

### **329A.025 Duties and powers of board.**

- (1) The board shall administer and enforce the provisions of KRS 329A.010 to 329A.090 and shall evaluate the qualifications of applicants for licensure and issue licenses.
- (2) The board shall:
  - (a) Implement the provisions of KRS 329A.010 to 329A.090 through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A;
  - (b) Promulgate administrative regulations to establish fees which shall not exceed the amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of KRS 329A.010 to 329A.090;
  - (c) Promulgate by administrative regulation an examination to be administered at least twice annually to license applicants. The examination shall be designed to measure knowledge and competence in private investigating, including but not limited to the following subject areas:
    1. Federal and state constitutional principles;
    2. Court decisions related to activities which could result in liability for the invasion of privacy or other activities;
    3. Eavesdropping and related offenses, assault and related offenses, search and seizure laws, and laws regarding unlawful access to a computer;
    4. General weapons use and concealed weapons laws;
    5. Additional state criminal laws and related procedures that are relevant to the practice of private investigating; and
    6. Additional subject areas as determined by the board; and
  - (d) Promulgate by administrative regulation a code of professional practice and conduct that shall be based upon generally recognized principles of professional ethical conduct and be binding upon all licensees.
- (3) The board may:
  - (a) Contract with the Department of Professional Licensing within the Public Protection Cabinet for the provision of administrative services;
  - (b) Employ any persons it deems necessary to carry on the work of the board. The board may define their duties and fix their compensation;
  - (c) Develop or sponsor at least six (6) hours of continuing professional education annually;
  - (d) Approve and certify a forty (40) hour training class covering the subject areas of the licensing examination;
  - (e) Renew licenses and require continuing professional education as a condition for renewal;
  - (f) Waive the examination requirement for any applicant licensed in a reciprocal state as prescribed in subsection (3)(m) of this section, who is licensed in good standing in that state and meets all of the other requirements of KRS 329A.035;

- (g) Suspend or revoke licenses, impose supervisory or probationary conditions upon licensees, impose administrative disciplinary fines, or issue written admonishments or reprimands, or any combination thereof;
- (h) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of KRS 329A.010 to 329A.090;
- (i) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes necessary to carry out the board's functions;
- (j) Organize itself into two (2) panels to separate the functions of inquiry and hearings. Each panel shall have the power to act as either an inquiry or hearing panel. No member serving on the inquiry panel shall serve on the hearing panel for any one (1) particular case. Any final decision of the hearing panel shall be considered as the final decision of the board and the hearing panel may exercise all powers granted to the board pursuant to KRS Chapter 13B;
- (k) Utilize mediation as a technique to resolve disciplinary matters;
- (l) Seek injunctive relief in the Circuit Court of the county where the alleged unlawful practice occurred to stop the unlawful practice of private investigating by unlicensed persons or companies; and
- (m) Negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed investigation companies and private investigators who meet or exceed the qualifications established in KRS 329A.010 to 329A.090 to operate across state lines under mutually acceptable terms.

**Effective:** April 11, 2017

**History:** Amended 2017 Ky. Acts ch. 178, sec. 31, effective April 11, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 1694, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 51, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 186, sec. 2, effective April 21, 2004. -- Created 2002 Ky. Acts ch. 269, sec. 4, effective July 15, 2002.

**Legislative Research Commission Note** (4/21/2004). 2004 Ky. Acts ch. 186, sec. 12, reads as follows: "Any person licensed in accordance with Section 2 of this Act [KRS 329A.025] shall have his or her renewal fee under KRS 329A.045 decreased in an amount that reflects the difference between the initial fee paid to the board and the fee established in Section 4 of this Act [KRS 329A.040], if the initial fee paid by the licensee was in excess of the fee established in Section 4 of this Act [KRS 329A.040]. This decrease in the renewal fee shall be limited to the first renewal of such a licensee made after the effective date of this Act." The effective date of sec. 12 is April 21, 2004.