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PRIVATE INVESTIGATORS LAW (La. R.S. 37:3500-3525)

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3501. Purpose

A. The Legislature of Louisiana declares that it is in the best interest of the citizens of Louisiana to require the licensure of private investigators and businesses.

B. The purpose of this Chapter is to require qualifying criteria in a professional field in which unqualified individuals may injure the public. The requirements of this Chapter shall contribute to the safety, health, and welfare of the people of Louisiana.

3502. Short title

This Chapter shall be known and may be cited as the “Private Investigators Law”.

3503. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:

- (1) “Applicant” means a person who seeks to be examined for licensure or certification by the board.
- (2) “Board” means the Louisiana State Board of Private Investigator Examiners within the Department of Public Safety and Corrections.
- (3) “Contract private investigator company” means any person engaged in the business of providing, or which undertakes to provide, an investigator on a contractual basis for another person.
- (4) “Executive director” means the chief administrative officer of the board.
- (5) “Licensee” means any person to whom a license is granted in accordance with the provisions of this Chapter and who may certify the successful completion of the required minimum training for private investigator apprentices.
- (6) “Person” means an individual, firm, association, company, partnership, corporation, nonprofit organization, or other legal entity.
- (7) “Principal corporate officer” means the president, treasurer, secretary, or comptroller, or any other persons who performs functions for the corporation corresponding to those performed by the foregoing officers.
- (8) (a) “Private investigator” or “private detective” means any person who holds out to the general public and engages in the business of furnishing or who accepts employment to furnish information or who agrees to make or makes an investigation for the purpose of obtaining information with reference to the following:
 - (i) Crimes or wrongs committed.
 - (ii) Identity, habits, conduct, business, occupations, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
 - (iii) The location, disposition, or recovery of stolen property.
 - (iv) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to properties. However, scientific research laboratories, technical experts, and licensed engineers shall not be included in this definition.
 - (v) Securing evidence to be used before any court, board, officer, or investigative committee.
- (b) This definition shall not include any of the following:
 - (i) Insurer employees or agents and insurance adjusters or claims agents who make appraisals for the monetary value or settlement of damages or monetary value or settlement of personal injuries.

(ii) An officer or employee of the United States, this state, or any political subdivision of either while such officer or employee is engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision.

(iii) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons.

(iv) An attorney at law licensed to practice in this state and his employees.

(v) Undercover agents working with the United States, this state, or any political subdivision while engaged in the performance of their official duties.

(vi) A person primarily engaged in the business of furnishing confidential information for the purposes of a consumer reporting agency, as defined by the Federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

(vii) A person licensed by the Louisiana State Board of Private Security Examiners only when investigating at his place of employment during the performance of his duties pursuant to R.S. 37:3272(18).

(viii) A person or corporation which employs persons who do private investigative work in connection with the affairs of such employer exclusively and who have an employer - employee relationship with such employer. Neither such persons or corporations nor their employees shall be required to register or be licensed under this Chapter.

(ix) A person engaged as a professional employment screening consultant conducting face to face interview with an applicant or candidate for employment.

(x) A certified public accountant licensed to practice in this state and his employees.

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

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

3504. Louisiana State Board of Private Investigator Examiners; creation; qualifications; domicile, terms of office; confirmation; oath of office; compensation

A. The Louisiana State Board of Private Investigator Examiners is hereby created within the Department of Public Safety and Corrections. The board shall be a body corporate and may sue and be sued.

B. The board shall be comprised of seven members appointed by the governor. One member shall be appointed from each of the five public service commission districts as established by law and shall be a resident of the district from which he is appointed. The governor shall appoint one licensed attorney to serve on the board from the state at large and one member from the state at large appointed from a list of names submitted by the board of directors of the Louisiana Private Investigators Association. Each member of the board shall be a citizen of the United States of America, a resident of Louisiana, at least twenty-one years of age and, except for the attorney appointed from the state at large, shall have been actively engaged in the private investigator business for the previous five years, earning at least ninety percent of his gross income for the year preceding his appointment from the private investigator business. No more than two board members may be employed by or affiliated with the same agency. The initial board members shall not be required to be licensed but shall obtain a license within one

hundred eighty days after appointment to the board. Each subsequent member shall be a licensed private investigator.

C. The board shall be domiciled in Baton Rouge and may meet at such other location in the state as may be determined by the board.

D. Each member shall serve at the pleasure of the governor. Each appointment by the governor shall be submitted to the Senate for confirmation.

E. Any vacancy on the board caused by the death, resignation, or disability of a member shall be filled by appointment by the governor. A person appointed to fill a vacancy on the board shall possess the same qualifications and residency requirements as the person whose position on the board is being filled by the appointment.

F. Each member of the board shall receive a certificate or commission from the governor and before beginning his term of office shall file with the secretary of state a written oath or affirmation for faithful discharge of his official duties.

G (1) No member of the board shall receive a per diem but shall be reimbursed for actual expenses incurred when attending a meeting of the board or any of its committees and for the time spent on behalf of the board on official business, not to exceed ten days in any month.

(2) Each member shall be reimbursed, upon approval of the board as evidenced by voucher, for all necessary travel, incidental, and clerical expenses incurred in carrying out the provisions of this Chapter.

3505. Powers, duties, and responsibilities; meetings; quorum

A. The board shall:

(1) Examine all applicants desiring to be licensed as a private investigator or private investigator agency in the state of Louisiana.

(2) Administer a written examination for prospective licensees at least twice each year in the city of Baton Rouge.

(3) Adopt rules and regulations to govern the practice of a private investigator in the state of Louisiana.

(4) Issue, suspend, modify, or revoke license certificates to practice as a private investigator or apprentice in the state of Louisiana.

(5) Report to the attorney general of the state all persons violating the provisions of this Chapter.

(6) Elect a chairman and vice chairman, each to serve a term of two years.

(7) Report, no later than March first of each year, to the governor, the secretary of state, and the legislature on its activities.

(8) Adopt its official seal.

B. The board may:

(1) Adopt and enforce such rules and regulations, bylaws, and rules of professional conduct as the board may deem necessary and proper to regulate private investigator businesses in the state of

Louisiana, to provide for the efficient operation of the board, and otherwise to discharge its powers, duties, and functions under the provisions of this Chapter.

(2) Prescribe and adopt regulations, standards, procedures, and policies governing the manner and conditions under which credit shall be given by the board for participation in professional education such as the board may consider necessary and appropriate to maintain the highest standards of the private investigator industry in the state of Louisiana.

(3) Authorize any member of the board to make any affidavit necessary for the issuance of any injunction or other legal process authorized under this Chapter or under the rules and regulations of the board.

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

(5) Maintain a current list of licensed private investigators.

(6) Appoint a qualified executive director.

(7) Employ clerical assistance necessary to carry out the administrative work of the board.

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

(9) Incur all necessary and proper expenses.

C. The chairman and executive director of the board or, in their absence, any other member of the board, may administer oaths in the taking of testimony given before the board.

D. The board shall meet quarterly at regular meetings each year. A special meeting may be held at such time and place as specified by the executive director on call of the chairman or any four members. The executive director shall give written notice of all meetings to the members of the board and to the interested public.

E. Four members of the board shall constitute a quorum for all purposes, including the granting or issuance of licenses and the rulemaking and adjudicative functions of the board.

F. The board shall have the authority to:

1. Request and obtain state and national criminal history record information on any person applying for any license or registration which the board is authorized by law to issue.

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

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

3506. Executive director; duties

A. The position of executive director of the board is hereby created. The executive director shall be appointed by the board with consent of the governor and shall serve as the chief administrator of the board. He shall not be a member of the board, but shall be a full-time unclassified employee of the board

who shall be paid compensation in an amount to be determined by the board which shall not exceed fifty thousand dollars annually. The office, equipment, and furnishings of the board and the executive director shall be initially furnished by the Department of Public Safety and Corrections.

B. The executive director shall perform such duties as may be prescribed by the board. He shall have no financial or business interests, contingent dealings or otherwise, in the private investigator industry while so employed or for a period of two years after termination of employment.

3507. Qualifications of licensee

A. The board shall base the determination of the satisfactory minimum qualifications for licensing on whether or not the applicant satisfies the following criteria:

- (1) Is of legal age.
- (2) Is a citizen of the United States or a resident alien holding proper documentation to work in the United States.
- (3) Has not been convicted in any jurisdiction of any felony or of any crime involving moral turpitude.
- (4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental defect or disease which has not been restored.
- (5) Is not a practicing alcoholic or drug addict.
- (6) If a corporation, shall be incorporated under the laws of this state or shall be duly qualified to do business within the state with a valid certificate of authority issued by the secretary of state, and shall have an agent for service of process designated as required by law.

B. If, in the discretion of the board, the applicant provides inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensure, the applicant shall be required to provide additional information for the purpose of the application, or may be required to present himself for an interview for this purpose.

C. An applicant for licensing shall file with the board an application form provided by the board. The form shall require such relevant information about the applicant's character, experience, and background as the board may determine and the following:

- (1) If the applicant is an individual, the application shall be subscribed and sworn to by such person before a notary and two witnesses.
- (2) If the applicant is a partnership, the application shall be subscribed and sworn to by each partner before a notary and two witnesses.
- (3) If the applicant is a corporation, it shall be subscribed and sworn to by at least two principal corporate officers before a notary and two witnesses.
- (4) Any individual signing a license application shall submit with the license application classifiable impressions of his fingerprints on a form approved by the board.

D. Every person covered by this Chapter within the state on August 21, 1992, shall have one hundred eighty days after the board is duly constituted to apply to the board for a license to operate. Any such person filing a timely application may continue to engage in business pending a final determination of his application.

3507.1. Louisiana State Board of Private Investigator Examiners; authorization to obtain criminal history record information

A. As used in this Section the following terms shall have the following meaning:

1. "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

2. "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing and criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

3. "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

4. "Licensure" means any license or registration which the board is authorized to issue.

B. In addition to any other requirements established by law or board rules, the board shall require an applicant, as a condition for eligibility for licensure, to submit two full sets of fingerprints, on a form and in a manner prescribed by the board, to permit the board to request and obtain state and national criminal history record information on the applicant and to charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board shall request and obtain state and national criminal history record information from the bureau within the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days after receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting the results of any such search.

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

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

G. Any person who violates the provisions of this Section shall be subject to the provisions of R.S. 37:3521 (B).

3507.2. Types of licenses

A. The board is authorized to issue the following types of licenses to qualified applicants:

(1) (a) "Private investigation agency license" - issued to any person or entity, as defined in R.S. 37:3503(8), where the individual seeking license or the partner of the partnership seeking license or the principal corporate officer of the corporation seeking license (i) has at least three years experience within the last ten years either working as a private investigator or in an investigative capacity and (ii) satisfies all other requirements for licensing.

(b) The provisions of this Paragraph requiring investigative experience for licensing as a private investigator agency shall not apply to any person or entity licensed as a private investigator agency on August 15, 1999.

(2) "Private investigator license" - issued to any person, as defined in R.S. 37:3503(8), who satisfies the requirements for licensing and is employed by a licensed private investigator agency.

(3) "Apprentice license" - issued to any person who satisfies the minimum requirements for licensing as an apprentice, as established by rules and regulations promulgated by the board.

B. The individual or the partner of the partnership or the principal corporate officer of the corporation with the requisite experience licensed to operate as a "private investigator agency" may operate as a private investigator and hire others licensed as a "private investigator."

C. The individual licensed as a "private investigator" may only operate as a private investigator if employed by a licensed private investigator agency.

3508. Investigations; time; procedure

A. After receipt of an application for a license, the board shall conduct an investigation to determine whether the facts set forth in the application are true.

B. Within sixty days after receipt of an application, the board shall either issue a license to the applicant or notify him of a denial of the license application.

C. If the board requires additional information from the applicant to complete its investigation or otherwise to satisfy the requirements of this Chapter, or if the applicant has not submitted all required information, the sixty day period for action by the board shall commence when the board has received all such information.

D. The board shall deny the application for a license if it finds that the applicant, or the qualifying agent, or any of the applicant's owners, partners, or principal corporate officers have committed any of the following:

(1) Violated any of the provisions of this Chapter or the rules and regulations promulgated by the board.

(2) Practiced fraud, deceit, or misrepresentation.

(3) Knowingly made a material misstatement in the application for a license.

(4) Failed to meet the qualifications of this Chapter.

(5) Been convicted of a felony.

E. The board may refuse to issue a license for good cause shown.

3509. Examination; content; training class required

A. The board shall determine the scope, form, and content of the examinations for licensure. The examination, which shall be written, shall test the applicant's knowledge of the private investigator business and his ability to apply that knowledge and to assume responsible charge in the practice of private investigator.

B. The examination shall include such subject areas as general federal and state constitutional principles and court decisions related to activities which could result in liability for invasion of privacy or other activities, search and seizures laws in general, state criminal laws and related procedures, and general weapons use and concealed weapons laws. The board shall review and make use of nationally accepted and appropriate examinations to the extent practical.

C. The board shall conduct or contract for the conduct of a forty-hour training class covering the subject areas of the licensing examination and shall require completion of approved training class for a licensed applicant prior to the taking of the examination.

3510. Approval, denial; procedure; appeals ; prior qualifications; exemptions.

A. The procedure of the board in approving or denying an application shall be as follows:

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

(2) If the application is denied, the board shall notify the applicant in writing and shall set forth the grounds for denial.

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

(b) If the application is denied, the applicant, within thirty days after receipt of notice of denial from the board, may request a hearing on the denial. Within ten days after the filing of such request for hearing by the applicant, the board shall schedule a hearing to be held after due notice to the applicant. The hearing shall be conducted in accordance with the Administrative Procedure Act.

B. The board shall issue a license as a private investigator to each applicant who meets the requirements of this Chapter, passes satisfactorily the examination administered by the board, and pays the required fee.

C. Any applicant who fails an examination may be reexamined upon expiration of at least thirty days and upon filing a new application and payment of the reexamination fee.

D. A qualified agency or company in existence on August 21, 1992, may be licensed without an examination, upon approval of the board, if application is made to the board before December 31, 1992. In determining the qualifications of an applicant for licensing under this Subsection, an affirmative vote of at least four members of the board is required.

E. Upon satisfactorily passing the examination administered by the board and paying the required fee the following persons, if otherwise qualified, may be licensed without the necessity of taking the training course required by R.S. 37:3509(C):

(1) Any person who was a commissioned law enforcement officer in this state as of May 14, 1993, and who has a valid certificate from a law enforcement training center accredited by the Council on Peace Officer Standards and Training.

(2) Any person who was a commissioned law enforcement officer prior to January 1986, and who was certified pursuant to the provisions of R.S. 40:2405.

(3) Any person who was a commissioned law enforcement officer in another state as of May 14, 1993, and who holds a certificate from a law enforcement training center in that state which meets the requirements of the Council on Peace Officer Standards and Training.

3511. License form; information; assignment or transfer

A. The license, when issued, shall be in a form prescribed by the board and shall include the following:

- (1) Name of licensee.
- (2) Business name under which the licensee is to operate.
- (3) Addresses of the locations where the licensee is operating or will operate.
- (4) Number and date of the license and its date of expiration.

B. No license shall be assigned or transferred either by operation of law or otherwise.

C. If a sale, assignment, transfer, merger, or consolidation of a business licensed under this Chapter is completed, the purchaser, assignee, transferee, or surviving or new corporation, who is not already a licensee, shall immediately apply for a license on a form prescribed by the board which shall include the general information required by this Chapter.

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

E. For good cause shown, the board may extend the period of time for filing the application required.

3512. Posting; unlawful posting; surrender of license certificate

A. (1) Within seventy-two hours after receipt of the license certificate, the licensee shall cause the license certificate to be posted and to be displayed at all times in a conspicuous place in the principal office of the licensee within the state.

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

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

B. It shall be unlawful for any person holding such a license certificate knowingly and willfully to post or to permit the posting of the license certificate upon premises other than those described in the license certificate, or knowingly and willfully to alter such license certificate.

C. (1) Each license certificate shall be surrendered to the board within seventy-two hours after it has been revoked or after the licensee ceases to do business.

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

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

3513. Notification of changes

The licensee shall notify the board within thirty days of any changes in its officers, directors, or material change in the information previously furnished or required to be furnished to the board, or of any occurrence which could reasonably be expected to affect the licensee's right to a license under this Chapter.

3514. Investigator registrant; card; application; qualifications; investigation; denial, suspension, or revocation; validity; renewal; change of address

A. (1) Each person who in performing the functions and duties of a private investigator in this state on August 21, 1992, shall have one hundred eighty days after the board is duly constituted to apply to the board for a registration card.

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

(3) Individuals required to obtain a registration card under the provisions of this Chapter shall request an application form from this board and upon completion thereof shall immediately forward the sworn application to the board.

(4) (a) The board shall prescribe by rule the form for such applications and procedures for their submission, consideration, and disposition, including the fee to accompany the application.

(b) To be eligible to apply for a registration card, an individual shall have the same qualifications required of an applicant listed under R.S. 37:3507.

B. Each investigator shall carry his registration card whenever he is performing the duties of a private investigator, and it shall be exhibited upon request. The registration card shall entitle the registrant to perform the duties of a private investigator as long as the registrant maintains his eligibility under the provisions of this Chapter.

C. The registration card shall bear the name of the employer, an identifying number, photograph, and any other identifying data required by the board.

D. After receipt of an application for a registration card, the board shall conduct an investigation to determine whether the facts set forth in the application are true. Actions by the board to approve or deny an application for a registration card shall be the same as that action taken to deny or approve an application for license as provided under R.S. 37:3510.

E. (1) In the event that the board denies, suspends, or revokes a registration card, the cardholder, upon receipt of the notice of denial, suspension, or revocation, shall immediately cease to perform the duties of a private investigator, unless specifically authorized to continue work by order of the board or by a court of competent jurisdiction within the state.

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

F. (1) Registration cards issued by the board shall be valid for one year. The registrant shall be required to advise the board of any changes in his status or permanent address during that period. The cardholder shall file a registration card renewal form with the board not less than thirty days prior to the expiration of the card, together with the fee for renewal. The renewal application shall include a statement

by the registrant that he continues to meet the qualifications for a private investigator as set forth by the board. The renewal application shall be accompanied by a statement from the licensee that the registrant has satisfactorily completed the required training as prescribed by the board.

(2) The board may refuse to renew a registration card and shall promptly notify the cardholder of its intent to refuse. The cardholder, within fifteen days after receipt of such notice, may request a hearing on the refusal, in the same manner and in accordance with the same procedure as that provided in R.S. 37:3510.

(3) A licensee or employer shall notify the board within ten days after the death or termination of employment of any of its employees who are registrants. Licensees or employers subject to this Chapter shall notify the board within ten days upon receipt of information relating to a registrant's loss of eligibility to hold such a card.

G. (1) Any individual who changes his permanent residence to this state from any other state which the board determines has selection, training, and similar requirements at least equal to those required under this Chapter, and who holds a valid registration, commission, identification, or similar card issued by the other state through the licensee, may apply for a registration card on a form prescribed by the board upon the payment of a transfer fee. Upon certification by the licensee that the individual has completed the training prescribed by the other state, the board shall issue the individual a registration card.

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

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

H. A registration card shall be subject to expiration and renewal during the period in which the holder of the card is subject to an order of suspension.

3515. Training of investigators; requirements

A. The board shall approve all training programs.

B. All training required by this Chapter shall be administered by a licensee who:

(1) Is approved by the board.

(2) Meets the qualifications of an applicant required by R.S. 37:3507.

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

3516. Fees

A. The board shall assess the following schedule of fees which shall not be refundable:

(1) Private investigator agency:

- (a) Application fee - \$25.00.
- (b) Examination fee - \$50.00.
- (c) Reexamination fee - \$25.00.
- (d) Initial license fee - \$200.00.
- (e) Annual renewal license fee - \$200.00.
- (f) Replacement fee for a lost, destroyed, or mutilated license - \$25.00.

(2) Private investigator or apprentice investigator:

- (a) Application fee - \$25.00.
- (b) Examination fee - \$50.00.
- (c) Reexamination fee - \$25.00.
- (d) Initial license fee per investigator or apprentice - \$50.00.
- (e) Annual renewal license fee - \$50.00.

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

B. All fees shall be paid by check or money order made payable to the board.

C. Any fees payable by a registrant under this Chapter, or paid by a licensee on the registrant's behalf, or any deposits which may be required by a licensee from a registrant under this Chapter, may be deducted from any wages payable to the registrant by the licensee. However, no such deduction shall reduce the hourly wage of the registrant below that required by the applicable minimum wage law.

3517. License renewal; certificate; penalty

A. A license shall expire annually on the date of issuance unless renewed by payment of the required renewal fee at least thirty days prior to its expiration. The board shall notify the licensee of the renewal at his last known address at least sixty days in advance of the expiration and on the expiration date. If a license is not renewed within thirty days after the expiration date, it shall be deemed to have lapsed and to be invalid. The delinquent private investigator business or the private investigator shall apply again for initial licensure. If the license renewal is made prior to the thirty-day grace period but after the expiration date, the private investigator business shall pay a fine of thirty-five dollars and an additional twenty dollars per investigator.

B. The board shall use the same license number when issuing a renewed license as that issued for the original license or shall deny renewal within thirty days. The board shall promptly notify the licensee if it refuses to renew the license.

C. The licensee, within fifteen days after receipt of the board's notice of refusal, shall cease engaging in the private investigator business.

3518. Reciprocity; licensure without examination; agreement with other states

A. A person holding a license to engage in the private investigator business issued to him by a proper authority of any state, territory, or possession of the United States, or the District of Columbia, which has licensing requirements comparable to Louisiana, and who in the opinion of the board, otherwise meets the requirements of this Chapter, upon application may be licensed without further examination.

B. The board shall have the power to enter into an agreement with other states or territories or possessions of the United States or with the District of Columbia for reciprocity or recognition of private investigators duly licensed by such states, territories or possessions or the District of Columbia. The agreements shall allow those investigators to provide and perform private investigative work in Louisiana upon such terms as set forth in the agreement.

3519. Causes for nonissuance, suspension, revocation, or restrictions; fines; reinstatement

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license issued under this Chapter for good cause shown which shall include the following:

- (1) Conviction of a felony or entry of a plea of guilty or nolo contendere to a felony charge under the laws of the United States or of any state.
- (2) Deceit or perjury in obtaining any certificate or license issued under this Chapter.
- (3) Providing false testimony before the board.
- (4) Efforts to deceive or defraud the public.
- (5) Professional incompetency or gross negligence.
- (6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.
- (7) The refusal of the licensing authority of another state to issue or renew a license, permit, or certificate to practice in that state, or the revocation of, suspension of, or other restriction imposed on a license, permit, or certificate issued by such licensing authority.
- (8) Aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person, or acting as an agent, partner, associate, or otherwise, of an unlicensed person with intent to evade provisions of this Chapter.
- (9) Violation of any provision of this Chapter or any rules and regulations of the board or rules of professional conduct promulgated by the board.

B. The board, as a probationary condition or as a condition of the reinstatement of any license suspended or revoked hereunder, may require the holder to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees.

C. A majority vote of the board shall be required for the revocation of any license. A majority vote of the board shall be required for suspension of any license or the imposition of costs or fines in excess of five hundred dollars.

D. Any license certificate suspended, revoked, or otherwise restricted by the board may be reinstated by majority vote of the board.

3520. Illegal acts

A. It shall be unlawful for any person knowingly to commit any of the following acts:

- (1) Provide contract or private investigator service without possessing a valid license.
- (2) Employ an individual to perform the duties of a private investigator who is not the holder of a valid registration card.
- (3) Designate an individual as other than a private investigator to circumvent the requirements of this Chapter.
- (4) Knowingly make any false statement or material omission in any application filed with the board.

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

(6) Violate any provision of this Chapter or any rule or regulation of the board.

B. It shall be unlawful for any private investigator knowingly to commit any of the following:

(1) Make any statement which would reasonably cause another person to believe that the private investigator functions as a sworn peace officer, or other official of the state or of any of its political subdivisions, or an agency of the federal government.

(2) Fail to comply with the regulations issued by the board, or with any other requirements under the provisions of the Chapter.

(3) Divulge to anyone, other than his employer, or to such persons as his employer may direct, or as may be required by law, any information acquired during such employment that may compromise the employer or assignment to which he has been assigned by such employer.

(4) Possess a license or registration card issued to another person.

3521. Violations; penalties

A. No person shall engage in the business of providing private investigators except in accordance with the provisions of this Chapter and the rules and regulations adopted by the board hereunder.

B. Whoever willfully violates any provisions of this Chapter shall be fined not less than one thousand dollars, nor more than five thousand dollars, or imprisoned for not less than three months nor more than one year, or both.

3522. Cease and desist orders; injunctive relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided in this Chapter, the board is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the board.

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

C. (1) Upon proper showing of the board that such person or firm has engaged in any activity, conduct, or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

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

3523. Fund for the Louisiana State Board of Private Investigator Examiners

A. Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all fees and funds collected by the board from every source shall be paid into the state treasury

and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into a special fund hereby created in the state treasury and designated as the Fund for the Louisiana State Board of Private Investigator Examiners, an amount equal to the total amount of funds paid into the treasury by the board.

B. The monies in the fund shall be used solely to effectuate the provisions of this Chapter and only in the amounts appropriated each year by the legislature to the board.

C. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund. All interest earned on monies invested by the treasurer shall be deposited in the fund.

3524. Rules and regulations

The adoption of any rule or regulation, guideline, substantive procedure, or code of conduct by the board shall be subject to the provisions of the Administrative Procedure Act; however, such rules shall be subject to legislative oversight by the House and Senate Committees on Commerce.

3525. Occupational license tax; levy; collection

This Section shall not be construed to prohibit the levying and collection of the occupational license tax authorized by Article VI, Section 28 of the Constitution of Louisiana.