

# SENATE BILL REPORT

## SB 5111

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As of February 19, 2019

**Title:** An act relating to temporary registration cards for private investigators.

**Brief Description:** Concerning temporary registration cards for private investigators.

**Sponsors:** Senators Zeiger and Fortunato.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/19/19.

**Brief Summary of Bill**

- Allows a licensed private investigator agency to issue an employee a temporary registration card after the employee has completed preassignment training and testing, and initiated a background check.
- Permits the applicant with the temporary registration card to perform the duties of a private investigator for the issuing licensed private investigator agency.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Susan Jones (786-7404)

**Background:** The Department of Licensing (DOL) issues licenses for private investigators and agencies. Private investigator means a person who is licensed and is employed by a private investigator agency for the purpose of investigation, escort or body guard services, or property loss prevention activities. Private investigator agency means a person or entity licensed and engaged in the business of detecting, discovering, or revealing one or more of the following:

- crime, criminals, or related information;
- 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 or thing;
- the location, disposition, or recovery of lost or stolen property;

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- the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;
- evidence to be used before a court, board, officer, or investigative committee;
- detecting the presence of electronic eavesdropping devices; or
- the truth or falsity of a statement or representation.

An applicant for a private investigator's license must meet certain requirements to obtain a private investigator license, including being employed by or have an employment offer from a private investigator agency or be licensed as a private investigator agency.

Any person who performs the functions and duties of a private investigator in this state without being licensed is guilty of a gross misdemeanor. The owner of a private investigator agency is guilty of a gross misdemeanor if the person employs any person to perform the duties of a private investigator without the employee having in the employee's possession a permanent private investigator license issued by DOL.

A private investigator agency must notify the director within 30 days after the death or termination of employment of any employee who is a licensed private investigator or armed private investigator by returning the license to DOL with the word "terminated" written across the face of the license, the date of termination, and the signature of the principal of the private investigator company. A private investigator agency must also notify the director within 72 hours and the chief law enforcement officer of the local government where the agency is located immediately upon receipt of information affecting a licensed private investigator's or armed private investigator's continuing eligibility to hold a license.

**Summary of Bill:** A licensed private investigator agency may issue an employee a temporary registration card of the type and form provided by the director, but only after the employee has completed preassignment training and testing, and initiated a fingerprint-based background check. The employee's private investigator license application must be mailed to DOL within three business days after issuance of the temporary registration card. The temporary registration card is valid for a maximum period of 60 days and does not authorize a person to carry firearms during the performance of the person's duties as a private investigator. The temporary registration card permits the applicant to perform the duties of a private investigator for the issuing licensed private investigator agency.

Upon expiration of a temporary registration card or upon the receipt of a permanent license or notification from DOL that a permanent license is being withheld from an applicant, the applicant must surrender the temporary registration card to the licensing private investigator agency.

The director may suspend the authority to use temporary registration cards for any private investigator agency that fails to comply with certain provisions. After a minimum of one year of suspension, the director may reinstate the agency's use of temporary registration cards after receipt of a written request from the agency.

The notification provisions to DOL regarding the death, termination, or receipt of information affecting a licensed private investigator's or armed private investigator's

continuing eligibility to hold a license also applies to employees using temporary registration cards.

Temporary registration card means a temporary credential, issued by the licensed private investigator agency, to a prospective employee, while a background check is being conducted and the licensing application is being processed.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.