

By: Representatives Ishee, Middleton,
Robertson, Smith (59th), Woods

To: Judiciary A

HOUSE BILL NO. 1056

1 AN ACT TO CREATE THE PRIVATE INVESTIGATORS LAW; TO DEFINE
2 CERTAIN TERMS; TO CREATE THE MISSISSIPPI STATE BOARD OF PRIVATE
3 INVESTIGATOR EXAMINERS AND PROVIDE FOR ITS ADMINISTRATION; TO
4 PRESCRIBE THE POWERS AND DUTIES OF THE BOARD; TO CREATE THE
5 POSITION OF EXECUTIVE SECRETARY OF THE BOARD; TO PRESCRIBE
6 QUALIFICATIONS FOR A LICENSEE; TO PROVIDE FOR BACKGROUND
7 INVESTIGATIONS OF APPLICANTS; TO PROVIDE FOR THE EXAMINATION OF
8 APPLICANTS; TO PROVIDE FOR THE APPROVAL OR DENIAL OF APPLICATIONS;
9 TO PROVIDE FOR THE FORM OF A LICENSE; TO PROVIDE FOR POSTING; TO
10 REQUIRE NOTIFICATION OF CHANGES; TO REQUIRE REGISTRATION CARDS; TO
11 PROVIDE FOR TRAINING OF INVESTIGATORS; TO PROVIDE FOR THE
12 ASSESSMENT OF FEES; TO PROVIDE FOR LICENSE RENEWAL; TO PROVIDE FOR
13 RECIPROCITY; TO PROVIDE CAUSES FOR NONISSUANCE, SUSPENSION,
14 REVOCATION OR RESTRICTIONS ON LICENSING; TO SPECIFY ILLEGAL ACTS;
15 TO PROVIDE FOR PENALTIES, CEASE AND DESIST ORDERS AND INJUNCTIVE
16 RELIEF; TO CREATE A SPECIAL FUND IN THE STATE TREASURY; AND FOR
17 RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 SECTION 1. (1) The Legislature declares that it is in the
20 best interest of the citizens of Mississippi to require the
21 licensure of private investigators and businesses.

22 (2) The purpose of this act is to require qualifying
23 criteria in a professional field in which unqualified individuals
24 may injure the public. The requirements of this act shall
25 contribute to the safety, health, and welfare of the people of
26 Mississippi.

27 SECTION 2. This act shall be known and may be cited as the
28 "Private Investigators Law."

29 SECTION 3. As used in this act, the following terms shall
30 have the meanings ascribed to them unless the context clearly
31 requires otherwise:

32 (a) "Applicant" means a person who seeks to be examined
33 for licensure or certification by the board.

34 (b) "Board" means the Mississippi State Board of
35 Private Investigator Examiners within the Department of Public
36 Safety.

37 (c) "Contract private investigator company" means any
38 person engaged in the business of providing, or which undertakes
39 to provide, an investigator on a contractual basis for another
40 person.

41 (d) "Executive secretary" means the chief
42 administrative officer of the board.

43 (e) "Licensee" means any person to whom a license is
44 granted in accordance with the provisions of this act and who may
45 certify the successful completion of the required minimum training
46 for private investigator apprentices.

47 (f) "Person" means an individual, firm, association,
48 company, partnership, corporation, nonprofit organization, or
49 other legal entity.

50 (g) "Principal corporate officer" means the president,
51 treasurer, secretary, or comptroller, or any other person who
52 performs functions for the corporation corresponding to those
53 performed by the foregoing officers.

54 (h) (i) "Private investigator" or "private detective"
55 means any person who holds out to the general public and engages
56 in the business of furnishing or who accepts employment to furnish
57 information or who agrees to make or makes an investigation for
58 the purpose of obtaining information with reference to the
59 following:

60 1. Crimes or wrongs committed.

61 2. Identity, habits, conduct, business,
62 occupation, honesty, integrity, credibility, knowledge,
63 trustworthiness, efficiency, loyalty, activity, movement,
64 whereabouts, affiliations, associations, transactions, acts,
65 reputation or character of any person.

66 3. The location, disposition, or recovery of

67 stolen property.

68 4. The cause or responsibility for fires, libels,
69 losses, accidents, damages, or injuries to persons or to
70 properties. However, scientific research laboratories, technical
71 experts, and licensed engineers shall not be included in this
72 definition.

73 5. Securing evidence to be used before any court,
74 board, officer, or investigative committee.

75 (ii) This definition shall not include any of
76 the following:

77 1. Insurer employees or agents and insurance
78 adjusters or claims agents who make appraisals for the monetary
79 value or settlement of damages or monetary value or settlement of
80 personal injuries.

81 2. An officer or employee of the United States,
82 this state, or any political subdivision of either while such
83 officer or employee is engaged in the performance of his official
84 duties within the course and scope of his employment with the
85 United States, this state, or any political subdivision.

86 3. A person engaged exclusively in the business of
87 obtaining and furnishing information as to the financial rating or
88 credit worthiness of persons.

89 4. An attorney at law licensed to practice in this
90 state and his employees.

91 5. Undercover agents working with the United
92 States, this state, or any political subdivision while engaged in
93 the performance of their official duties.

94 6. A person primarily engaged in the business of
95 furnishing confidential information for the purposes of a consumer
96 reporting agency, as defined by the Federal Fair Credit Reporting
97 Act, 15 USCS 1681 et seq.

98 7. A person licensed by the Mississippi State
99 Board of Private Security Examiners only when investigating at his

100 place of employment during the performance of his duties.

101 8. A person or corporation which employs persons
102 who do private investigative work in connection with the affairs
103 of such employer exclusively and who have an employer-employee
104 relationship with such employer. Neither such persons or
105 corporations nor their employees shall be required to register or
106 be licensed under this act.

107 9. A person engaged as a professional employment
108 screening consultant conducting a face-to-face interview with an
109 applicant or candidate for employment.

110 10. A certified public accountant licensed to
111 practice in this state and his employees.

112 (i) "Registrant" means an individual who holds a valid
113 registration card issued by the board.

114 (j)) "Registration card" means the identification card
115 issued by the board to a registrant as evidence that the
116 registrant has met the required minimum qualifications to perform
117 the duties of a private investigator or apprentice.

118 SECTION 4. (1) The Mississippi State Board of Private
119 Investigator Examiners is hereby created within the Department of
120 Public Safety. The board shall be a body corporate and may sue
121 and be sued.

122 (2) The board shall be composed of seven (7) members
123 appointed by the Governor. One (1) member shall be appointed from
124 each of the five (5) congressional districts as established by law
125 and shall be a resident of the district from which he is
126 appointed. The Governor shall appoint one (1) licensed attorney
127 to serve on the board from the state at large and one (1) member
128 from the state at large appointed from a list of names submitted
129 by the board of directors of the Mississippi Private Investigators
130 Association. Each member of the board shall be a citizen of the
131 United States of America, a resident of Mississippi, at least
132 twenty-one (21) years of age and, except for the attorney

133 appointed from the state at large, shall have been actively
134 engaged in the private investigator business for the previous five
135 (5) years, earning at least ninety percent (90%) of his gross
136 income for the year preceding his appointment from the private
137 investigator business. No more than two (2) board members may be
138 employed by or affiliated with the same agency. The initial board
139 members shall not be required to be licensed but shall obtain a
140 license within one hundred eighty (180) days after appointment to
141 the board. Each subsequent member shall be a licensed private
142 investigator.

143 (3) The board shall be domiciled in Jackson and may meet at
144 such other locations in the state as may be determined by the
145 board.

146 (4) Each member shall serve at the pleasure of the Governor.
147 Each appointment by the Governor shall be submitted to the Senate
148 for confirmation.

149 (5) Any vacancy on the board caused by the death,
150 resignation, or disability of a member shall be filled by
151 appointment by the Governor. A person appointed to fill a vacancy
152 on the board shall possess the same qualifications and residency
153 requirements as the person whose position on the board is being
154 filled by the appointment.

155 (6) Each member of the board shall receive a certificate or
156 commission from the Governor and before beginning his term of
157 office shall file with the Secretary of State a written oath or
158 affirmation for faithful discharge of his official duties.

159 (7) (a) No member of the board shall receive a per diem but
160 shall be reimbursed for actual expenses incurred when attending a
161 meeting of the board or any of its committees and for the time
162 spent on behalf of the board on official business, not to exceed
163 ten (10) days in any month.

164 (b) Each member shall be reimbursed, upon approval of
165 the board as evidenced by voucher, for all necessary travel,

166 incidental, and clerical expenses incurred in carrying out the
167 provisions of this act.

168 SECTION 5. (1) The board shall:

169 (a) Examine all applicants desiring to be licensed as a
170 private investigator or private investigator business in the State
171 of Mississippi.

172 (b) Administer a written examination for prospective
173 licenses at least twice each year in the City of Jackson.

174 (c) Adopt rules and regulations to govern the practice
175 of a private investigator in the State of Mississippi.

176 (d) Issue, suspend, modify, or revoke license
177 certificates to practice as a private investigator or apprentice
178 in the State of Mississippi.

179 (e) Report to the Attorney General of the state all
180 persons violating the provisions of this act.

181 (f) Elect a chairman and a vice chairman, each to serve
182 a term of two (2) years.

183 (g) Report, no later than March 1 of each year, to the
184 Governor, the Secretary of State and the Legislature on its
185 activities.

186 (h) Adopt its official seal.

187 (2) The board may:

188 (a) Adopt and enforce such rules and regulations,
189 bylaws, and rules of professional conduct as the board may deem
190 necessary and proper to regulate private investigator businesses
191 in the State of Mississippi, to provide for the efficient
192 operation of the board, and otherwise to discharge its powers,
193 duties, and functions under the provisions of this act.

194 (b) Prescribe and adopt regulations, standards,
195 procedures, and policies governing the manner and conditions under
196 which credit shall be given by the board for participation in
197 professional education such as the board may consider necessary
198 and appropriate to maintain the highest standards of the private

199 investigator industry in the State of Mississippi.

200 (c) Authorize any member of the board to make any
201 affidavit necessary for the issuance of any injunction or other
202 legal process authorized under this act or under the rules and
203 regulations of the board.

204 (d) Issue subpoenas to require attendance and testimony
205 and the production of documents, for the purpose of enforcing the
206 laws relative to the private investigator industry and securing
207 evidence of violations thereof.

208 (e) Maintain a current list of licensed private
209 investigators.

210 (f) Appoint a qualified executive secretary.

211 (g) Employ clerical assistance necessary to carry out
212 the administrative work of the board.

213 (h) Employ legal counsel to carry out the provisions of
214 this act. The fees of such counsel and the cost of all
215 proceedings except criminal prosecutions shall be paid by the
216 board from its own funds.

217 (i) Incur all necessary and proper expenses.

218 (3) The chairman and executive secretary of the board or, in
219 their absence, any other member of the board, may administer oaths
220 in the taking of testimony given before the board.

221 (4) The board shall meet quarterly at regular meetings each
222 year. A special meeting may be held at such time and place as
223 specified by the executive secretary on call of the chairman or
224 any four (4) members. The executive secretary shall give written
225 notice of all meetings to the members of the board and to the
226 interested public.

227 (5) Four (4) members of the board shall constitute a quorum
228 for all purposes, including the granting or issuance of licenses
229 and the rule making and adjudicative functions of the board.

230 (6) The board shall have the authority to:

231 (a) Request and obtain state and national criminal

232 history record information on any person applying for any license
233 or registration which the board is authorized by law to issue.

234 (b) Require any applicant for any license or
235 registration, which the board is authorized to issue, to submit
236 two (2) full sets of fingerprints, in a form and manner prescribed
237 by the board, as a condition to the board's consideration of his
238 or her application.

239 (c) Charge and collect from an applicant for any
240 license or registration which the board is authorized to issue, in
241 addition to all other applicable fees and costs, such amount as
242 may be incurred by the board in requesting and obtaining criminal
243 history record information on the applicant.

244 SECTION 6. (1) The position of executive secretary of
245 the board is hereby created. The executive secretary shall be
246 appointed by the board with consent of the Governor and shall
247 serve as the chief administrator of the board. He shall not be a
248 member of the board, but shall be a full-time unclassified
249 employee of the board who shall be paid compensation in an amount
250 to be determined by the board which shall not exceed Thirty-five
251 Thousand Dollars (\$35,000.00) annually. The office, equipment,
252 and furnishings of the board and the executive secretary shall be
253 initially furnished by the Department of Public Safety.

254 (2) The executive secretary shall perform such duties as may
255 be prescribed by the board. He shall have no financial or
256 business interests, contingent dealings or otherwise, in the
257 private investigator industry while so employed or for a period of
258 five (5) years after termination of employment.

259 SECTION 7. (1) The board shall base the determination of
260 the satisfactory minimum qualifications for licensing on whether
261 or not the applicant satisfies the following criteria:

262 (a) Is of legal age.

263 (b) Is a citizen of the United States or a resident
264 alien holding proper documentation to work in the United States.

265 (c) Has not been convicted in any jurisdiction of any
266 felony or of any crime involving moral turpitude.

267 (d) Has not been declared by any court of competent
268 jurisdiction to be incompetent by reason of mental defect or
269 disease which has not been restored.

270 (e) Is not a practicing alcoholic or drug addict.

271 (f) If a corporation, shall be incorporated under the
272 laws of this state or shall be duly qualified to do business
273 within the state with a valid certificate of authority issued by
274 the Secretary of State, and shall have an agent for service of
275 process designated as required by law.

276 (2) If, in the discretion of the board, the applicant
277 provides inadequate information to allow the board to ascertain
278 whether the applicant satisfies the qualifications for licensure,
279 the applicant shall be required to provide additional information
280 for the purpose of the application, or may be required to present
281 himself for an interview for this purpose.

282 (3) An applicant for licensing shall file with the board an
283 application form provided by the board. The form shall require
284 such relevant information about the applicant's character,
285 experience, and background as the board may determine and the
286 following:

287 (a) If the applicant is an individual, the applicant
288 shall be subscribed and sworn to by such person before a notary
289 and two (2) witnesses.

290 (b) If the applicant is a partnership, the application
291 shall be subscribed and sworn to by each partner before a notary
292 and two (2) witnesses.

293 (c) If the applicant is a corporation, it shall be
294 subscribed and sworn to by at least two (2) principal corporate
295 officers before a notary and two (2) witnesses.

296 (d) Any individual signing a license application shall
297 submit with the license application classifiable impressions of

298 his fingerprints on a form approved by the board.

299 (4) Every person covered by this act within the state on
300 July 1, 1999, shall have one hundred eighty (180) days after the
301 board is duly constituted to apply to the board for a license to
302 operate. Any such person filing a timely application may continue
303 to engage in business pending a final determination of his
304 application.

305 SECTION 8. (1) In addition to any other requirements
306 established by law or board rules, the board shall require an
307 applicant, as a condition for eligibility for licensure, to submit
308 two (2) full sets of fingerprints, on a form and in a manner
309 prescribed by the board, to permit the board to request and obtain
310 state and national criminal history record information on the
311 applicant and to charge and collect from the applicant, in
312 addition to all other applicable fees and costs, such amount as
313 may be incurred by the board in requesting and obtaining state and
314 national criminal history record information on the applicant.

315 (2) In accordance with the provisions and procedure
316 prescribed by this section, the board shall request and obtain
317 state and national criminal history record information from the
318 bureau within the FBI relative to any applicant for licensure
319 whose fingerprints the board has obtained pursuant to this section
320 for the purpose of determining the applicant's suitability and
321 eligibility for licensure.

322 (3) Upon request by the board and upon the board's
323 submission of an applicant's fingerprints and such other
324 identifying information as may be required, the Department of
325 Public Safety shall conduct a search of its criminal history
326 record information relative to the applicant and report the
327 results of its search to the board within sixty (60) days after
328 receipt of any such request. The department may charge the board
329 a reasonable processing fee for conducting and reporting the
330 results of any such search.

331 (4) The board shall also forward the applicant's
332 fingerprints and such other identifying information as may be
333 required to the FBI with a request for a search of national
334 criminal history record information relative to the applicant.

335 (5) Any and all state or national criminal history record
336 information obtained by the board from the department or FBI which
337 is not already a matter of public record shall be deemed nonpublic
338 and confidential information restricted to the exclusive use of
339 the board, its members, officers, investigators, agents, and
340 attorneys in evaluating the applicant's eligibility or
341 disqualification for licensure. No such information or records
342 related thereto shall, except with the written consent of the
343 applicant or by order of a court of competent jurisdiction, be
344 released or otherwise disclosed by the board to any other person
345 or agency.

346 (6) Any person who violates the provisions of this section
347 shall be subject to the provisions of Section 22(2) of this act.

348 SECTION 9. (1) After receipt of an application for a
349 license, the board shall conduct an investigation to determine
350 whether the facts set forth in the application are true.

351 (2) Within sixty (60) days after receipt of an application,
352 the board shall either issue a license to the applicant or notify
353 him of a denial of the license application.

354 (3) If the board requires additional information from the
355 applicant to complete its investigation or otherwise to satisfy
356 the requirements of this act, or if the applicant has not
357 submitted all required information, the sixty-day period for
358 action by the board shall commence when the board has received all
359 such information.

360 (4) The board shall deny the application for a license if it
361 finds that the applicant, or the qualifying agent, or any of the
362 applicant's owners, partners, or principal corporate officers have
363 committed any of the following:

364 (a) Violated any of the provisions of this act or the
365 rules and regulations promulgated by the board.

366 (b) Practiced fraud, deceit, or misrepresentation.

367 (c) Knowingly made a material misstatement in the
368 application for a license.

369 (d) Failed to meet the qualifications of this act.

370 (e) Been convicted of a felony.

371 (5) The board may refuse to issue a license for good cause
372 shown.

373 SECTION 10. (1) The board shall determine the scope, form,
374 and content of the examinations for licensure. The examination,
375 which shall be written, shall test the applicant's knowledge of
376 the private investigator business and his ability to apply that
377 knowledge and to assume responsible charge in the practice of
378 private investigator.

379 (2) The examination shall include such subject areas as
380 general federal and state constitutional principles and court
381 decisions related to activities which could result in liability
382 for invasion of privacy or other activities, search and seizure
383 laws in general, state criminal laws and related procedures, and
384 general weapons use and concealed weapons laws. The board shall
385 review and make use of nationally accepted and appropriate
386 examinations to the extent practical.

387 (3) The board shall conduct or contract for the conduct of a
388 forty-hour training class covering the subject areas of the
389 licensing examination and shall require completion of approved
390 training class for a licensed applicant prior to the taking of the
391 examination.

392 SECTION 11. (1) The procedure of the board in approving or
393 denying an application shall be as follows:

394 (a) If the application is approved, the board shall
395 notify the applicant in writing that a license shall be issued.

396 (b) If the application is denied, the board shall

397 notify the applicant in writing and shall set forth the grounds
398 for denial.

399 (c) (i) If the grounds for denial are subject to
400 correction by the applicant, the notice of denial shall so state
401 and the applicant shall be given ten (10) days after receipt of
402 such notice, or, upon application, a reasonable additional period
403 of time within which to make the required correction.

404 (ii) If the application is denied, the applicant,
405 within thirty (30) days after receipt of notice of denial from the
406 board, may request a hearing on the denial. Within ten (10) days
407 after the filing of such request for hearing by the applicant, the
408 board shall schedule a hearing to be held after due notice to the
409 applicant.

410 (2) The board shall issue a license as a private
411 investigator to each applicant who meets the requirements of this
412 act, passes satisfactorily the examination administered by the
413 board, and pays the required fee.

414 (3) Any applicant who fails an examination may be reexamined
415 upon expiration of at least ninety (90) days and upon filing a new
416 application and the payment of the reexamination fee.

417 (4) A qualified agency or company in existence on July 1,
418 1999, may be licensed without an examination, upon approval of the
419 board, if application is made to the board before December 31,
420 1999. In determining the qualifications of an applicant for
421 licensing under this subsection, an affirmative vote of at least
422 four (4) members of the board is required.

423 (5) Upon satisfactorily passing the examination administered
424 by the board and paying the required fee the following persons, if
425 otherwise qualified, may be licensed without the necessity of
426 taking the training course required by Section 10(3):

427 (a) Any person who was a commissioned law enforcement
428 officer in this state as of July 1, 1999, and who has a valid
429 certificate from a law enforcement training center accredited by

430 the Council on Peace Officer Standards and Training.

431 (b) Any person who was a commissioned law enforcement
432 officer in another state as of July 1, 1999, and who holds a
433 certificate from a law enforcement training center in that state
434 which meets the requirements of the Council on Peace Officer
435 Standards and Training.

436 SECTION 12. (1) The license, when issued, shall be in a
437 form prescribed by the board and shall include the following:

438 (a) Name of licensee.

439 (b) Business name under which the licensee is to
440 operate.

441 (c) Addresses of the locations where the licensee is
442 operating or will operate.

443 (d) Number and date of the license and its date of
444 expiration.

445 (2) No license shall be assigned or transferred either by
446 operation of law or otherwise.

447 (3) If a sale, assignment, transfer, merger, or
448 consolidation of a business licensed under this act is completed,
449 the purchaser, assignee, transferee, or surviving or new
450 corporation, who is not already a licensee, shall immediately
451 apply for a license on a form prescribed by the board which shall
452 include the general information required by this act.

453 (4) The purchaser, assignee, transferee, or surviving or new
454 corporation shall be subject to the same general requirements and
455 procedures set forth in this act to the extent such sections are
456 applicable, and may continue the operation of that licensed
457 business until notified by the board of its final decision on the
458 new application for a license.

459 (5) For good cause shown, the board may extend the period of
460 time for filing the application required.

461 SECTION 13. (1) (a) Within seventy-two (72) hours after
462 receipt of the license certificate, the licensee shall cause the

463 license certificate to be posted and to be displayed at all times
464 in a conspicuous place in the principal office of the licensee
465 within the state.

466 (b) Copies of the license certificate shall be
467 displayed at all times in any other office within the state where
468 the licensee transacts business.

469 (c) Such license certificates, or copies thereof, shall
470 be subject to inspection at all reasonable times by the board.

471 (2) It shall be unlawful for any person holding such a
472 license certificate knowingly and willfully to post or to permit
473 the posting of the license certificate upon premises other than
474 those described in the license certificate, or knowingly and
475 willfully to alter such license certificate.

476 (3) (a) Each license certificate shall be surrendered to
477 the board within seventy-two (72) hours after it has been revoked
478 or after the licensee ceases to do business.

479 (b) If the board or a court of competent jurisdiction
480 has pending before it any matter relating to the renewal,
481 revocation, or transfer of a license, the licensee shall not be
482 required to surrender the license certificate until the matter has
483 been adjudicated and all appeals have been exhausted.

484 (c) When the licensee receives final notice that its
485 license has been revoked, a copy of such notice shall be displayed
486 and posted in close proximity to the license certificate until the
487 licensee terminates operations.

488 SECTION 14. The licensee shall notify the board within
489 thirty (30) days of any changes in its officers, directors, or
490 material change in the information previously furnished or
491 required to be furnished to the board, or of any occurrence which
492 could reasonably be expected to affect the licensee's right to a
493 license under this act.

494 SECTION 15. (1) (a) Each person who in performing the
495 functions and duties of a private investigator in this state on

496 July 1, 1999, shall have one hundred eighty (180) days after the
497 board is duly constituted to apply to the board for a registration
498 card.

499 (b) A registration card may be issued to an apprentice
500 by the board pending issuance of a permanent registration card.
501 The registration card for the apprentice shall be valid for not
502 more than one (1) year.

503 (c) Individuals required to obtain a registration card
504 under the provisions of this act shall request an application form
505 from the board and upon completion thereof shall immediately
506 forward the sworn application to the board.

507 (d) (i) The board shall prescribe by rule the form for
508 such applications and procedures for their submission,
509 consideration, and disposition, including the fee to accompany the
510 application.

511 (ii) To be eligible to apply for a registration
512 card, an individual shall have the same qualifications required of
513 an applicant listed under Section 7 of this act.

514 (2) Each investigator shall carry his registration card
515 whenever he is performing the duties of a private investigator,
516 and it shall be exhibited upon request. The registration card
517 shall entitle the registrant to perform the duties of a private
518 investigator as long as the registrant maintains his eligibility
519 under the provisions of this act.

520 (3) The registration card shall bear the name of the
521 employer, an identifying number, photograph, and any other
522 identifying data required by the board.

523 (4) After receipt of an application for a registration card,
524 the board shall conduct an investigation to determine whether the
525 facts set forth in the application are true. Actions by the board
526 to approve or deny an application for a registration card shall be
527 the same as that action taken to deny or approve an application
528 for license as provided under Section 11 of this act.

529 (5) (a) In the event that the board denies, suspends, or
530 revokes a registration card, the cardholder, upon receipt of the
531 notice of denial, suspension, or revocation, shall immediately
532 cease to perform the duties of a private investigator, unless
533 specifically authorized to continue work by order of the board or
534 by a court of competent jurisdiction within the state.

535 (b) Both the cardholder and the employer shall be
536 notified by the board of its final action to deny, suspend, or
537 revoke a registration card.

538 (6) (a) Registration cards issued by the board shall be
539 valid for two (2) years. The registrant shall be required to
540 advise the board of any changes in his status or permanent address
541 during that period. The cardholder shall file a registration card
542 renewal form with the board not less than thirty (30) days prior
543 to the expiration of the card, together with the fee for renewal.
544 The renewal application shall include a statement by the
545 registrant that he continues to meet the qualifications for a
546 private investigator as set forth by the board. The renewal
547 application shall be accompanied by a statement from a licensee
548 that the registrant has satisfactorily completed the required
549 training as prescribed by the board.

550 (b) The board may refuse to renew a registration card
551 and shall promptly notify the cardholder of its intent to refuse.

552 The cardholder, within fifteen (15) days after receipt of such
553 notice, may request a hearing on the refusal, in the same manner
554 and in accordance with the same procedure as that provided in
555 Section 11 of this act.

556 (c) A licensee or employer shall notify the board
557 within ten (10) days after the death or termination of employment
558 of any of its employees who are registrants. Licensees or
559 employers subject to this act shall notify the board within ten
560 (10) days upon receipt of information relating to a registrant's
561 loss of eligibility to hold such a card.

562 (7) (a) Any individual who changes his permanent residence
563 to this state from any other state which the board determines has
564 selection, training, and similar requirements at least equal to
565 those required under this act, and who holds a valid registration,
566 commission, identification, or similar card issued by the other
567 state through the licensee, may apply for a registration card on a
568 form prescribed by the board upon the payment of a transfer fee.
569 Upon certification by the licensee that the individual has
570 completed the training prescribed by the other state, the board
571 shall issue the individual a registration card.

572 (b) In the event that a person who holds a registration
573 card terminates employment with one (1) employer and is reemployed
574 within five (5) calendar days as an investigator with another
575 employer, the new employer, within seventy-two (72) hours of such
576 reemployment, shall submit to the board a notice of the change on
577 a form prescribed by the board, together with a transfer fee. The
578 board shall then issue a new registration card reflecting the name
579 of the new employer.

580 (c) Upon receipt of that new card, the cardholder shall
581 immediately return the old card to the board. The holder may
582 continue to work as an investigator for the new employer while the
583 board is processing the change in application. The holder of a
584 registration card who terminates employment and who is not
585 reemployed as an investigator within five (5) calendar days, shall
586 surrender, within twenty-four (24) hours of the fifth calendar
587 day, the registration card to the former employer. The employer
588 shall return the cancelled registration card to the board within
589 five (5) business days after receiving it.

590 (8) A registration card shall be subject to expiration and
591 renewal during the period in which the holder of the card is
592 subject to an order of suspension.

593 SECTION 16. (1) The board shall approve all training
594 programs.

595 (2) All training required by this act shall be administered
596 by a licensee who:

597 (a) Is approved by the board.

598 (b) Meets the qualifications of an applicant required
599 by Section 7 of this act.

600 (c) Has a minimum of three (3) years supervisory
601 experience with a contract investigator company or proprietary
602 investigator organization.

603 SECTION 17. (1) The board shall assess the following
604 schedule of fees which shall not be refundable:

605 (a) Licensee or any business entity employing more than
606 one (1) investigator.

607 (i) Application fee..... \$25.00.

608 (ii) Examination fee..... \$50.00.

609 (iii) Reexamination fee..... \$25.00.

610 (iv) Initial license fee..... \$200.00.

611 (v) Annual renewal license fee..... \$200.00.

612 (vi) Replacement fee for a lost, destroyed,
613 or mutilated license..... \$25.00.

614 (b) Private investigator employed by a company or
615 corporation, or apprentice investigator:

616 (i) Application fee..... \$25.00.

617 (ii) Examination fee..... \$50.00.

618 (iii) Reexamination fee..... \$25.00.

619 (iv) Initial license fee per investigator or
620 apprentice \$50.00.

621 (v) Annual renewal license fee..... \$50.00.

622 (c) The board shall assess a reasonable training class
623 fee not greater than an amount necessary to cover the actual costs
624 for the conduct of the training class.

625 (2) All fees shall be paid by check or money order made
626 payable to the board.

627 (3) Any fees payable by a registrant under this act, or paid

628 by a licensee on the registrant's behalf, or any deposits which
629 may be required by a licensee from a registrant under this act,
630 may be deducted from any wages payable to the registrant by the
631 licensee. However, no such deduction shall reduce the hourly wage
632 of the registrant below that required by the applicable minimum
633 wage law.

634 SECTION 18. (1) A license shall expire annually on the date
635 of issuance unless renewed by payment of the required renewal fee
636 at least thirty (30) days prior to its expiration. The board
637 shall notify the licensee of the renewal at his last known address
638 at least sixty (60) days in advance of the expiration and on the
639 expiration date. If a license is not renewed within thirty (30)
640 days after the expiration date, it shall be deemed to have lapsed
641 and to be invalid. The delinquent private investigator business
642 or the private investigator shall apply again for initial
643 licensure. If the license renewal is made prior to the thirty-day
644 grace period but after the expiration date, the private
645 investigator business shall pay a fine of Thirty-five Dollars
646 (\$35.00) and an additional Twenty Dollars (\$20.00) per
647 investigator.

648 (2) The board shall use the same license number when issuing
649 a renewed license as that issued for the original license or shall
650 deny renewal within thirty (30) days. The board shall promptly
651 notify the licensee if it refuses to renew the license.

652 (3) The licensee, within fifteen (15) days after receipt of
653 the board's notice of refusal, shall cease engaging in the private
654 investigator business.

655 SECTION 19. A person holding a license to engage in the
656 private investigator business issued to him by a proper authority
657 of any state, territory, or possession of the United States, or
658 the District of Columbia, which has licensing requirements
659 comparable to Mississippi, and who, in the opinion of the board,
660 otherwise meets the requirements of this act, upon application may

661 be licensed without further examination.

662 SECTION 20. (1) The board may refuse to issue or may
663 suspend, revoke, or impose probationary or other restrictions on
664 any license issued under this act for good cause shown which shall
665 include the following:

666 (a) Conviction of a felony or entry of a plea of guilty
667 or nolo contendere to a felony charge under the laws of the United
668 States or of any state.

669 (b) Deceit or perjury in obtaining any certificate or
670 license issued under this act.

671 (c) Providing false testimony before the board.

672 (d) Efforts to deceive or defraud the public.

673 (e) Professional incompetency or gross negligence.

674 (f) Rendering, submitting, subscribing, or verifying
675 false, deceptive, misleading, or unfounded opinions or reports.

676 (g) The refusal of the licensing authority of another
677 state to issue or renew a license, permit, or certificate to
678 practice in that state, or the revocation of, suspension of, or
679 other restriction imposed on a license, permit, or certificate
680 issued by such licensing authority.

681 (h) Aiding or abetting a person to evade the provisions
682 of this act or knowingly combining or conspiring with an
683 unlicensed person, or acting as an agent, partner, associate, or
684 otherwise, of an unlicensed person with intent to evade provisions
685 of this act.

686 (i) Violation of any provision of this act or any rules
687 or regulations of the board or rules of professional conduct
688 promulgated by the board.

689 (2) The board, as a probationary condition or as a condition
690 of the reinstatement of any license suspended or revoked
691 hereunder, may require the holder to pay all costs of the board
692 proceedings, including investigators', stenographers', and
693 attorneys' fees.

694 (3) A majority vote of the board shall be required for the
695 revocation of any license. A majority vote of the board shall be
696 required for suspension of any license or the imposition of costs
697 or fines in excess of Five Hundred Dollars (\$500.00).

698 (4) Any license certificate suspended, revoked, or otherwise
699 restricted by the board may be reinstated by majority vote of the
700 board.

701 SECTION 21. (1) It shall be unlawful for any person
702 knowingly to commit any of the following acts:

703 (a) Provide contract or private investigator service
704 without possessing a valid license.

705 (b) Employ an individual to perform the duties of a
706 private investigator who is not the holder of a valid registration
707 card.

708 (c) Designate an individual as other than a private
709 investigator to circumvent the requirements of this act.

710 (d) Knowingly make any false statement or material
711 omission in any application filed with the board.

712 (e) Falsely represent that a person is the holder of a
713 valid license or registration.

714 (f) Violate any provision of this act or any rule or
715 regulation of the board.

716 (2) It shall be unlawful for any private investigator
717 knowingly to commit any of the following:

718 (a) Make any statement which would reasonably cause
719 another person to believe that the private investigator functions
720 as a sworn peace officer or other official of the state or of any
721 of its political subdivisions, or an agency of the Federal
722 Government.

723 (b) Fail to comply with the regulations issued by the
724 board, or with any other requirements under the provisions of this
725 act.

726 (c) Divulge to anyone, other than his employer, or to

727 such persons as his employer may direct, or as may be required by
728 law, any information acquired during such employment that may
729 compromise the employer or assignment to which he has been
730 assigned by such employer.

731 (d) Possess a license or registration card issued to
732 another person.

733 SECTION 22. (1) No person shall engage in the business of
734 providing private investigators except in accordance with the
735 provisions of this act and the rules and regulations adopted by
736 the board hereunder.

737 (2) Whoever willfully violates any provisions of this act
738 shall be fined not less than One Thousand Dollars (\$1,000.00) nor
739 more than Five Thousand Dollars (\$5,000.00), or imprisoned for not
740 less than three (3) months nor more than one (1) year, or both.

741 SECTION 23. (1) In addition to or in lieu of the criminal
742 penalties and administrative sanctions provided in this act, the
743 board is empowered to issue an order to any person or firm engaged
744 in any activity, conduct, or practice constituting a violation of
745 any provision of this act, directing such person or firm to
746 forthwith cease and desist from such activity, conduct, or
747 practice. Such order shall be issued in the name of the State of
748 Mississippi, under the official seal of the board.

749 (2) If the person or firm to whom the board directs a cease
750 and desist order does not cease and desist the prohibited
751 activity, conduct, or practice within two (2) days from service of
752 such cease and desist order by certified mail, the board may seek,
753 in any court of competent jurisdiction and proper venue, writ of
754 injunction enjoining such person or firm from engaging in the
755 activity, conduct, or practice.

756 (3) (a) Upon proper showing of the board that such person
757 or firm has engaged in any activity, conduct, or practice
758 prohibited by this act, the court shall issue a temporary
759 restraining order restraining the person or firm from engaging in

760 unlawful activity, conduct, or practices pending the hearing on a
761 preliminary injunction, and in due course a permanent injunction
762 shall be issued after a hearing, commanding the cessation of the
763 unlawful activity, conduct, practices complained of, all without
764 the necessity of the board having to give bond as usually required
765 in such cases.

766 (b) A temporary restraining order, preliminary
767 injunction, or permanent injunction issued hereunder shall not be
768 subject to being released upon bond.

769 SECTION 24. (1) All fees and funds collected by the board
770 from every source shall be paid into the State Treasury and shall
771 be credited to the Bond Security and Redemption Fund. Out of the
772 funds remaining in the Bond Security and Redemption Fund after a
773 sufficient amount is allocated from that fund to pay all
774 obligations secured by the full faith and credit of the state
775 which become due and payable within any fiscal year, the Treasurer
776 shall, prior to placing such remaining funds in the State General
777 Fund, pay into a special fund hereby created in the State Treasury
778 and designated as the fund for the Mississippi State Board of
779 Private Investigator Examiners, an amount equal to the total
780 amount of funds paid into the Treasury by the board.

781 (2) The monies in the fund shall be used solely to
782 effectuate the provisions of this act and only in the amounts
783 appropriated each year by the Legislature to the board.

784 (3) All unexpended and unencumbered monies in the fund at
785 the end of the fiscal year shall remain in the fund. The monies
786 in the fund shall be invested by the Treasurer in the same manner
787 as monies in the State General Fund. All interest earned on
788 monies invested by the Treasurer shall be deposited in the fund.

789 SECTION 25. This act shall take effect and be in force from
790 and after July 1, 1999.