The board shall adopt rules as necessary to implement
689 this article.

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

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