

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 741

Department or Agency: Alabama Private Investigation Board

Rule No.: 741-X-2-.01

Rule Title: Definitions

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....

Does the proposed rule have an economic impact? Yes

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 Services Agency.

Signature of certifying officer

*Claire H. Austin*

Claire Hannah Austin

Date

Tuesday, November 7, 2023

REC'D & FILED

NOV 8, 2023

LEGISLATIVE SVC AGENCY

ALABAMA PRIVATE INVESTIGATION BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Private Investigation Board

RULE NO. & TITLE: 741-X-2-.01 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to include apprentices and agencies in the industry expanding the industry and to include more people to work in the industry

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written Comments will be received by the Board until 4:00 pm on Friday, January 4, 2024. Comments should be directed to Claire H. Austin, Executive Director, 60 Commerce Street - Suite 1440, Montgomery, AL 36104, or via electronic email at theaustingroupapib@gmail.com or via telephone at 334-801-9575

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, January 4, 2024

CONTACT PERSON AT AGENCY:

Claire H. Austin  
Executive Director  
60 Commerce Street - Suite 1440  
Montgomery, AL 36104  
334-801-9575

*Claire H. Austin*

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Claire Hannah Austin

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**741-X-2-.01**

**Definitions.**

- (1) Board - The Alabama Private Investigation Board.
- (2) APIA - The Alabama Private Investigators Association.
- (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 a private investigation. The term does not include an informant who, on a one-time or limited basis, as a result of~~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.

(9) Private Investigation Agency - A corporation, firm, partnership, or other business entity that for compensation, practices private investigation in this state and employs licensed investigators. The term includes an entity that practices private investigations through licensed private investigators who are solely independent contractors rather than employees. 34-25-B-4

(10) Private Investigator Apprentice - An individual who is engaged in the private investigation under the supervision of a licensed private investigator and who is licensed in accordance with this article 34-25B-6

**Author:** The Alabama Private Investigation Board

**Statutory Authority:** Code of Ala. 1975 - 34-25B-4 and 34-25B-6

**History:** Amended Rule filed November 17, 2023, effective January 4, 2024

**Author:** The Alabama Private Investigation Board

**Statutory Authority:** Code of Ala. 1975, §§34-25B-1 through 34-25B-29.

**History:** **New Rule:** Filed March 7, 2014; effective April 11, 2014.

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**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No: 741

Department or Agency: Alabama Private Investigation Board

Rule No: 741-X-2-.01

Rule Title: Definitions

Intended Action: Amend

           This rule has no economic impact.

Yes This rule has an economic impact, as explained below:

**1. NEED/EXPECTED BENEFIT OF RULE:**

To increase the ability of younger persons to engage in the field of private investigation, and to encourage agencies to hire these apprentices to gain work experience in the field.

**2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

This will increase the number of people working in the industry particularly younger people, and the military.

**3. EFFECT OF THIS RULE ON COMPETITION:**

None

**4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Minimal impact if any, should be a net positive.

**5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

The State of Alabama

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

This will be a nominal cost from license fees, and it will be revenue-positive to the Board.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

This creates an entirely new field for younger people and the military. These fees are very minimal and lower cost than most boards in the state and surrounding areas.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

There should be no burdens, and the benefits far outweigh any minimum cost associated with the impact of the new jobs it will create in the industry long term.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

None

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

N/A

Signature of certifying officer

Claire H. Austin

Claire Hannah Austin

Date

Tuesday, November 7, 2023