

**2024 Code of Alabama**  
**Title 34 - Professions and Businesses.**  
**Chapter 25B - Alabama Private Investigation Regulatory Act.**

**Article 1 - Private Investigator Licenses, Private Investigator Apprentice Licenses, and Private Investigation Board.**

**Section 34-25B-1 - Short Title.**

**Section 34-25B-2 - Definitions.**

**Section 34-25B-3 - License Required.**

**Section 34-25B-4 - Alabama Private Investigation Board - Creation; Composition.**

**Section 34-25B-5 - Alabama Private Investigation Board - Quasi-Judicial Body; Liability of Members.**

**Section 34-25B-6 - Alabama Private Investigation Board - Officers.**

**Section 34-25B-7 - Alabama Private Investigation Board - Fund.**

**Section 34-25B-8 - Alabama Private Investigation Board - Promulgation of Rules; Canons of Ethics; Personnel; Legal Services.**

**Section 34-25B-9 - Alabama Private Investigation Board - Meetings.**

**Section 34-25B-10 - Practice of Private Investigation Without a License; Location of Records.**

**Section 34-25B-11 - License Application; Release of Information.**

**Section 34-25B-12 - Qualifications.**

**Section 34-25B-12.1 - Private Investigator Apprentice License; Supervision; Internship.**

**Section 34-25B-13 - Application Fees; Issuance of License; Denial of Application.**

**Section 34-25B-14 - Identification Card; Use of License Number.**

**Section 34-25B-15 - Making False Statement to the Board.**

**Section 34-25B-16 - Investigation into Veracity of Application.**

**Section 34-25B-17 - Expiration and Renewal of License; Inactive Status.**

**Section 34-25B-18 - Suspension, Revocation, Etc., of License; Penalties.**

**Section 34-25B-19 - Sufficiency of License to Practice; Occupational Tax or Business License Fee Authorized.**

**Section 34-25B-20 - Reciprocity with Other States.**

**Section 34-25B-21 - Copy of Statutes and Rules Maintained Online.**

**Section 34-25B-22 - Violations.**

**Section 34-25B-23 - Application of Administrative Procedure Act.**

**Section 34-25B-24 - Exceptions.**

**Section 34-25B-25 - Division of Investigation.**

**Section 34-25B-26 - Continuing Professional Education.**

**Section 34-25B-27 - Certification Required for Trainers.**

**Section 34-25B-28 - Construction with Other Laws.**

**Section 34-25B-29 - Sunset Provision.**

## Article 2 - Private Investigation Agencies

Section 34-25B-50 - License and Registration Requirements.

Section 34-25B-51 - License Application; Issuance and Renewal of License.

Section 34-25B-52 - Certification Requirements.

Section 34-25B-53 - Renewal Notice; Late Fee.

Section 34-25B-54 - Rulemaking Authority.

## **CHAPTER 25B** **ALABAMA PRIVATE INVESTIGATION REGULATORY ACT**

### ARTICLE 1 PRIVATE INVESTIGATOR LICENSES, PRIVATE INVESTIGATOR APPRENTICE LICENSES, AND PRIVATE INVESTIGATION BOARD. SECTION 34-25B-1 SHORT TITLE.

**Universal Citation:** AL Code § 34-25B-1 (2024)

#### **Section 34-25B-1** **Short Title.**

This chapter shall be known and may be cited as the "Alabama Private Investigation Regulatory Act."

*(Act 2013-306, p. 1021, §1.)*

### SECTION 34-25B-2 DEFINITIONS.

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

- (1) **BOARD.** The Alabama Private Investigation Board.
- (2) **FELONY.** A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.
- (3) **PRIVATE INVESTIGATION.** The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:
  - a. A crime committed 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, including, but not limited to, the credibility of an individual giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any individual.
  - c. The location, disposition, or recovery of lost or stolen property.

d. The cause or responsibility for fires, losses, accidents, damage, or injuries to individuals or to property.

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

(5) **PRIVATE INVESTIGATOR.** a. An individual who, for compensation, performs one or more of the private investigation services defined and regulated by this article.

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

c. An individual who is engaged in private investigation and who is licensed in accordance with this article.

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

*(Act 2013-306, p. 1021, §2; Act 2023-397, §2.)*

### **SECTION 34-25B-3 LICENSE REQUIRED.**

An individual may not practice private investigation or hold himself or herself out to the public as a private investigator or private investigator apprentice or use any term, title, or abbreviation that expresses, infers, or implies that the individual is licensed as a private investigator or private investigator apprentice unless the individual at the time holds a valid license to practice private investigation as provided in this article.

*(Act 2013-306, p. 1021, §3; Act 2023-397, §2.)*

### **SECTION 34-25B-4 ALABAMA PRIVATE INVESTIGATION BOARD - CREATION; COMPOSITION.**

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

(b) Private investigator members shall have had five years of experience as an investigator prior to his or her appointment. Beginning on August 1, 2018, each private investigator member appointed to the board shall have been licensed pursuant to this article as a private investigator for a period of at least five years prior to his or her appointment.

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

(1) Three individuals appointed by the Governor, two of whom shall be private investigators and one of whom shall be a consumer who will represent the public at large.

(2) One individual appointed by the Lieutenant Governor, who shall be a private investigator.

(3) One individual appointed by the Speaker of the House of Representatives who shall be a private investigator.

(4) One individual appointed by the Attorney General who shall be a private investigator.

(5) One individual appointed by the Alabama State Bar Association who shall be a member in good standing of the bar.

(6) One individual appointed by the Alabama Private Investigators Association who shall be a private investigator.

(d) All members of the board shall be appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office.

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

(f) No member may be appointed to succeed himself or herself for more than three consecutive full terms.

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

(Act 2013-306, p. 1021, §4; Act 2023-397, §2.)

#### **SECTION 34-25B-5 ALABAMA PRIVATE INVESTIGATION BOARD - QUASI-JUDICIAL BODY; LIABILITY OF MEMBERS.**

(a) The board is declared to be a quasi-judicial body. Absent negligence, wantonness, recklessness, or deliberate misconduct, the members and the employees of the board are granted immunity from civil liability and may not be liable for damages when acting in the performance of their duties under this chapter.

(b) Board members and employees shall be defended by the Attorney General in regard to any criminal or civil litigation filed against them based on the performance of their official duties under this chapter.

(Act 2013-306, p. 1021, §5.)

#### **SECTION 34-25B-6 ALABAMA PRIVATE INVESTIGATION BOARD - OFFICERS.**

At the initial meeting of the board and each time a new member is appointed to the board, the members of the board shall select from among their members a chair to preside over meetings of the board and a vice chair to preside in the absence of the chair.

*(Act 2013-306, p. 1021, §6.)*

#### **SECTION 34-25B-7 ALABAMA PRIVATE INVESTIGATION BOARD - FUND.**

(a) There is created in the State Treasury for the use of the board a fund to be known as the Alabama Private Investigation Board Fund. All application and license fees, penalties, fines, and any other funds collected by the board related to private investigators, private investigator apprentices, private investigation agencies, and the implementation of this article, shall be deposited in this fund and used only to carry out the operations of the board. The fees that the board may charge, collect, and deposit into the fund shall include, but not be limited to, all of the following:

- (1) An application fee for an original license and for an inactive status certificate.
- (2) A renewal fee for a license and for an inactive status certificate.
- (3) A reinstatement application fee.
- (4) A late renewal fee.
- (5) A change of information fee.
- (6) A replacement license fee.
- (7) An inactive license fee.
- (8) An issuance fee for a private investigator license, a private investigator apprentice license, or a private investigation agency license.
- (9) Reasonable and necessary administrative fees that reflect the actual cost of services provided.

(b) No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this chapter. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4, commencing with Section 41-4-80, of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.

(c) All expenses incurred by the board in implementing and administering this article shall be paid out of the fund.

*(Act 2013-306, p. 1021, §7; Act 2023-397, §2.)*

**SECTION 34-25B-8 ALABAMA PRIVATE INVESTIGATION BOARD - PROMULGATION OF RULES; CANONS OF ETHICS; PERSONNEL; LEGAL SERVICES.**

- (a) The board may promulgate rules necessary to implement this chapter and accomplish its objectives subject to the Alabama Administrative Procedure Act.
- (b) The board may promulgate and establish canons of ethics and minimum acceptable professional standards of practice for licensees within any rules that it adopts.
- (c) The board may hire personnel necessary or as advisable to carry out the purposes and provisions of this chapter. With the exception of the Executive Director, all personnel shall be subject to the provisions of the state Merit System Act.
- (d) The Attorney General shall provide legal services to the board and board employees in connection with official duties and actions of the board.

*(Act 2013-306, p. 1021, §8.)*

**SECTION 34-25B-9 ALABAMA PRIVATE INVESTIGATION BOARD - MEETINGS.**

- (a) The board shall establish regular and special meetings for the purpose of transacting its business as provided by rules promulgated by the board. Notice of board meetings and meetings of the board shall comply with the Alabama Open Meetings Act.
- (b) A majority of the board shall constitute a quorum at any meeting of the board.

*(Act 2013-306, p. 1021, §9.)*

**SECTION 34-25B-10 PRACTICE OF PRIVATE INVESTIGATION WITHOUT A LICENSE; LOCATION OF RECORDS.**

- (a) Except as otherwise provided in this article, it shall be unlawful for any individual to act as a private investigator or private investigator apprentice without first obtaining a license from the board. For prosecution purposes, a violation of this article is classified as a Class A misdemeanor, punishable by a fine of not more than six thousand dollars (\$6,000) and imprisonment for up to one year.
- (b) Each individual licensed in accordance with this article shall designate to the board a physical address where his or her records are to be kept.

*(Act 2013-306, p. 1021, §10; Act 2023-397, §2.)*

**SECTION 34-25B-11 LICENSE APPLICATION; RELEASE OF INFORMATION.**

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

- (1) His or her full name.
- (2) His or her date and place of birth.
- (3) All residences during the immediate past five years.
- (4) All employment or occupations engaged in during the immediate past five years.
- (5) Three sets of classifiable fingerprints or electronic fingerprints or criminal history background information, or both, as approved by the board for initial licensure.
- (6) A list of convictions and pending charges involving a felony or misdemeanor in any jurisdiction.
- (b) The board may publish the name of a licensee and his or her license number, date of licensure, and license status on the website of the board and in any licensee directory printed or distributed by the board. Additionally, with written permission of the licensee, the board may release or publish contact information for a licensee, including his or her email address, website, telephone number, and address.

*(Act 2013-306, p. 1021, §11; Act 2023-397, §2.)*

#### **SECTION 34-25B-12 QUALIFICATIONS.**

Each individual applicant for a license as a private investigator shall meet all of the following criteria:

- (1) Is at least 21 years of age.
- (2) Has successfully completed a criminal history background check based on criteria established by the board.
- (3) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.
- (4) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.
- (5) Has not been convicted of a felony crime.
- (6) Has passed an examination administered by the board designed to measure knowledge and competence in the investigation field and in state civil and criminal privacy laws.
- (7) Has a minimum of two years' experience, education, or training, or a combination thereof, including 120 hours of practical field experience directly related to private investigation, in any of the following areas:

- a. Special investigations, consisting of special investigative experience in insurance, fire or arson, banking, legal, or similar setting, or other special investigatory experience as determined suitable by the board.
- b. Law enforcement, consisting of experience as a sworn law enforcement officer, investigative experience as a detective or investigator at the federal, state, or local level, or other investigative experience as determined suitable by the board.
- c. Education, consisting of a minimum of a two-year degree in a field of study directly related to private investigation including, but not limited to, criminal justice, political science, criminology, or law enforcement.
- d. Internship, consisting of successful completion of a private investigator apprenticeship pursuant to Section 34-25B-12.1.

(Act 2013-306, p. 1021, §12; Act 2023-397, §2.)

#### **SECTION 34-25B-12.1 PRIVATE INVESTIGATOR APPRENTICE LICENSE; SUPERVISION; INTERNSHIP.**

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

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

(1) Be at least 18 years of age.

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

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

(c) An individual issued a private investigator apprentice license shall successfully pass an examination required by the board, which shall be taken during a time period designated by rule of the board, not sooner than 45 days after initial licensure. Before taking the examination, a private investigator apprentice licensee may begin working as an intern. If the examination is not successfully passed by the deadline set by rule of the board, the private investigator apprentice license may be suspended until such time that a passing grade has been achieved.

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

(2) Supervision of a private investigator apprentice may be in person, by telephone, or by other form of electronic communication and oversight. A sponsor may not act as a sponsor for more than five private investigator apprentices at one time. A sponsor shall maintain records of



training activities as required by the board, by rule, and shall make those records available to the board upon request. Failure of a sponsor to maintain adequate records may result in the revocation of his or her sponsor certification.

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

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

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

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

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

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

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

(Act 2023-397, §3)

### **SECTION 34-25B-13 APPLICATION FEES; ISSUANCE OF LICENSE; DENIAL OF APPLICATION.**

(a) Upon receipt of an application for a license as a private investigator pursuant to this article, nonrefundable, nonprorateable application fees shall be submitted to the board by the applicant for both of the following services:

(1) A request that the Alabama State Law Enforcement Agency perform a state criminal history background check on the fingerprints submitted with the application. On subsequent applications, the Alabama State Law Enforcement Agency, at the request of the board, shall review its criminal history files based upon the name, date of birth, sex, race, and Social Security number of an applicant whose fingerprints have previously been submitted to the agency for any new information since the date of the initial fingerprint submission, and shall furnish any information thereby derived to the board.

(2) A request to submit the fingerprints to the Federal Bureau of Investigation for completion of a national criminal history background check.

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

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

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

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

*(Act 2013-306, p. 1021, §13; Act 2023-397; §2.)*

#### **SECTION 34-25B-14 IDENTIFICATION CARD; USE OF LICENSE NUMBER.**

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

(1) Name.

(2) Photograph.

(3) Physical characteristics.

(4) Private investigator's license number.

(5) Expiration date of license.

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

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

*(Act 2013-306, p. 1021, §14; Act 2023-397, §2.)*

#### **SECTION 34-25B-15 MAKING FALSE STATEMENT TO THE BOARD.**

Making a false statement to the board shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum application fee.

*(Act 2013-306, p. 1021, §15.)*

#### **SECTION 34-25B-16 INVESTIGATION INTO VERACITY OF APPLICATION.**

Upon receipt of an application and applicable fees, the board shall conduct an investigation to determine whether the statements made in the application are true.

*(Act 2013-306, p. 1021, §16.)*

#### **SECTION 34-25B-17 EXPIRATION AND RENEWAL OF LICENSE; INACTIVE STATUS.**

(a) All licenses issued or renewed under this article shall be valid for a period of two years from the month of issuance. The board shall mail to each licensee, at his or her address of record, a notice of renewal at least 60 days prior to the expiration of his or her license. An application for renewal shall be available for download by the licensee on the website of the board. A licensee shall report any change of address to the board.

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

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

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

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

*(Act 2013-306, p. 1021, §17; Act 2023-397, §2.)*

#### **SECTION 34-25B-18 SUSPENSION, REVOCATION, ETC., OF LICENSE; PENALTIES.**

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

(1) A violation of this article or any rule adopted pursuant to this article.

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

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

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

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

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

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

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

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

*(Act 2013-306, p. 1021, §18; Act 2023-397, §2.)*

#### **SECTION 34-25B-19 SUFFICIENCY OF LICENSE TO PRACTICE; OCCUPATIONAL TAX OR BUSINESS LICENSE FEE AUTHORIZED.**

(a) No licensee or applicant shall be required to obtain any authorization or license from, or pay any other fee or post a bond in, any municipality, county, or other political subdivision of this state to engage in any activity regulated under this chapter.

(b) Notwithstanding subsection (a), a municipality, county, or other political subdivision of this state may impose a bona fide occupational tax or business license fee on a licensee.

*(Act 2013-306, p. 1021, §19.)*

#### **SECTION 34-25B-20 RECIPROCITY WITH OTHER STATES.**

The board may negotiate and enter into reciprocal agreements with the appropriate officials in other states to permit licensed investigators who meet or exceed the qualifications established in this chapter to operate in reciprocal states under mutually acceptable terms.

*(Act 2013-306, p. 1021, §20.)*

#### **SECTION 34-25B-21 COPY OF STATUTES AND RULES MAINTAINED ONLINE.**

The board shall routinely publish and update a copy of this article and any rules adopted under this article on the website of the board.

*(Act 2013-306, p. 1021, §21; Act 2023-397, §2.)*

#### **SECTION 34-25B-22 VIOLATIONS.**

(a) The following acts when committed by an individual licensed as a private investigator or a private investigator apprentice, or employed by or contracting with a private investigation agency, shall constitute a violation punishable as a Class A misdemeanor:

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

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

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

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

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

(b) Individuals licensed pursuant to this article shall report any suspected instances of child abuse or neglect to a local law enforcement agency or the Department of Human Resources, or both.

*(Act 2013-306, p. 1021, §22; Act 2023-397, §2.)*

#### **SECTION 34-25B-23 APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.**

The Administrative Procedure Act shall govern all matters and procedures respecting the hearing and judicial overview of any contested case.

*(Act 2013-306, p. 1021, §23.)*

## SECTION 34-25B-24 EXCEPTIONS.

This chapter does not apply to the following:

- (1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.
- (2) An investigation of the internal affairs of a private business entity investigating a current or prospective employee.
- (3) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.
- (4) Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.
- (5) Any business or entity that is not primarily engaged in the business of private investigation.
- (6) A consumer reporting agency as defined by the Federal Fair Credit Reporting Act.
- (7) Any certified public accountant authorized to engage in the practice of public accountancy in this state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.
- (8)
  - a. An attorney-at-law in good standing and licensed to practice law;
  - b. An employee of a single attorney or single law firm who is acting within the employee's scope of employment for the attorney or law firm; or
  - c. A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in a technical, scientific, or social science field.
- (9) Any individual engaged in any of the following:
  - a. Computer or digital forensic services.
  - b. The acquisition, review, or analysis of digital or computer-based information in order to obtain or furnish information for evidentiary or other purposes or to provide expert testimony before any court, board, officer, or investigating committee.
  - c. Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

(Act 2013-306, p. 1021, §24.)

#### **SECTION 34-25B-25 DIVISION OF INVESTIGATION.**

- (a) There is created within the board a Division of Investigation that shall be the board's official investigative agency.
- (b) Each licensee shall provide to the investigative division staff all records that pertain to the exact nature of the complaint under investigation and upon the issuance of a subpoena.
- (c) The board or an executive director of the board may subpoena those persons or documents necessary to any investigation undertaken under this chapter if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the board of its members and shall not extend to any other matter.

*(Act 2013-306, p. 1021, §25.)*

#### **SECTION 34-25B-26 CONTINUING PROFESSIONAL EDUCATION.**

- (a) Each private investigator licensee shall complete 16 hours of continuing professional education, including two hours of ethics instruction, acceptable to the board in each two-year renewable licensing period.
- (b) The board shall adopt rules as necessary to implement this section.

*(Act 2013-306, p. 1021, §26; Act 2023-397, §2.)*

#### **SECTION 34-25B-27 CERTIFICATION REQUIRED FOR TRAINERS.**

- (a) Any person offering private investigation training must first be certified by the board. The board shall ensure that the instructors employed by the training provider possess both the experience and academic credentials to ensure that the curriculum and instruction will be beneficial to those seeking to enter the profession. In order to qualify as a certified trainer or instructor, or both, the trainer shall meet the following criteria that he or she:
  - (1) Is at least 21 years of age.
  - (2) Has had at least three years' experience satisfactory to the board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency relating to the block of instruction.
  - (3) Is personally qualified to conduct the training required by this chapter and is certified by the board which shall establish standards for the instruction process.
- (b) A certified trainer, in his or her discretion, may instruct personally or use a combination of personal, instruction, audio, and visual training aids.
- (c) To assist in the implementation of a training program, the certified trainer may use as an assistant trainer any person who meets each of the following requirements that the assistant:
  - (1) Is at least 19 years of age.

(2) Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.

(d) A certified trainer may be an employee of a private investigative or propriety agency or, if not, employed by an agency as a company under this chapter.

(e) The certified trainer shall certify that he or she has successfully completed the training and shall submit the certification to the board.

(f) The training program, fees, and requirements shall be established by rules promulgated by the board.

*(Act 2013-306, p. 1021, §27; Act 2016-64, §3.)*

#### **SECTION 34-25B-28 CONSTRUCTION WITH OTHER LAWS.**

No criminal or civil action taken under this chapter precludes a prosecution or action under any other law of this state.

*(Act 2013-306, p. 1021, §28.)*

#### **SECTION 34-25B-29 SUNSET PROVISION.**

The Alabama Private Investigation Board is subject to the provisions of the Alabama Sunset Law of 1981. The board shall automatically terminate on October 1, 2016, and every four years thereafter, unless a bill is passed that it be continued, modified, or reestablished.

*(Act 2013-306, p. 1021, §29.)*

### **ARTICLE 2 PRIVATE INVESTIGATION AGENCIES**

#### **SECTION 34-25B-50 LICENSE AND REGISTRATION REQUIREMENTS.**

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

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

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

*(Act 2023-397, §4.)*



## **SECTION 34-25B-51 LICENSE APPLICATION; ISSUANCE AND RENEWAL OF LICENSE.**

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

- (1) The name of the applicant.
  - (2) The business name and physical and email address of the applicant.
  - (3) A telephone number and other contact information for the applicant.
  - (4) If the applicant is not a domestic business entity in the state, the name and contact information for the registered agent of the applicant for service of process.
  - (5) The name, address, and contact information of a principal contact for the applicant.
  - (6) The name, address, and contact information for at least one officer or principal of the company who holds a valid private investigator license in this state.
  - (7) An irrevocable uniform consent to service of process.
  - (8) A designated physical address where the records of the applicant shall be kept.
  - (9) Any other information required by the board and reasonably necessary to grant licensure, as established by rule of the board.
- (b) Upon receipt of a properly completed application and payment of a license fee as provided in this subsection, the board shall issue the applicant a private investigation agency license.
- (1) For a private investigation agency domiciled within this state, the license fee and renewal fee shall be in an amount determined by the board, not exceeding fifty dollars (\$50) for a private investigation agency that employs or contracts with not more than two licensed private investigators, and not exceeding two hundred dollars (\$200) for a private investigation agency that employs or contracts with three or more licensed private investigators.
  - (2) For a private investigation agency domiciled outside of this state, the license fee shall be in an amount determined by the board, not exceeding five hundred dollars (\$500).
- (c) A private investigation agency license shall be valid for two years from the month of issuance and may be renewed upon payment of the license fee provided in subsection (b) and the satisfaction of any other reasonable requirement established by rule by the board.

**(Act 2023-397, §4.)**

## **SECTION 34-25B-52 CERTIFICATION REQUIREMENTS.**

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

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

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

(3) The license number.

(4) The expiration date of the license.

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

(c) The private investigation agency shall display the agency license number on all advertisements, brochures, stationery, letterhead, case reports, and business cards, distributed or used by the private investigation agency. Any invoice generated for professional services performed by the private investigation agency or a private investigator licensee, contractor, or employee of the private investigation agency shall include the license number for each licensee whose services are being compensated for by a consumer and the time being charged by the private investigator licensee, contractor, or employee of the private investigation agency.

(Act 2023-397, §4.)

#### **SECTION 34-25B-53 RENEWAL NOTICE; LATE FEE.**

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

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

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

(Act 2023-397, §4.)

#### **SECTION 34-25B-54 RULEMAKING AUTHORITY.**

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

(Act 2023-397, §4)