

SECOND REGULAR SESSION

HOUSE BILL NO. 1779

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSKINS (121) (Sponsor), WILSON (130), NOLTE, FUNDERBURK, SCHAD, WELLS, RUESTMAN, DOUGHERTY, ALLEN, McNARY, BIVINS, SCHARNHORST, STEVENSON, ZERR, TRACY, JONES (89), HODGES, SCHOEMEHL, FISHER (125), SATER AND SCHIEFFER (Co-sponsors).

4326L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session and section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session and to enact in lieu thereof one new section relating to the business of private investigation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, and section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session are repealed and one new section enacted in lieu thereof, to be known as section 324.1106, to read as follows:

324.1106. The following persons shall not be deemed to be engaging in the private investigator business:

(1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 (2) Any officer or employee of the United States, or of this state or a political subdivision
6 thereof while engaged in the performance of the officer's or employee's official duties;

7 (3) Any employee, agent, or independent contractor employed by any government
8 agency, division, or department of the state whose work relationship is established by a written
9 contract while working within the scope of employment established under such contract;

10 (4) An attorney performing duties as an attorney, or an attorney's paralegal or employee
11 retained by such attorney assisting in the performance of such duties or investigation on behalf
12 of such attorney;

13 (5) **A certified public accountant, performing duties as a certified public**
14 **accountant, who holds an active license issued by any state and the employees of such**
15 **certified public accountant or firm assisting in the performance of duties or investigation**
16 **on behalf of such certified public accountant or firm;**

17 (6) A collection agency or an employee thereof while acting within the scope of
18 employment, while making an investigation incidental to the business of the agency, including
19 an investigation of the location of a debtor or a debtor's property where the contract with an
20 assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or
21 the equivalent thereof;

22 [(6)] (7) Insurers and insurance producers licensed by the state, performing duties in
23 connection with insurance transacted by them;

24 [(7)] (8) Any bank subject to the jurisdiction of the director of the division of finance of
25 the state of Missouri or the comptroller of currency of the United States;

26 [(8)] (9) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an
27 "insurance adjuster" means any person who receives any consideration, either directly or
28 indirectly, for adjusting in the disposal of any claim under or in connection with a policy of
29 insurance or engaging in soliciting insurance adjustment business;

30 [(9)] (10) Any private fire investigator whose primary purpose of employment is the
31 determination of the origin, nature, cause, or calculation of losses relevant to a fire;

32 [(10)] (11) Employees of a not-for-profit organization or its affiliate or subsidiary,
33 whether for-profit or not-for-profit, whose investigatory activities are limited to making and
34 processing requests for criminal history records and other background information from state,
35 federal, or local databases, including requests for employee background check information under
36 section 660.317, RSMo;

37 [(11)] (12) Any real estate broker, real estate salesperson, or real estate appraiser acting
38 within the scope of his or her license;

39 [(12)] (13) Expert witnesses who have been certified or accredited by a national or state
40 association associated with the expert's scope of expertise;

41 [(13)] (14) Any person who does not hold themselves out to the public as a private
42 investigator but is under contract with a state agency or political subdivision;

43 [(14)] (15) Any person performing duties or conducting investigations relating to serving
44 legal process when such person's investigation is incidental to the serving of legal process; or

45 [(15)] (16) A consumer reporting agency is defined in 15 U.S.C. Section 1681(a) and its
46 contract and salaried employees.

 [324.1106. The following persons shall not be deemed to be engaging in
2 the private investigator business:

3 (1) A person employed exclusively and regularly by one employer in
4 connection only with the affairs of such employer and where there exists an
5 employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a
7 political subdivision thereof while engaged in the performance of the officer's or
8 employee's official duties;

9 (3) Any employee, agent, or independent contractor employed by any
10 government agency, division, or department of the state whose work relationship
11 is established by a written contract while working within the scope of
12 employment established under such contract;

13 (4) An attorney performing duties as an attorney, or an attorney's
14 paralegal or employee retained by such attorney assisting in the performance of
15 such duties or investigation on behalf of such attorney;

16 (5) A collection agency or an employee thereof while acting within the
17 scope of employment, while making an investigation incidental to the business
18 of the agency, including an investigation of the location of a debtor or a debtor's
19 property where the contract with an assignor creditor is for the collection of
20 claims owed or due, or asserted to be owed or due, or the equivalent thereof;

21 (6) Insurers and insurance producers licensed by the state, performing
22 duties in connection with insurance transacted by them;

23 (7) Any bank subject to the jurisdiction of the director of the division of
24 finance of the state of Missouri or the comptroller of currency of the United
25 States;

26 (8) An insurance adjuster. For the purposes of sections 324.1100 to
27 324.1148, an "insurance adjuster" means any person who receives any
28 consideration, either directly or indirectly, for adjusting in the disposal of any
29 claim under or in connection with a policy of insurance or engaging in soliciting
30 insurance adjustment business;

31 (9) Any private fire investigator whose primary purpose of employment
32 is the determination of the origin, nature, cause, or calculation of losses relevant
33 to a fire;

34 (10) Employees of a not-for-profit organization or its affiliate or
35 subsidiary who makes and processes requests on behalf of health care providers

36 and facilities for employee criminal and other background information under
37 section 660.317, RSMo;

38 (11) Any real estate broker, real estate salesperson, or real estate
39 appraiser acting within the scope of his or her license;

40 (12) Expert witnesses who have been certified or accredited by a national
41 or state association associated with the expert's scope of expertise;

42 (13) Any person who does not hold themselves out to the public as a
43 private investigator but is under contract with a state agency or political
44 subdivision; or

45 (14) Any person performing duties or conducting investigations relating
46 to serving legal process when such person's investigation is incidental to the
47 serving of legal process;

48 (15) A consumer reporting agency as defined in 15 U.S.C. Section
49 1681(a) and its contract and salaried employees.]

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