

329A.035 Applications for licenses -- Requirements -- Confidentiality.

- (1) An application for a private investigator license shall be filed with the board on the prescribed form.
 - (a) The application shall include the following information regarding the applicant:
 1. Full name and address;
 2. Date and place of birth;
 3. Social Security number;
 4. All residences during the past five (5) years;
 5. All employment or occupations engaged in during the past five (5) years;
 6. Three (3) sets of classifiable fingerprints; and
 7. Any other information as the board may reasonably require by administrative regulation.
 - (b) The application shall be subscribed and sworn to by the applicant.
 - (c) If the applicant intends to conduct fire or arson investigations, proof of current national certification from the National Association of Fire Investigators or the International Association of Arson Investigators shall be filed with the board in addition to the information required in paragraph (a) of this subsection.
- (2) An application for an investigating company license shall be filed with the board on the prescribed form.
 - (a) The application shall include:
 1. The information required in subsection (1)(a) of this section for:
 - a. The owner, if the company is a sole proprietorship;
 - b. Each partner, if the company is a partnership; or
 - c. The qualifying agent, if the company is a corporation;
 2. The name under which the company intends to do business;
 3. The address of the principal place of business and any branch offices of the company within this state; and
 4. Other information as the board may reasonably require by administrative regulation.
 - (b) If the company is a corporation, the following information is also required:
 1. The correct legal name of the corporation;
 2. The state and date of incorporation;
 3. The date the corporation qualified to do business in this state;
 4. The address of the corporate headquarters, if located outside of this state;

5. The names of two (2) principal corporate officers other than the qualifying agent, their business addresses, residence addresses, and the office held by each in the corporation; and
 6. The identity and license number of all private investigators employed by or affiliated with the company.
- (c) The application shall be subscribed and sworn to by:
1. The owner, if the applicant is a sole proprietorship;
 2. Each partner, if the applicant is a partnership; or
 3. The qualifying agent, if the applicant is a corporation.
- (3) Each applicant for an individual license or owner, partner, or qualifying agent for a company license shall:
- (a) Be at least twenty-one (21) years of age;
 - (b) Be a citizen of the United States or a resident alien;
 - (c) Have a high school education or its equivalent;
 - (d) Not receive a license until the earlier of:
 1. The expiration of ten (10) years from the applicant's release from a sentence imposed by any state or territory of the United States or the federal government for the commission of a felony, including a sentence of confinement or time served on probation, parole, or other form of conditional release or discharge; or
 2. The date the applicant received a restoration of the applicant's civil rights;
 - (e) Not have been convicted of a misdemeanor involving moral turpitude or for which dishonesty is a necessary element within the previous five (5) years;
 - (f) Not have been dishonorably discharged from any branch of the Armed Forces of the United States;
 - (g) Not have had his or her certification as a peace officer revoked in this or another state;
 - (h) Not have been declared by any court of competent jurisdiction to be incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared the applicant to be competent;
 - (i) Not have been voluntarily or involuntarily committed to a facility or outpatient program for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances within the three (3) year period immediately preceding the date on which the application is submitted;
 - (j) Not chronically and habitually use alcoholic beverages as evidenced by:
 1. The applicant having two (2) or more convictions for violating KRS 189A.010 within the three (3) year period immediately preceding the date on which the application is submitted; or

2. The applicant having been committed as an alcoholic pursuant to KRS Chapter 222, or similar laws of any other state, within the three (3) year period immediately preceding the date on which the application is submitted;
- (k) Not chronically and habitually use alcoholic beverages or drugs to the extent that his or her normal faculties are impaired;
- (l) Be of good moral character;
- (m) Pass an examination administered by the board in accordance with KRS 329A.025(2)(c); and
- (n) Submit proof of coverage which meets the following requirements:
 1. Is written by an insurance company which is lawfully engaged to provide insurance coverage in Kentucky;
 2. Provides for a combined single-limit policy in the amount of at least two hundred fifty thousand dollars (\$250,000); and
 3. Insures for liability all of the applicant's employees while acting in the course of their employment.

Private investigators who limit their practice exclusively to working under the supervision and as employees of an attorney who is licensed to practice law in this state are exempted from the requirement of this paragraph.

- (4) The board shall maintain the confidentiality of information relating to the licensee or applicant, except that the board may provide this information to local, state, or federal law enforcement agencies.
- (5) Upon inquiry by any individual or entity, the board or the board's administrative staff shall provide or confirm the license status of any private investigator or private investigating company.

Effective: April 21, 2004

History: Amended 2004 Ky. Acts ch. 186, sec. 3, effective April 21, 2004. -- Created 2002 Ky. Acts ch. 269, sec. 6, effective July 15, 2002.