



# ACT #2023 - 397

1 7B4LEV-3

2 By Representatives Mooney, Treadaway, Bedsole, Pettus, Rogers

3

4 RFD: Boards, Agencies and Commissions

5 First Read: 07-Mar-23

6 2023 Regular Session





## HB75 Enrolled

Enrolled, An Act,

Relating to the Alabama Private Investigation

Regulatory Act; to designate as Article 1, Sections 34-25B-1 to 34-25B-29, inclusive, Code of Alabama 1975; to amend Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of Alabama 1975, relating to the Alabama Private Investigation Board; to add Section 34-25B-12.1 and add a new Article 2, commencing with Section 34-25B-50 to Chapter 25B, Title 34 of the Code of Alabama 1975; to require applicants for private investigator licenses to complete education and work experience; to clarify those fees collected by the board that must be deposited into the Alabama Private Investigation Board Fund; to provide further for the qualifications for licensure as a private investigator; to provide further for criminal history background checks for applicants for licensure; to authorize the board to grant inactive status to licensees and to provide, by rule, for a procedure and fee to reinstate an inactive license; to provide for administrative penalties against any person practicing without a license; to require licensees to report arrests to the board within 72 hours; and to clarify that the number of hours of continuing education required to maintain licensure is 16 hours during the two-year license period; to license private investigator apprentices and allow apprentices to gain work experience through an internship; to provide for licensure of apprentices as private



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investigators after completing certain requirements; and to provide for licensure of private investigation agencies that do business in the state; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

ARTICLE 1. Private Investigator Licenses, Private Investigator Apprentice Licenses, and Private Investigation Board.

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

"§34-25B-2

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

(1) BOARD. The Alabama Private Investigation Board.

~~(1)~~ (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.



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61           ~~(2)~~ (3) PRIVATE INVESTIGATION. The compensated act of  
62 any individual or company engaging in the business of  
63 obtaining or furnishing information with reference to any of  
64 the following:

65           a. A crime committed or threatened against the United  
66 States or any state or territory of the United States.

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

74           c. The location, disposition, or recovery of lost or  
75 stolen property.

76           d. The cause or responsibility for fires, losses,  
77 accidents, damages, or injuries to ~~persons~~ individuals or to  
78 property.

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

86           ~~(3)~~ (5) PRIVATE INVESTIGATOR. a. ~~A person~~ An individual  
87 who, for compensation, performs one or more of the private  
88 investigation services defined and regulated by this chapter.



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

97           c. ~~A person~~ An individual who is engaged in private  
98     investigation ~~as defined herein~~ and who is licensed in  
99     accordance with this ~~chapter~~ article.

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

104           "\$34-25B-3

105           An individual may not ~~No person shall~~ practice private  
106     investigation or hold himself or herself out to the public as  
107     a private investigator or private investigator apprentice or  
108     use any term, title, or abbreviation that expresses, infers,  
109     or implies that the ~~person~~ individual is licensed as a private  
110     investigator or private investigator apprentice unless the  
111     ~~person~~ individual at the time holds a valid license to  
112     practice private investigation as provided in this ~~chapter~~  
113     article. All applicants shall pass a criminal background check  
114     ~~based on criteria established pursuant to Section 34-25B-4."~~

115           "\$34-25B-4

116           (a) There is created the Alabama Private Investigation



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117 Board. The appointing authorities shall coordinate their  
118 appointments to assure the membership of the board shall  
119 reflect is inclusive and reflects the racial, gender,  
120 geographic, urban ~~and~~, rural, and economic diversity of the  
121 state.

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

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

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

137 (2) ~~One person~~ individual appointed by the Lieutenant  
138 Governor, who ~~must~~ shall be a private investigator. ~~The~~  
139 ~~Lieutenant Governor shall appoint the member for an initial~~  
140 ~~term of two years. Thereafter, successor members shall be~~  
141 ~~appointed for terms of four years.~~

142 (3) ~~One person~~ individual appointed by the Speaker of  
143 the House of Representatives who ~~must~~ shall be a private  
144 investigator. ~~The Speaker of the House of Representatives~~



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145 ~~shall appoint the member for an initial term of two years.~~  
146 ~~Thereafter, successor members shall be appointed for terms of~~  
147 ~~four years.~~

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

153 (5) ~~One person~~ individual appointed by the Alabama  
154 State Bar Association who ~~must~~ shall be a member in good  
155 standing ~~for an initial term of four years. Thereafter,~~  
156 ~~successor members shall be appointed for terms of four years~~  
157 ~~of the bar.~~

158 (6) ~~One person~~ individual appointed by the Alabama  
159 Private Investigators Association who ~~must~~ shall be a private  
160 investigator. ~~The association shall appoint the member for an~~  
161 ~~initial term of four years. Thereafter, successor members~~  
162 ~~shall be appointed for terms of four years.~~

163 (d) ~~Following the initial appointments, all successor~~  
164 All members of the board shall be appointed for a term of four  
165 years and shall serve until their successors are appointed and  
166 qualified by subscribing to the constitutional oath of office,  
167 ~~which shall be filed with the Secretary of State.~~

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

171 (f) No member may be appointed to succeed himself or  
172 herself for more than ~~one full term~~ three consecutive full



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173 terms.

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

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

183 "\$34-25B-7

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

196 (1) An application fee for an original license and for  
197 an inactive status certificate.

198 (2) A renewal fee for a license and for an inactive  
199 status certificate.

200 (3) A reinstatement application fee.





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201           (4) A late renewal fee.  
202           (5) A change of information fee.  
203           (6) A replacement license fee.  
204           (7) An inactive license fee.  
205           (8) An issuance fee for a private investigator license,  
206 a private investigator apprentice license, or a private  
207 investigation agency license.

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

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

223           (c) All expenses incurred by the board in implementing  
224 and administering this chapter shall be paid out of the fund,  
225 ~~provided that the expenses of the board shall not exceed the~~  
226 ~~amount of monies in the fund.~~"

227           "\$34-25B-10

228           (a) Except as otherwise provided in this chapter, it



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

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

239 "§34-25B-11

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

247 (1) His or her full name.

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

249 (3) All residences during the immediate past five  
250 years.

251 (4) All employment or occupations engaged in during the  
252 immediate past five years.

253 (5) Three sets of classifiable fingerprints or  
254 electronic fingerprints or criminal history background  
255 information, or both, as approved by the board for initial  
256 licensure.



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

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

266 "§34-25B-12

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

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

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

273 ~~(2)~~ (3) Has not been declared by any court of competent  
274 jurisdiction incompetent by reason of mental defect or disease  
275 unless a court of competent jurisdiction has subsequently  
276 declared the applicant competent.

277 ~~(3)~~ (4) Has not been convicted of a crime of moral  
278 turpitude, with the board having the final determination on  
279 the interpretation of moral turpitude.

280 ~~(4)~~ (5) Has not been convicted of a felony crime.

281 ~~(5)~~ (6) Has passed an examination ~~to be~~ administered  
282 ~~twice annually~~ by the board designed to measure knowledge and  
283 competence in the investigation field and in state civil and  
284 criminal privacy laws.



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

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

(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."

"§34-25B-13



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

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

330 (2) A request to submit the fingerprints to the Federal  
331 Bureau of Investigation ~~for a search of its files to determine~~  
332 ~~whether an individual fingerprinted has any recorded~~  
333 ~~convictions~~ completion of a national criminal history  
334 background check.

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

340 (c) (1) If an application for a license is denied, the



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341 board shall notify the applicant in writing and specify the  
342 grounds for denial. If the grounds are subject to correction  
343 by the applicant, the notice shall so state and specify a  
344 reasonable period of time within which the applicant shall  
345 make the required correction.

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

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

355 "§34-25B-14

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

361 (1) Name.

362 (2) Photograph.

363 (3) Physical characteristics.

364 (4) Private investigator's license number.

365 (5) Expiration date of license.

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



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

373           "\$34-25B-17

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

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

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

389           (d) ~~No~~ A renewal application may not be accepted by the  
390           board more than 30 days after the expiration date of the  
391           license. This subsection may be waived by the board for good  
392           cause.

393           (e) A licensee may request, in writing, for the board  
394           to place his or her license on inactive status. The fees for  
395           issuing and renewing an inactive status certificate shall be  
396           established by rule of the board. The board shall also



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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."

"§34-25B-18

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

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

(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 ~~person~~ 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.





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

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

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

440 "§34-25B-21

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

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

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

448 "§34-25B-22

449 (a) The following acts when committed by an individual  
450 licensed as a private investigator ~~in Alabama~~ or a private  
451 investigator apprentice, or employed by or contracting with a  
452 private investigation agency, shall constitute a violation



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453 punishable as a Class A misdemeanor:

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

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

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

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

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

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

474 "§34-25B-26

475 (a) Each private investigator licensee shall complete  
476 ~~eight~~ 16 hours of continuing professional education, including  
477 two hours of ethics instruction, acceptable to the board in  
478 ~~each calendar year~~ two-year renewable licensing period.

479 ~~(b) The board shall make every effort to ensue at least~~  
480 ~~one seminar per year will be held in each congressional~~



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481 ~~district of the state providing an opportunity to fulfill the~~  
482 ~~continuing professional education requirements of this~~  
483 ~~section, which shall include at least one hour per year on~~  
484 ~~ethics.~~

485 ~~(e)~~ (b) The board shall ~~promulgate~~ adopt rules as  
486 necessary to ~~carry out~~ implement this section."

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

489 §34-25B-12.1

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

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

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

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

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

502 (c) An individual issued a private investigator  
503 apprentice license shall successfully pass an examination  
504 required by the board, which shall be taken during a time  
505 period designated by rule of the board, not sooner than 45  
506 days after initial licensure. Before taking the examination, a  
507 private investigator apprentice licensee may begin working as  
508 an intern. If the examination is not successfully passed by



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509 the deadline set by rule of the board, the private  
510 investigator apprentice license may be suspended until such  
511 time that a passing grade has been achieved.

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

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

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

534 (1) The successful completion of a minimum number of  
535 hours of experience in the field and classroom training, not  
536 exceeding 300 hours, as established by board rule. Classroom



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537 instruction shall be provided by a certified trainer and shall  
538 include instruction in administrative functions, including  
539 report writing and research.

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

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

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

564 (h) A private investigator apprentice licensee may only



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565 perform work under the supervision of a certified sponsor and  
566 may not advertise or perform any private investigation  
567 services for the general public outside of that supervision.

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

575 Section 4. Article 2, commencing with Section  
576 34-25B-50, is added to Chapter 25B of Title 34 of the Code of  
577 Alabama 1975, to read as follows:

578 ARTICLE 2. Private Investigation Agencies.

579 §34-25B-50

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

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



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593 agency.

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

598 §34-25B-51

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

603 (1) The name of the applicant.

604 (2) The business name and physical and email address of  
605 the applicant.

606 (3) A telephone number and other contact information  
607 for the applicant.

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

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

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

616 (7) An irrevocable uniform consent to service of  
617 process.

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

620 (9) Any other information required by the board and



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621 reasonably necessary to grant licensure, as established by  
622 rule of the board.

623 (b) Upon receipt of a properly completed application  
624 and payment of a license fee as provided in this subsection,  
625 the board shall issue the applicant a private investigation  
626 agency license.

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

635 (2) For a private investigation agency domiciled  
636 outside of this state, the license fee shall be in an amount  
637 determined by the board, not exceeding five hundred dollars  
638 (\$500).

639 (c) A private investigation agency license shall be  
640 valid for two years from the month of issuance and may be  
641 renewed upon payment of the license fee provided in subsection  
642 (b) and the satisfaction of any other reasonable requirement  
643 established by rule by the board.

644 §34-25B-52

645 (a) The board shall issue to each private investigation  
646 agency licensee a certification, which shall be at least 8" x  
647 10" in size and shall contain the following information:

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





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

651           (3) The license number.

652           (4) The expiration date of the license.

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

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

667           §34-25B-53

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

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



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677 the expiration date of the license.

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

682 §34-25B-54

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

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

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 20-Apr-23, as amended.

John Treadwell  
Clerk

Senate 24-May-23 Passed

APPROVED

TIME

Became law without  
Governor's signature

GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-397  
Bill Num....: H-75

Recv'd 06/02/23 08:40amSLF

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SPONSORS  
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I HEREBY CERTIFY THAT THE  
RESOLUTION AS REQUIRED IN  
SECTION C OF ACT NO. 81-889  
WAS ADOPTED AND IS ATTACHED  
TO THE BILL, H.B. 75

YEAS 101 NAYS 0

JOHN TREADWELL, Clerk

I HEREBY CERTIFY THAT THE  
NOTICE & PROOF IS ATTACHED  
TO THE BILL, H.B. \_\_\_\_\_  
AS REQUIRED IN THE GENERAL  
ACTS OF ALABAMA, 1975 ACT NO.  
919.

JOHN TREADWELL, Clerk

### CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE:

4-25

2023

RD 1 RFD

SGA

This Bill was referred to the Standing Committee  
of the Senate on SGA

and was acted upon by such Committee in  
session and is by order of the Committee  
returned therefrom with a favorable report  
w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of  
years 7 nays 0 abstain 1  
this 10 day of MAY 2023  
Patrick Harris, Chair

DATE:

5-11

2023

RF

FAW

RD 2 CAL

DATE:

20

RE-REFERRED ☐

RE-COMMITTED ☐

Committee \_\_\_\_\_

I hereby certify that the Resolution as  
required in Section C of Act No. 81-889  
was adopted and is attached to the Bill,  
HB 75

YEAS 35

NAYS 0

PATRICK HARRIS,  
Secretary

FURTHER SENATE ACTION (OVER)