

1 Recommended Changes to Revised Code of Washington (RCW) 18.165 Private Investigators
2 Plus changes to RCW 36.22.210 & 46.12.380
3

4 How to read these changes:

5 The ***Bold Italics is and explanation about the changes in that section***

6 In the “[AMEMDED SECTION]” underlined text is new language & strike through text is
7 deleted language.
8

9 In the “[NEW SECTION]” This is all new language or revised language from a totally deleted
10 section. The new section provision is used if portions of law are moved to a new location or
11 when a great number of changes are made in a section and it is appropriate to delete everything
12 and rewrite the whole section.
13

14 ***This RCW amendment strengthens the definition of a Private Investigator Agency. Also moves the***
15 ***definition of fire investigator from the WAC to RCW and creates a definition for polygraph***
16 ***examiner.***
17

18 AMENDED SECTION

19 **RCW 18.165.010**

20 Definitions

21 Unless the context clearly requires otherwise, the definitions in this section apply throughout this
22 chapter.

23 (1) "Armed private investigator" means a private investigator who has a current firearms certificate
24 issued by the commission and is licensed as an armed private investigator under this chapter.

25 (2) "Chief law enforcement officer" means the elected or appointed police administrator of a
26 municipal, county, or state police or sheriff's department that has full law enforcement powers in its
27 jurisdiction.

28 (3) "Commission" means the criminal justice training commission established in chapter 43.101
29 RCW.

30 (4) "Department" means the department of licensing.

31 (5) "Director" means the director of the department of licensing.

32 (6) "Employer" includes any individual, firm, corporation, partnership, association, company,
33 society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the
34 foregoing that employs or seeks to enter into an arrangement to employ any person as a private
35 investigator.

36 (7) "Firearms certificate" means a certificate issued by the commission.

37 (8) "Fire investigator or arson investigator" is anyone who qualifies for certification and has
38 certification by the International Association of Arson Investigators; the National Association of Fire
39 Investigators; or any organization or government body that has a certification program that meets all
40 the requirements of NFPA 1033.

41 (89) "Forensic scientist" or "accident reconstructionist" means a person engaged exclusively in
42 collecting and analyzing physical evidence and data relating to an accident or other matter and
43 compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the
44 accident or matter.

45 (910) "Person" includes any individual, firm, corporation, partnership, association, company,
46 society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of
47 any of the foregoing.

1 (11) "Polygraph Examiner" means a person who is a graduate of a recognized polygraph school and
2 is engaged exclusively in determining truthfulness or deception through the use of a polygraph
3 instrument, which records: thoracic and abdominal respiration; electrodermal activity, and; cardio
4 responses.

5 ~~(4012)~~ "Principal" of a private investigator agency means the owner or manager appointed by a
6 corporation.

7 ~~(4113)~~ "Private investigator" means a person who is licensed under this chapter and is employed by
8 a private investigator agency for the purpose of investigation, escort or body guard services, or
9 property loss prevention activities.

10 ~~(4214)~~ "Private investigator agency" means a person or entity licensed under this chapter ~~and~~
11 ~~engaged in the business of detecting, discovering, or revealing one or more of the following, who, for~~
12 ~~any consideration whatsoever engages in business or accepts employment to furnish or agrees to~~
13 ~~furnish any person, or agrees to make, or makes, any investigation for the purpose of obtaining,~~
14 ~~information with reference to:~~

15 (a) Crime, criminals, or related information;

16 (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge,
17 trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations,
18 transactions, acts, reputation, or character of any person;

19 (c) The location, disposition, or recovery of lost or stolen property.

20 (d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or
21 to property;

22 (e) Securing evidence to be used before a court, board, officer, or investigating committee;

23 (f) Detecting the presence of electronic eavesdropping devices; ~~or~~

24 (g) The truth or falsity of a statement or representation; or

25 ~~(h) Obtaining, and reporting to any employer, its agent, supervisor, or manager, information~~
26 ~~concerning the employer's employees involving questions of integrity, honesty, breach of rules, or~~
27 ~~other standards of performance of job duties.~~

28
29
30 ~~(4315)~~ "Qualifying agent" means an officer or manager of a corporation who meets the
31 requirements set forth in this chapter for obtaining a private investigator agency license.

32
33 (4416) "Sworn peace officer" means a person who is an employee of the federal government, the
34 state, or a political subdivision, agency, or department branch of a municipality or other unit of local
35 government, and has law enforcement powers.

36
37 *This RCW amendment tightens up the exemptions section of the law.*

38
39 AMENDED SECTION

40 **RCW 18.165.020**

41 Exemptions.

42 The requirements of this chapter do not apply to:

43
44 (1) A person who is employed exclusively ~~or regularly~~ by one employer and performs
45 investigations solely in connection with the affairs of that employer and where there exists an
46 employer-employee relationship, provided if the employer is not a private investigator agency;

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

3
4 (3) A person engaged exclusively in the business of obtaining and furnishing information about the
5 financial rating of persons;

6
7 (4) An attorney at law while performing the attorney's duties as an attorney;

8
9 (5) A licensed collection agency or its employee, while acting within the scope of that person's
10 employment and making an investigation incidental to the business of the agency;

11
12 (6) Insurers, agents, and insurance brokers licensed by the state, while performing duties in
13 connection with insurance transacted by them;

14
15 (7) A bank subject to the jurisdiction of the department of financial institutions or the comptroller of
16 currency of the United States, or a savings and loan association subject to the jurisdiction of this state
17 or the federal home loan bank board;

18
19 (8) A licensed insurance adjuster performing the adjuster's duties within the scope of the adjuster's
20 license;

21
22 (9) A secured creditor engaged in the repossession of the creditor's collateral, or a lessor engaged in
23 the repossession of leased property in which it claims an interest;

24
25 (10) A person who is providing services as a forensic scientist, accident reconstructionist, or
26 ~~polygraph examiner~~ ~~other person who performs similar functions and does not hold himself or herself~~
27 ~~out to be an investigator in any other capacity;~~ or

28
29 (11) A person solely engaged in the business of securing information about persons or property
30 solely from public records.

31
32 ***This RCW amendment would require all agency principals to be 21 years of age and pass an***
33 ***examination and remove the exception for applicant with three years of qualifying experience to***
34 ***avoid taking the agency principal test.***

35
36 AMENDED SECTION

37 **RCW 18.165.050**

38 **Private investigator agency license -- Requirements, restrictions -- Assignment or transfer.**

39 (1) In addition to meeting the minimum requirements to obtain a license as a private investigator, an
40 applicant, or, in the case of a partnership or limited partnership, each partner, or, in the case of a
41 corporation, the qualifying agent initially licensed after July 1, 2007 must meet the following
42 additional requirements to obtain a private investigator agency license:

43
44 (a) Pass an examination determined by the director to measure the person's knowledge and
45 competence in the private investigator agency business; ~~or~~ and

46
47 (b) Have had at least three years' experience in investigative work or its equivalent as determined by
48 the director. A year's experience means not less than two thousand hours of actual compensated work

1 performed before the filing of an application. An applicant shall substantiate the experience by written
2 certifications from previous employers. If the applicant is unable to supply written certifications from
3 previous employers, applicants may offer written certifications from professional persons other than
4 employers who, based on personal professional knowledge, can substantiate the employment ; and
5

6 (c) Be 21 years of age or older.
7

8 (2) An agency license issued pursuant to this section may not be ~~assigned~~ sold or transferred,
9 ~~without prior written approval of the director.~~
10

11 (3) No license to own or operate a private investigator company may be issued to an applicant if the
12 name of the company portrays the company as a public law enforcement agency, or in association with
13 a public law enforcement agency, or includes the word "police."
14

15 (4) Each licensed agency must have a physical address in the state of Washington where records
16 required by this section are kept. The physical address must be on file with Department of Licensing
17 but the mailing address can appear on the license.
18

19 ***This RCW amendment will require DOL to have a federal criminal history check completed on all***
20 ***PI applicants.***
21

22 AMENDED SECTION
23

24 **RCW 18.165.070**

25 **Investigation of applicants.**

26 (1) Applications for licenses required under this chapter shall be filed with the director on a form
27 provided by the director. The director may require any information and documentation that reasonably
28 relates to the need to determine whether the applicant meets the criteria.
29

30 (2) After receipt of an application for a license, the director shall conduct an investigation to determine
31 whether the facts set forth in the application are true and shall request that the Washington state patrol
32 compare the fingerprints submitted with the application to fingerprint records available to the
33 Washington state patrol. The Washington state patrol shall forward the fingerprints of applicants ~~for an~~
34 ~~armed private investigator license~~ to the federal bureau of investigation for a national criminal history
35 records check. The director may require that fingerprint cards of licensees be periodically reprocessed
36 to identify criminal convictions subsequent to registration.
37

38 ~~(3) The director shall solicit comments from the chief law enforcement officer of the county and city or~~
39 ~~town in which the applicant's employer is located on issuance of a permanent private investigator~~
40 ~~license.~~
41

42 ~~(4)~~ (3) A summary of the information acquired under this section, to the extent that it is public
43 information, may be forwarded by the department to the applicant's employer.
44

1 *This RCW addition would allow a mailing address to appear on a Private Investigators card*
2 *provided the physical address is on file with DOL.*

3
4 AMENDED SECTION

5
6 **RCW 18.165.080**

7 License cards and certificates -- Issuance and requirements.

8 (1) The director shall issue a private investigator license card to each licensed private investigator and
9 an armed private investigator license card to each armed private investigator. The card may show a
10 mailing address provided a physical address is on file with the Department.

11
12 (a) The license card may not be used as security clearance.

13
14 (b) A private investigator shall carry the license card whenever he or she is performing the duties of
15 a private investigator and shall exhibit the card upon request.

16
17 (c) An armed private investigator shall carry the license card whenever he or she is performing the
18 duties of an armed private investigator and shall exhibit the card upon request.

19
20 (2) The director shall issue a license certificate to each licensed private investigator agency.

21
22 (a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and
23 display the certificate in a conspicuous place in the principal office of the licensee within the state.

24
25 (b) It is unlawful for any person holding a license certificate to knowingly and willfully post the
26 license certificate upon premises other than those described in the license certificate or to materially
27 alter a license certificate.

28
29 (c) Every advertisement by a licensee that solicits or advertises business shall contain the name of
30 the licensee, the address of record, and the license number as they appear in the records of the director.

31
32 (d) The licensee shall notify the director within thirty days of any change in the licensee's officers or
33 directors or any material change in the information furnished or required to be furnished to the
34 director.

35
36
37
38 *This RCW addition would allow a Private investigator agency to provide a Temporary Registration*
39 *Card to new hires while their application for a license is being processed by DOL. It now takes six*
40 *to eight weeks to get a license application processed by DOL. The Temporary Registration Card*
41 *would allow a new hire to work as a PI for up to 60 days while their licensed application is being*
42 *processed by DOL.*

43
44 NEW SECTION

45 **RCW 18.165.085**

46 **Temporary registration cards -- Requirements -- Expiration -- Suspension.**

47 (1) A licensed private investigator agency may issue an employee a temporary registration card of
48 the type and form provided by the director, provided that:

1 (a) The Private Investigative Agency has conducted a background check under RCW 43.43.834
2 through the Washington State Patrol and believes the employee has not been convicted of a crime in
3 any jurisdiction as a juvenile or adult and;

4 (b) The employee has completed pre-assignment training and;

5 (c) The employee has submitted a full and complete application for a private investigator license to
6 the department. The application must list the temporary card number issued and;

7 (d) The private investigator agency keeps a log of all temporary cards issued, to whom they were
8 issued, and the date they were issued.

9 (2) The temporary registration card is valid for a maximum period of sixty days and does not
10 authorize a person to carry firearms during the performance of his or her duties as a private
11 investigator. The temporary registration card permits the applicant to perform the duties of a private
12 investigator only for the issuing private investigator agency.

13
14 (3) Upon expiration of a temporary registration card or upon the receipt of a permanent registration
15 card or notification from the department that a permanent license is being withheld from an applicant,
16 the applicant shall surrender his or her temporary registration card to the private investigator agency.

17
18 (4) The director may suspend the authority to use temporary registration cards for any private
19 investigator agency that fails to comply with the provisions of this section. After the suspension period,
20 the director may reinstate the agency's use of temporary registration cards upon receipt of a written
21 request from the company.

22
23 *This RCW addition will establish a Continuing Education Requirement for all Private Investigators*

24
25 NEW SECTION

26 **RCW 18.165.086 Continuing education requirements** -- Continuing education activities shall be
27 required as a condition of renewal of private investigator license, agency license and preassignment
28 training trainer certification.

29
30 *This RCW amendment requires all private investigators initially licensed after July 1, 2007 to*
31 *complete preassignment training. Requires the agency principal or certified trainer to report the*
32 *preassignment training to DOL. In a separate section below all agency principals are qualified as*
33 *certified trainers.*

34
35 *WALI feels it is very important that all new investigators be required to have preassignment training*
36 *regardless of their past law enforcement experience.*

37
38
39 **RCW 18.165.090**

40 **Preassignment training and testing.**

41
42 (1) The director shall adopt rules establishing preassignment training and testing requirements. The
43 director may establish, by rule, continuing education requirements for private investigators.

44
45 AMENDED SECTION

46
47 ~~(2) The director shall consult with the private investigator industry and law enforcement before~~
48 ~~adopting or amending the preassignment training or continuing education requirements of this section.~~

1 All private investigators and agency principals initially licensed after July 1, 2007, must complete pre-
2 assignment training. A department certified trainer or private investigator agency principal must report
3 the preassignment training to the department.

4
5 NEW SECTION

6
7 (3) The director shall require agencies to maintain records regarding the preassignment training hours
8 completed by each employee. All such records are subject to inspection by the department. The
9 training requirements and test results must be recorded and attested to as appropriate by a certified
10 trainer or agency principal.

11
12 NEW SECTION

13
14 (4) The director shall consult with the private investigator industry before adopting or amending the
15 preassignment training or continuing education requirements of this section.

16
17 *This RCW amendment would eliminate the bond option and require a Private Investigator agency to*
18 *have a certificate of insurance.*

19
20 AMENDED SECTION

21 **RCW 18.165.100**

22 Agency license — ~~Surety bond or~~ certificate of insurance required.

23
24 (1) No private investigator agency license may be issued under the provisions of this chapter unless the
25 applicant files with the director a certificate of insurance as evidence that it has comprehensive general
26 liability coverage of at least three hundred thousand dollars for bodily or personal injury and three
27 hundred thousand dollars for property damage. ~~surety bond, executed by a surety company authorized~~
28 ~~to do business in this state, in the sum of ten thousand dollars conditioned to recover against the~~
29 ~~principal and its servants, officers, agents, and employees by reason of its wrongful or illegal acts in~~
30 ~~conducting business licensed under this chapter. The bond shall be made payable to the state of~~
31 ~~Washington, and anyone so injured by the principal or its servants, officers, agents, or employees shall~~
32 ~~have the right and shall be permitted to sue directly upon this obligation in his or her own name. This~~
33 ~~obligation shall be subject to successive suits for recovery until the face amount is completely~~
34 ~~exhausted.~~

35
36 (2) Every licensee must at all times maintain on file with the director the certificate of insurance
37 ~~surety bond~~ required by this section in full force and effect. Upon failure by a licensee to do so, the
38 director shall suspend the licensee's license and shall not reinstate the license until this requirement is
39 met.

40
41 —(3) ~~In lieu of posting bond, a licensed private investigator agency may file with the director a~~
42 ~~certificate of insurance as evidence that it has comprehensive general liability coverage of at least~~
43 ~~twenty five thousand dollars for bodily or personal injury and twenty five thousand dollars for~~
44 ~~property damage.~~

45
46 —(4) ~~The director may approve alternative methods of guaranteeing financial responsibility.~~

1 *This RCW amendment will level the playing field on reciprocity with other states. Reciprocity can*
2 *only be given to PI's from other states if that state provides for reciprocity to Washington PI's.*

3
4 AMENDED SECTION

5 **RCW 18.165.120**

6 ~~Out of state private investigators operating across state lines~~ **Reciprocity.**

7 ~~Private investigators or armed private investigators whose duties require them to operate across state~~
8 ~~lines may operate in this state for up to thirty days per year, if they are properly registered and certified~~
9 ~~in another state with training and certification requirements that the director finds are at least equal to~~
10 ~~the requirements of this state.~~

11 (1) The director may enter into reciprocity agreements with other states authorizing licensed private
12 investigators from other states to come into Washington state to continue an investigation that
13 originated in the state which is the location of the private investigator's principal place of business
14 provided that:

15 (a) Such state makes similar provision to grant reciprocity to a holder of a valid license in this state
16 and;

17 (b) Such state has similar licensing requirements including state and federal criminal history checks.

18 (2) Any private investigator operating in this state under reciprocity provisions of this section shall
19 notify the department in writing upon entering this state for the purpose of continuing an investigation
20 and shall be subject to all provisions of this chapter.

21 (3) Each notification shall be good for 30 days unless otherwise agreed to in the reciprocity agreement.

22 (4) No more than 3 notifications are allowed per year unless otherwise agreed to in the reciprocity
23 agreement.

24 (5) A licensee operating in this state under the reciprocity provisions of this section shall notify the
25 department within thirty days if the license or certificate issued in the other jurisdiction has lapsed or if
26 the status of the license or certificate issued in the other jurisdiction becomes otherwise invalid.

27 (6) A person from another state while continuing an investigation authorized under the reciprocity
28 provisions of this section may not solicit business in this state or represent himself or herself as
29 licensed in this state.

30 (7) For purposes of this section, "originated" means investigatory activities conducted subsequent to an
31 agreement to conduct an investigation.

32 (8) A person from another state while continuing an investigation authorized under the reciprocity
33 provisions of this section are not authorized to carry a firearm unless they have a current firearms
34 certificate issued by the commission and they meet the requirements of RCW 9.41.073 or RCW
35 9.41.070.

36 *This RCW amendment will prevent PI's licensed in other states from operating in Washington with*
37 *out a Washington PI license unless they are just following up on a case from another state.*
38 *Agencies that bring in investigators from other states on a temporary basis to work Washington state*
39 *cases will be able to issue there PI's from other states a Temporary Registration Card see new (RCW*
40 *18.165.085) so they can work right away while their license application is being processed. DOL*
41 *has little or no authority over PI's if they are exempt from licensing.*

42
43
44 AMENDED SECTION

45 **RCW 18.165.140**

1 **Out-of-state private investigators from states without reciprocity agreements.** ~~Application—Fee~~
2 ~~—Temporary assignment.~~

3 ~~(1) Any person from another state that the director determines has selection, training, and other~~
4 ~~requirements at least equal to those required by this chapter, and who holds a valid license,~~
5 ~~registration, identification, or similar card issued by the other state, may apply for a private investigator~~
6 ~~license card or armed private investigator license card on a form prescribed by the director. Upon~~
7 ~~receipt of an application fee to be determined by the director, the director shall issue the individual a~~
8 ~~private investigator license card or armed private investigator license card. The director may authorize~~
9 ~~a licensed private investigator from another state to continue in this state for 10 days on an~~
10 ~~investigation that originated in the state which is the location of the private investigator's principal~~
11 ~~place of business if that state provides similar authority for Washington's licensees. The private~~
12 ~~investigator shall notify the department in writing upon entering the state for the purpose of continuing~~
13 ~~an investigation. For purposes of this section, "originated" means investigatory activities conducted~~
14 ~~subsequent to an agreement to conduct an investigation.~~

15
16 ~~(2) A valid license, registration, identification, or similar card issued by any other state of the United~~
17 ~~States is valid in this state for a period of ninety days, but only if the licensee is on temporary~~
18 ~~assignment for the same employer that employs the licensee in the state in which he or she is a~~
19 ~~permanent resident.~~

20
21 ~~(3)~~ (2) A person from another state while continuing an investigation authorized under the provisions
22 of this section on temporary assignment in Washington may not solicit business in this state or
23 represent himself or herself as licensed in this state.
24

25
26 *This RCW addition will allow the director of DOL to enter into reciprocity agreements with other*
27 *state.*

28 NEW SECTION
29 **RCW 18.165.170**
30 **Authority of the Director**

31 (6) To enter into reciprocity agreements with other states.
32

Additional RCW Changes

This RCW amendment no longer requires county auditor to collect birth date and Social Security number on process server applications. County auditors are scanning these documents into their systems and they are available on the internet with the process servers' birth date and social security number and signature which puts them at risk for identity theft.

RCW 36.22.210

Process servers -- Registration -- Fees.

(1) Each county auditor shall develop a registration process to register process servers required to register under RCW 18.180.010.

(2) The county auditor may collect an annual registration fee from the process server not to exceed ten dollars.

(3) The county auditor shall use a form in the registration process for the purpose of identifying and locating the registrant, including the process server's name, ~~birthdate, and social security number~~, and the process server's business name, business address, and business telephone number.

(4) The county auditor shall maintain a register of process servers and assign a number to each registrant. Upon renewal of the registration as required in RCW 18.180.020, the auditor shall continue to assign the same registration number. A successor entity composed of one or more registrants shall be permitted to transfer one or more registration numbers to the new entity.

This RCW amendment removes the requirement for DOL to notify an individual if a private investigator or attorney runs their vehicle on the IVIPS system. Many other businesses have legal access to this information and there is not a requirement for DOL to notify the vehicle owner when the IVIPS system is used by those businesses so it should not be required for PI's or attorneys either.

RCW 46.12.380 Disclosure of names and addresses of individual vehicle owners.

~~(4) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.~~