BOARD OF PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR EXAMINERS

STATE OF MISSOURI

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BOARD OF PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR EXAMINERS

STATE OF MISSOURI
Division of Professional Registration

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STATUTES

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

(1) "Board", the board of private investigator and private fire investigator examiners established in section 324.1102;

(2) "Client", any person who engages the services of a private investigator or a private fire investigator;

(3) "Department", the department of insurance, financial institutions and professional registration;

(4) "Director", the director of the division of professional registration;

(5) "Division", the division of professional registration;

(6) "Insurance adjuster", any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;

(7) "Law enforcement officer", a law enforcement officer as defined in section 556.061;

(8) "Organization", a corporation, trust, estate, partnership, cooperative, or association;

(9) "Person", an individual or organization;

(10) "Principal place of business", the place where the licensee maintains a permanent office, which may be a residence or business address;

(11) "Private fire investigation", the furnishing of, making of, or agreeing to make any investigation of a fire to determine the origin or cause of such fire, or responsibility for such fire;

(12) "Private fire investigator", any person who receives any consideration, either directly or indirectly, for engaging in private fire investigation;

(13) "Private fire investigator agency", a person or firm that employees any person to engage in private fire investigations;

(14) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;

(15) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;

(16) "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information pertaining to:

(a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;

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

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

(d) Securing evidence to be used before any court, board, officer, or investigating committee;

(e) Sale of personal identification information to the public; or

(f) The cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property.

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1102. Board created, duties, members, qualifications, terms--fund created, use of moneys.
1. The "Board of Private Investigator and Private Fire Investigator Examiners" is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued. The board shall guide, advise, and make recommendations to the division and fulfill all other responsibilities designated by sections 324.1100 to 324.1148. The duties and responsibilities of the board with regard to private fire investigators shall not take full force and effect until such time as the governor appoints the fire investigator members and the appointments are confirmed by the senate. Members serving on the board of private investigator examiners on August 28, 2011, shall continue to serve on the board, fulfill the term they were previously appointed for, and be eligible for reappointment.
2. Upon appointment by the governor and confirmation by the senate of the private fire investigator members, the board of private investigator examiners and the board of licensed private fire investigator examiners are abolished and their duties and responsibilities shall merge into the board of private investigator and private fire investigator examiners as established pursuant to this section. The board shall be a continuance of and shall carry out the powers, duties, and functions of the board of private investigator examiners and the board of licensed private fire investigator examiners.
3. Every act performed in the exercise of such powers, duties, and authorities by or under the authority of the board of private investigator and private fire investigator examiners shall be deemed to have the same force and effect as if performed by the board of private investigator examiners or the board of licensed private fire investigator examiners.
4. All rules and regulations of the board of private investigator examiners shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the board of private investigator and private fire investigator examiners until revised, amended, or repealed by the board. The board shall review such rules and regulations and

shall adopt new rules and regulations as required for the administration of sections 324.1100 to 324.1148.
5. Any person licensed by the board of private investigator examiners prior to the appointment by the governor and confirmation by the senate of the private fire investigator members of the board shall be considered licensed by the board.
6. The board shall be composed of seven members, three members who have been actively engaged in the private investigator business for the previous five years, two members who have been actively engaged in private fire investigation for the previous five years, and two public members, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a citizen of the United States, a resident of Missouri for at least one year, and a registered voter. No more than one private investigator or fire investigator board member may be employed by, or affiliated with, the same private investigator agency or fire investigator agency. The initial fire investigator board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after the effective date of the rules regarding the licensure of private fire investigators. The public members shall each be a person who is not and never was a member of any profession licensed or regulated under sections 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 324.1100 to 324.1148, or an activity or organization directly related to any profession licensed or regulated under sections 324.1100 to 324.1148.
7. The members shall be appointed for terms of five years, except of the first two members appointed who are fire investigators, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years. Any vacancy on the board shall be filled for the unexpired term of the member.
8. The members of the board may receive compensation, as determined by the director for their services, if appropriate, and shall be reimbursed for actual and necessary expenses incurred in performing their official duties on the board.
9. All money held in the board of private investigator examiners fund shall be transferred to the "Board of Private Investigator and Private Fire Investigator Examiners Fund" which is hereby created. The board of private investigator and private fire investigator examiners fund shall consist of money collected under sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with the provisions of sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1100 to 324.1148. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.
(L. 2007 H.B. 780 and S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1103. Duties of division.
For the purposes of sections 324.1100 to 324.1148, the division shall:
(1) Employ board personnel, within the limits of the appropriations for that purpose as established in sections 324.1100 to 324.1148;
(2) Exercise all administrative functions;
(3) Deposit all fees collected under sections 324.1100 to 324.1148 by transmitting such funds to the department of revenue for deposit in the state treasury to the credit of the board of private investigator and private fire investigator examiners fund.
(L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1104. Prohibited acts.
Unless expressly exempted from the provisions of sections 324.1100 to 324.1148:
(1) It shall be unlawful for any person to engage in the private investigator business or carry out a private fire investigation in this state unless such person is licensed as a private investigator or private fire investigator under sections 324.1100 to 324.1148;
(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency or private fire investigator agency unless such person is licensed under sections 324.1100 to 324.1148.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1106. Persons deemed not to be engaging in private investigation business.
The following persons shall not be deemed to be engaging in the private investigator business:
(1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;
(2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;

(4) An attorney performing duties as an attorney, or an attorney's paralegal or employee retained by such attorney assisting in the performance of such duties or investigation on behalf of such attorney;

(5) A certified public accountant performing duties as a certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm assisting in the performance of duties or investigation on behalf of such certified public accountant or certified public accounting firm;

(6) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

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

(8) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(9) An insurance adjuster;

(10) Any private fire investigator whose primary purpose of employment is the determination of the origin, nature, cause, or calculation of losses relevant to a fire;

(11) Employees of an organization, whether for-profit or not-for-profit, or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases, including requests for employee background check information under section 660.317;

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

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

(14) Any person who does not hold themselves out to the public as a private investigator and is exclusively employed by or under exclusive contract with a state agency or political subdivision;

(15) Any person performing duties or activities relating to serving legal process when such person's duties or activities are incidental to the serving of legal process; or

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

(L. 2007 H.B. 780 and S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1107. Private fire investigation, deemed not engaging in, when.

The following persons or organizations shall not be deemed to be engaging in private fire investigation:

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

(2) An attorney performing duties as an attorney;

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

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

(5) An insurance adjuster;

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

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

(L. 2011 H.B. 464)

324.1108. Application for licensure, contents--qualifications.

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

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

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

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

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

(5) Two recent photographs of the applicant, of a type prescribed by the board, and two classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri state highway patrol, central repository, under section 43.543;

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

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

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

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

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287. The board shall have the authority to raise the requirements as deemed necessary; and

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1109. Private fire investigators, owner seeking agency license must have investigator license, requirements.

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

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

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

(L. 2011 H.B. 464)

324.1110. Licensure requirements.

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

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

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

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

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

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

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

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1112. Denial of a request for licensure, when.

1. The board may deny a request for a license if the applicant:

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

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

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

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

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

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

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

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

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

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

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

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

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1116. Agency hiring criteria.

A private investigator agency or private fire investigator agency shall not hire any individual as an employee unless the individual:

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

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

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1118. Licensure required--prohibited acts.

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

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

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

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

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

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

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

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

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

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

(5) Knowingly made any false statement in the application.
(L. 2007 H.B. 780 and S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1120. Supervision of agency employees required, when.
An individual, who is not licensed as a private investigator or private fire investigator, hired as an employee by a private investigator agency or private fire investigator agency shall work only under the direct supervision of the agency whose identification number appears on their application and shall work only for one agency at any one time.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1122. Continuing education requirements.
A licensee shall successfully complete sixteen hours of continuing education units biennially. An individual not licensed as a private investigator or private fire investigator who is hired as an employee by a private investigator agency or private fire investigator agency shall successfully complete eight hours of continuing education units biennially. Such continuing education shall be relevant to the private investigator or private fire investigator business and shall be approved by the board as such.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1124. Form of license, contents--posting requirements.
1. The division shall determine the form of the license.
2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design, and content as determined by the division shall be issued without charge to each licensee. Such card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When any person to whom a card is issued terminates such person's position, office, or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the board for cancellation. Within thirty days after any change of address, a licensee shall notify the board of the address change. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1126. Expiration of license, when--renewal--licensee responsible for good conduct of employees.
1. Any license issued under sections 324.1100 to 324.1148 shall be valid for two years. An application for renewal of such license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board and with evidence of continuing education under section 324.1122. Any licensee who practices during the time the license has expired shall be considered to be engaged in prohibited acts under section 324.1104 and shall be subject to the penalties provided for violation of the provisions of sections 324.1100 to 324.1148. If a person is otherwise eligible to renew the person's certification or license, the person may renew an expired certification or license within two years from the date of expiration. To renew such expired certification or license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee as established by the board, and present evidence, in the form prescribed by the board, of having completed the continuing education requirements for renewal specified in section 324.1122. Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee. If a person has failed to renew the person's license within two years of its expiration, the license shall be void. A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file for more than two years.
2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 324.1100 to 324.1148. A person receiving an agency license shall directly manage the agency and employees.
3. A license issued under sections 324.1100 to 324.1148 shall not be assignable.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al.)

324.1128. Information regarding criminal offenses, licensee to divulge as required by law--prohibited acts.
1. Any licensee may divulge to the board, any law enforcement officer, prosecuting attorney, or such person's representative any information such person may acquire about any criminal offense. The licensee shall not divulge to any other person, except as required by law, any other information acquired by the licensee at the direction of his or her employer or client for whom the information was obtained. A licensee may instruct his or her client to divulge any information to the board, any law enforcement officer, prosecuting attorney, or other such person's representative related to a criminal offense if the client is the victim of the criminal offense.
2. No licensee officer, director, partner, associate, or employee thereof shall:

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

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

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

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

(5) Manufacture false evidence;

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

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1130. Records to be maintained--required filings.

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1132. Advertising requirements.

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

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

1. The board may suspend or refuse to issue or renew any certificate of registration or authority, permit or license required under sections 324.1100 to 324.1148 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 324.1100 to 324.1148 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Making any false statement or giving any false information or given any false information in connection with

an application for a license or a renewal or reinstatement thereof;

(2) Violating any provision of sections 324.1100 to 324.1148;

(3) Violating any rule of the board of private investigator examiners adopted under the authority contained in sections 324.1100 to 324.1148;

(4) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer, fire safety officer, or employee of the United States of America, or of any state or political subdivision thereof;

(5) Committing, or permitting any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(6) Knowingly violating, or advising, encouraging, or assisting the violation of, any court order or injunction in the course of business as a licensee;

(7) Using any letterhead, advertisement, or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state, or any political subdivision thereof;

(8) Using a name different from that under which such person is currently licensed in any advertisement, solicitation, or contract for business;

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

(10) Committing any act which is grounds for denial of an application for a license under section 324.1112.

3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

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

1. Each licensee operating under the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete record of the business transactions of such investigator or investigator agency for a period of seven years. Upon the service of a court order issued by a court of competent jurisdiction or upon the service of a subpoena issued by the board that is based on a complaint supported by oath or affirmation, which particularly describes the records and reports, any licensee who is the owner, partner, director, corporate officer, or custodian of business records shall provide an opportunity for the inspection of the same and to inspect reports made. Any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall utilize an employee of the division of professional registration to act as a gatherer of information and facts to present to the board regarding any complaint or inspection under investigation.

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

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

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2010 H.B. 2226, et al., A.L. 2011 H.B. 464)

324.1138. Rulemaking authority.
1. The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 324.1100 to 324.1148.
2. The board may establish by rule requirements for a dual license to be issued to individuals who qualify separately for both a private investigator and private fire investigator licensure.
3. The board may establish by rule a code of conduct.
4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 324.1100 to 324.1148 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1142. Falsification of required information, penalties.
Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class D felony; and any person who violates any of the other provisions of sections 324.1100 to 324.1148 is guilty of a class A misdemeanor.
(L. 2007 H.B. 780 merged with S.B. 308)

324.1144. Reciprocity.
The board may negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed private investigators, fire investigators, private investigator agencies, and private fire investigator agencies who meet or exceed the qualifications established in sections 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.
(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2011 H.B. 464)

324.1146. Licensure of law enforcement officers, qualifications.
Law enforcement officers who perform private investigations shall be licensed under this chapter subject to the following qualifications and limitations:
(1) The board may waive testing for law enforcement officers currently certified under existing peace officer standards and training requirements under chapter 590;
(2) Law enforcement officers shall pay the appropriate licensing fees;
(3) Law enforcement officers shall assume individual liability for their actions while performing private investigations, complying with any insurance or bonding requirements imposed under sections 324.1100 to 324.1148;
(4) Law enforcement officers shall not utilize their official capacity in the course of a private investigation, including but not limited to:
(a) Accessing information intended only for police officials. Law enforcement officers shall comply with the legal limits on access to the information of private citizens;
(b) Utilizing any official item, such as a uniform, badge, or vehicle, while performing a private investigation. Law enforcement officers shall provide their own equipment;
(c) Utilizing law enforcement officer arrest and use of force standards. Law enforcement officers shall use private citizen arrest and use of force standards while operating as a private investigator;
(5) Law enforcement officers shall produce evidence of training and experience concerning the legal limits imposed on private investigations or pass a test on such subject produced by the board; and
(6) The provisions of sections 324.1100 to 324.1148 shall not apply to law enforcement officers who provide only private security services and not private investigator services.
(L. 2007 H.B. 780 merged with S.B. 308)

324.1147. Civil and criminal liability, no immunity, when.
The provisions of sections 324.1100 to 324.1148 shall not be construed to release any person from civil liability or criminal prosecution under any other law of this state.
(L. 2010 H.B. 2226, et al.)

324.1148. Violations, penalty.
Any person who violates sections 324.1100 to 324.1148 is guilty of a class A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class D felony.
(L. 2007 H.B. 780 MERGED WITH S.B. 308)

RULES

CHAPTER 1
General Rules

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 1—General Rules

20 CSR 2234-1.010 Definitions

PURPOSE: This rule defines terms used in 20 CSR 2234.

(1) Branch office—Any additional office licensed under the primary office.

(2) Division—Division of Professional Registration.

(3) Employee—

(A) Agency non-investigator employee—An employee of an agency who is not a licensed private investigator or licensed private fire investigator and does not directly participate in private investigations or private fire investigations; or

(B) Agency investigator employee—An individual licensed and supervised through the licensed agency to conduct private investigations or private fire investigations.

(4) Executive director—The designee of the director of the division who is responsible for the management of the day-to-day operations of the board.

(5) Individual—A natural person or legal entity.

(6) Primary office—The principle office of a licensed private investigator agency or licensed private fire investigator agency.

(7) Investigator-in-charge—The licensed private investigator or licensed private fire investigator who is responsible for the activities of a private investigator agency or private fire investigator agency.

(8) Law enforcement officer—A person currently certified under existing peace officer standards and training requirements under Chapter 590, RSMo.

AUTHORITY: section 324.1100, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1100, RSMo 2007.*

20 CSR 2234-1.020 General Organization

PURPOSE: This rule describes the organization, general methods of administration, and communication concerning the Board of Private Investigator and Private Fire Investigator Examiners.

(1) The purpose of the board is to regulate the practice of private investigating and private fire investigating concerning the health, safety, and welfare of the inhabitants of this state; to protect the property of the inhabitants of this state from damage or destruction through the dangerous, dishonest, incompetent, or unlawful practice of private investigating and private fire investigating; and to implement and sustain a system for the examination and regulation of licensed private investigators and private investigator agencies as well as private fire investigators and private fire investigator agencies in this state.

(2) The board shall meet at least once a year. Additional meetings may be held at the discretion of the board; however, the board shall inform the division of those meetings and the notice of the meeting will be posted in compliance with Chapter 610, RSMo.

(3) Each year, the board shall elect a chair and vice-chair. The chair presides at meetings and works with the executive director on coordinating the board's affairs. If the chair is unable to attend a meeting, the vice-chair shall preside at the meeting.

(4) The board shall act through its executive director who is appointed by the director of the Division of Professional Registration. The executive director shall be responsible for keeping the minutes of board proceedings and perform other duties as requested by the board.

(5) A quorum of the board shall consist of a majority of its members.

(6) Board meetings will generally consist of reviewing applications, interviewing applicants, reviewing complaints and inquiries, determining disciplinary actions regarding a licensed private investigator or a licensed private fire investigator, private investigator business or private fire investigator business, making recommendations to staff concerning the conduct and management of board affairs, and other board matters.

(7) Unless otherwise provided by statute or regulation, the board shall be generally guided by and conduct its meetings according to Robert's Rules of Order.

(8) Any person requiring information, an application, or complaint form involving the practice of private investigating or private fire investigating as regulated by the board may contact the board.

AUTHORITY: sections 324.1102 and 324.1138, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007 and 324.1138, RSMo 2007.*

20 CSR 2234-1.030 Policy for Release of Public Records

PURPOSE: This rule establishes the policy in compliance with sections 610.010–610.030, RSMo, regarding the release of information on any meeting, records, or vote of the board.

(1) The Board of Private Investigator and Private Fire Investigator Examiners is a public governmental body as defined in Chapter 610, RSMo, and adopts the following as its policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements Chapter 610, RSMo, provisions regarding the release of information of any meeting, record, or vote of the board that is not closed under this chapter.

(2) All public records of the Board of Private Investigator and Private Fire Investigator Examiners shall be open for inspection and copying by any member of the general public during normal business hours (8 a.m. to 5 p.m. Monday through Friday; holidays excepted) except for those records required or authorized to be closed under section 610.021 or 324.001.8, RSMo, or any other applicable law. All public meetings of the Board of Private Investigator and Private Fire Investigator Examiners will be open to the public except for those required or authorized to be closed under section 610.021 or 324.001.8, RSMo, or any other applicable law.

(3) The executive director shall be the custodian of records as required by section 610.023, RSMo. The executive director is responsible for maintaining board records and responding to requests for access to public records.

(4) The board may charge a reasonable fee pursuant to rules promulgated by the board for the cost of researching, inspecting, and copying the records. Charges and payments of the fees shall be based upon the cost for researching and copying records and shall be according to Chapter 610, RSMo.

(5) All fees collected shall be remitted to the Director of Revenue for deposit to the credit of the Board of Private Investigator and Private Fire Investigator Examiners Fund.

(6) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the board for inspection by any member of the general public during regular business hours.

AUTHORITY: section 324.1138, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1138, RSMo 2007.*

20 CSR 2234-1.040 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling, and disposition of complaints involving private investigators and private fire investigators.

(1) The Division of Professional Registration, in coordination with the Board of Private Investigator and Private Fire Investigator Examiners, will receive and process each complaint made against any licensee, unlicensed individual, or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of provisions of sections 324.1100–324.1148, RSMo, or the administrative rules involving private investigators or private fire investigators. Any division staff member or board member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints may be mailed or delivered to the following address: Board of Private Investigator and Private Fire Investigator Examiners, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, upon information and belief, or reciting information received from other sources.

(3) All complaints shall be made in writing. Oral or telephone communications will not be considered or processed as complaints, but the person making those communications will be asked to supplement such communications with a complaint. Information received in accordance with this section may be reduced to a complaint by the executive director.

(4) Each complaint received under this rule will be logged and maintained by the board. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement concerning the alleged acts or practices; a notation indicating the complaint was closed by the board or a disciplinary action was filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the board.

(5) Each complaint received according to this rule shall be acknowledged in writing. The complainant and the subject of the complaint shall be notified in writing of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority to file a complaint with the Administrative Hearing Commission charging the licensee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a complaint filed with the board.

(7) This rule exists for the benefit of those members of the public who submit complaints to the board. This rule is not deemed to protect or inure to the benefit of those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.1100–324.1148, RSMo.

AUTHORITY: sections 324.002 and 324.1138, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.002, RSMo 2008 and 324.1138, RSMo 2007.*

20 CSR 2234-1.050 Fees

PURPOSE: This rule establishes and fixes the various fees and charges for the Board of Private Investigator and Private Fire Investigator Examiners.

(1) All fees shall be paid by cashier's check, personal check, business check, money order, or other method approved by the division and shall be made payable to the Board of Private Investigator and Private Fire Investigator Examiners.

(2) No fee will be refunded should any license be surrendered, suspended, or revoked during the term for which the license is issued.

(3) The following licensure fees are established as follows:

(A) Investigator—
1. Application fee $500
2. Renewal license fee $300
3. Renewal penalty fee $100
4. Inactive fee $100
5. Reactivation fee $200
6. Fingerprinting Fee
Amount to be determined by the Missouri State Highway Patrol

(B) Agency—
1. Application fee $400
2. Renewal license fee $200
3. Renewal penalty fee $100
4. Additional agency license— initial (one-half (½) of primary office) $200
5. Additional agency license— renewal (one-half (½) of primary office) $100
6. Additional agency license— renewal penalty fee $100

(C) Licensed Agency Employee—
1. Application fee .....$ 50
2. Renewal license fee .....$ 25
3. Renewal penalty fee .....$ 25
4. Fingerprinting Fee
Amount to be determined by the Missouri State Highway Patrol

(4) The following miscellaneous fees are established as follows:

(A) Continuing education (CE) course review fee $100
(B) Individual course review fee .....$ 10
(C) Exam Fee .....$ 80

(5) All fees are nonrefundable.

AUTHORITY: sections 324.1102 and 324.1132, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Oct. 8, 2010, effective May 30, 2011. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010 and 324.1132, RSMo 2007, amended 2010.*

CHAPTER 2

Private Investigator and Private Fire Investigator

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 2—Private Investigator and Private Fire Investigator

20 CSR 2234-2.010 Application for Licensure—Private Investigator

PURPOSE: This rule outlines the procedure to apply for licensure as a private investigator.

(1) An application for licensure as a private investigator pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners.

(2) A completed application for licensure as a private investigator must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) Two (2) copies of a recent photograph of the applicant's head and shoulders (commonly known as passport style) that fairly depict the applicant's appearance;

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri; a Certificate of Insurance issued by an agent is not acceptable;

(E) Proof of workers' compensation insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri (a Certificate of Insurance issued by an agent is not acceptable), or written statement explaining how the applicant's business is not subject to the Workers' Compensation law;

(F) Successful completion of an examination, if applicable; and

(G) Other information the applicant chooses to provide to the board to establish prior experience such as the following:

1. Employee evaluation(s);
2. Letters from subordinate(s) and supervisor(s);
3. Copy of business license(s);
4. Copy of private investigator license(s);
5. Proof of insurance;
6. Copy of advertisements from the previous twenty-four (24) months;
7. Verification of corporation or other filings with secretary of state's office;
8. Copy of vehicle registrations; and/or
9. Three (3) references from clients within the last twenty-four (24) months.

(3) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the board, and the application fee.

(4) A candidate shall pass the examination within one (1) year of the approval date of the application.

(5) Examination requirements may be waived by the board pursuant to section 324.1110, RSMo.

(6) Applicants seeking reciprocity shall meet the requirements of section (2) or (3) of this rule and provide proof of licensure in another state.

(7) The applicant shall be informed in writing of the decision regarding the application for licensure.

(8) The board may delegate the preliminary review of license applications to the executive director.

AUTHORITY: sections 324.1102, 324.1108, 324.1110, 324.1112, and 324.1114, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011; 324.1108, RSMo 2007, amended 2011; 324.1110, RSMo 2007, amended 2010, 2011; 324.1112, RSMo 2007, amended 2010, 2011; and 324.1114, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-2.015 Application for Licensure—Private Fire Investigator

PURPOSE: This rule outlines the procedure to apply for licensure as a private fire investigator.

(1) An application for licensure as a private fire investigator pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners.

(2) A completed application for licensure as a private fire investigator must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private fire investigator, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) Two (2) copies of a recent photograph of the

applicant's head and shoulders (commonly known as passport style) that fairly depict the applicant's appearance;

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri; a Certificate of Insurance issued by an agent is not acceptable;

(E) Proof of workers' compensation insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri (a Certificate of Insurance issued by an agent is not acceptable), or written statement explaining how the applicant's business is not subject to the Workers' Compensation law;

(F) Evidence of active certification as a fire investigator issued by the Division of Fire Safety.

(3) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the board, and the application fee.

(4) The applicant shall be informed in writing of the decision regarding the application for licensure.

(5) The board may delegate the review of license applications to the executive director.

AUTHORITY: sections 324.1102, 324.1108, 324.1110, 324.1112, and 324.1114, RSMo Supp. 2013. Original rule filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011; 324.1108, RSMo 2007, amended 2011; 324.1110, RSMo 2007, amended 2010, 2011; 324.1112, RSMo 2007, amended 2010, 2011; and 324.1114, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-2.020 Name and Address Changes

PURPOSE: This rule outlines procedures to be followed for name, address, and telephone number changes.

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall notify the board, in writing, within thirty (30) days of the change and provide a copy of an appropriate document substantiating the name change.

(3) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(4) Changes in telephone numbers and email addresses shall also be reported in the same manner as that described for changes in address.

AUTHORITY: section 324.1100, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1100, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-2.030 Replacement of Renewal License

PURPOSE: This rule establishes the procedures for replacing registration certificates.

(1) Licensees whose renewal license is lost, destroyed, or mutilated, or who require replacement as a result of an incorrect address or name change, or who require additional licenses for additional practice locations may obtain a duplicate license, without charge, upon receipt of a statement indicating the need for the duplicate.

AUTHORITY: section 324.1100, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1100, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-2.040 Licensure Renewal

PURPOSE: This rule establishes licensure renewal requirements for private investigators and private fire investigators.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050. Private investigators must maintain compliance with continuing education according to 20 CSR 2234-6.010. Private fire investigators must maintain and provide proof of active certification as a fire investigator issued by the Missouri Division of Fire Safety, which shall also constitute proof of compliance with continuing education requirements.

(2) Private investigators who request to be classified as inactive may maintain their inactive status and receive

a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2234-1.050. Holders of an inactive license need not complete the continuing education requirement. However, a holder of an inactive license shall not have his or her license reactivated until he or she pays the required reactivation fee, and in addition, submits proof of having completed the required continuing education hours within the two (2) years immediately prior to the date of reactivation. If the holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of the required continuing education hours.

(3) Private fire investigators who request to be classified as inactive may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2234-1.050. Holders of an inactive license need not complete the continuing education requirement. However, a holder of an inactive license shall not have his or her license reactivated until he or she pays the required reactivation fee, and in addition, submits proof of an active certification as a fire investigator issued by the Missouri Division of Fire Safety, which shall also constitute proof of continuing education. If a holder of an inactive private fire investigator license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of an active certification as a fire investigator issued by the Missouri Division of Fire Safety.

AUTHORITY: sections 324.039, 324.1102, and 324.1126, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.039, RSMo 2008; 324.1102, RSMo 2007, amended 2010, 2011; and 324.1126, RSMo 2007, amended 2010.*

CHAPTER 3

Private Investigator Agency and Private Fire Investigator Agency

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 3—Private Investigator Agency and Private Fire Investigator Agency

20 CSR 2234-3.010 Application for Licensure—Agency

PURPOSE: This rule outlines requirements for an agency license.

(1) An application for agency licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the board.

(2) A completed application for agency licensure must be typewritten or printed in black ink, signed, and notarized, and shall include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) The name of the Missouri licensed private investigator-in-charge or the private fire investigator-in-charge and designate a primary office;

(C) Proof of registration with the Missouri secretary of state as required by law;

(D) Proof of the liability insurance required by law in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri. A Certificate of Insurance issued by an agent is not acceptable; and

(E) Proof of workers' compensation insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the state of Missouri, or written statement explaining how the applicant's business is not subject to the workers' compensation law. A Certificate of Insurance issued by an agent is not acceptable.

(3) An agency shall not conduct business from any location other than that shown on the board's records.

(4) If a private investigator agency or private fire investigator agency maintains a branch office(s), each shall be operated under the same name and license as the primary office and every such place of business shall comply with the provisions of 20 CSR 2234-3.010.

(5) A branch office shall be under the direct supervision of the licensed private investigator-in-charge or private fire investigator-incharge.

(6) The applicant shall be informed in writing of the decision regarding the application for licensure.

(7) The board may delegate the review of license applications to the executive director.

AUTHORITY: sections 324.1102, 324.1108, 324.1110, 324.1112, 324.1114, and 324.1132, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011; 324.1108, RSMo 2007, amended 2011; 324.1110, RSMo 2007, amended 2010, 2011; 324.1112, RSMo 2007, amended 2010, 2011; 324.1114, RSMo 2007, amended 2010, 2011; and 324.1132, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-3.020 Change of Name, Ownership, Location, or Investigator-In-Charge

PURPOSE: This rule outlines the requirements and procedures for notifying the board of a change of name, ownership, or location of a private investigator or private fire investigator agency.

(1) Change of Private Investigator Agency or Private Fire Investigator Agency Name.

(A) A written notification of the change of name prior to the effective date of the proposed change shall be submitted to the board along with a copy of any fictitious registration with the Missouri secretary of state.

(B) The private investigator agency or private fire investigator agency shall not release any printed materials or advertisements in the new name to the public before notifying the board of the name change.

(C) The license reflecting the name change shall replace the original license and be displayed as required by these rules.

(D) The private investigator agency or private fire investigator agency shall return the license for the former name to the board immediately.

(2) Change of Private Investigator Agency or Private Fire Investigator Agency Location.

(A) A private investigator agency or private fire investigator agency shall notify the board in writing within ten (10) days after closing or changing the location of a primary or a branch office.

(B) The private investigator agency or private fire investigator agency shall return the license for the former location to the board immediately.

(3) Change of Ownership.

(A) A private investigator agency or private fire investigator agency shall promptly notify the board of his or her intention to cease operations and shall supply the board with the name and mailing address of the new operator, if any. A private investigator agency or private fire investigator agency license is not transferable. A new agency shall submit a completed application as required in 20 CSR 2234-3.010 and obtain a new license before operating the business.

(B) The private investigator agency or private fire

investigator agency shall return the license for the former location to the board immediately.

(4) Change of Private Investigator-In-Charge.

(A) A private investigator agency or private fire investigator agency shall notify the board in writing within ten (10) days after a change of the private investigator-in-charge or private fire investigator-in-charge.

(B) The private investigator agency or private fire investigator agency shall return the license for the former private investigator-incharge or private fire investigator-in-charge to the board immediately.

AUTHORITY: sections 324.1100 and 324.1132, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1100, RSMo 2007, amended 2010, 2011 and 324.1132, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-3.030 Licensure Renewal

PURPOSE: This rule establishes licensure renewal requirements.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011 and 324.1126, RSMo 2007, amended 2010.*

20 CSR 2234-3.040 Application for Licensure—Agency Employee

PURPOSE: This rule outlines the requirements for private investigator agency and private fire investigator agency employees.

(1) An application for licensure pursuant to section 324.1108, RSMo, shall be submitted on the form which may be obtained by contacting the Board of Private Investigator and Private Fire Investigator Examiners.

(2) A completed application for licensure must be typewritten or printed in black ink, signed, and notarized, including information pertaining to the private investigator or private fire investigator agency employee, and must include:

(A) The appropriate licensure fee pursuant to 20 CSR 2234-1.050;

(B) Two (2) copies of a recent photograph of the applicant's head and shoulders (commonly known as passport style) that fairly depict the applicant's appearance;

(C) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and

(D) Other information required by the board.

AUTHORITY: sections 324.1102, 324.1116, and 324.1118, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011; 324.1116, RSMo 2007, amended 2011; and 324.1118, RSMo 2007, amended 2010, 2011.*

20 CSR 2234-3.050 Name and Address Changes—Licensed Agency Investigator Employee

PURPOSE: This rule outlines procedures to be followed for name, address, and telephone number changes.

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall notify the board, in writing, within thirty (30) days of the change and provide a copy of an appropriate document substantiating the name change.

(3) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(4) Changes in telephone numbers and email addresses shall also be reported in the same manner as that described for changes in address.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009, effective Jan. 30, 2010.*

**Original authority: 324.1100, RSMo 2007.*

20 CSR 2234-3.060 Replacement of Renewal License—Licensed Agency Investigator Employee

PURPOSE: This rule establishes the procedures for replacing registration certificates.

(1) Licensees whose renewal license is lost, destroyed, or mutilated, or who require replacement as a result of an incorrect address or name change, or who require additional licenses for additional practice locations may obtain a duplicate license, without charge, upon receipt of a statement indicating the need for the duplicate.

AUTHORITY: section 324.1100, RSMo Supp. 2008. Original rule filed June 26, 2009, effective Jan. 30, 2010.*

**Original authority: 324.1100, RSMo 2007.*

20 CSR 2234-3.070 Licensure Renewal—Licensed Agency Investigator Employees and Agency Fire Investigator Employees

PURPOSE: This rule establishes licensure renewal requirements for licensed agency investigator employees and agency fire investigator employees.

(1) A license shall be renewed prior to the expiration of the license. Failure to receive a license renewal notice shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late penalty fee as defined in 20 CSR 2234-1.050.

AUTHORITY: sections 324.1102 and 324.1126, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1102, RSMo 2007, amended 2010, 2011 and 324.1126, RSMo 2007, amended 2010.*

CHAPTER 5
Examination Requirements

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 5—Examination Requirements

20 CSR 2234-5.010 Examination

PURPOSE: This rule establishes examination requirements.

(1) Applicants not exempt from examination shall present themselves for examination on the date and time and at the place specified by the board.

(A) A private investigator applicant who fails to appear as required by the board shall be deemed to have failed the examination.

(B) Upon written request setting forth a good cause, the board may excuse an applicant's absence, and permit the applicant to sit for the next examination.

(C) An applicant who fails the examination may, upon written application, be granted permission to sit again for the examination.

(D) No person who has twice failed the examination may again seek examination for one (1) year from the date of the last failure.

(2) The following applicants are exempt from examination:

(A) An applicant whose complete application is filed with the board, and who is able to show previous two (2) years of lawful practice from the date the application was complete; and

(B) An applicant eligible under reciprocity and law enforcement officers pursuant to section 324.1146, RSMo.

AUTHORITY: section 324.1110, RSMo Supp. 2008. Original rule filed June 26, 2009, effective Jan. 30, 2010.*

**Original authority: 324.1110, RSMo 2007.*

CHAPTER 6

Continuing Education Requirements—Private Investigators

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 6—Continuing Education Requirements—Private Investigators

20 CSR 2234-6.010 Continuing Education

PURPOSE: This rule outlines the requirements for continuing education courses recognized by the board for private investigator and agency investigator employees.

(1) Continuing Education Courses.

(A) Attendance at continuing education courses is required by law to renew private investigator licenses.

(B) Continuing education courses used to satisfy the legal requirements for renewal must be approved by the board. Courses will be reviewed for compliance with the following criteria:

1. The course must be relevant to the practice of private investigation;

2. The course must be described in a lesson plan that includes:

A. The title of the course;

B. The name and qualifications of the instructor;

C. A description of the intended audience;

D. Identification of any prerequisites;

E. Bibliographic identification of source materials;

F. A list of the points of instruction referenced to the source materials;

G. An appendix containing any handouts, audio-visual displays, or other materials used in the delivery of the lesson; and

H. A statement of the hours of credit that will be granted upon completion of the course; not more than one (1) hour's credit for every fifty (50) minutes of instruction time;

3. The course must provide immediate personal interaction between the instructor and the student. Distance learning courses can be approved. Any type of correspondence course, notwithstanding its quality, will not be approved for continuing education credit. The video replay of a course may be approved; however, an instructor who can provide immediate, personal interaction with the student must be present throughout the presentation;

4. A course will not be approved unless the course review fee is paid;

5. Any member of the board or its staff shall be admitted to the course or any part thereof without a fee; however, no continuing education credit will be allowed for attendance under this provision; and

6. The course shall be taught in a facility that is reasonably clean and comfortable consistent with the learning objectives of the course, with appropriate provision or access to facilities for the personal needs of the students and instructors.

(2) Reporting Attendance.

(A) Continuing education providers shall have in place reasonable procedures to record attendance.

1. The board shall be advised of these procedures in the application for approval of a course. Approval of a course may be withheld if the board is not satisfied that the procedures are adequate to accurately record attendance.

2. Attendance records, which need not be individual, shall include the following minimum information:

A. Attendee's name;

B. Attendee's license number;

C. Number of hours of continuing education credit earned;

D. Name of the course;

E. Date of the course; and

F. Board's approval number.

(B) The original, or a true copy, of the attendance record for any continuing education course shall be delivered to the board within two (2) weeks of the conclusion of any presentation of the course.

(C) Any person who successfully completes the course shall be presented with a certificate to that effect within two (2) weeks of the completion of the course. The certificate shall at a minimum state:

1. Attendee's name;

2. Attendee's license number;

3. Number of hours of continuing education credit earned;

4. Name of the course;

5. Date of the course; and

6. Board's approval number.

(3) Special Approval of Courses.

(A) Any licensed private investigator may petition the board to approve a particular course that he or she has attended or may attend that is offered by a person who has not complied with this board's continuing education rules.

1. The application shall be accompanied by the individual course review fee.

2. The materials set out in subsection (1)(B) of this rule should accompany the application. If any of the materials set out in subsection (1)(B) of this rule are not available, the applicant may provide supplemental material. The board may decline to approve the course for lack of sufficient information.

3. Proof of attendance, or a proposal for establishing proof of attendance, shall be included with the application.

(4) Continuing Education Reporting Period.

(A) Every private investigator licensed in Missouri shall, on or before February 28, 2014, and every two (2) years thereafter, obtain and report to the board proof of

completion of sixteen (16) continuing education hours.

(B) Every agency investigator employee licensed in Missouri shall, on or before April 30, 2014, and every two (2) years thereafter, obtain and report to the board proof of completion of eight (8) continuing education hours.

(C) A reporting cycle for private investigators is March 1 to February 28 with the first reporting period being March 1, 2012 to February 28, 2014, and every two (2) years thereafter.

(D) A reporting cycle for agency investigator employees is May 1 to April 30 with the first reporting period being May 1, 2012 to April 30, 2014, and every two (2) years thereafter.

(E) If in any of the two- (2-) year reporting cycles the number of continuing education credits earned exceeds sixteen (16) for private investigators and eight (8) for agency investigator employees the excess credits over sixteen (16) for private investigators and eight (8) for agency investigator employees may be carried over to the next two- (2-) year reporting cycle up to a maximum of sixteen (16) for private investigators and eight (8) for agency investigator employees.

AUTHORITY: sections 324.1122, 324.1126, and 324.1138, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1122, RSMo 2007, amended 2011; 324.1126, RSMo 2007, amended 2010; and 324.1138, RSMo 2007, amended 2011.*

CHAPTER 7
Code of Conduct

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2234—Board of Private Investigator Examiners
Chapter 7—Code of Conduct

20 CSR 2234-7.010 Code of Conduct

PURPOSE: This rule establishes the code of conduct for private investigators and private fire investigators.

(1) Responsibilities to the Profession.

(A) Cooperation with the board.

1. Private investigators and private fire investigators shall timely and truthfully answer all inquires from the board or its staff.

2. A timely response is made without undue delay and in accord with reasonable business practices.

A. A phone call is timely if returned before the end of the tenth day.

B. A response to written correspondence is timely if the response arrives at the board's office by the close of business the tenth day after the date of the correspondence.

3. An initial response to a complaint is timely if received in the board's office before the close of business on the thirtieth day after it is sent to the private investigator, private fire investigator, private investigator agency, and/or private fire investigator agency.

4. A response is not timely if any material matter known, or which would have been known upon reasonable inquiry, is omitted from the response.

5. A response is truthful if all of the information provided in the response is accurate.

A. A response based on information and belief, made after reasonable inquiry, is truthful.

6. A response setting forth a proper objection to answering the inquiry shall be deemed timely and truthful so long as—

A. There is a reasonable, lawful basis for the objection stated in the response;

B. The response is otherwise timely; and

C. Information not the subject of the objection is included in the response.

(B) Protection of the Profession.

1. Private investigators and private fire investigators who are aware of circumstances, or who become aware of circumstances, that would lead a reasonable person to believe another private investigator or private fire investigator has or is violating the profession's code of conduct, shall promptly inform the board of the circumstances.

A. Private investigators and private fire investigators may consult with the other private investigators and private fire investigators regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators and private fire investigators need not investigate the conduct of the other private investigators or private fire investigators in such circumstances. Reporting the conduct to the board discharges the private investigator's or private fire investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator or private fire investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(C) Aiding Unlicensed Practice.

1. Private investigators and private fire investigators shall neither permit nor suffer any person with whom they are associated to practice the profession without being properly licensed.

2. Private investigators and private fire investigators shall promptly report to the board any person who appears to be unlawfully practicing the profession without a license.

A. Private investigators and private fire investigators may consult with the person who appears to be unlawfully practicing the profession without a license regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators and private fire investigators need not investigate the conduct of the person who appears to be unlawfully practicing the profession without a license in such circumstances. Reporting the conduct to the board discharges the private investigator's or private fire investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator or private fire investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(D) Responsibility for Subordinates.

1. Private investigators and private fire investigators are responsible for supervising their subordinates, including unlicensed individuals in their employ or with whom they have contracted for services.

2. The private investigator-in-charge or private fire investigator-in-charge of an agency is responsible for supervising subordinates, including unlicensed individuals in the employ of the agency or with whom the agency has contracted for services.

(E) Posting Licenses.

1. Private investigators and private fire investigators shall post their license in a place clearly visible at every office from which they regularly do business.

(2) Responsibilities to the Public.

(A) Honesty and Best Efforts.

1. Private investigators and private fire investigators shall, to the extent of their abilities, diligently and honestly perform the work for which they have been retained.

2. Private investigators and private fire investigators shall not make any material false statement to a client.

3. Private investigators and private fire investigators shall not withhold material information from a client.

4. Private investigators and private fire investigators shall do business only under the name with which they are licensed by the board.

A. Private investigators and private fire investigators may use pseudonyms when professionally appropriate; however, any such pseudonym shall be registered with the board prior to use.

B. Private investigators and private fire investigators shall not use a fictitious business name unless it has been registered with the secretary of state pursuant to Chapter 417, RSMo, and a copy of the registration has been delivered to the board.

(B) Business Records.

1. Private investigators and private fire investigators shall maintain complete and accurate records of the professional services that they render unless prohibited by written contract, court order, or state or federal statute. A copy of the aforementioned document shall be placed in the file in the place of the original documents. Section 324.1136, RSMo, requires that private investigators and private fire investigators maintain records for seven (7) years. The board will deem records containing the following information satisfactory, unless such records are plainly insufficient in the circumstances:

A. Any final report prepared by the private investigator or private fire investigator;

B. Field notes, interim reports, correspondence, or other records prepared during an assignment;

C. Any video or audio recordings made during the course of an assignment;

D. Correspondence to and from the client, including billing records;

E. Accounting records related to an assignment, including vouchers or receipts for expenses billed to the client; and

F. Copy shall be maintained in lieu of such documents as prescribed in paragraph 20 CSR 2234-7.010(2)(B)1.

2. Records shall be preserved in such a way that they are reasonably safe from intentional or accidental destruction and degradation.

3. Records of a particular matter need not be stored in a single form or at a single place. All of the components of a record of a particular matter shall be readily accessible, however, for the seven- (7-) year period.

A. "Readily accessible" means in a form such that they can be produced within ten (10) days of demand, under ordinary business conditions.

4. Records may be retained for more than seven (7) years, pursuant to agreement with a client or at the private investigator's or private fire investigator's pleasure.

5. Private investigators and private fire investigators who destroy records shall ensure that it is impossible to reconstruct such records.

(C) Financial Integrity.

1. Private investigators and private fire investigators shall maintain truthful records of the financial affairs of their business.

2. Private investigators and private fire investigators shall not accept anything of pecuniary value, tangible or intangible, without offering a written receipt containing the following information to the person offering the valuable thing:

A. The private investigator's or private fire investigator's name, license number, and address of record; and

B. A reasonable description of the thing of pecuniary value.

3. Private investigators and private fire investigators shall safeguard property of value that comes into their possession, regardless of whether it belongs to a client or a third person.

A. Private investigators and private fire investigators shall give written notification to any person whose valuable property has come into their possession, whose name and address are known or reasonably discoverable;

(I) Such notice may be postponed for sound investigative reasons; however, such reasons shall be memorialized in the records of the matter.

B. A private investigator or private fire investigator shall turn over the valuable property of another person to the person upon demand, unless there is legal justification to withhold the property.

(I) A private investigator or private fire investigator who lawfully withholds property pending payment of a debt or the reasonable costs of obtaining and protecting the property shall not be deemed to have violated this section.

(II) A private investigator or private fire investigator may withhold valuable property if there is reasonable doubt as to the owner or who is entitled to possession.

(III) A private investigator and private fire investigator may withhold valuable property for which the owner or person entitled to possession is not willing to provide a written receipt.

C. A private investigator or private fire investigator shall strictly abide by the unclaimed property law of Missouri, or other state that has jurisdiction over the property.

(D) Insurance.

1. Private investigators and private fire investigators shall maintain insurance of the same type

and quantity required to obtain a license in full force and effect during the license period.

2. Private investigators and private fire investigators may, at their will and pleasure, change insurance providers; however, they shall not have a gap in coverage.

3. Private investigators and private fire investigators who were not required to have workers' compensation insurance at the time that they were licensed shall obtain such insurance if they subsequently become subject to the workers' compensation law, and maintain such insurance in full force and effect during the license period.

(E) Compliance with the Law.

1. Private investigators and private fire investigators shall obey all criminal laws—federal, state, and local.

A. "Criminal laws" include the penal ordinances and regulations of political subdivisions of a state or the agencies of the federal government.

2. Private investigators and private fire investigators shall conform their conduct to the expectations of an ordered society:

A. Private investigators and private fire investigators shall not commit intentional torts.

B. Private investigators and private fire investigators shall not cause injury to others through negligence or reckless behavior.

3. The burden of proving justification or excuse for any violation of this section shall be upon the private investigators or private fire investigators.

AUTHORITY: section 324.1138, RSMo Supp. 2013.* Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.

*Original authority: 324.1138, RSMo 2007, amended 2011.