

TITLE 862

PRIVATE DETECTIVES LICENSING BOARD

Art. 1. PRIVATE DETECTIVES

ARTICLE 1. PRIVATE DETECTIVES

Rule 1. General Provisions

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862 IAC 1-1-1 Definitions

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-2

Sec. 1. All terms defined in the Detective License Law (IC 25-30) shall have the same meaning when used in this title. (*Private Detectives Licensing Board; Private Detective License Law Rule I; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 879; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) *NOTE: Transferred from State Police Department (240 IAC 4.1-1-1) to Private Detectives Licensing Board (862 IAC 1-1-1) by P.L.234-1989, SECTION 25, effective July 1, 1989.*

862 IAC 1-1-2 Forms

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-7; IC 25-30-1-10

Sec. 2. (a) All applications for a license as a private detective shall be submitted on a form as prescribed by the board.

(b) The identification card, furnished to each employee of a licensee, except office employees, under IC 25-30-1-10(d) shall be surrendered by the employee to the licensee upon termination of employment or termination of license for any reason. The licensee shall forward such card to the board for cancellation within five (5) days of its surrender. (*Private Detectives Licensing Board; Private Detective License Law Rule II; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 879; errata filed Jan 11, 1995, 3:45 p.m.: 18 IR 1481; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) *NOTE: Transferred from State Police Department (240*

IAC 4.1-1-2) to Private Detectives Licensing Board (862 IAC 1-1-2) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-3 Experience requirement

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 3. (a) This section establishes the experience requirements under IC 25-30-1-8(a)(3) for a private detective license. All individual applicants, at least one (1) individual of a partnership applicant, and at least one (1) officer of a corporate applicant, must meet the requirements in this section.

(b) The experience requirements shall be two (2) years of experience as verified by four thousand (4,000) hours of employment in any of the following areas or combination of areas:

- (1) In private detective work having been issued an identification card as an employee under a licensee.
- (2) As an investigator for the United States Department of Justice or for the United States Department of the Treasury.
- (3) As a criminal investigator with the Armed Forces of the United States.
- (4) As a sheriff's investigator.
- (5) As a railroad detective.
- (6) As a claims investigator for an insurance company.
- (7) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.
- (8) As a police officer for any federal, state, or local unit of government.

(*Private Detectives Licensing Board; Private Detective License Law Rule III; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 880; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) *NOTE: Transferred from State Police Department (240 IAC 4.1-1-3) to Private Detectives Licensing Board (862 IAC 1-1-3) by P.L.234-1989, SECTION 25, effective July 1, 1989.*

862 IAC 1-1-4 Violation of private detective license law; effect on application

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 4. The board may not consider an application for a private detective license if the applicant or an officer or partner of the applicant under IC 25-30-1-8(b), has acted as a private detective agency in violation of the private detective license law or this title within a period of two

(2) years prior to the date of the applicant's application nor shall any such time be considered in determining required experience under section 3 of this rule. (*Private Detectives Licensing Board; Private Detective License Law Rule V; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 880; errata filed Jan 11, 1995, 3:45 p.m.: 18 IR 1481; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) NOTE: Transferred from State Police Department (240 IAC 4.1-1-5) to Private Detectives Licensing Board (862 IAC 1-1-4) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-5 Employee identification card

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-11

Sec. 5. Before any employee of a licensee, except office employees, may perform any duty on behalf of a licensee, or engage in any manner in the conduct of the business of the licensee in Indiana, the employee must be in receipt of an identification card issued by the board. (*Private Detectives Licensing Board; Private Detective License Law Rule VI; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) NOTE: Transferred from State Police Department (240 IAC 4.1-1-6) to Private Detectives Licensing Board (862 IAC 1-1-5) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-6 Advertising

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-13; IC 35-43-4-3; IC 35-43-5-3

Sec. 6. (a) Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, and license number of the licensee as they appear in the records of the board. Such advertising shall include, but is not limited to, the following:

- (1) Business cards.
- (2) Identification cards.
- (3) Letterhead.
- (4) Invoices.
- (5) Other forms that may be used to advertise the licensee's business.

(b) No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any inference that the licensee or any such person is connected with or in any manner represents any local, state, or federal law enforcement agency.

(c) This section shall not be construed to prevent the proper use of the forms and cards authorized by the

private detective license law and this article or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and intent of IC 35-43-4-3 and IC 35-43-5-3. (*Private Detectives Licensing Board; Private Detective License Law Rule VII; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237; filed May 27, 2003, 11:05 a.m.: 26 IR 3341*) NOTE: Transferred from State Police Department (240 IAC 4.1-1-7) to Private Detectives Licensing Board (862 IAC 1-1-6) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-7 Nonresident applicants

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-14

Sec. 7. (a) All persons who are licensed to conduct private detective business in any state other than Indiana, who apply for an Indiana private detective license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30 or this title, the following:

(1) A photostatic copy of the current private detective license from each state other than Indiana in which such applicant is licensed to conduct private detective business.

(2) A letter from the licensing authority for private detectives in each state in which licensed to conduct private detective business stating that such applicant is in good standing in that state or in those states.

(b) An out-of-state licensee must have a resident licensee as required by IC 25-30-1-14.

(c) The obligation of the resident licensee under IC 25-30-1-14(c) shall be completed within five (5) business days of the termination of the resident licensee's relationship with the out-of-state licensee.

(d) An out-of-state licensee must obtain a new resident licensee within sixty (60) days of the termination of the relationship with the previous resident licensee, and the new resident licensee must comply with IC 25-30-1-14(b)(2). (*Private Detectives Licensing Board; Private Detective License Law Rule VIII; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) NOTE: Transferred from State Police Department (240 IAC 4.1-1-8) to Private Detectives Licensing Board (862 IAC 1-1-7) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-8 Payment of license fee (Repealed)

Sec. 8. (*Repealed by Private Detectives Licensing Board; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881*)

862 IAC 1-1-9 Names of licensees; limitations (Repealed)

Sec. 9. *(Repealed by Private Detectives Licensing Board; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881)*

862 IAC 1-1-10 Four year degree required

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 10. The provision in IC 25-30-1-8 referring to a degree in criminal justice shall be interpreted to mean a bachelor's degree in criminal justice. *(Private Detectives Licensing Board; 862 IAC 1-1-10; filed Jul 17, 1998, 3:04 p.m.: 21 IR 4536; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237)*

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