



KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

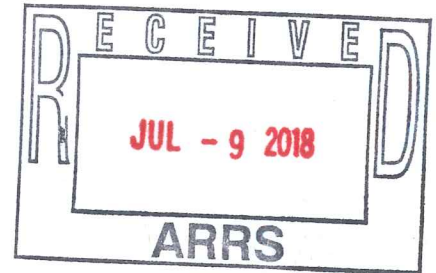
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K. Gail Russell
Acting Secretary

July 09, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601



Re: **201 KAR 41:100**, Verification of limited employees

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 41:100, the Board of Licensure for Private Investigators proposes the attached amendment to 201 KAR 41:100.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Quincy Ward".

R. Quincy Ward, Board Counsel
Board of Licensure for
Private Investigators



An Equal Opportunity Employer M/F/D

7/2/2018

SUGGESTED SUBSTITUTE

**PUBLIC PROTECTION CABINET
Department of Professional Licensing
Kentucky Board of Licensure for Private Investigators**

201 KAR 41:100. Verification of limited~~[240-hour]~~ employees.

RELATES TO: KRS 329A.025, ~~[KRS]~~ 329A.070

STATUTORY AUTHORITY: KRS 329A.025(2), 329A.070~~(9)~~~~(a)~~

NECESSITY, FUNCTION AND CONFORMITY: KRS 329A.025(2) and 329A.070(9) ~~require~~~~[32A9.070-states]~~ the board~~[shall]~~ to establish a fee and a method of verification of the number of hours worked by a limited~~[an]~~ employee who works~~[working]~~ under the direction of a~~[the]~~ private investigator or private investigating firm licensed by the board~~[works, to ensure the employee does not exceed 240 hours of work per year]~~. This administrative regulation establishes a fee and method~~[process]~~ for this verification.

Section 1. **Definitions**~~[Definition]~~. (1) "Limited employee" means a person who engages in ~~["]~~private investigating~~["]~~ for a licensed private investigator or licensed private investigating firm ~~[as defined by KRS 329A.010(4)]~~ for less than 240 hours per year~~[pursuant to the limitation authorized by KRS 309.070(9)]~~.

(2) "Private investigating" is defined by KRS 329A.010(4).

Section 2. Registration of Limited Employees. (1) Within five (5) business days of hiring, a licensee of the board~~[A private investigator or private investigator firm]~~ shall file with the board a Limited Employee Registration form ~~for~~~~[listing provide the name and address of]~~ each **limited** employee who works for that licensee~~[private investigator or private investigator firm]~~ under the~~[licensure]~~ exemption in~~[of]~~ KRS 329A.070(9). The Limited Employee Registration form shall be~~[The licensee shall file with the board an Employee Registration form]~~ accompanied by payment of a twenty (20) dollar fee per~~[for each]~~ **limited** employee registered.

(2) The board shall assign~~[employee shall be assigned]~~ the limited employee a tracking number~~[by the board]~~ that the licensee shall use on all reporting forms.

(3) A licensee shall file a Limited Employee Registration form with the Board to update a limited~~[an]~~ employee's information, if changed, or upon termination of employment.

(4)(a) Each licensee shall maintain a daily log listing the dates and hours worked for each limited employee~~[. The daily log shall include the dates and hours worked by the employee]~~.

(b) Within five (5) business days of the board's request~~[Upon a request by the board]~~, the licensee shall provide the daily log to the board~~[within five (5) business days of the date the log is requested]~~.

(5)~~(4)~~ A~~[an]~~ limited employee may~~[perform]~~ work for more than one (1) licensee during a one (1) year period. Each licensee employing that person shall comply with the

~~requirements of this administrative regulation[provide the required information to the board].~~

Section 3. ~~Annual[Quarterly] Reports.~~~~[(1) Between December 1st and December 31st each year, the licensee shall submit to the board an Annual **Limited** Employee Report listing each registered **limited** employee and the number of hours each **limited** employee worked during that year[file a Quarterly Report with the board for each employee working under the licensee, even if no hours were worked during the reporting quarter.~~

~~(2)(a) The report shall be completed for the following quarterly dates:~~

- ~~1. March 31;~~
- ~~2. June 30;~~
- ~~3. September 30; and~~
- ~~4. December 31st.~~

~~(b) The report shall be submitted to the board by the last day of the month following the quarter's ending date.~~

~~(3) The reports shall be subject to review by the board].~~

Section 4. ~~[Notification of Maximum Hours. (1) If an employee reaches the maximum 240 hours of work with a licensee prior to the end of the year, that licensee shall notify the board that the employee is ineligible to work for that licensee under the KRS 329A.070(9) exception for the remainder of the year.~~

~~(2) If an employee reaches the maximum 240 hours with that licensee before the quarter expires, the licensee shall notify the board within five (5) business days and cause the employee to immediately cease working in that capacity.~~

Section 5. ~~] Registration Renewal. (1) **Limited** employee registration[The notification of an employee working pursuant to this administrative regulation] shall ~~expire[be valid for] one (1) year from the date of issuance. To renew, a licensee shall submit a **Limited[an] Employee Registration** form listing each registered **limited** employee to be renewed and payment of the twenty (20) dollar fee per **limited** employee registered[A renewal application shall be received by the board] no later than forty-five (45) days prior to the expiration date[before the one (1)-year time period expires].~~~~

~~(2) Failure to timely submit **the** fee payment or the **Limited** Employee Registration form **shall** automatically **suspend[suspends]** the **limited** employee's licensure exemption under KRS 329A.070(9) until **the board receives and processes the [such time as both]** payment and **[a]** completed **Limited** Employee Registration form **[are received and processed by the board]**[An employee's ability to work shall be renewed upon:~~

- ~~(a) The licensee's payment of the twenty (20) dollar renewal fee; and~~
- ~~(b) Submission of a completed Employee Registration form].~~

Section 5 ~~[6]. Incorporation by Reference. (1) The following material is incorporated by reference:~~

- ~~(a) "**Limited** Employee Registration", 5/2018~~[edition]~~[KPI 08, 01/2011 edition]; and~~
- ~~(b) "**Annual Limited Employee**[Quarterly] Report", 5/2018~~[edition]~~[KPI 09, 1/2011 edition].~~

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BILLY RAY COURSEY, Chair

APPROVED BY AGENCY: May 9, 2018

FILED WITH LRC: May 11, 2018 at 10 a.m.

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