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HOUSE BILL 2233

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State of Washington                      65th Legislature                      2017 3rd Special Session  
By Representative McDonald

1            AN ACT Relating to temporary registration cards for private  
2 investigators; amending RCW 18.165.010, 18.165.130, and 18.165.150;  
3 and adding a new section to chapter 18.165 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 18.165.010 and 1995 c 277 s 17 are each amended to  
6 read as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9            (1) "Armed private investigator" means a private investigator who  
10 has a current firearms certificate issued by the commission and is  
11 licensed as an armed private investigator under this chapter.

12            (2) "Chief law enforcement officer" means the elected or  
13 appointed police administrator of a municipal, county, or state  
14 police or sheriff's department that has full law enforcement powers  
15 in its jurisdiction.

16            (3) "Commission" means the criminal justice training commission  
17 established in chapter 43.101 RCW.

18            (4) "Department" means the department of licensing.

19            (5) "Director" means the director of the department of licensing.

20            (6) "Employer" includes any individual, firm, corporation,  
21 partnership, association, company, society, manager, contractor,

1 subcontractor, bureau, agency, service, office, or an agent of any of  
2 the foregoing that employs or seeks to enter into an arrangement to  
3 employ any person as a private investigator.

4 (7) "Firearms certificate" means a certificate issued by the  
5 commission.

6 (8) "Forensic scientist" or "accident reconstructionist" means a  
7 person engaged exclusively in collecting and analyzing physical  
8 evidence and data relating to an accident or other matter and  
9 compiling such evidence or data to render an opinion of likely cause,  
10 fault, or circumstance of the accident or matter.

11 (9) "Person" includes any individual, firm, corporation,  
12 partnership, association, company, society, manager, contractor,  
13 subcontractor, bureau, agency, service, office, or an agent or  
14 employee of any of the foregoing.

15 (10) "Principal" of a private investigator agency means the owner  
16 or manager appointed by a corporation.

17 (11) "Private investigator" means a person who is licensed under  
18 this chapter and is employed by a private investigator agency for the  
19 purpose of investigation, escort or body guard services, or property  
20 loss prevention activities.

21 (12) "Private investigator agency" means a person or entity  
22 licensed under this chapter and engaged in the business of detecting,  
23 discovering, or revealing one or more of the following:

24 (a) Crime, criminals, or related information;

25 (b) The identity, habits, conduct, business, occupation, honesty,  
26 integrity, credibility, knowledge, trustworthiness, efficiency,  
27 loyalty, activity, movement, whereabouts, affiliations, associations,  
28 transactions, acts, reputation, or character of any person or thing;

29 (c) The location, disposition, or recovery of lost or stolen  
30 property;

31 (d) The cause or responsibility for fires, libels, losses,  
32 accidents, or damage or injury to persons or to property;

33 (e) Evidence to be used before a court, board, officer, or  
34 investigative committee;

35 (f) Detecting the presence of electronic eavesdropping devices;  
36 or

37 (g) The truth or falsity of a statement or representation.

38 (13) "Qualifying agent" means an officer or manager of a  
39 corporation who meets the requirements set forth in this chapter for  
40 obtaining a private investigator agency license.

1 (14) "Sworn peace officer" means a person who is an employee of  
2 the federal government, the state, or a political subdivision,  
3 agency, or department branch of a municipality or other unit of local  
4 government, and has law enforcement powers.

5 (15) "Temporary registration card" means a temporary credential,  
6 issued by the licensed private investigator agency, to a prospective  
7 employee, while a background check is being conducted and the  
8 licensing application is being processed.

9 **Sec. 2.** RCW 18.165.130 and 2000 c 171 s 38 are each amended to  
10 read as follows:

11 (1) A private investigator agency shall notify the director  
12 within thirty days after the death or termination of employment of  
13 any employee who is a temporary registration cardholder, licensed  
14 private investigator, or armed private investigator by returning the  
15 license or temporary registration card to the department with the  
16 word "terminated" written across the face of the license, the date of  
17 termination, and the signature of the principal of the private  
18 investigator company.

19 (2) A private investigator agency shall notify the director  
20 within seventy-two hours and the chief law enforcement officer of the  
21 county, city, or town in which the agency is located immediately upon  
22 receipt of information affecting a temporary registration  
23 cardholder's, licensed private investigator's, or armed private  
24 investigator's continuing eligibility to hold a license under the  
25 provisions of this chapter.

26 (3) A private investigator company shall notify the local law  
27 enforcement agency whenever an employee who is an armed private  
28 investigator discharges his or her firearm while on duty other than  
29 on a supervised firearm range. The notification shall be made within  
30 ten business days of the date the firearm is discharged.

31 **Sec. 3.** RCW 18.165.150 and 1995 c 277 s 33 are each amended to  
32 read as follows:

33 (1) (~~After June 30, 1992,~~) Any person who performs the  
34 functions and duties of a private investigator in this state without  
35 being licensed in accordance with the provisions of this chapter, or  
36 any person presenting or attempting to use as his or her own the  
37 license of another, or any person who gives false or forged evidence  
38 of any kind to the director in obtaining a license, or any person who

1 falsely impersonates any other licensee, or any person who attempts  
2 to use an expired or revoked license, or any person who violates any  
3 of the provisions of this chapter is guilty of a gross misdemeanor.

4 (2) (~~After January 1, 1992,~~) A person is guilty of a gross  
5 misdemeanor if he or she owns or operates a private investigator  
6 agency in this state without first obtaining a private investigator  
7 agency license.

8 (3) (~~After June 30, 1992,~~) The owner or qualifying agent of a  
9 private investigator agency is guilty of a gross misdemeanor if he or  
10 she employs any person to perform the duties of a private  
11 investigator without the employee having in his or her possession a  
12 permanent private investigator license issued by the department. This  
13 shall not preclude a private investigator agency from requiring  
14 applicants to attend preassignment training classes or from paying  
15 wages for attending the required preassignment training classes.

16 (4) (~~After June 30, 1992,~~) A person is guilty of a gross  
17 misdemeanor if he or she performs the functions and duties of an  
18 armed private investigator in this state unless the person holds a  
19 valid armed private investigator license issued by the department.

20 (5) (~~After June 30, 1992,~~) It is a gross misdemeanor for a  
21 private investigator agency to hire, contract with, or otherwise  
22 engage the services of an unlicensed armed private investigator  
23 knowing that the private investigator does not have a valid armed  
24 private investigator license issued by the director.

25 (6) It is a gross misdemeanor for a person to possess or use any  
26 vehicle or equipment displaying the word "police" or "law enforcement  
27 officer" or having any sign, shield, marking, accessory, or insignia  
28 that indicates that the equipment or vehicle belongs to a public law  
29 enforcement agency.

30 (7) It is the duty of all officers of the state and political  
31 subdivisions thereof to enforce the provisions of this chapter. The  
32 attorney general shall act as legal adviser of the director, and  
33 render such legal assistance as may be necessary in carrying out the  
34 provisions of this chapter.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.165  
36 RCW to read as follows:

37 (1) A licensed private investigator agency may issue an employee  
38 a temporary registration card of the type and form provided by the  
39 director, but only after the employee has completed preassignment

1 training and testing, and initiated a fingerprint-based background  
2 check. The employee's private investigator license application must  
3 be mailed to the department within three business days after issuance  
4 of the temporary registration card. The temporary registration card  
5 is valid for a maximum period of sixty days and does not authorize a  
6 person to carry firearms during the performance of his or her duties  
7 as a private investigator. The temporary registration card permits  
8 the applicant to perform the duties of a private investigator for the  
9 issuing licensed private investigator agency.

10 (2) Upon expiration of a temporary registration card or upon the  
11 receipt of a permanent license or notification from the department  
12 that a permanent license is being withheld from an applicant, the  
13 applicant shall surrender his or her temporary registration card to  
14 the licensing private investigator agency.

15 (3) The director may suspend the authority to use temporary  
16 registration cards for any private investigator agency that fails to  
17 comply with the provisions of this section. After a minimum of one  
18 year of suspension, the director may reinstate the agency's use of  
19 temporary registration cards after receipt of a written request from  
20 the agency.

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