

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Private Investigation Board

Rule No.: 741-X-2

Rule Title: **Definitions**

X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? _____ Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? _____ Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? _____ No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? _____ No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? _____ No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? _____ Yes

Does the proposed rule have an economic impact? _____ No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager

Date: November 18, 2013

(DATE FILED)
(STAMP)

APA-2
11/96

Alabama Private Investigation Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Private Investigation Board

RULE NO. & TITLE:

741-X-2, Definitions

INTENDED ACTION:

To establish Rules & Regulations

SUBSTANCE OF PROPOSED ACTION:

The Alabama Private Investigation Board proposes to establish an Administrative Code or Rules and regulations under which to operate. Specifically, these are to establish initial Rules and Regulations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


Written comments, views, or arguments will be received by the Alabama Private Investigation Board thru 9:00 am. on December 31, 2013. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241206, Montgomery, AL 36124, or via fax at 334-274-0684.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

December 31, 2013

CONTACT PERSON AT AGENCY:

Paula McCaleb, Executive Director
334.215.0693



Brandy L. Isenhour, Operations Manager

CHAPTER 741-X-2
Definitions

- (1) Board – The Alabama Private Investigation Board.
- (2) AAPI – The Alabama Association for Private Investigators.
- (3) Applicant – any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Biennial – every two (2) years.
- (5) Felony – A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.
- (6) Licensed Private Investigator (LPI) – a person licensed by the Board to provide private investigation services.
- (7) Private Investigation – The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:
 - a) A crime committed or threatened against the United States or any state or territory of the United States.
 - b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person.
 - c) The location, disposition, or recovery of lost or stolen property.
 - d) The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.
- (8) Private Investigator – A person who is engaged in private investigation as defined herein and who is licensed in accordance with this act.
 - a) A person who, for compensation, performs one or more of the private investigation services defined and regulated by this act.
 - b) A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the Board, that would otherwise be included in the definition of private investigation.

Author: The Alabama Private Investigation Board
Statutory Authority: Act #2013-306, SB 172 of the 2013 Regular Session
Date: January 7, 2014